

## Green Victimology: An Introduction

Paul A. Adekunle<sup>1</sup>, Matthew N. O. Sadiku<sup>2</sup>, Janet O. Sadiku<sup>3</sup>

<sup>1</sup>International Institute of Professional Security, Lagos, Nigeria

<sup>2</sup>Roy G. Perry College of Engineering, Prairie View A&M University, Prairie View, TX, USA

<sup>3</sup>Juliana King University, Houston, TX, USA

### ABSTRACT

Green victimology is a newly emerging field of study. Human victims of environmental harm are not widely recognised as "victims." Under the category of "victim," the non-human environmental victim is seldom considered worthy of attraction. Hence, from an eco-justice perspective, victimhood can be conceptualised in terms of environmental justice (the victim is human), ecological justice (the victim is specific environments) and species justice (where the victims are animals and plants). In the eco-justice approach, the context, that is both the social and ecological, are important to understanding and responding to specific instances of environmental victimisation.

**KEYWORDS:** *Environmental harm, Non-human environmental victim, Eco-justice, Environmental victimisation, Eco-crime/Environmental crime, Legal protection, Victims, Criminal investigation, Forensic victimology, General victimology*

### HISTORY OF GREEN CRIMINOLOGY

Green criminology is a developing field. Global extensions of environmental degradation are slowly but persistently breaking into every sphere of human life. Throughout the twentieth century and particularly following the changes brought about by the First World War and accelerating after the Second, advanced societies have experienced complexity in their progress and development that has shaped changes in socioeconomic systems and in corresponding and linked criminal activities. However, impacts on the environment have tended to be overlooked until just of recent [1].

The term "green criminology" was coined or introduced by Michael J. Lynch in 1990, and expanded upon by Nancy Frank and Michael J. Lynch's 1992 book: "Corporate Crime, Corporate Violence", which examined the political economic origins of green crime and injustice, and the scope of environmental law [2, 3].

The field of victimology originated in the early to mid-1990s, with the first victimologists attempting to identify how victims contribute to their own

victimization. The period recognized children and women as victims of violence [4].

It emerged first in the 1940s and '50s, when several criminologists (notably Hans von Hentig, Benjamin Mendelsohn, and Henri Ellenberger) who examined victim-offender interactions and stressed reciprocal influences and role reversals. Victimisation is defined as the act or process of someone being injured or damaged by another person. The damage could be physical (e.g. bruises, broken bones) or psychological (e.g. posttraumatic stress disorder [PTSD], depression). Benjamin Mendelsohn, an attorney, has often been referred to as the "Father of Victimology" [5, 6].

### WHAT IS GREEN VICTIMOLOGY?

Victimology is the scientific study of the psychological effects of crime and the relationship between victims and offender. The field of victimology is providing forensic psychology professionals with new understandings they can apply to multiple areas of the criminal justice system. Victimology helps in improving: crime prevention,

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law enforcement, corrections, and criminal prosecution [7]. Green or Ecological Victimology is a branch of Green Criminology which emerged with a critical origin of the criminal justice system to oppose the classic victimology in 1990s. The focus is on the three emergent elements in critical criminology which are: the expansion of discussions of police and penal abolition (and relatedly, convict criminology), the use of Freedom of Information (FOI) requests, and computational methods in criminology and criminal justice system [8].

Green criminology, broadly focuses on issues that relates to: (1) the environment (in the widest sense possible) and (2) harm (as defined in ecological as well as strictly legal terms). This has led to the exposure of different instances of substantive social and ecological injustice [9].

General victimology involves a broader focus on the study of all victims, not just victims of crime. Some scholars refer to General Victimology as Victimity, which includes the study of the following five specific types of victimization: criminal victimization, self-victimization, social environmental victimization, technological victimization, and natural disaster victimization [10].

According to White, Green or Environmental Victimology is the study of the social processes and institutional responses pertaining to victims of environmental crime, but humans are the primary focus of such study [11].

