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The Crime and Deviance Channel

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A Social Harm Approach

Criminal obsessions:

Why harm matters more than crime

Crime, Deviance and Harm: Part 2

In Part One we laid the groundwork for a harm-based approach by looking at some general criticisms of conventional criminological approaches.

Having outlined why such approaches are considered inadequate for understanding crime in contemporary societies, we can move forward by considering the alternative, in terms of the idea that, for **Hillyard and Tombs** (2005), a **social harm approach** widens the way we see crime, to include various forms of "detrimental activity" visited by "governments and corporations upon the welfare of individuals".

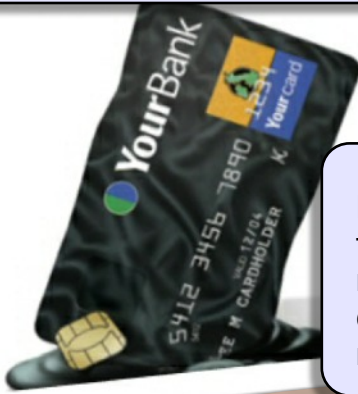
These forms of harm include things like a "lack of wholesome food, inadequate housing or heating, low income, exposure to various forms of danger, violations of basic human rights, and victimisation to various forms of crime" - ideas that point towards how a **social harm approach** is used to understand deviance.

1. What are social harms?

Hillyard and Tombs (2005) identify four areas of **social harm**:

Physical

Examples of this type include: premature death or injury through medical treatment; violence such as car 'accidents'; work-related injuries; pollution, different forms of violence (including racism and sexism); lack of adequate food or shelter; death, torture and brutality by state officials.



Financial / Economic

Examples here include: poverty, unemployment, fraud (including product 'mis-selling'), misappropriation of funds by government, corporate malpractice, cartels and price-fixing, regressive taxation and welfare policies.

Emotional and Psychological

Examples of this type might include ethnic minority groups being disproportionately targeted for police stop-and-search operations.



Sexual

Examples here range from the harm experienced by rape victims - the act itself, the response of control agencies and the behaviour of defence lawyers – through child abuse to the treatment of alternative sexualities (such as gay, lesbian and transgender identities).

Suggest one example of "detrimental activity" visited by "governments and corporations upon the welfare of individuals" not included in the previous list.

Suggest two problems involved in holding "state officials" legally culpable for their behaviour.

2. Advantages of a harm approach

Hillyard and Tombs argue a harm approach it has two main advantages:

1. "Victims" have greater involvement in the overall process as **definers of harm**; "peoples' understandings, attitudes, perceptions and experiences" should help to define deviant behaviour rather than simply allowing concepts of crime to be "pre-ordained by a government".
2. It is a more valid way of "developing a more accurate picture" of the kinds of harm that affect people over their lifetime than a simple dependence on conventional notions of crime and its statistical analysis. In this respect the objective is to build-up a picture of how different types of harm - from poverty to pollution - affect the quality of peoples' life.

Where conventional criminology generally treats crime as a series of separate events that variously impact on some individuals more than others, a harm approach seeks to understand the overall impact of related forms of harm on both populations and individuals. The argument here is that by tackling levels of potential and actual harms - from airborne pollutants and poor diet to institutionalised racism and homophobia - this approach addresses the fundamental causes of harm rather than treating the symptoms of such harm.

This approach echoes **Goldstein's** (1979) development of a "**Problem-Oriented Policing**" (POP) that seeks to understand and confront the causes of offending behaviour in the social context in which it occurs, rather than simply arresting, processing and punishing offenders.



Suggest two ways this approach addresses the “fundamental causes” of harm.

Suggest two criticisms of the idea victims should be definers of harm.



3. The allocation of responsibility

While conventional notions of crime involve, as we've seen, the need to establish strict legal notions of intent that invariably focus on specific individuals, this generally makes it difficult to address wider forms of harm and very easy for corporations and governments to escape responsibility for the harm they cause.

An illustrative example here is the harm caused by the worldwide **banking crisis** of 2008, the effects of which are still being felt around the globe. In the UK, for example, government investment has been substantially reduced in areas like social care, education, policing and so forth, yet those responsible for creating the crisis - from senior banking figures to government ministers who reduced levels of banking regulation - are not held legally culpable for their decisions and behaviours. The argument here is that we need to introduce a wider sense of **moral culpability** into how we consider and understand crime and deviance.



