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Green Crime, Victimization and Justice

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Background

In 2014, I had an article published in *Theoretical Criminology* entitled ‘Green crime and victimization: Tensions between social and environmental justice’ (Davies, 2014). In that article, I used the closure of the Rio Tinto Alcan (RTA) aluminium plant in Lynemouth, Northumberland, in the north-east of England as a case study of tensions around social and environmental justices and victimizations. This has recently spurred Michael Lynch, University of South Florida, who first suggested a ‘green criminology’ in an article published in *The Critical Criminologist* (1990), to write an article that directly cites my own article as his inspiration. The piece Lynch has recently had published (2015) appears in this journal. It purports to re-examine this same closure in an article entitled ‘Green Criminology and Social Justice: A Re-examination of the Lynemouth Plant Closing and the Political Economic Causes of Environmental and Social Injustice’. It provoked this rejoinder.

To bring the reader up to speed, I first provide a summary of the main arguments of my original article. Inevitably, details will be missing. Here, my main aim is to reject the claim that I have argued that the closure of the Lynemouth, UK, aluminium smelter was caused by the adoption of green state policies and that I use this argument to critique green criminology for promoting adverse social justice impacts. I will also challenge the re-analysis on two fronts. First, I challenge that part of the re-analysis that illustrates the various social and environmental forms of injustice the plant *at Lynemouth* generated. Second, I challenge the

reader to find in the re-analysis, any solutions and practical steps that a green criminology that is also concerned with humanitarian and communitarian conceptualisations of social justice, may take to bring an end to the treadmill of capitalist enterprise.

In contrast to the stagnant position Lynch leaves us in, I hope that this rejoinder, in the same vein as intended in my original article, will lift and further debate. In this spirit, whilst I engage in a rejoinder which both rejects and challenges the re-analysis, I nevertheless welcome the adoption of a different starting point, in this instance a political economic perspective that places the plant closure within the context of global capitalist plant closures in the aluminium industry. The section of Lynch's article that offers a review of the *potential* adverse human, non human and ecological health consequences arising from a generalised exposure to pollutants and from occupational exposure to pollutants is an interesting feature. It begins to build a case for further research on the toxic effects of old and new ways of manufacturing products and resources that have become necessary for human existence and well-being as well as current and future ways of powering these industries.

Context: Tensions Between Social and Environmental Justice

To contextualise this rejoinder, below I summarise the pertinent parts of my argument that I feel have been disingenuously interpreted. By drawing directly from my article I remain faithful to my original arguments.

In 2011, Rio Tinto Alcan, one of the world's largest producers of aluminium, announced the closure of the smelter at Lynemouth. The plant, a major local employer, closed in March 2013. In part, my article uses this case study as a catalyst for examining global concerns about environmental emissions standards and the costs of compliance. I suggested that this plant's closure is a success in green terms. I also suggest that where closure is officially

considered a compliance option, costs to deprived communities are high. As a feminist inspired criminologist cum-victimologist, I argue that from a (green) victimological perspective, there are hidden costs of closure on already deprived local and regional communities for us all to contemplate. My discussion focuses on how green crime and green compliance creates other types of collateral damage, other types of victimization that are not negligible. The social justice concerns I elaborate upon relate to the physical, economic and social impact of industrial contraction upon employees and other workers whose livelihoods and disposable income depends upon the existence of the plant. These extend to concerns about the local and regional economy and relationships and experiences in the aftermath of the closure, including the impact on work, gender relations, social networks, younger generations, family and social life. I underline the potential diffuse and negative impact the closure of a single large employer has on people's lived experiences with risks of a further spiralling degeneration of community. Thus, broader social concerns exist about the future of communities where closure happens. These can be represented as additional costs. Such costs have been obscured or rendered invisible on the global stage. One of my ambitions is to make the local effects and impacts more visible and transparent to the global community, including those wedded to green scholarship.

