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Beyond Criminology: Taking Harm Seriously

Introduction

Since the mid-twentieth century critical scholars within criminology, known broadly as ‘critical criminologists’, have critiqued the concept of crime, the criminal law, and the role of criminology for their role in reflecting and reinforcing social inequalities and power relationships. They have problematised the criminal justice and penal systems as means for realising justice and have advocated a shift in focus towards social justice as a more effective response to crime and deviance. However, in the early twenty-first century a new perspective emerged with the publication of *Beyond Criminology: Taking Harm Seriously*. This perspective, known as zemiology or a social harm approach, challenges criminology’s reliance on the language of crime for shaping understandings of, and responses to, social problems. This reliance, it is argued, fundamentally limits critical criminology’s ability to challenge state power and realise social justice.

In this chapter, I explore the contribution of *Beyond Criminology: Taking Harm Seriously* to shaping and challenging criminological theory and practice in the twenty-first century, whilst also highlighting its influence on my own research. In doing so the chapter highlights and draws on a tension that has emerged concerning zemiology’s relationship to critical criminology and specifically to what extent *Beyond Criminology* establishes a new and distinct field of study, rather than simply extending the field of critical criminology. This is a tension with which I have long been concerned in my own work (see Copson, 2011, 2016, 2018) but which, I argue, is essential for establishing the extent to which and the ways in which *Beyond Criminology* can be considered a leading work in the study of law and social justice. As such, this chapter presents a further extended exploration of this relationship.

The chapter begins with an overview of the work before moving to reflect on the context in which it has emerged. This involves exploring the intellectual roots of the ideas first

introduced in *Beyond Criminology* and critically reflecting on their similarities with and divergences from previous contributions to critical criminology, specifically those of penal abolitionism and constitutive criminology. It then shifts to an assessment of the significance of the work in terms of setting a new distinct agenda in its own right, or expanding that of criminology, before considering the legacy of this contribution.

Drawing on my own research on the relationship between zemiology and criminology, as well as the connections between zemiology, criminology and utopianism, I argue that *Beyond Criminology* makes a significant contribution as a leading work in law and social justice by offering a 'replacement discourse' to that of crime. It is in this respect, I maintain, that the potential distinctiveness of this work can be found. However, without further theorisation of the concept of social harm, I argue, this contribution risks co-option as a discursive strategy within the discourse of critical criminology rather than the replacement to criminology it claims.

The Work

Beyond Criminology: Taking Harm Seriously, first published in 2004, was the first text to introduce what would come to be known as zemiology or 'a social harm perspective'. This is a perspective that both derives from, and is critical of critical criminology. It seeks the establishment of a distinct, alternative field of study organised around the concept of social harm. Zemiology can be broadly defined as the holistic study of harmful social phenomena, encompassing but not limited to, physical, financial, psychological and cultural harms (see Hillyard and Tombs, 2004: 19-20). Since *Beyond Criminology* was first published, zemiology has gone from a barely-used, much less heard-of, field of study, to a widely-taught component in criminology courses and introductory textbooks. It has also shaped my own research trajectory.

The central argument put forward in this text is that harm is a fundamentally more useful concept than crime for understanding and responding to social problems that affect people, 'from the cradle to the grave' (Hillyard and Tombs, 2004: 18). Born of a frustration with existing disciplinary paradigms for offering a joined-up approach to the analysis of social problems, *Beyond Criminology* takes as its starting point, a critique of criminology in general,

and critical criminology, in particular, as a means of recognising and responding to the harms people experience.

I was first introduced to these ideas as a sociology undergraduate in 2004. Frustrated by the inequalities I saw within criminal justice processes and the apparent inescapability of these, despite the best efforts of critical scholars to challenge them, the social harm approach seemed to hold out the hope of the possibility of another world. In this respect, it coincided with another substantive area of interest I had and continue to have, specifically utopianism and the holistic reimagining of societies and the relationship of these to social theories (see Copson, 2013, 2016). In particular, I was, and remain, interested in the extent to which criminology, even in its most critical variants, reproduces the status quo, and the potential of zemiology to challenge this.

Beyond Criminology takes the form of an edited collection, with chapters written by a range of authors, from various different institutions, reflecting a range of different disciplines. These include: law, human geography, social policy, economics, criminology and sociology. While the majority of contributors are academics, there are also contributions from practitioners, specifically, a leading immigration barrister and a development economist at the World Bank.

The collection is compiled by four editors, Paddy Hillyard, Christina Pantazis, Steve Tombs and David Gordon, all of whom are employed as academics at UK universities, and whose intellectual backgrounds lie broadly within social policy and/or criminology. Collectively, they have expertise in a variety of areas which coalesce at the intersections of social policy, criminology, and sociology. Paddy Hillyard, now Emeritus Professor of Sociology at Queen's University Belfast, was Professor of Social Policy and Administration at the University of Ulster at the time of publication. He is probably best known for his work on social order and control in modern welfare states, with particular focus on ' "crime", social harm, political violence, poverty and inequality' (International State Crime Initiative, 2014). His notable works include, amongst others: *The Coercive State* (1988, with Janie Percy-Smith) and *Suspect Community* (1993). Steve Tombs, currently Professor of Criminology at The Open University and previously Professor of Sociology at Liverpool John Moores University, is known for his work on corporate and state crime and harm, including workplace safety and environmental regulation. His previous works include: *Toxic Capitalism* (1998, with Frank Pearce) and *Corporate Crime* (1999, with Gary Slapper).

