The Meaning of Green: Contrasting Criminological Perspectives
MICHAEL J. LYNCH and PAUL B. STRETSKY
Theoretical Criminology 2003; 7; 217
DOI: 10.1177/1362480603007002414

The online version of this article can be found at:
http://tcr.sagepub.com/cgi/content/abstract/7/2/217

Published by:
http://www.sagepublications.com

Additional services and information for Theoretical Criminology can be found at:
Email Alerts: http://tcr.sagepub.com/cgi/alerts
Subscriptions: http://tcr.sagepub.com/subscriptions
Reprints: http://www.sagepub.com/journalsReprints.nav
Permissions: http://www.sagepub.co.uk/journalsPermissions.nav
Citations http://tcr.sagepub.com/cgi/content/refs/7/2/217
Editor’s Note

This article is the first in a two-part series on environmental criminology. The second part, by Robert White, will appear in the next regular issue of the journal.

The meaning of green: 
Contrasting criminological perspectives

MICHAEL J. LYNCH AND PAUL B. STRETSKY
University of South Florida, USA and Colorado State University, USA

Abstract

Previous discussions of green criminology have not defined the meaning of the term ‘green’. Here we investigate alternative definitions of this term, focusing attention on two contrasting definitions. One definition is aligned with corporate interests and emerged through corporate redefinitions of green environmentalism; we provide examples of the ‘green’ criminology that resulted. We then offer a contrasting environmental justice definition. This alternative concept highlights common elements in social movements concerned with environmental justice while emphasizing these movements’ commitment to simultaneously incorporating race, class and gender-oriented issues into green criminology.

Key Words

corporate crime • criminological theory • defining crime
 • environmental justice • green crime

Introduction

Criminologists have recently taken up the challenge of creating a ‘green criminology’ (e.g. Groombridge, 1998; Lane, 1998; South, 1998; see also,
Lynch, 1990). Their efforts have important implications for reorienting the study of violations of criminal laws, ethics and crime. The purpose of this article is to expand on previous studies and to clarify the meaning of ‘green’. An issue of *Theoretical Criminology* devoted to the topic of green criminology emphasized applications of this idea but offered little direction in terms of defining this key concept. For instance, in the previous issue, Groombridge noted that ‘it is not possible simply to adopt a “green” perspective without bringing with it theoretical and methodological issues, though these cannot be pursued here’ (1998: 253, emphasis added). In the same issue, South stated that ‘it would be valuable, at some other point, to outline what these [green criminological theories] might look like but such an elaboration is not the aim of this exploratory article . . .’ (1998: 212, emphases added).

As these authors implied, it is essential to define the meaning of the term ‘green’ in the process of forging a green criminology. We take the view that green crimes, like other crimes, are social constructions influenced by social locations and power relations in society (on social construction, social locations and definitions of environmental crimes see Seager, 1993: 59). With respect to power issues, we examine the meaning of the term green as it has been influenced by two distinct groups: corporate actors and environmental justice activists/movements influenced by considerations of gender, race and class-based inequities.

To keep our approach manageable, we highlight a human-centered orientation and purposefully omit discussion of non-human and natural rights perspectives (for discussion see Benton, 1998; Beirne, 1999; with respect to green theory see Dobson, 1991: 235–70). Rather, our goal here is to sketch the main issues and anchoring points needed to construct a definition of green criminology that recognizes the influence of existing corporate power structures and the achievements of the environmental justice movement (concerned as the latter has been with issues of gender, race and class discrimination).

To realize this task, this article proceeds in four sections. First, we review issues relating to the social construction of crime. Second, we examine implications for the social construction of green criminology from a ‘top–down’ perspective that has kept existing corporate power interests in mind. Third, we look at the construction of green from a ‘bottom–up’ approach that entails analyzing different types of environmental justice movements and perspectives. Fourth, drawing on both the ‘bottom–up’ and ‘top–down’ approach, we present two opposing definitions of green criminology and an argument about which one—for criminology—is preferable.

The social construction of crime

Quinney (1970) popularized the idea that crime is a social construction that reflects societal power relations. For the most part, acts defined as
crime are behaviors predominantly undertaken by relatively powerless social actors. However, the process of constructing crime is also subject to legitimation constraints (Wolfe, 1977) and rules defining ‘fair play’ (Ryan, 1981). Consequentially, some of the behaviors of the powerful will also be defined as criminal. Similarly, the interests of relatively powerless groups will sometimes be favored in the political process of constructing crime. In short, law-making processes contain mechanisms whereby law is legitimized because it appears capable of representing the diverse interests of both the powerful and powerless. Law is also a repository of the collective consciousness capable of transforming and controlling a variety of actions that threaten the health and well being of society’s citizens. The construction of crime is also a contested arena with respect to identity construction. Consequently, while law primarily represents the interests of the powerful, it also contains mechanisms that allow it to appear to control the behavior of the powerful. This view of law and its relationship to power relations and the process of constructing crime helps to explain how laws designed to control the behavior of the powerful, such as environmental laws, are possible. Simultaneously, though, the overall impact of law and the construction of crime reinforce existing power relationships.