### **TYPES OF GREEN VICTIMOLOGY**

The two major types of green crime are:

1. Primary green and
2. Secondary green crime.

Nigel South classified green crimes into two major types: primary and secondary. By definition, primary green crime is a crime that directly harms the environment and its members (humans and wildlife). These are crimes that constitute harm inflicted on the environment (and by extension, those that inflict harm on people because of damage to the environment – our classic “environmental victims” who suffer health or other problems when the land, water or air they interact with is polluted, damaged or destroyed). There are four main categories of primary green crime which are:

1. Air pollution
2. Deforestation
3. Species decline and animal rights
4. Water pollution.

Secondary green crime is the crime that arises out of disobeying rules that seek to regulate environmental disasters. It is also called “symbiotic green crime.”

The two good examples of secondary green crime provided by South are: state violence against oppositional groups, and hazardous waste and organised crime [12, 13].

### **VICTIMS OF GREEN CRIMES**

The majority of environmental victims are the low-income citizens and minorities. According to Kremer 2016, research revealed that minority and low-income neighborhoods are at higher risk of environmental pollution [14], as shown in Figure 1. Jarrel and Ozymy stated that, "it is well established in the sociological and criminological literature that low income people of color are more likely to be exposed to environmental risks." Study also showed that "economic class played a role in the distribution of environmental hazards," as "rates of poverty increased as one moved closer to facility spatially," and the "relationship appeared perfectly linear" [15].

In the spring of 2010, four million containers of oil flowed into the Gulf of Mexico due to British Petroleum (BP) oil drilling rig explosion. This explosion created the biggest oil spill in history, causing damage to the ecosystem, the animals that lived in the water, and to citizens who made their homes near the coast. During the explosion eleven workers were killed. According to the Environmental Protection Agency (EPA, 2017), the case settlement was record-breaking, resulting in "an unprecedented \$5.5 billion Clean Water Act penalty and up to \$8.8 billion in natural resource damages [16].

### **LEGAL PROTECTION OF THE ENVIRONMENT FROM A GREEN VICTIMOLOGY PERSPECTIVE**

A good environment is a human right of every Indonesian citizen, as a mandate in the Indonesian constitution in Article 28H of 1945. This provision is a form of guarantee of legal protection for citizens as human beneficiaries of the availability of the environment (i.e. to get a good and healthy environment), but also provide legal protection for the environment itself. Rapid population growth has resulted to rapid development and industrialization with its attendant challenges. Meanwhile, industrialization itself, in addition to meeting all the needs of human life, also has a negative impact on the environment. The impacts not only worsen the welfare of human life and other living creatures, but also cause a chain process of environmental damage, as shown in Figure 2. This problem is now increasingly more complex where and when many environmental crimes are committed by corporations, and the damage they cause is large-scale. It should be noted, that even today's environmental damage can cause damage to future generations, such that future

generations will actually get environmental problems as a result of environmental damage in the past. Hence, the environment itself must be viewed and managed for a sustainable life, so that it is not solely for development growth.

From the case study of Indonesia, the fact is that in Indonesia legal protection against environmental damage is not based on the nature rights itself. The adequate and proper protection of the natural environment can be based on the nature rights, both as objects and objects that deserve to be protected, including its intrinsic value so that humans are obligated to protect it, as shown in Figure 3.

Environmental damage may require remediation from generation to generation, with the burden of costs of remediation transferred to future generations. In the perspective of Green Victimology, environmental protection must also emphasize prevention, because it involves non-human victims, the environment, and future generations. Looking at the view of Barda Nawawi Arief that protection of crime victims can be seen from two meanings: first, interpreted as "legal protection not to become victims of criminal acts" and second, interpreted as "protection to obtain legal guarantees/compensation for the suffering/loss of a person who has been a victim of a criminal act". The form can be in restoration of inner balance, restoration of good name (rehabilitation), the provision of compensation (compensation, restitution, social welfare security); which can also be applied to non-humans and the environment itself as a victim [17].

The first form of protection is preventive protection. This lays emphasis on prevention so as not to become a victim or prevent the occurrence of victim continuously. To environmental protection, this is very appropriate, where protection must also be oriented to ecosystem sustainability and future generations. Therefore, in order to ensure the existence of preventive protection, it must be supported from the aspect of legal substance, through the construction and reconstruction of environmental legislation. The different ways that can be used to prevent environmental crimes are through different monitoring approaches, use of innovative technologies, as well as compliance programs [18].