Christina Pantazis a former research fellow in the School for Policy Studies and now Professor of Zemiology at the University of Bristol is known for her work on criminalisation and poverty, social exclusion and inequality, particularly as such issues relate to gender and ethnicity. Her previous works include: *Breadline Britain in the 1990s* (1997) and *Tackling Inequalities* (2000), both co-edited with David Gordon. David Gordon is Professor of Social Justice in the School for Policy Studies at the University of Bristol where he is also Director of the Townsend Centre for International Poverty Research. He is known for his work on poverty, inequality and social exclusion, social justice and social policy. In addition to producing academic texts, such as those noted above, he was involved with producing the first report on the global distribution of child poverty for UNICEF (2003, with Shailen Nandy, Christina Pantazis, Simon Pemberton and Peter Townsend).

Shared amongst these editors and evident in their previous works is a commitment to challenging hegemonic power relationships and inequalities and a critical assessment of policies and their impact on often the most vulnerable members of society. It is from this that their interest in establishing a distinct field of study around social harm arguably derives.

From the outset, the title of the text is almost a provocation, suggesting that ‘taking harm seriously’ necessarily takes one ‘beyond criminology’ (Hillyard et al., 2004). In reality, however, the relationship between criminology and zemiology is not so clear-cut. Therefore, the title is perhaps better interpreted as a question, begging the reader to consider whether a social harm perspective can, does, or should dispense with criminology. This is certainly a tension which plays out through the collection as a whole. It is also a tension that remains to this day (see Copson, 2018). Since my first exploration of zemiology which commenced with my Ph.D research in 2006, I have been interested in examining the relationship between zemiology and criminology and, specifically, whether zemiology is best understood as an extension of, alternative to, or supplement for, criminology in general and critical criminology in particular (see Copson, 2011, 2018). This interest stems, in part, from a lack of clarity regarding this relationship which can be found in the original text.

A brief overview of the chapters reveals a range of perspectives adopted by individual authors regarding the relationship between zemiology and criminology. In many of the chapters the focus is upon the way in which a social harm approach facilitates recognition of the harms associated with existing criminal justice and other legal and social policies and practices, and the limitations of these for addressing harm. This includes, for example, those

surrounding miscarriages of justice (Michael Naughton – Chapter 7), immigration (Frances Webber – Chapter 9), health and safety laws (Steve Tombs – Chapter 10) and medicine (Lois Bibbings – Chapter 13).

At the same time, for some contributors harm is adopted as a lens through which to recognise harms neglected by, or excluded from, the purview of criminology (for example, Paddy Hillyard and Steve Tombs – Chapters 1 and 2; Jamil Salmi – Chapter 4, Simon Pemberton – Chapter 5, Joe Sim – Chapter 8, Christina Pantazis – Chapter 12, Roy Parker – Chapter 14, David Gordon – Chapter 15). For others, however, the focus is more squarely upon what zemiology can add to understandings of phenomena already studied within criminology, such as homicide (Danny Dorling – Chapter 11) and state crimes or harms (Tony Ward – Chapter 6) and, in doing so, might shed light on the development of more effective responses.

Dorling’s chapter is particularly illuminating in this respect, demonstrating how acts of homicide, individualised by contemporary criminal justice systems, must be understood within a broader social and political context of systemic socioeconomic marginalisation.

Chapter 1, co-written by two of the editors, Paddy Hillary and Steve Tombs, stands out as making possibly the most important contribution to both the collection and significantly to establishing zemiology as an academic perspective. In this chapter the authors outline the key principles underpinning the zemiological approach. It is a chapter that has been reproduced in various forms and updated, most significantly perhaps, it forms the basis of a 2007 article in *Crime, Law and Social Change* (Hillyard and Tombs, 2007).

Hillyard and Tombs outline nine key criticisms of criminology, which inform the project of seeking to establish a new discipline around the notion of ‘social harm’. These can be summarised as follows:

1. *‘Crime has no ontological reality’*

Crime does not reflect an objective reality but is, rather, a social construction.

2. *‘Criminology perpetuates the myth of crime’*

By taking for granted the concept of crime as its object of study, criminology necessarily reproduces it.

3. *‘“Crime” consists of many petty events’*

Those things which are defined and responded to as crimes are often relatively minor in terms of the injury or hardship they cause.

4. ‘*“Crime” excludes many serious harms*’

The focus on such relatively minor events overshadows recognition of other much more serious harms, especially those resulting from the activities of more powerful social actors, such as states or corporations.