The social construction of crime is a political process that is affected by images of crime as reported in the news media (Surette, 1997), and as depicted in popular magazines and popular culture venues like television, movies, comics and music videos (see Quinney, 1979; Newman 1990; Lynch and Krzycki, 1998). In addition, crime is constructed via the efforts of moral entrepreneurs and moral crusaders to expand the meaning of what ought to be considered crime. These kinds of activities have impacted the definition of both street crime (Schwendinger and Schwendinger, 1970; Brownstein, 1999) and corporate crimes (Nader, 1965). The social construction of crime does not involve images and definitions alone: in addition, it can involve actions and behaviors that act as illustrative symbols as well as the behavior of law enforcement agencies.

The corporate deconstruction of green

Like other crimes, the very definition of green crime is influenced through collective processes that mediate the behaviors of individuals and groups. Corporations play an important role in the social construction or meaning of the term green. This influence has become increasingly clear in the contemporary context. For instance, the 1990s was supposedly the decade of the environment. By the late 1980s, media and scholarly pundits predicted that the environment would become a major political issue over the following decade, reawakening people’s environmental consciousness and fostering widespread political activism aimed at environmental protectionism reminiscent of the early 1970s. In reality, this prediction proved inaccurate. While a variety of grass-roots environmental movements gained
some support during the 1990s, others were influenced by corporate memberships and donations (Karliner, 1997). During the 1990s, World Resources Institute, National Audubon Society, Conservation International, World Wildlife Fund and National Wildlife Federation received donations from corporations well known as polluters including Waste Management, Cargill, Chevron, Dow, DuPont, Ford, Mortorola and Scott Paper (Karliner, 1997).

Indeed, the involvement of corporations in environmental movements facilitated the decline of renewed interest in the environment. According to Faber and O’Connor, one result of corporate environmentalism was to ‘reestablish corporate discipline over social movements’ (1993: 17). In large part, then, the limited success of the green movement can be tied to the transformation of the ideological basis and symbolism the public has come to associate with the term green. The corporate transformation of the idea of green during the 1990s is important because it demonstrates the ability of corporations to influence the social construction of green and to influence popularly based political movements through the use of mass media. Corporate constructions of green have led to widespread re-interpretations of what it means to ‘be green’ and to take a ‘green’ position. For instance, corporations that release cancer-causing substances into the environment in amounts that meet established regulatory limits are praised as ‘exemplary environmental citizens’ even though their production practices are often non-sustainable, exploitive and even criminal in some countries.

Corporate reconstruction of ‘green’

The popular base of the environmental movement was rapidly reconstructed in the 1990s in definitional rather than behavioral terms as corporations manipulated and remade the term green. Corporations’ ability to ‘appear green’ was accomplished through massive public relations and advertising campaigns and reflected the immense resources at their command (Stauber and Rampton, 1995). In a nutshell, the corporate redefinition of the word ‘green’ presented the public with a mild, less radical and de-politicized environmental vision along with less drastic responses (stressing consumption rather than production issues) to environmental issues. The environmental responses crafted by corporations were also easily accessible to the general public: consumers could become ‘green’ simply by altering their purchasing behavior, i.e. by buying ‘green’ products from companies that claimed to be green. By ‘appearing green’, then, corporations were able to defuse and redirect support for environmental issues and movements (Karliner, 1997). In short, corporations correctly observed that a growing public concern with environmental issues had generated conditions under which a broader segment of the population wished to join green-based movements.
There is nothing inherently threatening to corporations about popular environmental movements. However, green movements are particularly radical in that they argue for changes in production practices, limits on growth and corporate power and economic redistribution as viable policy responses (Dobson, 1991). Consequently, increasing public support for radical environmental positions posed a threat to corporations’ abilities to engage in ‘business as usual’. In response, corporations crafted two responses. The first was to make small environmental concessions to appease the public’s concerns (Karliner, 1997): for example, McDonald’s Corporation bowed to pressure to eliminate the use of styrofoam. Second, corporations engaged in public relations campaigns. Again, in the case of McDonald’s, the corporation appeased the public’s desire for strengthened environmental protectionism through media campaigns designed to make them ‘appear green’ in supposedly sharing consciousness similar to that held by the public (Stauber and Rampton, 1995). This green media/advertising campaign, still in the process of development and recently broadened to include the Internet, classroom TV and classroom teaching materials on environmental matters, has done much to alter perceived public meanings of the term green (Turner, 1970; Mander, 1972). Especially important is the fact that this transformation depoliticized the idea of being green.

