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Unravelling the Criminology behind Ordinary Acts Amounting to Ecocide

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ABSTRACT

Environmental philosophy studies, analyses and to some extent justifies the human actions/interventions into the non-human world (Environment). It examines the relationship between the Mankind and environment. Green criminology is at a very nascent stage. It is radical and contemporary to the transgressive criminology. It is the study, which is interested the cause and impact of the harm caused to the environment, even though when such harm caused is legitimate. It is not the study based on one theory, its scope is ever evolving and takes into account the progressing harmful, dangerous actions. Plundering and exploiting the natural deposits of the Earth, for the well-being and benefits of the powerful strata or for the greed of mankind has only freshly been taken as crime (Green Crime).

The present paper focuses shall on to all such kinds of harmful behaviours, which has capacity to cause difficulty for the survival of the life on this planet. These harmful acts committed by mankind in daily lives is termed as Ordinary acts which reduces the potential to assist the viability of life on this planet. Moreover, such ordinary acts have numerous features and characteristics like: they are openly performed, they are not forbidden by law, they are acceptable, acts performed in routine by an individual, which collectively have a fundamental, considerable influence on the environment. These behaviours shall be discussed from the perspective of the acceptable socio-psychological theories of criminology like: strain theory, social learning theory and opportunity theory while unravelling the criminality.

Keywords: *Ecocide, Green Crimes, Green Criminology, Opportunity Theory, Retail therapy, Strain Theory, Social Control Theory.*

I. INTRODUCTION

Environmental philosophy studies, analyses and to some extent justifies the human actions/interventions into the non-human world i.e. Environment.[2] It examines the

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[2] Eric Katz, *Ethics and Philosophy of the Environment: A Brief Review of the Major Literature*, 15 ENVIRONMENTAL HISTORY REVIEW 1, 4 (1991).

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relationship between the Mankind and environment. Later Socrates and Sophists focussed on to the individualistic ethics, whereas all the Pre-Socratic philosophers were concerned about the role of humans in the non-human world. The defoliation of forests during Vietnam war, awareness regarding the environmental crisis, were some incidents which strengthened the focus on the environmental philosophy and ethics. Environmental ethics is relatively a new literature, primarily gained momentum in 1960s with the writings of philosophers like: Lynn White "The Historical Roots of Ecological crisis" in 1967[3]; *Garrett Hardin's* "The Tragedy of Commons"[4] in 1968; other scholars were *Aldo Leopold*, *John Muir* and many others. This new literature studies, analyses and to some extent justifies the human actions/interventions into the non-human world (Environment). It examines the relationship between the Mankind and environment.

Green criminology is based upon this environmental philosophy. It is radical and contemporary to the transgressive criminology; which is at nascent stage. It is the study, which is interested the cause and impact of the harm caused to the environment, even though when such harm caused is legitimate. It is not the study based on one theory, its scope is ever evolving and takes into account the progressing harmful, dangerous actions. Plundering and exploiting the natural deposits of the Earth, for the well-being and benefits of the powerful strata or for the greed of mankind has only freshly been taken as crime (Green Crime). The environmental crimes have been bifurcated into various types on the basis of issues and problems they pose in the environment. One of the most convenient way of differentiating green crimes is on the basis of the harm they cause to the resources, i.e. *Primary green crimes* and *Secondary green crimes*. The former type is concerned with causing direct harm to the earth's natural resources, through which humans, non-humans, environment all affected in a great deal. The latter is concerned with causing indirect distress to the environment by the actions of the big corporations, companies or even the governments by their illegal or negligent behaviours or activities. [5]

The focus of the paper is laid on to all such kinds of harmful behaviours, which has capacity to cause difficulty for the survival of the life on this planet. These harmful acts committed by mankind in daily lives is termed as *"Ordinary acts"* by *Robert Agnew (2012)*[6] which reduces the potential to assist the viability of life on this planet. Moreover, such ordinary acts have

[3] *Id.*
[4] *Supra note* 3.
[5] EAMONN CARRABINE, PAMELA COX, et al., CRIMINOLOGY: A SOCIOLOGICAL INTRODUCTION 395-397 (3 ed. Routledge Publications 2014).
[6] Robert Agnew, *The ordinary acts that contribute to Ecocide: Criminological Analysis*, ROUTLEDGE INTERNATIONAL HANDBOOK OF GREEN CRIMINOLOGY 58, 59 (2012).