5. ‘*“Crime” constructs harms in particular ways*’

Through its focus on legal tests, in particular that of *mens rea*, the discourse of crime necessarily produces individualised accounts of harm, which situate responsibility in particular, identifiable individuals. In doing so, it neglects and silences the broader contexts in which harmful experiences emerge and in which their effects are felt, often long after the discrete ‘crime’ has occurred.

6. ‘*Criminalisation and punishment inflict pain*’

Criminal justice responses, necessarily invoked once an event becomes defined as a ‘crime’, are painful and produce ‘wider social harms which may bear little relationship to the original offence and pain caused’ (Hillyard & Tombs, 2004: 16).

7. ‘*“Crime control” is ineffective*’

In addition to being harmful, criminal justice responses that focus on ‘controlling’ crime have been proven ineffective at reducing offending, much less wider social harms.

8. ‘*“Crime” gives legitimacy to the expansion of crime control*’

The focus on ‘crime’ as a social problem distinct from others, gives legitimacy to the further expansion of crime control as an industry upon which many come to rely, as either a source of wealth or for employment. The production of criminological knowledge has, moreover, become caught up with legitimising this expansion, providing a ‘scientific “alibi”’ (Garland, 1992: 404-5) for further investment in technologies of control.

9. ‘*“Crime” serves to maintain power relationships*’

The central criticism underpinning zemiology, however, is that crime ultimately serves to maintain power relationships. It does this by reinforcing a perspective which views crime as stemming from the dangerous, antisocial acts of socioeconomically marginalised people and groups, leaving unexplored the broader harmful social structures invisible and actively excluded from critical analysis and policy interventions. To the extent that criminology cannot escape the concept of crime, moreover, it too reinforces established power relationships and inequalities.

(see Hillyard & Tombs, 2004: 11-18).

The Context

Beyond Criminology is by no means the first text to take issue with criminology or, indeed, the concept of crime on which it turns. Many of the criticisms highlighted by Hillyard and Tombs and noted in the previous section echo those made by critical criminologists. With the development of critical criminology which gained momentum from 1960s and 1970s onwards came a litany of examples of critical scholars challenging the relationship between power, crime and the role of criminological expertise in legitimating class, gender, ethnic, sexual and other inequalities (see, for example, Taylor et al., 1973, 1975; Hall et al., 1978; Heidensohn, 1985; Scraton, 1987; Gelsthorpe and Morris, 1990; Coleman et al., 2009).

Specifically, criminology originated as a field of study concerned with providing a scientific explanation of the causes of crime and practical responses for addressing these, taking as its object of study crimes as defined by the state through criminal law. However, critical criminology emerged as a critique of this approach. Lacking a clear definition, 'critical criminology' has been described as 'an umbrella term' (Wright and Friedrichs, 1998: 213), incorporating a number of themes and modes of investigation. However, the central unifying theme of critical criminological approaches arguably lies in their broad rejection of the restricted analysis of conventional criminology based on legally-defined crimes, which are seen as fundamentally bound up with existing social inequalities and power relations. This is coupled with an active problematisation of these definitions and of existing criminal justice and penal systems upon which conventional criminologies have typically focused.

In common with the many critical criminological works that precede and continue to exist alongside it, *Beyond Criminology* is critical of criminal law, criminal justice, and penal systems as a means of defining and responding to social problems. In particular, its editors point to the limitations of criminal justice systems for recognising and capturing adequately the harms people are most likely to experience in their lives, ‘from the cradle to the grave’ (Hillyard et al., 2004: 1). They also highlight the harms that are *caused* by criminal justice and penal systems, as well as problematising the concept of crime itself, echoing Carol Smart’s criticism that ‘the thing that criminology cannot do is to deconstruct crime’ (1990: 77 in Hillyard and Tombs, 2004: 12).

Penal abolitionism

The harms caused by the criminal justice and penal systems are also the longstanding focus of a particular species of critical criminology known as penal abolitionism, with which zemiology shares many ideas. Penal abolitionism is a critical perspective that came to prominence in the 1970s amid concerns about dramatic increases in the use of prison sentences that were observed at that time. In both its critical approach to the harms wrought by the criminal justice and penal systems, and its criticism of the concept of crime, the arguments put forward in *Beyond Criminology*, not least by its editors, reflect many of those found in the earlier works of critical criminology, and particularly the ideas of European penal abolitionists located particularly in Scandinavia, the Netherlands and Germany. For this reason, there are a number of respects in which zemiology can be considered the progeny of penal abolitionism, which extends and develops further some of the ideas with which the latter is associated.

Animated by a concern that prisons serve only to provide a system of ‘pain delivery’ (Christie, 1981) that fails to address the causes of offending and only serves to marginalise and exclude an increasing number of already marginalised people, penal abolitionists see criminal justice in general, and the penal system in particular, as essentially an articulation of the prevailing power relationships within society and a means of exercising control. They couple the critical analysis of criminal justice and penal systems with a practical commitment to their abolition (see De Haan, [1991] 2003). In addition to seeking the abolition of the criminal justice and penal systems, however, penal abolitionists have also sought more productive alternatives for understanding and responding to social problems, beyond criminal

justice responses. Here, they have paid particular attention to the way in which events – and responses to them – are defined and shaped through the language of ‘crime’ and the mechanisms of the criminal justice system (see, for example, Christie, 1977).