Corporate use of advertising to affect environmental consciousness is not a new strategy (Stauber and Rampton, 1995). Since the early 1970s, environmentalists have documented the appearance of green imagery in corporate media campaigns designed to convince people that specific businesses or sectors were environmentally friendly (Mander, 1972). Commonly referred to as ‘greenwashing’ (Greer and Bruno, 1997), this practice was designed to head off the development of a people’s environmental movement. As Karliner (1997) argues, corporations have successfully employed this strategy as a response to popular environmentalism. Consumers have been encouraged to ‘think’ and ‘buy’ green, and to associate green practices with specific corporate advertisements rather than with environmentally friendly production practices. Corporations create and feed these ‘green’ images to the public through advertising and public relations campaigns (Stauber and Rampton, 1995; on the theory and use of advertising generally, see Averill, 1996; Ohmann, 1996). For example, Chevron Corporation, well known for its environmentally destructive practices (Karliner, 1997), developed an environmental advertising program that included a TV commercial featuring its attempts to save endangered species. Chevron summarizes these projects, such as its effort to save the El Segundo Blue butterfly, on its ‘educational’ webpages (http://www.chevron.com/community/education):

The El Segundo Blue is a tiny butterfly on the Endangered Species List, whose habitat once spanned 36 square miles south from downtown Los Angeles. Urban development shrunk its habitat to two small acres, including land within Chevron’s El Segundo refinery. To compound the problem,
encroaching weeds were choking out the wild buckwheat plants on which
the butterfly feeds. In response, the company fenced off the area, retained an
entomologist, started eliminating marauding weeds and cultivating addi-
tional buckwheat seedlings to ensure the survival of the El Segundo Blue
butterfly.

A television commercial devoted to this issue depicts the blue butterfly
‘happily’ flying around its ‘habitat’, and the role Chevron played in ‘saving’
this species from extinction. The purposeful corporate gaze of the commer-
cial does not allow viewers to see that the protected area in question is a
Chevron-owned field that sits on top of its oil refinery operations in El
Segundo, alternatively described by environmentalists as a ‘barbed wire
fenced compound atop the United States’ largest underground oil spill’
(Karliner, 1997: 168). Not surprisingly, Chevron’s website fails to mention
its role in creating the conditions that endangered the existence of this
butterfly. And cleverly, Chevron’s description of the responsible culprits
points to other sources: weed encroachment and urban development.
Obviously, Chevron has not changed its behavior to establish conditions
that would save the El Segundo Blue. However, Chevron did use its
resources to hire an environmental specialist and a public relations group
to transform Chevron’s minimal efforts into a seemingly ‘green’ con-
sciousness.

Yet, despite corporations’ ability to affect popular cultural meanings
associated with ‘being green’, the ability of green movements to define
themselves has not been destroyed. Here we employ two broad, contrasting
referents for the term ‘green’, each with different implications for shaping
a green criminology. One definition of green is the corporate construction
that, if used, has the potential to severely limit green theoretical per-
spectives in criminology. The other is a social movement view that creates
an alternative theoretical and cultural understanding helpful in analyzing
environmental crimes. It is to this view that we now turn.

The environmental justice construction of green

Environmental justice (EJ) definitions of green have important implications
for green criminology. To be sure, equally significant differences among
various EJ and green movements also prohibit us from developing a specific
or fixed green theory of crime. Environmental crises vary over time as do
reactions to these events. For example, the same person may find that
joining a class-based movement is the best solution to environmental
injustice in the workplace and joining a race-based movement is the best
solution to environmental injustice in his/her neighborhood community.
Moreover, justice claims relating to the environment are far from new
(Taylor, 2000: 521), meaning that the construction of ‘green’ likewise
varies across time, social groups and group intersections. For this reason,
the environmental justice movement has expanded into a broad set of
perspectives and agendas, each based on different definitions of the environmental problem. Consequently, one finds commonalties among environmental justice movements, as discussed below, and diverse strategies for redressing environmental harms. To illustrate both such commonalties and differences, three environmental justice movements are examined below: ecofeminism; the struggle against environmental racism; and red-green movements.

**Ecofeminism**

The US ecofeminist movement began in the 1970s as a combination of feminist, environmental and justice movements (Daly, 1978; Griffin, 1978; Merchant, 1980). Ecofeminists criticized capitalist profit-growth orientations and its patriarchal nature, advocating subsistence as an alternative (Plant, 1989; Epstein, 1993; Mies, 1993). For many ecofeminists the domination and exploitation of nature is related to the domination and exploitation of women (Merchant, 1980, 1996). Patriarchal structures produced and reproduced the exploitation of women and nature and were ultimately responsible for the impending ecological crises. For example, Mies (1993) argued that women are more concerned with survival and subsistence than men; in her view, it was predominantly men who have promoted growth, technology, science and progress as solutions to ecological and economic crises.

Ecofeminism also argues that women have a unique social location from which to address the ecological crisis. According to Epstein, an ecofeminist solution would be simple:

> Patriarchy must be replaced with egalitarian forms of social organization in which men and women have equal power, and by a vision of social ecology wherein the natural environment is treated with respect insofar as it should be sustained rather than manipulated and destroyed. (1993: 145)

This can be achieved by reorienting cultural values and returning to small-scale local economies and grass-roots democracy (Mies, 1993). While some ecofeminists reject class-based environmental justice movements because they place too much emphasis on the economic realm, they recognize the importance of economic oppression (see Dobson, 1992; Mellor, 1992). Gibbs (1995) states that both gender and class-based concerns have increased women’s participation in anti-toxic movements.

