

A CRITICAL DISCOURSE ANALYSIS OF CORPORATE ENVIRONMENTAL HARM

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Abstract

The aim of this research was to explore the discourses, and discursive practices, concerning corporate environmental harms. Continuing in the tradition of Schwendinger and Schwendinger (1975), I chose to utilise harmful acts that were not necessarily illegal by legal definition but often had a much greater impact upon the ecosystem (such as the pumping of radioactive waste by BNFL into the Irish Sea). As Kennedy (2005) demonstrates, corporate environmental harm can often refer to acts that are legal as a result of significant influence from corporate representatives. This dissertation firstly examines how modernity and capitalism have encouraged environmental destruction and then assesses how the media, lobby groups and governments perpetuate the discourses of corporate environmental harm. There is then a short case study of the illegal dumping of electronic goods and spent radioactive waste. The dissertation concludes by stating that there are a number of different discourses of corporate environmental harm, but that these work together in different ways to reproduce existing power relations.

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I. Prologue

I will not stay in the man-made tree.

(Spiral Tower, 'Man-Made Tree' (2007))

Only when the last tree has died, and the last river has been poisoned, and the last fish been caught, will we realise we can't eat money.

The Rainbow Warrior proverb of the Cree (AOCA, 2007: 65).

The first decade of the twenty-first century has seen a growing public interest in ecological and environmental issues such as global warming, sustainability, and recycling. With Hurricane Katrina and the Indian Ocean tsunami in 2005, record temperatures across Europe in the summer of 2006, and most recently the California wildfires in autumn 2007, environmental concerns are no longer minor issues on the political agenda. People around the world realise that they must become more respectful of the natural environment or face increasingly frequent disasters. Whilst these issues may often dominate current political discussion and the headlines in the British press, the criminological academy has been comparatively slow in producing a body of 'green' research. A decade ago, Nigel South called for the creation of a green criminological perspective, stating that, 'there is (as yet) no clearly identifiable 'body', 'school' or 'field' of 'green' work in criminology' (1998: 445). Even earlier, Larry Tifft and Dennis Sullivan argued in *The Struggle to be Human* (1980) for a 'greening of the consciousness' (1980: 15) and the questioning of power and authority when addressing corporate and state crimes. Since then, however, these calls have largely gone unheeded, with criminologists choosing to focus their attention once more on producing what Michel Foucault termed 'the chatter of criminology' (1977: 304; cf. Bauman, 1989: 29; Ruggiero, 2000: 5) in the 'safe' areas of drugs, youth crime and policing. As Tifft and Sullivan declare, criminologists 'prefer to spend time on researching parking meter fraud... than the struggles of humanity' (1980: 18).

Using the ideas of Michel Foucault as a starting point, I will assess the discourses that surround corporate environmental harm (referred to herein as CEH) and their subsequent effects. I will build an argument that relates to critical criminological perspectives concerning media and governmental perceptions of crime, corporate offending and the crimes of the powerful. To support this theory, I will utilise a number of environmental topics, such as the impact of recycling and the individualisation of environmental harm, corporate 'greenwash' and media coverage of environmental damage. What I will not undertake is a purely statistical, quantitative analysis of CEH or delve into the ambiguities of corporate accountability. These areas and approaches are alluded to in various chapters, but since adequate analyses (Hammond, Lynch, and Stretesky, 2000; Gouldson, 2006) already exist; they will not form the crux of this research.

Most importantly, my research will question the discrepancies between individual and corporate responsibility with regards to environmental destruction. First and foremost, who is made responsible for environmental crimes? My research will not

embark on a detailed legal analysis of who is responsible in the eyes of the law, instead highlighting trends indicating that by and large, issues such as global warming are placed at the feet of the consumer, rather than the corporation. With parties across the British political spectrum supporting the introduction of 'green' taxes, it would certainly appear that the former is being made liable for any damage done. Indeed, Council statutes enforcing the household recycling of glass, plastic, paper and garden waste have been introduced, while oil refineries worldwide consistently flout local, national and international regulations for emissions and efficiency (Gouldson, 2006), if any regulations exist at all.