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numerous features and characteristics like: they are openly performed, they are not forbidden by law, they are acceptable, acts performed in routine by an individual, which collectively have a fundamental, considerable influence on the environment. These ordinary acts are usually forgotten by the green criminologists, as their main focus remains on the acts done by the States, International Corporations, or other big entities. The contribution towards deplorable environmental condition is also made by a single individual, through the acts like: eating meat, driving gasoline powered vehicles, consumption of AC's and heaters for our comforts, large homes to reside, etc. No doubt these behaviours gives an opportunity to the States and to other big organisations to commit ecocide, but this paper shall only be discussing the immediate acts and behaviours of the individuals. These behaviours shall be discussed from the perspective of the acceptable socio-psychological theories of criminology like: strain theory, social learning theory and opportunity theory while unravelling the criminality.

This research is a combination of descriptive, analytical and empirical methodologies. Thus, to understand and to have a practical view towards, the research question that, do our daily activities affect the environment? If it does, then why humans indulge in such type of harmful activities in their routines? The researcher therefore, made an effort to know about the behaviours of general masses pertaining to routine activities which contributes towards the ecocide. The consumer behavioural aspect is studied in this research.

II. CRIMINOLOGICAL UNDERSTANDING OF ORDINARY ACTS

One of the vital and integral part of green criminology is to understand the harmful behaviour of the offenders. Unlike, traditional criminology offenders commit crime and harmful act under the conformity and not by violating the laws. The globalisation, industrialisation and colonialization has increased the ecologically harmful activities on a greater sphere. The States, International corporations, International Institutions like World Bank, WTO, UN, etc. indulge in harmful acts to maximise profit and simply because of the urge to be at par with development. The justification lies in their *"climate change denial"* attitude. To illustrate, in late 2019, a group of few Australian businessmen and renowned scientists sent a letter to the UN Secretary General and claimed that there is no environmental change happening in the world. They also claimed that calling climatic change a cause of human activities is a 'delusion', a hoax.

Now to understand this kind of denial behaviour through socio-psychological perspective is that these people have repressed thoughts, because of which they are acting abnormally.

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Hence, every action of human being has an explanation to it. Where an individual involves in the routine acts which has the tendency to cause serious damage or distress to the environment too can be understood with the help of socio-psycho criminological theories. Although, it is complex to find explanation of a behaviour which is conformist than criminal in these theories. But, researcher in the following section has explained it, with the aid of stress theory, social control theory, social learning theory, opportunity theory. Along with it a great stress has been laid on to the consumerist behaviour.

Strain Theory

According to this theory crime is a result of stress or strain. Strain means situations which are disliked or hated by an individual to be in. It is presumed that an offence will be the outcome of stressful experience of an individual. When a man is under pressure or situation which he does not like, he experiences pessimistic, bad feelings like of anger, annoyance, frustration, envy, etc. He acts towards correcting these feelings, which he sees as "corrective measures" which often results into criminal acts. For example: a poor man, having no food to eat is under strain, his hunger makes him frustrated, to alter this feeling of frustration into satisfaction, which commits theft because he did not have means or resources to buy the food. Similarly, a sexually frustrated man tends to commit sexual assaults; a person filled with envy wants to take revenge and engages in acts of assault.

Merton (1938) gave this Social Strain Theory, advocating that when an individual is unable to achieve socially desirable goals or meet social standards. Where they witness feelings of stress and pressure to conform with the social standards, when they are unable, they tend to commit the crime. He states that the main cause for commission of crime is the desires to maintain the standard of living. When an individual fails to maintain it, he experiences stress in his life. Thus, to overcome the feeling of distress or strain, he tends to commit the crime. Now the question arises, *how does this theory hold good for the ordinary acts resulting in ecocide?*[7] Per se, for committing harmful acts (ordinary acts) no pressure is required. The ordinary acts are committed as part of the daily routine, even knowing their harmful nature individuals tend to ignore it.