**Environmental racism**

The movement against environmental racism simultaneously advocates environmental justice and the elimination of racial discrimination in environmental decisions, actions and policies. This struggle emerged from the civil rights movement as a new ‘master frame used to mobilize activists who want to link racism, injustice, and environmentalism in one frame’ (Taylor,
This movement’s primary concerns include equality in environmental regulation enforcement, the siting of polluting industries and waste sites and the elimination of products and production processes that largely affect communities of color (e.g. African-Americans, Latinos, Asians, Pacific Islanders and Native Americans). The movement also connects issues of distributive justice (e.g. how environmental hazards are distributed across diverse races) to issues of productive justice (what and how things are produced). While the short-term goals involve race-linked theory and action, the long-term goal is the elimination of exposure to dangerous products or practices for all (Bullard, 1990).

Hundreds of grass-roots groups found in every state and representing a multitude of racial and ethnic groups have organized to oppose environmental racism (see Bullard, 1990, 1993; Bunyan, 1995; Taylor, 2000). While racially and ethnically diverse, these groups share similar perspectives rooted in both productive and distributive justice. For instance, organizations like the Indigenous Environmental Network and the South African Exchange Program on Environmental Justice formally state that they support basic rights to a clean environment regardless of race. From an environmental justice perspective, then, being green is ultimately related to ending racial oppression and discrimination.

**Red-green movement**

The red-green movement relates economic oppression to environmental degradation. Red-greens assert that capital restructuring has externalizing costs that harm the environment and public health (O’Connor, 1998). In a class society, these externalized cost and environmental problems are more likely to impact the working class and the poor. In this way, capitalism exploits working class labor and environments (see Engels, 1968 [1845]).

For red-greens, the current process of production is exploitative in many ways (O’Connor, 1998). One important form of exploitation involved private forms of production that removed workers from decisions concerning how things are produced and related forms of environmental damage. Commoner’s (1987 [1971]) solution involved local public control over the forces of production. According to Commoner, this solution needs to be based on ecological and economic grounds, and he advances ‘ecological socialism’ as a method of simultaneously eliminating environmentally destructive, unsustainable production practices and the exploitative mode of production. As Foster notes:

> . . . the battle over [a sustainable environment] is as much a class struggle as it is an ecological one. If [for example] forest product workers find their jobs threatened, this has far less to do with the struggle of environmentalists to preserve the [environment] than to the efforts of capital and the state to promote profits at the expense of both workers and the environment. (1993: 11)
For Commoner, the green revolution must also be red—i.e. it must also occur in the workplace. Commoner’s influence on left-green politics has led to various local and regional coalitions that fight against workplace and community toxic pollution and push, radically, for the development of non-polluting technologies rather than less polluting technologies. According to O’Connor, Commoner’s ecological socialism is ‘beautiful in its simplicity [advocating] that pollution regulation, pollution licenses, and so on, are not needed if pollution is not produced in the first place’ (1998: 283).

Shared orientations of green movements

The diverse environmental justice movements discussed above advocate many similar policies that link their views (Faber, 1998). For instance, ecofeminists are clearly against environmental racism and red-greens were among the many organizations that protested against the World Trade Organization’s support of undemocratic, non-sustainable and exploitative practices. In short, it is simplistic to view green environmental movements as having only distinct, mutually exclusive emphases. Environmental justice movements may not be identical but they are not unique either. Indeed at a broader level, environmental justice movements share three common orientations: (1) the politics of being green; (2) the multi-issue basis of green theory and the inclusion of a theory of oppression in green theoretical perspectives; and (3) the appeal to historically situated theory and understanding. We review these points of compatibility below.

The politics of being green

Any group or organization that claims to be concerned with environmental justice must have a legitimate political plan of action that outlines the need for broad structural reforms to address environmental injustice. This is common to environmental justice movements although the exact form of political action and theory espoused across groups varies. For some, political orientation and policy are grounded in class-based theory (O’Connor, 1998). Other groups begin with race or gender-based perspectives; still others take positions that are nature-based (see Benton, 1998). Despite these differences, though, environmental justice organizations are dedicated to democratic participation. As a result, the environmental justice movement is often organized along local lines and localized issues. These issues can, and most often do, have global implications capable of generating larger-scale movements (Hofrichter, 1993). For instance, a multi-racial environmental justice movement composed of thousands of community members successfully prevented Shintech Corporation, a multinational petrochemical company, from placing the world’s largest polyvinyl chloride (PVC) plant in Convent, Louisiana.

For some greens, local democratic forms of organization are the ultimate aim (e.g. Native Americans’ ecological movements). For others, local organizations are used to assist broader political, social and economic
movements (e.g. red-greens and some ecofeminist groups). However, in each case, environmental justice movements are founded on grass-roots forms of organization.