There is also the need to expand the "principle of strict liability" in environmental crimes, and especially to place the restoration of environmental damage as the main criminal sanction and the implementation of a double track system on sanctions for recovering and other criminal sanctions.

"Educational approach" to preventive protection needs to be put in place to the community, law

enforcement officers, stakeholders, and even the ranks of the government itself regarding Green Victimology, since not all stakeholders know and understand the concept of Green Victimology, and it is not easy to change one's perspective in responding to environmental damage.

The prevention of environmental damage is also dependent on a system of monitoring activities that have the potential to damage the environment at the community level. This is due to the tendency for neglect and tolerant attitudes from authorized institutions and even among the communities themselves towards habitual patterns that cause small-scale pollution or damage such as the dumping of household wastes, burning of garbage and so on.

The second form of protection is "repressive protection," which is the action needed to reduce the suffering or loss of victim. This will involve strengthening the synergy between law enforcement officers since they must understand that reparation sanctions for environmental damage begins with the goals, and commitments among law enforcement officers in disclosing environmental crimes, collecting evidence, law enforcement, and imposing remediation sanctions

## CHALLENGES CONFRONTING ENVIRONMENTAL LAWS

The challenges of environmental crimes and harms make criminal justice and law enforcement responses difficult. If ever there were a field of illegal, legal but harmful, or simply anti-social, activity in need of a combined response and collaborative efforts, it is this. Pink and White (2016) outlined the bases for such collaboration in terms of a series of questions "commonly referred to by law enforcement and regulatory staff as either the "5w's and 1h" or "six loyal servant": these are "who, what, where, when, why, and how". As will become clear when considering the Bangladesh case (which is already one of the world's most environmentally fragile places), it is useful to consider the prospects for collaboration in relation to the following scoping exercise [19, 20]:

- identify who the relevant partners/stakeholders are,
- determine what the focus (or main purpose) of the collaboration is,
- decide where the collaboration/s might be coordinated from or take place,
- agree when the collaboration will commence and might conclude,
- establish why collaboration is considered beneficial, and
- discuss how the collaboration will most likely proceed.

Another challenge is the lack of self-identification as victims: The victims of environmental crime are not always aware of the fact that they have been victimized. Even when the individuals are aware of the impacts of environmental harm, they might not consider themselves as "crime victims" or report the harm to enforcement agencies. The direct victimization of the environmental crime may be experienced by non-human species, such as wildlife and their habitats, which is difficult to capture as well as causing time delay when it indirectly affects humans. The fact is that the damage can be difficult to identify since the damage might not be immediate or may have a future impact, or may not be quantifiable in financial terms, adds to lack of victim self-identification [21].

Furthermore, there is the challenge of victims not sure about who victimized them or who is exactly responsible: Identifying the perpetrator is important for victim remediation because it helps facilitates criminal investigations and allows victims to pursue civil recourse. However, identifying the perpetrator in environmental cases and establishing criminal liability can be extremely difficult as the chain of causation from perpetrator to harm can be long and complex. It should be noted that more than one country can be affected by environmental crime which can be considered as a global issue. This adds to the difficulties for the victims and law enforcement in identifying the perpetrators. Transnational environmental crime involves transactions beyond one state or nation and also include wildlife trafficking and the illegal trade in ozone depleting substances, the illegal dumping and transport of hazardous waste, illegal logging and timber trade and illegal, unreported and unregulated fishing. Some examples among others are: pollution of rivers that crosses international boundaries, those that contribute to climate change, money laundering, human trafficking and corruption. If responsibility is extended to all who have had some causal roles in producing some certain result, the victims might also be considered the perpetrators [22].

### **WAYS FORWARD TO SOLVING THESE CHALLENGES**

It is critical that the international community "seal a climate deal" as it is only an equitable "global" climate deal that can tackle the climate crisis effectively; a deal that will clearly spell out the commitments of each and every player. We must keep our eyes on the ball, and not lose sight of the magnitude of the problem that we are confronted with. That problem represents no less than our very ability to survive in future.