Whilst remaining sympathetic to green and environmental concerns and to the principles of green criminology, my assessment has a clear victimological perspective to it. From this perspective I have concluded that where environmental policies and regulations are designed to prevent or minimize destructive or injurious practices into the future, based upon analysis and responses to harms identified in the present, there are moral and ethical challenges for a green criminology. As clearly headlined in the sub-title, my article explored 'Tensions between social and environmental justice', that appear to represent value conflicts between

social and environmental justice. Insights from victimology and from sociologists' studies of previously affected communities signal gloomy prospects regarding the impacts on social networks and the consequences for younger generations. From a feminist influenced standpoint, it is perhaps easier to 'see' and 'feel' the grosser extent of the collateral harm and damage. I suggest that the regressive impact of increased social inequality and poverty in the north-east of England is not likely to feel like sustainable development to - grandparents, mothers, fathers and their children - families who have lost their livelihoods in and around Lynemouth.

The Lynemouth smelter closed in 2013. The power plant on which it depended for energy remains open having converted to bio-mass to survive, sadly too late for the smelter at Lynemouth to do the same. Britain has just closed three giant coal power plants, Kingsnorth in Kent, Cockenzie in Scotland and Didcot A in Oxfordshire (Gosden, 2013). The closure of the smelter at Lynemouth and of other major industries including our 'dirty' power stations is a success story for green environmental policies. I maintain that this success comes at a very high price to those in already impoverished communities who have been abandoned by major employers.

Rejection Argument

As stated above, my main aim is to reject the claim that I have argued that the closure of the Lynemouth, UK, aluminium smelter was caused by the adoption of green state policies and that I use this argument to critique green criminology for promoting adverse social justice impacts. The first part of this allegation about closure is presented slightly differently on page 2: *What is in dispute is Davies' claim that the Lynemouth closing is primarily the result of*

state environmental policies. There is slippage also with respect to the second part and how my argument is represented: *and that somehow that makes green criminology complicit in promoting conditions that produce detrimental social justice effects for workers.* I do not argue that the closure of the Lynemouth, UK, aluminium smelter was caused by the adoption of green state policies or that the Lynemouth closing is primarily the result of state environmental policies. Indeed amongst my concluding comments I suggest

that the causes of death to this plant—corporate greed, LCPD, the new EU Policy Industrial Emissions Directive (IED) and the Carbons Price Floor—have cost jobs, with the likelihood of increasing inequalities and poverty.

(Davies 2014: 312)

Corporate greed is the first on my list of the causes that combined to cause closure. This should surely resonate with those green criminologists who would prefer a political economic perspective that places the plant closure within the context of global capitalist plant closures in the aluminium industry. I admit to stating very bluntly that the closure of the plant at Lynemouth is a success in green terms. It is. I follow this statement up by suggesting that where closure is officially considered a compliance option, costs to deprived communities are high. They are, and in this regard I examine global concerns about environmental emission standards and the costs of compliance. This is neither tantamount to blaming the closure on the adoption of green state policies, nor does my argument amount to a critique of green criminology for promoting adverse social justice impacts. Lynch has rather missed - either deliberately or through poor attention to my careful explication - my nuanced points, which, I feel require repeating as they are not at odds with a green perspective. Quite the opposite, my intention is to stimulate further debate about a 'just' road to green. My contribution to this is a carefully qualified cautionary tale that takes great care to bring to the fore the misery for

those directly and indirectly affected by this and other such closures. I return to the arguments in respect of corporate greed below.

Challenge Arguments

I promised to tackle the re-analysis on two fronts. First, I take issue with that part of the re-analysis that illustrates the various social and environmental forms of injustice the plant at Lynemouth generated. In my own article, I do not deny these, indeed, they are central to my argument and the latter part of my discussion focusses on the indirect, tertiary and secondary victims that are generated and affected by closure in the Lynemouth and broader Ashington area of the North East of England. I discuss this in the context of a ‘victimized community’ and engage in a sociological analysis which is linked to the closure of coal mines and the demise of the pit communities. From reading Lynch’s re-analysis, none of this is at all apparent to the reader. Furthermore, I acknowledge the nature and extent of the pollutants arising from the smelting operations at Lynemouth. Indeed I state that: *‘In simple terms, coal could be seen as the source of the problem, leading to the plant’s closure. It is a pollutant and it is unecological’* (2014: 303). However, I point out the progressively decreasing nature of this hazard. Between 2009-2013 the plants environmental performance had been improved dramatically to world-class levels of energy efficiency in part due to increased biomass burn with proposals for a retrofit project involving conversion and carbon capture and storage (CCS). These are green solutions to pollution problems, a point I return to below.