**Multi-issue character and a shared focus on oppression**

Green environmental justice movements should not be seen as monolithic entities solely concerned with environmental problems. Environmental issues are clearly an integral part of these movements, but they are also frequently concerned with a wide range of issues that, in turn, are connected to social and economic theories concerning the nature of society, human interaction and oppression. For example, as Rafael Pandam of the Confederation of Indigenous Nationalities of Ecuador writes:

> When we indigenous peoples talk about the environment, we are not just talking about the trees, rivers and butterflies. We are also talking about human beings. Likewise, when we talk of human rights, we are not just talking about the right to free speech. We are talking about the political, economic, social and cultural rights of all peoples, and their rights to sustainable development which fulfills the basic needs of human rights.

(cited in the Center for Economic and Social Rights, 1994: ix)

Thus environmental justice movements adhere to a theory of human oppression that links environmental harms and human justice (Dobson, 1991). For example, red-greens examine the connection between class/economic oppression and environmental harms; ‘EJ’ greens connect environmental injustices with the subordination of racial/ethnic and native peoples (e.g. environmental racism); ecofeminists link environmental harms with broader structures and situations responsible for gender oppression (e.g. ecofeminism). Thus, environmental oppression is important because of its connection to other forms of oppression that are part of social, economic and political systems. This focus on oppression is closely connected to the historical dimension of the green theoretical position.

**The historical perspective in environmental justice**

The third element common to green environmental justice movements is their historical orientation: in short, history is an important part of a green theoretical view for each of these movements. This is not to say that each movement views history in precisely the same way. For example, for red-greens, an historical dimension is captured in the process of class struggle (O’Connor, 1998); for eco-feminists, the role of patriarchy and women’s struggles for equality comprise the dimension of history and conflict that need to be addressed; for EJ greens, history is the story of the struggle over self-determination and against the external imposition of forces that generate systems of racial and ethnic subordination. Thus, history provides one portion of the theoretical framework within which political struggles for
environmental justice (equity) are understood. Emphasizing the importance of this historical dimension, James O’Connor has noted that:

Environmental history is the culmination of all previous history. Further, it should be seen as the study of how human agency shapes and modifies ‘nature’ and constructs and builds environments and spatial configurations, and how natural and cultural environments both enable and constrain human material activity; and, conversely, how human activity both enables and constrains cultural development and ‘nature’s’ economy.

(1998: 51–2)

In this view, environmental history is the study of nature itself, the interaction of nature with society, and the laws, myths and perceptions humans construct and apply to nature (Worster, 1988). This history is both limited by the peculiarities of the particular place or places studied (O’Connor, 1998: 54) and simultaneously connected with the history of other places (O’Connor, 1998: 55).

In sum, while green movements certainly differ among themselves, commonalities are also easy to discern. Yet academic analyses have often emphasized differences over points of commonality, making it more difficult to perceive—and to act upon—environmental groups’ shared aims and goals.

Constructing green crime: implications for green criminology

Another important issue that points us back toward the task of developing a green criminology, is that environmental justice movements take different approaches depending on how they define the term ‘green’. Accordingly, we turn now to demonstrating the quite disparate approaches to green criminology that emerge depending on whether one adopts a corporate or environmental justice construction of the term, ‘green’.

The environmental justice perspective

From an environmental justice (EJ) perspective a green crime is an act that (1) may or may not violate existing rules and environmental regulations; (2) has identifiable environmental damage outcomes; and (3) originated in human action. Some of these acts are sanctioned through criminal law while others amount only to civil, technical and/or administrative violations. Specific acts such as illegal polluting and toxic chemical dumping fit neatly within the traditional definition of crime (South, 1998). In some instances, however, green crimes may not be a ‘violation of any existing form of law’ (Frank and Lynch, 1992: 82) even though they result in, or possess the potential to result in, environmental and human harm. Examples of these latter behaviors include, but are not limited to, timber-clear cutting, vivisection, the sale of unnecessary and dangerous pesticides and pharmaceuticals banned in developed nations but lacking legal regulation.
in Third World countries (Frank and Lynch, 1992: 82, 86–95) and race or class-related hazardous waste siting decisions.

To focus on acts not defined as illegal may disturb some criminologists. However, to understand crime it is necessary to investigate the processes involved in creating crime including: (1) identifying contested behaviors that are not defined as crimes and the reasons why this choice was made; (2) the content and organization of law and the enforcement mechanisms created to uphold law; (3) the activities of law enforcers; (4) the interplay of corporate and public interests; (5) conflicting scientific evidence on environmental harms (Fagan and Lavelle, 1996; Steingraber, 1998) and (6) media images (Stauber and Rampton, 1995). Crimes are constantly made and unmade through acts of social construction and deconstruction (Brownstein, 1999). Therefore it is important to understand which behaviors become the focus of law and why. For example, why is it that laws designed to ‘protect everyone’ from environmental harms often fail to be enforced in minority and lower-class communities? Is the differential enforcement of these laws across communities with different residential characteristics tied to the power of a community’s residents? Answering these questions requires investigating how differential enforcement advantages the corporations that create the environmental harms in question.