A research was conducted by the researcher to understand the practical application of the Strain theory. On asking the population whether maintaining social standards amounts to strain in the life? Majority of the audience responded affirmatively. The (fig. 1) reveals that 70.4% of the population voted positively and only 29.6% of them voted negatively. Hence, it

[7] *Id*. at 61.

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can be said that maintaining the social standards creates pressure and strain in life and when on is unable to achieve the desirable standards, he becomes frustrated.

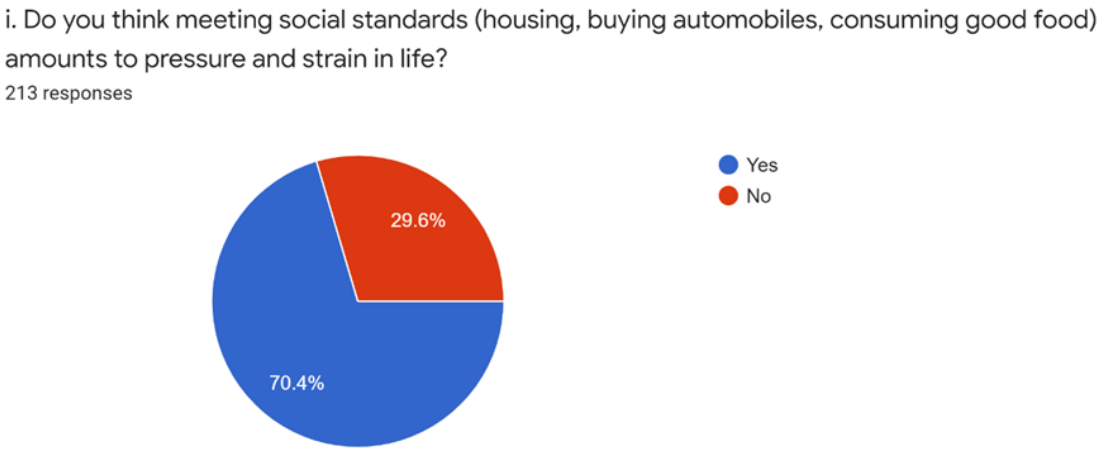

Figure 1

But, in today's materialistic world there are number of factors accelerating the commission of ordinary acts. Some of these factors are:

a) Feeling of Deprivation: In the world of material gains and society with class division on the basis of wealth, frustration is an obvious feeling. Especially in the wealthy countries, like USA, where individual sees, his neighbours living lives with luxuries (having number of automobiles, living in big houses, going on long drives, etc.). There is feeling of being deprived of those luxuries. Hence, in order to acquire those comfort, the consumption level increases (buying more automobiles than requires, living in huge suburban houses, etc.). This increased consumption patterns results in burden on the environment. Hence, here living in big house or owning automobiles is not illegal, which does not make the act criminal. But the *act is a conformist* one, conforming to the social standards. Else, the act was the outcome of *status frustration.*

b) Accomplishing Gender: We have assigned different roles and tasks to be performed by individuals on the basis of their gender. Man, in the society is seen as the bread earner, whereas women are seen as an individual who has to be pretty, thin, good looking. Although these roles in present society are interchangeable, but, the fact that each individual has a role is undisputed. *Allen et al. (2000)* opined that man has to prove his *masculinity* by bringing comforts and good standards of living (having automobiles, gadgets for off springs, latest technology in the house). On the similar lines, women to enhance her *feminism* involves in buying latest clothes, jewellery, décor for homes etc.