Secondly, how does the media compare individual obligations with those of corporations? The *Independent* has recently championed the individual approach in a campaign against the excessive packaging of products, the premise being that consumers are encouraged to unwrap products that are overly packaged (the newspaper using the example of a shrink-wrapped onion) in-store. At first glance, this is a simple response from a liberal newspaper renowned for encouraging alternative (albeit capitalist) lifestyles and perspectives. Nevertheless, this campaign is one example of a growing trend in which individuals, for the benefit of corporations, shoulder the burden of all manner of environmental crises, from global warming to the depletion of fish stocks in the North Sea (Clover, 2004). People are encouraged to separate their waste into four or five containers under threat of a fine; lifestyle magazines and newspaper supplements publish guides on which fish to eat, and which to avoid; and supermarkets offer reward card 'points' for re-using plastic shopping bags. Just as in the 'Keep Britain tidy' and 'Keep America beautiful' campaigns against litter, the burden of wasteful excess packaging is placed upon the consumer (Dale, 2007: 121); corporations only consider acting if enough people complain loudly and often enough. Individuals are obligated at every turn to make these sacrifices, yet corporations continue to disobey what minimal legislation exists to reduce their environmental impact or 'carbon footprint'. While people can face custodial sentences for fly-tipping, corporations such as BNFL can continue to dump nuclear waste into the Irish Sea until 2020 - affluent which has been traced as far away as Norway (Martiniussen, 2003: 55).

Given the legal ambiguities demonstrated by the BNFL case, does the current framework of the legal system prevent states from effectively punishing CEH? After all, if crimes such as vandalism can be committed against built properties, then why not against the environment, especially given the human tendency to claim 'ownership' over it in the form of private property and nation-states. As Jonas states, 'the city of men, once an enclave in the non-human world, spreads over the whole of nature and usurps its place' (Jonas, in Bauman, 1989: 217). Certainly, the inexorable march of modernity also created a positivistic desire to separate, analyse and record scientifically, amongst other observable phenomena, racial characteristics, the habitats of animals and even sex (Foucault, 1978), the diversity of which had previously been attributed to God. Moreover, given the rational nature of modernity, does the choice by BNFL to illegally pollute the Irish Sea (as well as the British government's decision to permit this for the next decade) reflect a rational, bureaucratic decision that is the result of a cost-benefit analysis, or is it merely 'plunder dressed up as... 'the global economy'' (Anarchist Federation, 1995: 3)?

Furthermore, does the modernist ideal that ‘the city of men... usurps [nature’s] place’ (Jonas, in Bauman, 1989: 217) create an atmosphere where such offending is seen as acceptable in order to maintain profits?

The subsequent chapter will be dedicated to the methodological position of the research. From there, chapter Three will explore modernity, capitalism and attitudes of human superiority over the environment. Chapter Four will consider the role of the media, corporate-funded lobby groups and government action in shaping the discourse of CEH via Foucauldian perceptions of power/knowledge and truth. The latter section of this chapter will utilise a number of national and international laws and agreements such as the Courtauld Commitment and the European Union Emissions Trading Scheme. Chapter Five focuses entirely on issues of waste management such as the continued pollution of north-west European waters by BNFL and the planned obsolescence and disposal of electronic waste. Ultimately, I aim to create a piece of research that offers a green-critical perspective of one of the newest and most under-researched areas of criminology, demonstrating that criminological theory can be effectively applied to environmental issues.

II. Methodology

Present behind any research project there must be a considered methodological selection that is suitable both for the direction and content of the research, as well as its perspective, and for this reason I have chosen to utilise the method of critical discourse analysis in conducting my research. The study of discourse, Jaworski and Coupland affirm, is the study of ‘language use relative to social, political and cultural formations - it is language reflecting social order but also language shaping social order, and shaping individuals’ interaction with society’ (1999: 3). This definition also encompasses ‘non-linguistic semiotic systems... those of non-verbal and non-vocal communication which accompany or replace speech or writing’ (1999: 7).

Critical discourse analysis therefore allows for the widest possible selection of research material, incorporating television, internet and newspaper coverage, extending towards corporate advertisements, public relations material, governmental legislation and international treaties, alongside traditional journals and textbooks. The analysis of corporate and governmental sources continually highlights how ‘language itself becomes marketable and a sort of commodity, and its purveyors can market themselves through their skills of linguistic and textual manipulation’ (Jaworski and Coupland, 1999: 5), for example, ‘British Petroleum, BP, changing its name to Beyond Petroleum’ (Anarchist Federation, 2007b: 13). A quantitative analysis would fail to detect these seemingly minute acts and strategies that shape the wider perceptions of corporate actions. A table of ‘objective’ statistics relating to the numerical increase of incidents of CEH is often too abstract for people to relate to, as opposed to the intricate analysis of texts and images that they access on a daily basis, resulting in a more penetrating, powerful effect. Further, critical discourse analysis allows the author to connect these ‘local characteristics of communication to the analysis of broader social characteristics. It can let us see how macro-structures are carried through micro-structures’ (Jaworski and Coupland, 1999: 13), enabling one to demonstrate how power permeates every level and form of a particular action.