The world leaders in 2015 signed a major treaty called the Paris Agreement to put these solutions into practice. Core to all climate change solutions is reducing greenhouse gas emissions, which must get to zero as soon as possible. This is due to the fact that both forests and oceans play vital and important roles in regulating our climate, increasing the natural ability of forests and oceans to absorb carbon dioxide to help stop global warming. The main ways to stop climate change are to pressure government and business to [23, 24]:

- keep fossil fuels in the ground
- invest in renewable energy
- switch to sustainable transport
- help us keep our homes cosy
- improve farming and encourage vegan diets
- restore nature to absorb more carbon
- protect forests like the Amazons
- protect the oceans
- reduce how much people consume
- reduce plastic.

The United States as first responder: the emergencies created or worsened by climate change may ultimately be managed by the UN, nations will look to the United States as a first responder in the immediate aftermath of a major natural disaster or humanitarian emergency. However, the United States may become reluctant to expend ever greater resources on overseas disaster relief, not to mention longer-term humanitarian and stabilization operations, as the impacts of climate change begin to be felt more acutely at home. Natural disaster already cost the United States billions of dollars annually, and the Intergovernmental Panel on Climate change (IPCC) projects that climate change will create an "extended period of high fire risk and large increases in area burned" in North America and particularly in the western United States. The U. S. will also have to meet rising health costs associated with more frequent heat waves, a deterioration of air quality, and an increase in water-borne disease [25].

The Sustainable Development Goals (SDGs) should be mainstreamed into climate change, as shown in Figure 4. The sustainable development concept mainly re-echoes the economic growth doctrine insisting that societies must be regulated in a manner that the security of states and their human populations is guaranteed thereby increasing the ability of both human and non-human nature to be more resilient. Others believe that such re-conceptualization of security only succeeded in shifting the object of concern from human life to the biosphere. This, according to Reid, incorporates every known species, as well as habitats of all kinds, vulnerable to the destructions wrought via economic growth [26, 27].

According to Jarrell and Ozymy, jurors and judges may offer leniency to polluters, due to the low economic status of the victims; they also argued that "judges appear to view environmental defendants as less culpable than other criminal defendants," undermining the seriousness of environmental crimes. Due to funding, prosecution of environmental crimes does not occur often, hence, judges should not be lenient to polluters of the environment, but also view them as highly culpable, and ensuring proper funding as well.

Environmental crimes occur daily, but are often covered up. These types of crime often involve large numbers of victims, local and state level law enforcement agencies should also be involved in the proper regulation of companies. By collaborating and working together, state and federal resources can also strengthen and protect the rights of vulnerable citizens.

### CONCLUSION

In victimology research, it is very evident that environmental crime victims are underrepresented, as this may be due to lack of funding. The underrepresentation is problematic because it underestimates the full scope and impact of environmental crime. The magnitude of environmental crime seems to be less popular than other kinds of crimes in general, because environmental crime victims most often belong to lower socioeconomic groups and have few means of fighting corporate polluters. In other words, less disciplinary action is being taken against environmental criminals because the victims often come from communities considered "less worthy" of protection.

Legal reforms are needed to protect victims of environmental crime. There is also the need to integrate civil law and criminal law when dealing with environmental cases to offer the same protections to environmental crime victims as those that exist for conventional crime victims. The regulation of corporations should be given to local governments and law enforcers. Law enforcers/police officers must be well trained to respond to green crimes and recognize the immediate needs of victims. It must be noted that green victimology is of critical concern to the health and welfare of some of our nation's most vulnerable, therefore, governments at the local, state and federal level must rise up to take the bull by the horn.

More information can be found in the books in [28 and 29].

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**Figure 1. Victims of environmental crime.**

Source: <https://environmentagency.blog.gov.uk/2023/07/27/landowners-warned-not-to-be-victims-at-the-hand-s-of-waste-criminals/>



**Figure 2, Bush burning in Nigeria – Wikipedia.**

Source: [https://en.wikipedia.org/wiki/Bush\\_burning\\_in\\_Nigeria](https://en.wikipedia.org/wiki/Bush_burning_in_Nigeria)



**Figure 3. Environmental protection.**

Source: [https://en.wikipedia.org/wiki/Environmental\\_protection#/media/File:Zephyr\\_Dredging.jpg](https://en.wikipedia.org/wiki/Environmental_protection#/media/File:Zephyr_Dredging.jpg)



**FIGURE 4. THE GLOBAL GOALS FOR SUSTAINABLE DEVELOPMENT (SDGs).**