Lynch has furthered my argument in respect of the various social and environmental forms of injustice the plant at Lynemouth generated by laying claims about the specific part Lynemouth played in the capitalist pollution project. Lynch engages in a rather spurious methodological move from the abstract and general to the specific, generalising from the

global to the local with abandon. This is inappropriate if not entirely speculative. There are also inaccuracies. All western Aluminium smelters have strict environmental controls on Fluoride emissions. Lynemouth had an Environmental department dedicated to measuring and control emissions. Besides regular samples being taken from all parts of the plant as required, grass samples were taken in a radius around the plant. The management of this plant were committed to ensuring the effects of aluminium smelting on the co-system, wildlife and fauna were minimised. Though space precludes me from entering a detailed rebuttal of the data presented in respect of electricity comparisons and the associated extrapolations that are made from these, a similar approach is adopted in this part of the article resulting in inaccuracies and exaggerated claims concerning environmental consequences and costs.

I refer above to 'green solutions to pollution problems'. This leads to the second point I wish to challenge. The re-analysis is no more than that. It offers a stronger and simplified Marxist version of the social inequality analysis than I have offered, where I come closer to Lynch's perspective than he admits – note my reference to the 'treadmill of production' thesis in the latter part of my article. Lynch suggests closure is a '*product of the organization structure and development of capitalism*' (2015: 12). In the fifth paragraph (out of 8 that commence with a direct reference to Davies), I am accused of overlooking the fact that the normal progress of capitalism produces numerous social justice impacts for workers and the public, and that plant closings are a part of that process. That social injustice (and ecological destruction) are created by the normal operation of capitalism is neither new, nor does it, in this piece, demonstrate progressive potential. These arguments concerning how capitalism organises production are well worn and well rehearsed by Lynch and colleagues elsewhere (Lynch et al., 2013a, 2013b, 2013c) and my article seems to have been conveniently used to once again re-produce this thesis. It leads to nowhere and is devoid of solutions and practical steps to ameliorate social injustice. For a green criminology that is also concerned with

humanitarian and communitarian conceptualisations of social justice, this offers us more status quo. It casts both innovative technological solutions and progressive and policy developments aside resulting in nihilistic limbo.

As de-industrialisation has impacted on manufacturing industries, this has led to areas of permanent recession in the North of England (Hall and Winlow, 2013). The prolonged and severe contraction of the manufacturing industries has sped up in the early years of the twenty-first century with closures of aluminium and steel plants. At the time of writing more than one in six workers in Britain's steel industry (most of whom are resident workers in the north East of England or Scotland) is facing unemployment. This follows 1,200 job losses affecting steel workers in Scunthorpe and Scotland and 2,200 jobs losses at Redcar. These closures together with those of power stations has taken an immense toll on already impoverished and decimated communities and on the life chances of the populations that inhabit these bleak towns and cities. In the early 1990s, the numbers employed at the Lynemouth plant reached a peak, employees in the casting plant alone were just under 1000 but, in that decade, these numbers were halved. Five hundred and fifteen people lost their jobs due to the closure with a further 200 directly contracted workers and some 3,500 workers being affected down the supply chain (Merlin-Jones, 2012).

