Criminal obsessions: crime isn't the only harm

Paddy Hillyard says we should stop looking at crime and start looking at social harm.

A month before Christmas a close friend was ice-skating with her daughter on an open-air ice rink. She fell and broke her arm in two places after hitting a rough patch on the ice. She was off work for a number of days and spent many hours in hospital. Subsequently, she discovered that five people that week had broken their arms after falling on the same rink. It was obvious that a combination of too many skaters and lack of maintenance were key elements in the 'accidents'. There is no legal requirement that these falls are 'notified' to a central government department and published on a regular basis. They will form part of some set of 'accident' statistics but will receive very little media attention when published. Now imagine the uproar if five people had been attacked in a city centre on five separate occasions and all had their arms broken. There would be a public uproar demanding that the Chief Constable do something about it. Moreover, the events would be recorded in the police statistics.

Now imagine the uproar if five people had been attacked in a city centre on five separate occasions and all had their arms broken.

There are clearly important differences in the context and the way in which our society constructs stories about the two different incidences of harm although the impact of the events on people's lives may be very similar. The key element that so often is used to distinguish between events which have similar outcomes is whether or not the harm was 'intended'. Thus in the case of the attacks, the assailants will be seen as responsible. In the case of the falls on the ice, these are constructed as 'accidents' which may regularly occur when taking part in risky sporting activities. The responsibility lies with the individual to take care. Even where the owners of the rink fail to keep the surface safe either in terms of overcrowding or in keeping it smooth, these failures are seldom constructed to suggest that they 'intended' the harm. On the contrary, they are constructed as lapses in regulatory behaviour following a whole series of decisions or omissions rather than being explicable in terms of any one individual and their actions. Yet as Reiman (1998: 67) has pointed out, "there is no moral basis for treating one-on-one harm as criminal and indirect harm as merely regulatory".

We are all likely to experience a whole range of harmful events as we move from the cradle to the grave. Many of the millions of events defined as criminal every year are, in general, unlikely to register on most people's list of significant life events in contrast to deaths of family members in transport accidents or while at work or from the killer which strikes in winter through hypothermia. Food-poisoning, sexual abuse by a family friend, years of domestic violence at the hands of your partner, medical negligence or the mis-selling of a mortgage or pension are also all likely to be remembered long after some conventionally defined criminal act has faded in the memory. Moreover, there is now considerable evidence that the harm caused by events which are not defined as criminal cause more death, injury and loss than events that are dealt with in the criminal justice system. For example in relation to death, in 2003/04 there were 853 recorded homicides in England and Wales (Home Office 2004). Yet in 2003/04, it is estimated that there were 23,500 excess winter deaths due to hypothermia (National Statistics 2004) and between 12,000 and 24,000 due to pollution (Committee on the Medical Effects of Air Pollution, 1998). In terms of recorded deaths, over 75,000 people died from respiratory diseases, 4,660 from self-harm, 3,991 from liver disease, 2,943 from land transport accidents and 2,732 from falls (Office for National Statistics).

However, as a society, we are increasingly obsessed with crime and criminality. We spend vast amount of time and resources 'counting' the number and types of different crimes. There are now two statistical crime series, one collected by the police and the other through the British Crime Survey. The publication of these statistics is now treated in a similar fashion to some great national sporting occasion with numerous column inches of analysis.

Crime is at the centre of British political life with all the main political parties attempting to show that they would deal with the problem more efficiently than their opponents. And Parliament spends hours debating issues around crime. Since 1997 there have been more than fifty law and order and immigration Acts – some 14 per cent of all Acts – and hundreds of new criminal offences have been created in the period. Yet, there is little evidence that the criminal law and the criminal justice system does much to prevent or deter the harmful behaviour,

Criminology has become increasingly popular as a university degree. While universities have been closing departments of classics and chemistry, others have been setting up or expanding departments of criminology. There are now over 50 single honours degrees in criminology on offer in British universities. The University of Keele and John Moore's University enrolled 275 and 120 students respectively for their criminology degree courses in 2005.

Our society is not only obsessed with crime at the institutional level, but as entertainment. Many of us relax with a good crime novel or watch one of the many scheduled crime or policing programmes on television. The daily newspapers devote hundreds of column inches to reporting the minutiae of

criminal behaviour.

It was against this background in the late 1990s that a number of us began exploring the possibility of moving beyond criminology and developing a new discipline around the concept of social harm. Following on from a number of conferences, we edited a book entitled: *Beyond Criminology: Taking Crime Seriously* (Hillyard *et al*, 2004). As well as developing a critique of criminology, it spelt out the advantages of taking a unified approach to the study of all types of harm that are likely to affect us in our lives and it explored a number of case studies raising a number of theoretical and methodological issues associated with a harm perspective (We have called the new perspective or discipline *zemiology*, from the Greek word *xemia*, meaning harm. The term, however, has received a mixed reception).