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> The desires to accomplish their gender, there is a great impact on the consumer behaviour. This results in commission acts harmful to the ecology. For example: high demand of jewellery in the market will enhance the mining industry, leading an environmental harm. In this scenario too, buying jewellery is not illegal. But increased consumption often give rise to exploiting the natural resources, definitely fuelling the commission of green crimes.

Hence, the most plausible response of the individuals in such stressful situations is "Consumption".[8] High level of consumptions subconsciously, makes them peace with their negative emotions of frustration, envy, pressure of maintaining status, etc. This behaviour of individuals is studied and termed as *"Retail Therapy"*.[9] According to which, uplifts the mood of the buyer. It brings happiness, cheerfulness and feeling of comfort to them. This is also known as "Compulsive shopping", which is a type of personality disorder where, an individual cannot resist buying the products (*Kellet and Bolton* 2009). This is the main theme of this theory that excessive consumption, leads to demand of more products (meat, jewellery, automobiles, land to build houses, animal articles which are rare, etc.) leads to the green crimes. The commission of ordinary acts is only possible when people have financial stability and resources; there is an opportunity to commit such acts; there is no or weak sanctions by law; the arrangement for environmentally responsible behaviour is low.in countries like India, where major population is earning hand to mouth, it is difficult to see the practicability of this theory. Therefore, to have an insight about behaviour of Indian population a survey was done.

Research was made in this regard, the results (fig. 2) depicted that more than half population (52.6%) stated that sometimes they have engaged in buying products to change their mood. Whereas, 18.8% engaged often in such behaviour.

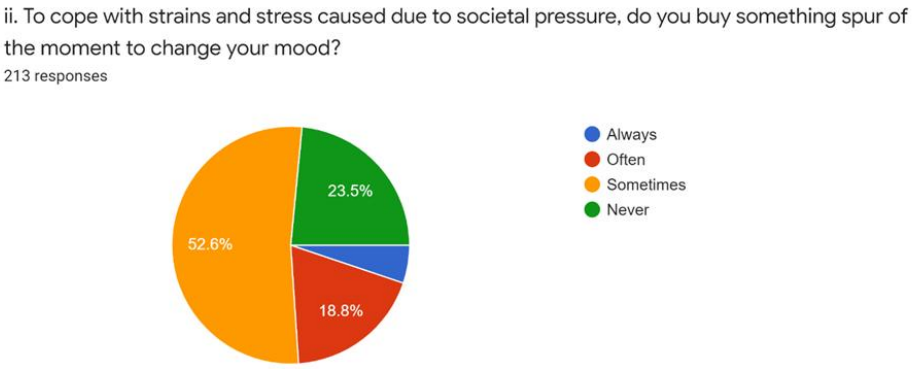

Figure 2

[8] Agnew, *supra* note 3 at 63.
[9] This term was first used in 1980's and later European Union in 2001 conducted a survey which revealed that 33% of the buyers, purchased products out of rashness and was not required.

Therefore, this theory does not hold good in the poor countries or developing countries like India. In country like India, where majority of population is lower middle class, individuals does not have finances to fulfil their negative emotions. People here tend to engage in ordinary acts (harmful to the environment) because they do not have eco-friendly alternatives. For example: In India, there is huge consumption of electricity, the irrigation system, all these require water resources (which are scarce). In this scenario, asking households or agriculturist to use Solar panel for electricity and dripping, sprinklers for irrigation (eco-friendly measures) respectively is implausible. As, eco-friendly measures are not pocket friendly, hence individuals tend to opt cheap, but environment threatening acts.