Taking inspiration from labelling theory as popularised by Howard Becker (1963) and others, some abolitionists have therefore sought to examine the ways in which the language of ‘crime’ offers a particular interpretive lens for shaping understandings of social events and responses to them. Leading in this endeavour has been the Dutch penal abolitionist, Louk Hulsman. In an article arguing the abolitionist case for developing alternative crime policies, Hulsman (1991) argued that the concept of ‘crime’, together with criminal justice and penal systems, serves to construct conflicts in narrow ways, removing them from their location in broader social environments. Furthermore, the criminal justice system operates, he argued, to focus solely on allocating individual blame. It typically does this in ways that polarise individual perpetrators deemed responsible for a crime from their wider social circumstances, marking them as distinct from ‘normal’ members of society.

Elsewhere, Hulsman pre-empted many of the other concerns of Hillyard et al. in *Beyond Criminology*. Like them, he argued that many behaviours sanctioned by the criminal law ‘would not score particularly high on an imaginary scale of personal hardship’ (Hulsman, 1986: 65) in comparison to the harmful acts of more powerful groups not so sanctioned. He also maintained that crime has no ‘ontological reality’ (Hulsman, 1986: 66) and criticised the organisation of criminology around the subject matter of ‘crime’. In order to address these problems, he claimed that

‘critical criminology has to abandon a catasopic view of social reality, based on the definitional activities of the system which is the subject of its study, and has instead to take an anasopic stance towards social reality. This makes it necessary to abandon as a tool in the conceptual frame of criminology the notion of ‘crime’. Crime has no ontological reality. Crime is not the *object* but the *product* of criminal policy. Criminalisation is one of the many ways to construct social reality.’ (Hulsman, 1986: 71).

In some respects, then, the contribution of *Beyond Criminology* might be considered a natural progression or extension of penal abolitionism: an attempt to materialise that which Hulsman proposed by abandoning the concept of crime in favour of social harm as its object of study. For proponents of zemiology, changing the language from crime to social harm, is seen as

important and necessary condition of escaping the conceptual apparatus of crime. It is thus invoked as a deliberate strategy. With the language of crime comes a search for individual culpability, responsibility and blame. Such language also invites a particular set of responses for holding people accountable for the harm they have caused, such as those found within the criminal justice system. By contrast, the language of social harm focuses instead on the harm that results, rather than identifying the individual(s) who can be determined to have caused it. As Hillyard et al. highlight in the opening pages of *Beyond Criminology*, ‘for the person who dies, whether it is from a deliberate act, ‘accident’ or indifference they are still dead with all the social and economic consequences for their family and friends’ (2004: 1). Considering problems in this way, moreover, invites a broader range of responses which look at addressing harm and the *conditions* that give rise to it (which may or may not include the actions or behaviour of individuals but which must always be situated in a broader context), many of which may be entirely unrelated to criminal justice. This echoes the claims of penal abolitionists who maintain that ‘dealing differently with crime starts by talking differently about it’ (van Swaaningen, 1998: 46) and who advocate a shift in emphasis from ‘meting out guilt’ (Christie, 1977: 9) towards a staging that allows better understanding of the broader circumstances and experiences that result in how crimes emerge.

But even in this respect, the contribution of *Beyond Criminology* might not appear especially novel. The reliance on a formal concept of crime as defined by the state has long been problematised within criminology, as far back as Edwin Sutherland’s ([1949] 1983) leading work on white-collar crime. This has been coupled with a tradition of seeking to make ‘crime’ reflect understandings of harm. Indeed, in this respect, it might be questioned to what extent the shift to social harm advocated by proponents of zemiology is really doing anything radically different, as demonstrated in the following section.

Social harm in criminology

Critical criminologists have long been cognisant of the uneasy relationship between formal definitions of crime, state power and criminology (see, for example; Box, 1983; Muncie, 2000; Reiman and Leighton, 2010). As a consequence, many scholars have sought to offer alternative definitions upon which to base their studies, that would allow better recognition of a wider variety of harmful social events. These have included alternative definitions of crime as a violation of human rights, for example (see Schwendinger and Schwendinger, 1975), but

also those predicated on the notion of social harm (see, for example, Kramer, 1985; Michalowski & Kramer, 1987; Muncie, 2000; Tift & Sullivan, 2001). In doing so, these critical criminologists have sought to demonstrate how behaviours which are not recognised or prosecuted as crimes, may be considered just as harmful, if not more so, than many of those behaviours which are sanctioned by criminal justice systems and therefore *should* be subject to criminological scrutiny.

Consequently, it would be easy to discount *Beyond Criminology* as simply another contribution to critical criminology, an extension of this existing project rather than a leading work in its own right. As I have argued elsewhere, it is this interpretation of its contribution that has seen zemiology consigned to a supporting role for criminology, as either an extension of existing critical traditions, or a supplement to them (see Copson, 2018). However, this is to misunderstand the radical potential of the perspective and the contribution of *Beyond Criminology* as offering a ‘replacement discourse’ to that of criminology (see Copson, 2016).