A central concern in this analysis, then, is how overlapping forms of race, class and gender inequities affect the social construction of environmental laws. For example, a green criminology could examine how gender inequality relates to forms of female victimization caused by green crimes. For instance, why are there no special enforcement procedures designed to protect women against forms of environmental harm that enhance the risk of breast cancer, one of the most rapidly increasing health risks for women over the past three decades (Steingraber, 1998)? Race or class issues may also be brought into play through research suggesting that race and income are important determinants in predicting the lax enforcement of environmental crimes against corporations (Lavelle and Coyle, 1992; Friedrichs, 1996; Simon, 1999). In short, in the environmental justice perspective, enforcement processes favor the powerful over the powerless in terms of both the construction and application of laws.

Consequently, from this perspective, many green crimes result from structures and hierarchies that exclude women of color from full economic participation. For instance, the ‘harvesting’ of rain forests is always a form of class oppression; the greatest benefit accrues to those who own the means of production. In the process, trees are transformed into commodities while the economies of forest peoples are destroyed. When these activities occur in underdeveloped regions or nations, race enters the analysis insofar as the natural resources of native people are taken over and dominated by predominantly European-owned industries and markets (Mendez, 1989; Karliner, 1997). Finally, gender becomes an issue when rain forest harvesting disrupts native systems of gathering and agricultural
production controlled by women, thereby destroying women’s traditional productive roles (Mies, 1993).

From this, several general components of an environmental justice definition of green crime can be deduced. First, this definition focuses attention on acts that, whether or not defined as illegal, should nonetheless be considered criminal. Second, an environmental justice perspective considers relations of power in the construction and application of environmental laws. Third, power is defined specifically with consideration not only to traditionally recognized notions of class but also to gender and race-based hierarchies. As discussed above, solutions to these problems would be radical, necessarily involving the elimination of social and economic inequalities. But this brings us to the corporate view: how does it compare?

**Constructing green crime: a corporate perspective**

From a corporate standpoint, a green crime encompasses ‘unauthorized acts or omissions that violate the law and are therefore subject to criminal prosecution and sanctions’ (see Situ and Emmons, 2000: 3, emphases added). This is a very precise, exact and limiting definition of what can be considered a ‘crime’. Some criminologists have preferred this type of definition because they see it as ‘value free’. Yet, by referring to law as though value free, criminologists tend to avoid responsibility for defining crime and investigating how power differentials affect the nature of law and its enforcement. But given this view of crime as law-based, how would a green criminology influenced by a corporate perspective interpret environmental crimes that fall outside the law? Because environmental harms are perceived as involving only illegal acts, targeting minority communities as waste sites or overselling pesticides to farmers may, as a result of this definition, be seen as standard and ‘above the law’ business practices.

Moreover, a corporate perspective on defining green crime would argue against the majority of cross-cultural studies of environmental harms. For example, few international laws define green crimes; in addition violations of environmental laws that carry criminal (or civil) liability in one country may not be considered criminal outside that country’s boundaries. For example, an Ecuadorian Amazon tribe recently filed a billion-dollar class-action lawsuit against Texaco claiming the company dumped 10 million gallons of toxic wastewater and crude oil into unlined pits over a 20-year period harming the people, culture and environment of Ecuador. Texaco admits to dumping and causing the damage. Their defense: they are required to comply with deep well injection regulations in the United States; however, because this practice is preferred but not required in Ecuador, Texaco’s behavior ought not be considered criminal outside American borders (Texaco, 1999: 15–16).

By focusing only on violations of criminal law, a corporate definition of green crimes also constrains the number of victims that can be studied. The environment, for example, is only a victim when a specific statute has been
violated. The same applies to human or animal victims.\(^3\) In addition, the corporate definition of being green is closely tied to economic outcomes. When the economic benefits of environmentally damaging actions outweigh associated civil liabilities, corporate actions are justified as good business practices in a highly competitive global economy. These practices are also justified by an elaborate cost–benefit science (e.g., integrated pest management; see, generally, Higley and Pedigo, 1996). When justifying environmental damage, corporations argue that our standard of living cannot be sustained or improved without risk to some people and the environment; that damage to non-human species can be repaired and managed; and that the economic benefits of environmental damage outweigh its costs (see Guilder, 1993). However, some people question whether corporations accurately assess these costs. For example, corporations have externalized or socialized the most costly forms of environmental damage they produce. This causes them to underestimate the real costs of environmental damage. Further, calculations of the economic costs of human beings are usually minimized in these calculations (Higley and Pedigo, 1996).

In contrast to an environmental justice view, a corporate view of green criminology does not specifically address inequities of race, class and gender. These hierarchies are seen as ‘natural’ and beyond the scope of corporations to create, maintain or change. Thus, when faced with evidence that minorities and lower class persons are more likely to live in polluted areas, corporations respond that this is their choice. A corporate green criminology emphasizes the individual-level decisions people make that places them in proximity to hazardous waste sites. It fails to comprehend that a persistent pattern of racial proximity to hazardous waste sites, for instance, implicates the need for structural rather than individual-level explanation.