Social Control Theory

This theory talks about the prevention of crime. The supporters of it states that commission of crime does not need justification. Crime is the most convenient way to fulfil the desires and motives which the individual cannot fulfil with his prevailing resources. Therefore, he commits crime. In order to prevent the commission of criminal acts, law has imposed certain sanctions or control in the form of punishment. Thus, the theory states that, acts which are sanctioned by the law, are not committed. Applying the pain pleasure theory (Hedonism), pain inflicted must overweigh the pleasure derived from the criminal act. These sanctions work as social controls in the society like fear of losing the repute, jobs, etc. Hence, for the acts having high social control, less people will tend to commit it. Whereas, in case of ordinary crimes there is no sanctions attached to it. Law does not punish a person who is unable to gather the excess of rainwater and harvest it or people owning big mansions, overconsumption of meat, or buying excessive automobiles. This is because, in doing the ordinary crimes, there is sense of "pleasure" involved. People are benefitted after the commission of such acts. The explanation to these crimes lies in:

a) There is no direct sanctions or controls by law. Since the act committed is not illegal or prohibited by law, therefore there is no sanction, control by the governments.

b) People tend to commit such acts to conform to the standards of society. It is a conformist behaviour, as it is easy to conform than to deny, because of the fear of displeasure from the group of being deviant. People with different choice or behaviour, though it is right, but when does not conform to the majority, they are seen as deviants. Merely to not be felt indifferent and uncomfortable, it is easier for people to conform to the majority's behaviour. Various experiments prove this conformist behaviour.[10] One

[10] The Asch experiment of group pressure and conformity- where Asch, conducted an experiment to test, the

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of the recent researches in 2010 conducted by *Deutsch and Theodorou* found that where individual is unable to provide materialistic things to the family members, they might sever the ties with him.

c) The ordinary acts are encouraged because of the beliefs held by the people. People find these behaviours as acceptable and desired to maintain strong economy and provides certain benefits like- generating employment, social benefits, earning profits, maintaining good standard of living etc.

Hence, we can say that the above-mentioned explanations under the social control theory, provides a rich insight to the human behaviour in routine responsible closely or remotely to ecocide. Thus, criminological theories again lead the ways of scholars to understand the behaviour accountable of ecocide (green crime).

Social Learning Theory

Amongst the various criminological theories, this theory is most acceptable. The major profounder of this Theory were *Albert Bandura and Skinner*. It is a behavioural theory stating, behaviours are learnt to social interactions. Similarly, criminal behaviour is also learnt by an individual from the society. Criminal is a product of society. *Sutherland* in his 'Differential association Theory' advocates that, individual tend to acquire traits and habits with whom he associates. Hence, making it vocal that behaviours are learnt from the society we live in includes- family, neighbours, mass media, etc. Rational choice theory is also very similar to the social learning theory, which states that individual commits the crime when the benefit he drives out of the commission is greater than the cost of it. To answer what reinforces to imitate or learn the commission of ordinary harms? Or from where does an individual learn such kind of behaviour?

Explanation to it as follows *(Brisman 2012):*

a) These attitudes or behaviours are learnt from the family, neighbours, friends, political ideology, mass media, etc. These behaviours are widely and openly practiced because of the benefits involved, comfortable lives, socially acceptable etc. To understand whether the consumption behaviour be socially learnt, a research was made by the researcher. The results (fig. 3) revealed that 81.7% voted affirmatively and proved consumption patterns can be learnt.

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pressure felt by one member of the group to behave in a particular manner. The experiment was conducted by showing three lines of varying lines. Each participant had to give the answer open in the public. Where first 5 participants were asked to give incorrect answer. The subject after listening to first 5 responses also gave the incorrect answer under the pressure and doubted his own judgment.

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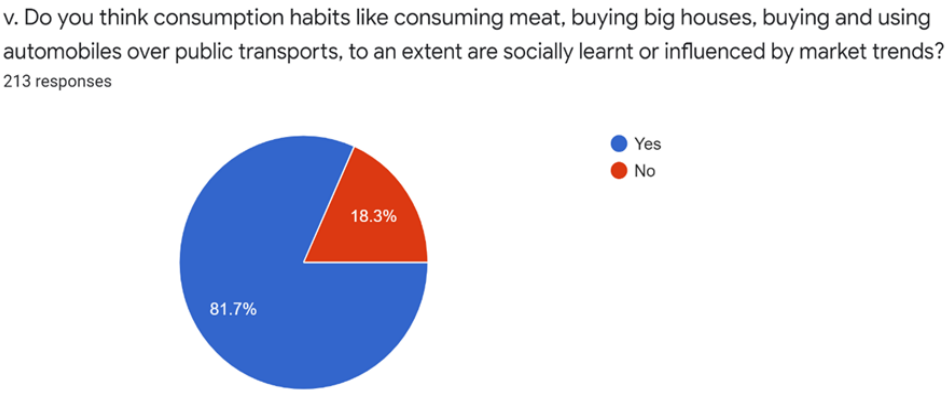

a.