While it is true that the ‘motivation for doing discourse analysis is very often a concern about social inequality and the perpetuation of power relationships’ (Jaworski and Coupland, 1999: 6), the assertion that ‘critical discourse analysts need to see themselves as politically engaged, working alongside disenfranchised social groups’ (1999: 35) raises a number of problems. My research is certainly ‘politically engaged’, but it may not be clear which ‘disenfranchised social group’ I am working alongside. Am I working with the Western media audiences exposed to the advertisements and corporate misinformation analysed in the fourth chapter? Alternatively, am I working with those who suffer directly from acts of CEH, as could be inferred from chapter Five? To a certain extent, these groups overlap, intersect, and share commonalities, but for the most part have very diverse experiences of any given situation. A cursory glance at any instance of CEH will confirm this; for example, the events surrounding Shell’s conduct in the Niger delta, where information given to European media audiences differed greatly from the lived experiences of those communities living on land polluted by Shell (Okonta and Douglas, 2003: 150-157). During a European public relations tour in 1994 conducted

following the trial of Ken Saro-Wiwa, the leader of a non-violent organization seeking to reclaim oil reserves for the indigenous Ogoni population, the London-based Shell International Petroleum Company claimed that the corporation did not ‘collude with the military to perpetrate violence on oil-producing communities’ (2003: 157). It later emerged that Shell ‘had called for military “protection” in Ogoni on April 30th, 1993, when Willbros, its contractor, was laying pipelines in the area. The rampaging soldiers shot a man and wounded eleven others’ (2003: 180) and that Shell eventually admitted to paying the military.

In light of the difficulties raised by Jaworski and Coupland’s (1999) claims, as well Cameron *et al*’s (1999) and Ruggeiro’s (2000) criticisms of the advocacy position in social research, I have chosen to highlight the injustices committed against certain powerless groups, but not to the extent that I claim to speak for them. It would be impossible, unless I was undertaking a unitary case study of one particular instance of CEH, to identify with *any* one group to a considerable extent. A critical discourse analysis does not necessarily require a specific group that the researcher, out of empathy or pity, feels s/he should protect and defend. Instead, the researcher should identify a location or embodiment of power as a target for criticism - in my case, the corporations who commit harms, and the governments who protect, and in some cases justify, these actions. As a result, my research primarily attacks those powerful groups that commit environmental harms, rather than highlighting the plight of any particular oppressed group and thus restricting my analysis to a single incident.

Without a doubt, raising questions concerning power and ideological processes is a pivotal element in the critical analysis of discourse. Fairclough argues that:

A characteristic of a dominant IDF [ideological-discursive formation] is the capacity to ‘naturalise’ ideologies, i.e. to win acceptance for them as non-ideological ‘common sense’. It is argued that the orderliness of interactions depends in part upon such naturalised ideologies.

(Fairclough, in Jaworski and Coupland, 1999: 34)

The examination of these ‘naturalised ideologies’ is perhaps most notable in the work of Foucault, whose concept of power/knowledge underpinned his studies of insanity (1967), medicine (1973), criminal justice (1977) and sexuality (1978), and also in Zygmunt Bauman’s *Modernity and the Holocaust* (1989). Referring to the initial stages of Jewish segregation in Nazi Germany, Bauman states that, with the advent of modernity, the ‘Separation of the Jews had lost its naturalness.... New *naturalness* now had to be laboriously *constructed* and grounded in *authority*’ (1989: 57). Segregation required justification, and so an entirely new discourse formed around anti-Semitism that justified this segregation. In the same manner, as scientific advances demonstrate the enormous damage that waste and pollution causes, environmental harm required more stringent justification, and so, in turn, a whole discourse has emerged that justifies, contests and even denies this harm. Everything in a modern society, Bauman asserts, is ‘manufactured, built up, rationally argued, technologically designed, administered, monitored and managed’ (1989: 57). It is this emphasis on bureaucracy, rationality and technology

within modern societies that forms the crux of the following chapter.