Green corporatism also incorporates a particular position on liability. Legally, environmental standards typically employ the ideas of limited and excusable liability (e.g., under Title VI of the Civil Rights Act of 1964; see Mank, 1999). These standards are much different than those criminologists typically encounter (strict liability), and one might wonder how the use of a lesser legal stand for criminals with greater economic power and a stricter legal standard for those with less can be justified. Finally, green corporatism has also supported limited policy responses to the enforcement of environmental laws. One such strategy has been the self-policing and self-reporting of violations of law. Controversies remain about whether this approach works to control corporate deviance. What we know is that self-policing has improved profits (Rebovich, 1998).

In sum, the agenda of a corporate green criminology is immensely different than one informed by an environmental justice perspective. Green corporatism denies the need to look at power relations while EJ greens see these relations as fundamental to analysis and action. Power, then, is the key issue that separates these opposing stances toward green criminology.
Toward a green criminology

Having contrasted two views on the term green, we need to address three additional questions: is a green criminology necessary? If so, which of the views reviewed above should be its basis? Finally, what are the basic issues that must be encompassed in an alternative perspective? Certainly many existing criminological views are capable of addressing environmental harms and crimes. However, the discussion of environmental crimes, laws and harms is absent from the vast majority of criminological approaches. In general, criminologists have often left the study of environmental harm, environmental laws and environmental regulations to researchers in other disciplines. This has allowed little room for critical examination of individuals or entities who kills, injures and assaults other life forms (human, animal or plant) by poisoning the earth. In this light, a green criminology is needed to awaken criminologists to the types of major environmental harm and damage that can result from environmental harms; the conflicts that arise from attempts at defining environmental crime and deviance; and the controversies still raging over possible solutions, given extensive environmental regulations already in place. In other words, a whole range of crimes have tended to be neglected, thereby painting a limited picture of contemporary crime and its proportions.

The purpose of a revitalized green criminology, then, is to redirect attention toward serious and widespread environmental harms that, even more than ordinary crimes, threaten human life and community. In our view, this can only be accomplished by a green criminology grounded in environmental justice principles. Along with Dobson (1991), we argue that being green implies more than holding values favoring environmental protection: it also entails a political stance wherein it is acknowledged that solutions to environmental degradation may require substantial economic and political reorganization.

This being said, though, a green theoretical perspective is more of a guideline than a set of axioms or rules; no rigid theoretical structure emerges as a by-product of this article’s argument. Yet several ‘guiding principles’ are important in helping to develop an ongoing green perspective. One is that environmental harm is a consequence of the primacy of the economic sphere over other social structures and issues. Consequently, economic interests play an integral role in determining which or whether environmental harms will be treated as crimes, and which ones will be accepted or justified as ‘normal’.

Another important principle is that in an alternative green perspective, the environmental harms least likely to become the focus of law—both in terms of legal prohibition and/or active social control and enforcement efforts—are those that have the greatest direct impact on economically disenfranchised and oppressed groups. These environmental harms include those most likely to affect the lower classes, minority racial and ethnic
groups and women. Because these politically and economically marginalized groups have little power, they are less likely to be able to defend and protect their interests, or to have others act on their behalf. Environmental oppression becomes a routine aspect of their economic and political oppression.

Finally, an alternative green criminology ought to draw on both structural and subjective explanations and understandings (see Groves and Lynch, 1990) as a matter of course. In terms of structural considerations, green criminology employs a political economic frame of reference that addresses race, ethnicity, class and gender structures and their relationship to the definition, nature and distribution of environmental harms. But, in terms of subjective understandings, green criminology also needs to be sensitive to how group memberships (i.e. an individual's race, ethnic, gender and class identity and consciousness) affect the emergence and goals of social movements aimed at transforming social structures in an effort to reduce multi-dimensional environmental harms.

A wide variety of harms, laws, systems of regulation, definitional debates and so on can be analyzed, and evaluated, from this point of view. From an alternative green perspective, one that draws on environmental justice considerations, the specifics of such analyses will no doubt vary according to the contextual elements of particular problems. In some cases, race will be more important than class or gender; in other cases, ethnicity; sometimes a complex relationship of overlapping social factors will affect how green-influenced analyses of crime ought to proceed at levels that may be local, regional or global in scope.

Conclusion

Our objective in this article was to clarify the meaning of the term green on the assumption that doing so affects how an evolving green criminology can be envisioned. To make this discussion manageable, the above analysis was limited to human-centered green perspectives. This does not deny or overlook the influence that animal and other species-oriented perspectives have also had on green movements. We have simply omitted these perspectives because our focus here was on human-initiated harms and consequences, leaving others the task of developing green definitions of crime that affect other species. Thus this article highlighted the role played by power differentials, including gender and racial as well as class-based inequities, in the social construction of green crimes and laws (or lack of laws). In this regard we emphasized the idea that green movements seek to move beyond law to identify harms associated with green crimes.