b. Figure 3

b) The cost of indulging in environmentally responsible behaviour is much higher than the ordinary acts. An example already cited of solar panels- the installation cost is higher, making it infeasible for public to imitate.

c) People tend to imitate a credible and relatively renowned source. It is usually seen, in the mass media eco-friendly attitudes are less talked about and rewarded. Hence, mass media and political ideology also plays a vital rale in it. This is phenomenon is also known as "Media criminology". The criminology or behaviours appreciated by the media or more advertised.

d) It is usually believed by the people that ordinary harms cause less harm to the environment and more good and ease in daily lives. Because the damage at an individual level is very little and trivial (*Kurtz 2002*). People find these ordinary harms justifiable. The most common justification as researched by *Frantz and Mayer 2009* is that the individuals commit such acts under duress (unable to live without heaters and AC's); out of necessity (less public transport facility, for their own health and safety).

e) Lastly, most important is that individual feels, environment is his property and it can exploit to meet his own ends and objectives. The policies like industrialisation, economic growth, profit maximisation, free enterprise, laissez-faire government institutions, etc. accelerates the imitation and learning behaviour. At the end, *materialistic world* is central and most dear to humanity.[11]

Opportunity Theory

All the theories discussed above, talked about the factors which make an individual to engage

[11] Avi Brisman, *Of Theory and Meaning in Green Criminology*, 3 CRIME JUSTICE JOURNAL 21, 21-34 (2014).

in ordinary acts (harmful acts). This theory talks about another aspect, i.e. opportunity to commit crime. An individual can only engage in commission of an act, when he gets a viable environment or opportunity to commit the act. *Messner and Rosenfeld (2007)* states that this type of behaviour gets an opportunity to grow only in developed and wealthy nations. In countries like USA, people are rich and have resources to adapt these behaviours (materialistic). The wealthy having more capacity to consume also has increased tendency to engage in majority of the above-mentioned behaviour, although they might be more concerned about the environmental issues. Hence, rich are likely to indulge in ordinary harms than the groups of people.

III. CONCLUSION

Hence, all these theories discussed above showed a spectrum of human behaviour when put in the varies situation. This successfully explains why the individuals commit ordinary harms. This is not to blame the individual but merely to understand how the daily activities are responsible for environmental degradation. Individuals single act are also making a difference. The criminological theories are used to describe the behaviour of individuals for committing routine acts amounting to ecocide. It has been established that even minor acts of individual do affect the ecology. The group which is affected by these green crimes immensely large and cannot be defined under one definition.

The biggest hurdle is reporting and prosecution of harmful behaviour towards the environment. Each and every individual think that the matter is petty, having minimal or no impact over our lives; hence justifying it to not to report or file a case. Each and every individual must understand that even little harm done to the environment matters. The dilemma lies that whether the act should be referred to court. It results in *"trivialisation"* of injurious acts, assuming it will result in very little penalty to the offender. The brutal acts of the companies and corporations especially, must not be overlooked and require rapid reporting and prosecution of such acts. The masses must de sensitized about lodging the report against the harmful activities towards the ecology.

The veracity in green criminology pose a great challenge to the criminologists to study. The aim of green criminology through the ecological model of justice is to have good ecological health and well-being of both humans and non-human species and to protect their rights. While treading on the path of unawareness, denial of environmental change, the ecosystem will also be devasted, but before that mankind will destroy itself. Thus, now the questions like- of how to deal and regulate the green crimes? How these harms can be prevented? How

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to deal with the borderless crimes? What authority should police such harms? Need an answer.

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