A ‘replacement discourse’

Previous attempts to critique the criminal justice system or offer an alternative definition of crime have all emerged from *within* criminology. In that respect, they all, in some way, take crime or the criminal justice system as the starting point for analysis. Without denying the debt owed to these critical criminological traditions, *Beyond Criminology* offers something different. Unlike previous traditions, it offers a rejection of criminology in its entirety, presenting a concerted effort to establish a new perspective outside the confines of criminology by offering the concept of social harm as a starting point.

This idea of establishing a ‘replacement discourse’ has been a central idea within the work of constitutive criminology. Constitutive criminology is a branch of critical criminology, heavily influenced by postmodernism, which emerged in the 1980s. It views the production of all forms of knowledge, including criminology, as inherently political (Henry and Milovanovic, 2000: 270). According to this view knowledge constitutes a form of discourse: ‘Knowledge is not value free, objective, or neutral, but a weapon of domination or resistance.

Use of knowledge is an expression of power or resistance to power' (Henry and Milovanovic, 2000: 270).

Proponents of constitutive criminology thus view crime as a socially produced discourse, rather than a 'product' of individual behaviour, socialization, or societal and cultural structures to be explained (Henry and Milovanovic, 2000: 270). Instead, they define crime as 'the harm resulting from humans investing energy in harm-producing relations of power', manifest in 'relations of inequality' (Henry and Milovanovic, 2000: 272). They problematise the criminal justice system as a vehicle for inflicting further harm rather than offering solutions. Instead constitutive criminologists advocate the need for social justice, understood as the production of less harm, over criminal justice.

Since, from this perspective, crime is a discursive construct used to reinforce relations of power, it is only by changing discursive frameworks that crime can be addressed (Henry and Milovanovic, 270-271). A 'replacement discourse' is thus understood as 'the attempt to substitute new, less harmful discursive practices and their associated constructions for those that are more harmful' (Henry and Milovanovic, 2000: 271). In this way, as I have argued elsewhere (Copson 2016), zemiology can be seen as an attempt to offer one such 'replacement discourse' to that of crime, centred around a concept that is less beholden to existing power relationships. Indeed, it is in this endeavour that I have identified a key point of divergence between zemiology and the more established field of criminology (see Copson, 2016, 2018).

While proponents of constitutive criminology highlight the need for a 'replacement discourse' to that of crime at a largely theoretical level, *Beyond Criminology* presents an effort to realise this in practice through both its criticism of criminology and its positing of social harm as a more useful concept than that of crime. At the same time, it seeks to move beyond even constitutive criminology's reference to crime as a starting point of analysis, allowing for a more joined up analysis of, and response to, social problems without recourse, necessarily, to the language of crime. As highlighted in the previous section, the contributions in this collection range from those which present a more holistic analysis of existing crimes beyond the individualising discourse of crime (such as Danny Dorling's analysis of homicide, pp.178-191), to those which explore harms which cannot be considered within the discourse of crime, and yet are predicated on the similar relations of power and inequality (such as Lois Bibbing's analysis of heterosexism, pp. 217-235, or Christina

Pantazis' account of gendered harm, pp. 192-216). In doing so, it presents a form of 'transpraxis' (Henry & Milovanovic, 1991: 295), that is, a purposive attempt to challenge existing relations of production through the establishment of an alternative discourse to that of crime (see Copson, 2016: 91). It also encourages an opening up of understandings and responses to social problems beyond traditional disciplinary confines in order to produce greater social justice.

It is in this respect – that of opening up views and responses to social problems - that I first located resonances between zemiology and utopianism or the holistic reimagining of society beyond a specific focus on issues of crime and justice. For example, as I have noted in my work exploring the potential of utopianism for challenging penal populism in response to mass incarceration,

‘questions of penal policy cannot (and, crucially, should not) be abstracted from such questions as housing policy, welfare provision, education, healthcare or taxation: we need to consider society as a whole, in order to understand current responses to crime and justice as a particular expression of more universal organizing principles and, ultimately, to create a ‘space of hope’ in which the status quo (including but not limited to, penal policy-making) can be more effectively challenged’ (Copson, 2014: 62).

Thus, it is this idea of zemiology as a ‘replacement discourse’ that I have identified as crucial for distinguishing zemiology from critical criminologies, especially penal abolitionism. In an article exploring ‘ideology of crime and the utopia of harm’ (Copson, 2016), or the tendency of criminology to reinforce the status quo and that of zemiology to transcend it, I argue specifically that even penal abolitionism continues to take the criminal justice system as a starting point for imagining alternatives to criminal justice and, in doing so, ‘cannot help but reify that system and its associated conceptual frameworks’ (Copson, 2016: 85). For example, even the most radical alternatives to imprisonment suggested by penal abolitionists, such as the establishment of therapeutic communities or restorative justice measures, can find themselves co-opted *within* criminal justice responses, as a means of improving criminal justice responses, rather than challenging them or fostering social justice (see Copson, 2016).