Last, we examined and contrasted corporate and environmental justice perspectives since each leads to different definitions and implications of the term green. Here we explored shared commitments across green move-
ments. These shared commitments were included to identify points of convergence ripe for unifying green perspectives founded on race, class and gender theorizing. Race, class and gender-based green perspectives take various forms and origins of inequality and power as a point of departure for theorizing and action. This focus is compatible with environmental justice definitions of green but incompatible with corporate definitions of green.

The green movement had its origins in radically situated theories of inequality. Each endeavors to demonstrate that addressing inequality is a useful strategy for defending people and the environment from harm. This view of inequality is opposed by corporate greens who argue that greater corporate freedom will remedy the situation. Consequently, this analysis emphasizes that how one defines the term ‘green’ has important implications for developing a green criminology. At present, two options appear available. The first is the corporate path with its emphasis on reduced self-regulation, greater corporate control, a reduction in law and a greater reliance on forms of power useful for influencing law and its enforcement. This is by no means new, and the results have been less than successful (take, for example, Texas state policies under George W. Bush). This option, which emphasizes legal definitions, has resulted in less legal protection for those who are the victims of corporate green crimes. Therefore, to escape this dilemma and fulfill the ambitions previously outlined by those who have proposed a green criminology, only one viable option remains: the more radical environmental justice definition of green outlined above.

In selecting one or the other of these options, criminologists clearly make a value judgment, supporting the present problematic attitude toward criminal justice or pointing toward an alternative understanding of green crimes. We believe that a green criminology points toward the logical necessity of taking the latter path: choosing the former eliminates the distinction between a green approach and more widely accepted methods of investigating corporate or even street crime, thereby calling into question the rationale for green criminology itself.

However, more work remains to be done than was possible in the purview of this article toward elaborating more precisely what a green criminology would look like. No doubt some critics will respond that greens are more different than similar; that only violations of criminal law ought to count; that we have left out specific groups; that our view is not ‘objective’. But this journal has allowed an important discussion to begin, one that endeavors to redefine how environmental crimes are perceived and understood. In our view, this discussion should be open and public, allowing numerous sides to forward views and to be assessed by a broader audience. Whether or not this debate has a large or small impact on environmental crime research, its importance is undeniable, underlining the need for not only a sociological (as C. Wright Mills put it) but a vibrant and responsible criminological imagination as well.
Notes

1. *Time* recently suggested that British Petroleum and one of its top executives Sir John Browne are ‘unexpectedly green’ (Kluger, 2001: 36). Browne recently remarked, ‘we [British Petroleum] use compliance with the law as a minimum and then go beyond that’ (cited in Kluger, 2001).

2. The tendency to interpret the goals of environmental movements in a narrow manner can also be seen with respect to environmental justice movements. These movements tend to be mischaracterized as being concerned only with the distribution of environmental hazards across diverse races and classes. That movement, however, is also about social inequality that arises from the production process. Hofrichter states that ‘environmental justice is about social transformation directed toward meeting human needs and enhancing the quality of life—economic equality, health care, shelter, human rights, species preservation, and democracy—using resources sustainably’ (1993: 4, emphasis added).

3. Corporations spend a good deal of effort denying they have caused serious human-environmental injury. As evidence they point to their own studies—or studies funded by associations they support financially—to provide the scientific evidence needed to undermine legal standards of proof of environmentally linked victimization in any specific instance (Stauber and Rampton, 1995; Fagan and Lavelle, 1996; Karliner, 1997)—even when large-scale patterns exist, simple defenses are mounted. For instance, the corporation’s lawyers argue that executives, though possibly aware of production-associated risks, did not intentionally target specific individuals or groups to harm. Legally, the lack of such intention separates these behaviors from ordinary crimes. Moreover, in many instances the injured parties have placed themselves at risk.

4. A search for several words related to this topic (i.e. green, environment, Superfund, toxic, EPA, environmentalism) returned less than 15 journal articles in the *Criminal Justice Periodical Index* over a 12-year period. In short, even during a period of heightened environmental concern marked by growing scientific evidence of the devastating effects of environmental pollution on humans (e.g. Gibbs, 1995; Steingraber, 1998), criminologists avoided addressing environmental harms.

References


MICHAEL J. LYNCH is Professor and Director of the PhD Program in the Department of Criminology at the University of South Florida. His recent publications have appeared in *Sociological Quarterly, Criminal Justice Review, Mankind Quarterly, Critical Criminology* and the *Archives of Pediatrics and Adolescent Medicine*. His research includes radical criminology, environmental crime and justice, corporate crime and racial biases in the criminal justice system.

PAUL B. STRETSKY is an Assistant Professor in the Sociology Department at Colorado State University. His publications have appeared in several leading criminological and sociological journals, including *Social Problems, Social Science Quarterly, Justice Quarterly* and the *British Journal of Criminology*. His primary research interests are in the areas of corporate crime and environmental justice. In addition, he is currently studying the structural and organizational covariates associated with the level of corporate self-reporting of environmental violations under the Environmental Protection Agency’s Audit Policy.