As I have touched upon above, what I have been keen to illustrate are the pains of closure. A by-product of the emerging alternative explanation for closure, as commenced in Lynch's article, is an abstracted account. Such accounts, no matter how assertive they are in claims to uphold - albeit esoteric notions - of social justice, gloss over the misery of people like those at Lynemouth who have lost their present and their children's future livelihoods. The impacts and effects, the direct financial, emotional and well-being impacts of closure and of global capitalism are unfeelingly neglected, the glocal consequences unheeded. Despite drawing

attention to the adverse human, non human and ecological health consequences, the article has an insensitive tone with respect to both the author of this rejoinder and, more importantly, with respect to the people affected by closure of major industrial plants and manufacturing industries. For me there is sense in which the phrase 'riding roughshod over the lumpenproletariat' springs to mind. This sits at odds with the re-assessment that my critic is seemingly promising. For me, it is also saddening that this green criminologist failed to see this as an opportunity to further the cause of a green and environmental perspective and to strengthen the argument of a green perspective.

Concluding Remarks: 'Allies' versus 'Enemies'

I have been selective in choosing what to focus on in this rejoinder and I would like to conclude by making some observations about 'allies' and 'enemies'. Before I do so it is worth pointing out that there are a number of inaccuracies. Two are corrected.

First, Lynch claims that aluminium production is being relocated to places like Australia that have bauxite mining and that the geographical separation between the Lynemouth plant and sources of bauxite became an important issue related to closing the facility. The route for Lynemouth was Bauxite mined in Jamaica, shipped to Auginish, in Galway Ireland. After conversion, the Alumina was shipped to Blyth in Northumberland and from there moved by train to the Lynemouth smelter and the smelter at Fort William in Scotland. Though this was undoubtedly costly the biggest economic cost for the facility was energy. Cheap energy (for example hydro-electric power is the energy source for Fort William and all the Canadian smelters in Quebec and British Columbia. Geothermal energy fuels the Icelandic smelters and in some areas nuclear energy is used and in the Gulf states there is an abundance of cheap energy) is the most obvious financial incentive for relocation, not proximity to bauxite.

Second. The author claims that the Lynemouth plant closed for three months in 2008. This did not happen. If it had done so it is unlikely that the plant would ever have re-opened due to the prohibitive costs of re-starting a smelting operation.

'Allies' versus 'Enemies'

It seems to me, that in addition to the tensions that I have flagged between social and environmental justice, there are a number of interesting additional tensions emerging from this dialogue. I subsume these tensions under the provocative heading 'allies' versus enemies' as this is one avenue of inquiry that has captured the imagination of a clutch of green criminologists concerned about the myths being perpetuated, and barriers being erected, in the wake of the false dichotomy jobs v environment which corporate interests have exploited to keep natural allies apart. McCulloch has argued that articulating and understanding difference is a crucial step in developing strategies to overcome or work around differences towards mutual objectives and that the strength of civil society depends on the strength of the trade union movement and the environmental movement forming strategic alliances (McCulloch, 2005). One of the tensions I seem to have tapped into are those that arise from within green criminology and between green criminologists. As Lynch notes there is no overarching green criminological theory. However, he goes on to claim that much of the green criminological literature is atheoretical. My own incursion into the green perspective has found a wealth of political economy infused literature by colleagues whose work is very well known and respected (see for example the voluminous publications by Nigel South and Rob White whose critiques put capitalism in the spotlight *and* engage in rich discussion about what policies, practices and social actions might be promoted to try to change things at local, national and international levels). For me they do this whilst respecting the 'human factor' (White, 2015). Such work is not atheoretical, neither are they the only theoretical strands within green criminology. It is surely healthy that there is no overarching green

criminological theory, or, is the only framework of value that according to the ‘father’ of green criminology? For a feminist-criminologist-cum-victimologist this is hard to bear patriarchal stuff! This tension could amount to nothing more than a petty feud, one upmanship amongst those who might otherwise be allies, working constructively together in the search of green solutions that do not impact disproportionately on workers, less well-off members of the community and future generations.

Though under ‘concluding remarks’, I hope this is not the last word. Finally, I would commend to you a feminist inspired victimological perspective in the hope that this may temper the more extreme varieties of environmental perspectives that verge on green posturing. Approaches that have reached a theoretical impasse do nothing to advance neither theoretical nor policy developments that may, in due course, arise from a green and environmental criminology.

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