III. Corporate Environmental Harm, Modernity and Neoliberalism

Then God said, "Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock, and over all the earth... be fruitful and multiply, and replenish the earth, and subdue it."

(Genesis 1: 26-8)

In the opening chapter, I cited Hans Jonas' claim that today, 'the city of men, once an enclave in the non-human world, spreads over the whole of nature and usurps its place' (Jonas, in Bauman, 1989: 217). Between this assertion and the passage that heads this chapter, one can build a picture of a continued ambition that has been present throughout human history: dominance of the natural world. Since the earliest civilisations took control of the land via agriculture, there have been consistent efforts to 'imprint a human meaning onto the Earth' (Gray, 2003: 8), for instance, Linnaeus' classification of animal species (Foucault, 1972: 77). In the words of John Gray, 'Industry was an expression of human power over Nature' (2003: 8), the most recent human intervention that has brought the entire biosphere under control to aid further human progress. This belief in human perfection and dominance of the world 'shapes the programmes of mainstream political parties throughout the world... [and] the policies of agencies such as the International Monetary Fund' (2003: 3); as a result, we encounter these attitudes of destiny and supremacy on a daily basis. Addressing this drive for perfection, Bauman comments that the defining mechanisms of the Holocaust - bureaucracy, scientific engineering, industrial efficiency and the division of labour - are 'normal... in keeping with everything we know about our civilisation, its guiding spirit, its priorities, its imminent vision of the world' (1989: 8). Just as Foucault (1977) reveals the prison as a technological achievement of modernity created by knowledge, science, and bureaucracy, Bauman presents the Holocaust as a *possibility* created by these same mechanisms, a possibility that 'uncovered another face of the same modern society whose other, more familiar face we so admire' (1989: 7).

The central tenet of modernity is that 'science enables humanity to take charge of its destiny' (Gray, 2003: 5). This view of 'history as a moral drama in which the last act is salvation' (2003: 7) is a direct descendent of Judeo-Christian theology, while the beliefs in teleological destiny and human dominium, Gray adds, confirm modern ideologies as a 'new version of Christianity in which the human species became the Supreme Being' (2003: 30). With science at its side and nature beneath it, humanity could create the future, 'viewing the society it rules as an object of designing, cultivating and weed-poisoning' (Bauman, 1989: 13). Using science and technology, humanity could then 'extend its power over the Earth's resources and overcome the worst forms of natural scarcity' (Gray, 2003: 2-3). This absurd belief in the end of resource scarcity is also present in the Neoliberal theory of the global free market, which predicts that,

If demand exceeds supply, resources will become expensive. As a result, new supplies will be found, or technological alternatives developed. In this view, so long as market pricing is in place and technological innovation

continues, economic growth cannot be derailed by scarcity. For all practical purposes, natural resources are infinite.

(2003: 59)

Moreover, Lourdes Benería, a prominent feminist economist, warns that ‘This earth is in danger of not being able to support all this unregulated economic activity, and we now have a very serious ecological crisis’ (Benería, in Green, 2008: 63). Still, governments remain reluctant to implement too much regulation at the risk of corporations simply moving their business to another country where pollution and emissions regulations are less stringent (Ward, 2004: 90).

Both of these decisions, firstly by the government, and secondly by the corporations, are a result of rational cost-benefit analyses. To return to Bauman for a moment, ‘the choice of physical extermination as the right means to the task of *Entfernung* was a product of routine bureaucratic procedures’ (1989: 17). By 1942, the forced immigration of Jews was becoming impractical for ‘the authorities of the countries to which the flow of emigrants was being directed’ (University of Pennsylvania, 2007: 3). That year, at the Wannsee conference, General Heydrich proposed a ‘final solution to the Jewish question’ (2007: 1), an act Bauman confirms as ‘an exercise in the rational management of society’ (1989: 72). In this case, a problem was identified, and it was concluded that the least expensive course of action was extermination.

The issue of recycling offers a clear-cut example of how bureaucratic decisions are made. In 2005, the US Environmental Protection Agency (EPA) estimated that ‘between 1.5 and 1.9 million tons of computers, TVs, VCRs, monitors, cell phones, and other equipment were discarded’ (Carroll, 2008: 71), and that ‘more than 70 per cent of discarded computers and monitors, and well over 80 per cent of TVs, eventually end up in landfills’ (2008: 71). Unlike the European Union, the United States does not require companies to set up schemes to recycle the unwanted or out-of-date products that it creates. Predictably, ‘The result of the federal hands-off policy is that the greater part of e-waste sent to domestic recyclers is shunted overseas’ (2008: 74), often to China or West Africa where environmental regulations are lax or non-existent. Recycling plants do exist in the USA, but ‘under current policies, pound for pound it is still more profitable to ship waste abroad than to process it safely at home’ (2008: 80). As Bauman acknowledges, ‘What matters is the efficiency and lowering of costs of... processing’ (1989: 104).