MURDER
CASE

While conventional criminology combines a sense of legal and moral culpability, both are rooted in the individual perpetrator. Harm approaches seek to widen culpability, an approach illustrated by **Dorling's** (2005) argument that while a murderer has both legal and moral culpability for their actions we need to extend culpability to those in positions of power and authority because their actions - or failure to act - create the conditions under which harmful acts are allowed to take place.

Dorling (2005) notes that "some areas have experienced no homicides over the last two decades while other areas have experienced 10 or more" - and the significant factor in each is that areas with high levels of homicide are those with high levels of poverty. As **Hillyard and Tombs** argue "This raises the interesting question of whether the allocation of responsibility lies solely with the individual murderer or also with those who have either failed to eradicate or have reproduced poverty in these areas".

Explain what is meant by “introducing a wider sense of **moral culpability** into how we consider and understand crime and deviance”

Suggest one argument for and one against the idea “the allocation of criminal responsibility lies solely with the individual offender”.

4. Elite culpabilities

Criminological responses to harm involve, as we've seen, "some form of retribution or punishment on the part of the state" that is variously devolved through people, such as judges, magistrates and lawyers, "who are largely unrepresentative of general populations". This creates "relatively closed criminal justice systems inhabited by unelected, unaccountable and non-representative elites" that, in turn, focus more on the criminality of the poor and the powerless while leaving the **moral culpability** of rich and powerful social groups largely untouched.

While lower-class criminality can't be ignored, a harm-based approach argues that the moral and legal culpability of elite groups - from private corporations to politicians - is something that needs to be addressed for two reasons:

Firstly, the behaviour of "legally untouched" elites impacts, as **Dorling** suggests, on the behaviour of non-elite groups.

Secondly, many of the practices and behaviours of elite groups that cause direct harms to populations are currently situated outside the criminal law.

5. Crimes of the powerful

Conventional criminology - from Bhopal onwards - has major problems dealing with corporate and state crime, partly because legally-culpable individuals are hugely-difficult to identify and partly because these are also "**crimes of the powerful**" that, not surprisingly perhaps, the powerful fail to prosecute.

Harm approaches avoid these problems by modifying the way we think about legal culpability; where powerful elites have a moral culpability for their behaviour - and the various harms they cause - they can then be held legally culpable for that behaviour.

Work-related deaths, for example, can be investigated as homicides if it can be shown that such deaths were the result of negligence, deliberate risk-taking and the like - even where those in authority had no intention of deliberately causing someone's death.



Suggest one way elite groups may be morally culpable for the criminal behaviour of the lower classes.

Suggest two problems with our ability to define and assess "moral culpability".



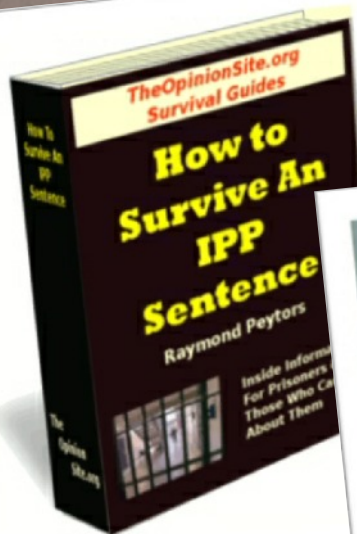
6. A critique of risk

Feeley and Simon (1992) argue that in recent times penal policy has seen the development of an **actuarial approach** that involves a move away from "a focus on rehabilitation and reform" to one focused on "**risk**" - offenders are increasingly punished both for what they *have* done and for what they *might* do "in the future".

An example of this idea is the development of "**indeterminate sentences for Public Protection**" (IPP), introduced by the **Criminal Justice Act 2003**, that involve offenders initially serving a minimum prison sentence. However, their subsequent release is dependent upon satisfying the authorities they no longer "pose a threat to the community".

Around 14,000 offenders (just under 20% of the prison population) are currently serving indeterminate sentences, although this figure includes those serving life sentences for murder.

From May, 2012, however, no further indeterminate sentences can be handed down, although those previously given such sentences must still serve them.



Briefly explain how indeterminate sentences can be used to control the behaviour of prison populations.

Why might imprisoned offenders find it difficult to show they are no-longer a “threat to the community”?

References

Dorling, Danny (2005) "Prime suspect: murder in Britain" in Dorling, Danny; Gordon, Dave; Hillyard, Paddy; Pantazis, Christina; Pemberton, Simon and Tombs, Steve (2008) "Why harm matters more than crime": Centre for Crime and Justice Studies

Feeley, M. M. and Simon, J. (1992), 'The New Penology: Notes on the Emerging Strategy of Corrections and its Implications', *Criminology*, Vol. 30

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