The Significance

Beyond Criminology has not only shaped my own research agenda; it has been instrumental in both shifting and challenging the agenda of criminology more broadly. When I first studied zemiology in 2004 it was virtually unheard of: an internet search would reveal barely a page of results. Since the publication of *Beyond Criminology* however, zemiology and the study of social harm has been firmly established as a distinct area of study. As the first text to introduce this perspective, *Beyond Criminology* has been ground-breaking and has provided an important impetus for the development of an intellectual agenda around the study of social harm.

Follow-up works, such as those by Hillyard and Tombs (2007; 2017), Pemberton, (2007; 2015) and Pantazis and Pemberton (2009) have been instrumental in further establishing the field, while chapters and sections in criminology textbooks, including a chapter by Hillyard and Tombs (2017) in *The Oxford Handbook of Criminology*, a leading collection in the teaching of criminology in the UK, have further cemented its place upon the intellectual agenda. This is complemented further by special issues of journals around social harm and zemiology since the publication of *Beyond Criminology*, dedicated conferences streams, and the embedding of social harm in UK undergraduate curriculum, with social harm and zemiology now included in QAA Subject Benchmark Statements at both Undergraduate and Postgraduate level (QAA, 2014; 2019).

The influence of *Beyond Criminology* has been felt most strongly in the British context, undoubtedly reflecting the context of its production. However, this is not to deny the impact that this perspective has been beginning to have elsewhere. Examples of this can be found in Australia (for example, Hil and Robertson, 2003; White, 2015), North America (for example, Friedrichs and Schwartz, 2007; Presser, 2013), and Europe (for example, Schmidt, 2013; Pentintseva, 2018). While there has been some engagement with the perspective in Asia (for example, Fadaei, 2017) and South America (for example, Sarmiento et al., 2017; Sande & Fava, 2019), to date, the biggest influence appears to be within the Global North West and, particularly the UK. This influence can be noted in a number of different areas.

Expanding research agendas

Firstly, the focus on social harm rather than crime advocated in *Beyond Criminology* has brought into purview phenomena that are harmful but might previously have been dismissed either in full or in part on the basis that they are outside the domain of proper criminological study. This has included, for example, studies of the harms of fashion and consumer culture (Large, 2018), the service economy (Lloyd, 2018), the cut flower industry (McGill, 2012) and internet blocking in schools (Hope, 2013) as well as those of austerity (Cooper, 2016) and neoliberalism (Mitchell et al., 2019) to name a few.

The development of a zemiological perspective thus facilitates the exploration of a range and variety of issues excluded from criminological analyses. Moreover, it encourages the analysis of these alongside the criminal harms which constitute the traditional focus of criminology. This allows connections to be drawn between otherwise disparate forms of harm. In doing so, this approach encourages a shift away from a view of crime as exceptional, to recognising its location in broader patterns of social harm and inequality. As a result we find that, in addition to being more likely to experience victimisation through crime, poor people are more likely to experience a multitude of harms throughout their lifetimes, including illness and injury, debt, job-loss, divorce and poor social relationships (Pantazis, 2006). Such analyses in turn contribute to building a picture of harms experienced ‘from cradle to grave’ as proposed by the authors of *Beyond Criminology*, although that picture is by no means complete.

Facilitating holistic analysis

A further consequence of expanding the intellectual agenda by bringing together diverse social problems in this way, has been the facilitation of more holistic analyses of the causes, connections and impacts of these harms. This has been particularly useful in areas where the limits of criminology have been felt most acutely. Examples of this include the contribution of zemiology to established critical perspectives within criminology such as green criminology or the study of state criminality, that have experienced first-hand the limitations of the concept of crime for recognising and responding to international and transnational harms, which may nevertheless be domestically legal.

However, the shift towards more holistic analyses of social problems has also been reflected in policy approaches and responses to traditional crimes. For example, the UK has recently witnessed a shift in policy to viewing knife crime as a public health problem (Brown, 2019; Mayor of London, 2020).

This approach involves

‘looking at violence not as isolated incidents or solely a police enforcement problem. Instead, this approach looks at violence as a preventable consequence of a range of factors, such as adverse early-life experiences, or harmful social or community experiences and influences’ (Mayor of London, 2020).

While a direct link to this initiative and the contribution of *Beyond Criminology* cannot be demonstrated, this approach nevertheless mirrors the arguments put forward in *Beyond Criminology*. This is perhaps most distinct in Dorling’s contribution to the collection which highlights that individual acts of murder cannot be abstracted from the broader social and political contexts in which they occur.

Developing alternative responses

As the previous example shows, the arguments introduced in *Beyond Criminology* and developed since, have played an important role in encouraging joined-up thinking and responses to social problems beyond those provided by criminal justice systems. Again, while a definitive link between the ideas presented and policy responses cannot be proven and should not be overstated, its contribution has been to help establish a field of research in which such alternative ideas can be fostered and promoted.