Our central argument is that we need an approach which not only focuses on crime harms but also a whole range of other harms including the harmful activities of national and local states, corporations and institutions upon peoples' lives, whether in respect of the lack of wholesome food, inadequate housing or heating, low income, exposure to various forms of danger and violations of basic human rights. In addition, the discipline should embrace those harms which stem from custom and tradition, particularly those which wreck so much havoc on the lives of women.

One key problem with such an approach is how to define social harm. But this problem is no different from that facing criminology although is it largely avoided or ignored. Although we attempt in our book to define the sorts of harms which should be included in the study of zemiology, our definition is far from precise. This is an advantage because it forces debate, challenge and discussion. This is in contrast to conventional criminology which, in general, simply takes as given the existing body of criminal law.

There are a number of benefits to a zemiological approach. First, it would form the basis for developing a much more accurate picture of what is likely to harm people during their life cycle whether physically, financially or emotionally. Harm could be charted and compared over time. While crime is charted temporally and, increasingly, spatially, it is seldom compared with other harmful events. Hence crime statistics produce a totally distorted picture of the harm present in society and often lead to altered patterns of behaviour at odds with the risks involved. For example, the statistics on the crimes against the elderly make many fearful of going out, yet older people are considerably more likely to be harmed by falls in their homes or from lack of heat.

Recently the Statistics Commission criticised the government for manipulating the crime statistics and recommended that the Home Office should be stripped of responsibility for publishing them (Wintour in the *Guardian*, 30 December, 2005). We would go further and argue that crime statistics should no longer be released by themselves but must at all times be presented along with statistics on a whole range of the other types of harms. The Office of National Statistics should be legally required to produce an annual harm audit in which crime would be just one element.

The second benefit of a harm approach is that it would allow a more adequate understanding of the harm caused by chronic conditions or states of affairs – such as exposure to airborne pollutants or to various health hazards at work, poor diet, unemployment, inadequate or cold housing – as opposed to the discrete events which form the heart of the criminological enterprise. It would permit a wider investigation into who or what might be responsible without being restricted by the narrow

10.1080/09627250508553097

individualistic notions of responsibility or proxy measures of intent which are central to the criminal justice process.

The third benefit is that it would encourage greater consideration to be given to social policy responses to reducing levels of harm. The crime response forces specific reactions: arrest, detention, punishment and exclusion. It is wedded to criminality, law and criminal justice and increasingly public resources are distributed on the basis of some crime reduction programme. A harm perspective would require an integrated and joined-up approach bringing together a range of different organisations such as the Food Standards Agency, the Health and Safety Executive, public health and housing, police and welfare. Some will argue that this already happens under the Community Safety Partnerships. But they were created to deal with crime, not other types of harm and it is coincidental that some have taken on a broader role.

In conclusion, while it is recognised that there are a number of problems with the harm perspective, nevertheless it is believed that it has considerable potential to pose a real challenge to criminology and the associated criminal justice juggernaut. Its great strength is that it challenges the state-defined conceptions of crime and criminality. As Muncie (2000:227) has pointed out, "This remains perhaps the biggest hurdle to be cleared in the search for a series of self-reflexive replacement discourses in which transgression might be understood without reference to crime, harm reduced without recourse to criminalisation, and law and social justice achieved without resource to criminal law". At the same time, it will help us all gain a sounder understanding of the other types of harms that are likely to affect us during our life course.

■

Paddy Hillyard *is Professor of Sociology, Queen's University Belfast.*

Many people have contributed to the development of the harm perspective but particular thanks for the ideas expressed here to Dave Gordon, Chris Pantazis, Joe Sim and Steve Tombs.

References

Committee on the Medical Effects of Air Pollution (1998) *Quantification of the Effects of Air Pollution on Health in the UK*. London: DHS.

Hillyard, P., Pantazis, C., Tombs, S., Gordon, D. (2004) *Beyond Criminology: Taking Harm Seriously*. Pluto Press, 2004. See also a pamphlet version of the book published by the Crime and Society Foundation: *Criminal Obsessions: Why harm matters more than crime*. http://www.crimeandsociety.org.uk harm.html

Home Office (2004) *Crime in England and Wales 2003/2004*. Home Office.

Muncie, J. (2000) 'Decriminalising Criminology' in Gail Lewis, Sharon Gewitz and John Clarke, eds. *Rethinking Social Policy*. Open University Press.

National Statistics (2004), *Extra Deaths in Winter Lowest for Six Years*. London: Office for National Statistics, 15 October, 2004. http://www.statistics.gov.uk/pdfdir/death1004.pdf

Office for National Statistics, *Mortality Statistics: Cause*. www.statistics.gov.uk

Reiman, J. (1998) *The Rich Get Richer and the Poor Get Prison: Ideololgy, Class and Criminal Justice*, 5th edition, Boston MA: Allyn and Bacon.

Wintour, P. (2005) 'Restore Trust in Crime Figures, Urges Watchdog', the *Guardian*, 30 December, 2005, http://www.guardian.co.uk/crime/article/0,,1675217,00.html