Indeed, a commitment to social justice lies at the core of *Beyond Criminology* and the zemiological perspective it was instrumental in developing. For example, Pantazis argues:

‘There are arguably more constructive ways of providing redress to those who have been harmed and for preventing harmful events or actions. In addition to providing genuine restorative measures which exist outside the criminal justice paradigm, crucially they involved abandoning neo-liberal agendas, which have underpinned recent developments and shifting to social welfare’ (2008: 1).

This commitment to social justice is reflected in the application of many of the ideas proposed in *Beyond Criminology* and subsequently developed to contemporary issues and events. One such example of this has been found in responses to the Grenfell Tower fire. At least 72 people died and many others experienced injury and homelessness after fire engulfed a 24-storey tower social housing block located in one of the richest areas of London in June 2017. While the initial cause of the fire was a faulty kitchen appliance, attention was quickly drawn to the failings of local and national governments to protect residents. The fire, the events leading up to it and its impacts have been considered from a zemiological perspective by Steve Tombs (2019) amongst others. By doing so he highlights the inadequacies of criminal justice or legal responses for recognising and addressing the multidimensional and multi-layered harms the relatively socioeconomically marginalised residents of the tower block have experienced and continue to experience.

The development of the social harm perspective has also been associated with calls for transformative policies embedded in principles of social justice. These have been particularly evident in the contributions of the Centre for Crime and Justice Studies (CCJS), a UK-based educational charity, which has supported the development of the social harm perspective introduced in *Beyond Criminology*. Included amongst CCJS publications have been analyses and proposals concerning both specific issues such as: the regulation of the minimum wage (Pemberton, 2008); suggestions for the creation of a global ‘water bank’ to provide access to clean water for all (Roberts, 2009); reductions in inequality (Garside, 2010); and changing drug policy (Nutt, 2009); as well as more radical social transformation, beyond global capitalism (Garside, 2013).

Since 2004, the CCJS has also published two editions of *Criminal Obsessions: Why Harm Matters More than Crime*. This edited text including both some original chapters first published in *Beyond Criminology* and new additions, has enabled the ideas of *Beyond Criminology* to be communicated to a wide and interdisciplinary audience. Indeed, the work of the CCJS has been particularly important in enabling this perspective to gain a wider audience beyond the confines of academia, including members of the general public, practitioners and policymakers.

Fostering Transdisciplinarity?

Many of the contributions that *Beyond Criminology* has made stem, no doubt, from its transdisciplinary and cross-sector origins. What united the original authors, despite different disciplinary and professional backgrounds, was their interest in questions of harm and power, and a concern over the adequacy of criminal justice to address these. Reflecting these origins, engagement with the ideas introduced in *Beyond Criminology* has been found in a range of disciplines and sectors, to which the many examples cited in this chapter attest, including sociology, geography, economics, criminology, social policy, and law. In this respect, the development of zemiology since its inception with *Beyond Criminology* would appear to have manifested the ‘replacement discourse’ it originally sought.

However, it is important not to overstate this transdisciplinary success story. Questions still remain regarding the extent to which zemiology has become a true ‘replacement’ discourse, as opposed to an add-on to existing forms of knowledge. In particular, as noted above, the relationship between zemiology and criminology remains particularly unclear. As I have discussed in more detail elsewhere (Copson, 2018), *Beyond Criminology* and its subsequent development have met with critical reception from those who claim it simply presents ‘old wine in new bottles’. They highlight that harm has been a longstanding element of definitions of harm both in law and criminology (Zedner, 2011). Others have interpreted or assumed the contribution of *Beyond Criminology* within existing criminological perspectives, thereby undermining the extent to which it can be seen to really challenge or replace the enterprise of criminology itself (Muncie, 2005; Hughes, 2006). Such tensions appear to run deep and seem unlikely for easy resolution.

For example, a recent edited collection by Avi Boukli and Justin Kotzé (2018) presents a notable attempt to explore the relationships between zemiology and criminology. Introduced as an attempt at ‘arresting the deep running tensions between criminology and zemiology’ (Boukli and Kotzé, 2018: 7), the edition appears to have stoked these tensions further (see Hillyard, 2019), despite including a contribution from one of the original editors of *Beyond Criminology*. Matters are not helped by the fact that many of the markers of the success of *Beyond Criminology* outlined previously, such as its inclusion in subject area statements, leading textbooks such as *The Oxford Handbook of Criminology*, or its development and dissemination within the CCJS risk the co-option of the perspective within resources associated with crime and criminology. This arguably risks neutralising the ‘replacement discourse’ envisaged by proponents of zemiology.

This perhaps stems, in part, from a lack of clarity regarding the definition of social harm which underpins the zemiological perspective. As Zedner rightly indicates, ‘harm’ has long been a concept central to criminal law jurisprudence (2011: 275-276) and, as noted previously, the authors of *Beyond Criminology* are far from the first critical scholars to suggest social harm as an object of study. Consequently, it is not always clear how, if at all, the concept of social harm advanced by proponents of zemiology differs from previous definitions of crime that have drawn on the concepts of harm or social harm, other than in terms of a discursive strategy that resists the language of crime.

Even if it is only a discursive strategy, zemiology has not been an unmitigated success. For example, it is not uncommon to see references to harms or social harms bolted on to crimes, in what I sometimes call the ‘crimes and harms approach’. This appears to be a way for critical scholars, aware of the shortcomings of the concept of crime for capturing harms, to discuss areas of study that lie at the boundaries of criminology, such as ‘environmental crimes and harms’ (Brisman and South, 2019) or ‘invisible crimes and harms’ (Davies et al., 2014), without necessarily entailing a discursive commitment to social harm as a ‘replacement discourse’. This suggests the language of crime still serves some purpose for scholars.

However, I maintain that the contribution of *Beyond Criminology* lies not simply in a discursive strategy centring around the language of social harm, but in the concept of social harm it implicitly adopts: it is in establishing this in a way that clearly distinguishes the conceptual contribution of zemiology from that of criminology, that its real potential can be found. However, the problem to date is that this has been under-theorised. Within *Beyond Criminology* harm is assumed by example rather than clearly defined or critically interrogated. Consequently, as Hillyard et al. themselves recognise, ‘“social harm”... appears to be a generalised amorphous term covering an enormous range of quite heterogeneous phenomena’ (2004: 272), the definition of which risks inviting subjectivism, majoritarianism or a re-articulation of existing power relationships and inequalities (Hillyard et al., 2004: 273). More recent contributions have sought to address this limitation, most notably those of Yar (2012a, 2012b) upon which Pemberton (2016) has also drawn. This account offers a definition based on the concept of recognition. However, I have argued that this account remains problematic in terms of both ‘its capacity to offer an ontological account of what, exactly, harm is’ (Copson, 2018: 41) and its recourse to the discourse of rights for defining harm. This has the effect of producing an account of harm which seems ‘more a

continuation of existing legal discourse for identifying harm, echoing those of critical criminologists with which proponents of zemiology have taken issue' (Copson, 2018: 44).

The absence of a clear definition of social harm has been instrumental in shaping my own research and formed the basis of my Ph.D thesis (Copson, 2011). More recently, I have, with a colleague, sought to develop further the idea of 'cultural harm' as one aspect of social harm, introduced with *Beyond Criminology* (Boukli and Copson, 2019). However, it remains an area in need of further analysis and development if zemiology is to realise its potential as a 'replacement discourse' rather than, simply, a discursive strategy for highlighting the problems that criminology cannot capture or address.

The Legacy

As detailed, in this chapter, zemiology or a social harm approach emerged with the publication of *Beyond Criminology*, a cross-disciplinary collection probing the limitations of criminology in all its forms, and exploring the potential for developing an alternative discipline around the notion of social harm. Born of a stance critical of established power relations and social inequalities, its proponents argued a focus on social harm would allow a more holistic analysis of, and response to, social problems, 'from cradle to grave'. This would not only better recognise the role of social structures, systems and institutions in producing and responding to harms, it would also offer means of challenging them. In doing so, *Beyond Criminology* was envisaged as presenting a break from previous intellectual traditions. Although inspired by many of the ideas associated with critical criminology, particularly those advanced by penal abolitionists and constitutive criminologists, it sought to move beyond these in important ways through the establishment of a 'replacement discourse' centred around social harm.

In the 17 years since its publication it is clear that *Beyond Criminology* has played an important role in inspiring analyses that move away from crime and criminal justice responses and towards social harm and social justice measures. By adopting a different starting point outside the concept of crime, there has emerged more inter- and/or transdisciplinary dialogue around a wider range of social problems. This has allowed parallels and associations to be drawn between a wide range of phenomena, from flowers to

fashion, from politics to prisons. This has allowed a more joined-up approach to thinking about social problems which no longer sees crime as an exceptional event but, rather, one harm amongst many which people may experience throughout their lifetimes, particularly if they are from socioeconomically marginalised groups. One consequence of this has been an opening up of more holistic analyses of the causal connections and impacts of harmful events, as reflected in the public health approach to knife crime and analysis of the harms of the Grenfell Tower fire (Tombs, 2019) highlighted in this chapter. The commitment to social justice has also seen the development of policy ideas and proposals which seek to address harm without recourse to crime and criminal justice.

However, it must be borne in mind that the zemiological or social harm perspective it introduces remains relatively new. Barely out of infancy, its enduring legacy remains to be seen. As I have suggested above, the risk of the social harm perspective becoming co-opted within criminology remains. If the social harm perspective proposed in *Beyond Criminology* is not to become an addendum to the criminological enterprise, it must harness its radical potential once more. Disciplines are built around established practices and ways of knowing. If zemiology is to be a discipline, a 'replacement discourse' producing new forms of knowledge, it must start by clarifying what it is that is to be its focus that distinguishes it from that of critical criminology. Establishing a clearer conception of social harm is integral to this endeavour and is something I remain committed to developing in my own work. Without this, zemiology's disciplinary distinction from criminology will remain ambiguous, with the danger that its contribution will be reduced to that of a discursive strategy: challenging the language of crime without offering a clear conceptual basis for the establishment of an alternative *discipline* around social harm. This is a legacy that can, and must be resisted if social justice is to be achieved.

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