Another concern raised by these bureaucratic networks is the difficulty in assigning responsibility for CEH. In *On Violence* (1969), Hannah Arendt identifies that in a bureaucracy, ‘there is no one left who could even be asked to answer for what is being done... making it impossible to localise responsibility’ (1969: 38-39). This opens up a myriad of opportunities to deny and alleviate responsibility for acts. Corporations have even pushed the boundaries of culpability to include the customers who pay their wages, for example, in the debate over ‘food miles’ - the distance travelled by a particular food from where it was grown to where it was bought. The supermarkets utilise the theory of supply and demand and blame the demand of consumers for products all year round,

rather than their own failure to take constructive steps towards reducing pollution. Additionally, Jenny Uechi observes that the space between the point of production and the point of consumption is ‘perhaps the broadest it has been in all of human history - propped open... by supermarket shelves, international shipping lanes, high-density feedlots, outsourced processing facilities and agribusiness marketing’ (2008: 30). This is in marked contrast to the pre-industrial period, where people ‘had daily contact with the sources of their food’ (2008: 31), but as migration to cities increased, the ‘connection between the food products and the source gradually became unnecessary’ (2008: 33). This space is not just physical, however, but also psychological. Whereas a cookbook from 1873 ‘depicts a cow situated in a meadow, meat charts by the 1900s depicted animals only as dotted outlines, with no eyes and no context of the cow situated on a farm’ (2008: 32). By 2007, cookbooks show only the processed meat, ‘with zero indication of the meat’s history as part of a living animal, much less a part of the ecological landscape’ (2008: 32). Writing on atrocities committed by governments upon their own people, Stanley Cohen (2001) explores the concept of distance and the denial of harm by bystanders. If one lives in the country where the atrocity is occurring, then ‘Any outcome of the conflict will directly affect your life’ (2001: 19). However, if the incident takes place thousands of miles away, then ‘the flat, one-dimensional information (headlines, sound-bites, and fifty-second TV clips) we receive’ (2001: 19) hold less emotional and practical significance, and are therefore easier to deny or forget. In the globalised world, the waste pollution from a factory farm producing meat in the United States (Kennedy, 2005: 34) has little practical significance for people buying that product from their local supermarket. This isolation and distance prevents consumer visibility of the actions of corporations and thus creates a ‘moral indifference’ (Cohen, 2001: 98) to CEH.

I referred at the outset of this chapter to the total domination of the environment by humans in the modern era, and that society was a project consisting of ‘designing, cultivating and weed-poisoning’ (Bauman, 1989: 13). Jonas’ observation of the expansion of the ‘city of man’ referred to the emergence of nation-states, whose boundaries and frontiers meet always with those of other nations; even the seas and skies are subject to varying degrees of ‘ownership’ from nations. Speaking of the Jewish Diaspora, Bauman states that ‘the world tightly packed with nations and nation-states abhorred the non-national void’ (1989: 53). This abhorrence is not limited to ethnic ‘voids’, but also spatial voids: consider the status of Antarctica, an entire continent that exists without formal borders or a state due to its inhospitable climate and terrain. Still, a number of nations have claimed ownership of enormous areas of the continent (Dorling Kindersley World Atlas, 1997: 204-205), the as-yet untapped resources beneath the continent undoubtedly the primary reason for these claims, despite a permanent cessation on commercial mining (Protocol on Environment Protection to the Antarctic Treaty, 1991: Article 7). However, this restriction applies only to activities ‘relating to mineral resources, other than scientific research’ (1991: Art. 7), and the experience of Japanese whaling fleets operating in direct contravention of whaling moratoriums indicates that sooner or later the mining ban will likely be breached.

Even where established states exist, Neoliberals charge state intervention with

‘distorting the economy and [an entity] to be restricted to defending private property, national defence and, in the monetarist version of Neoliberalism, overseeing the money supply’ (Harman, 2008: 92). According to the Blue Mountain Working Group, a group of academics who monitor the American right, the leading issues for free-market proponents are ‘the protection of property rights over human rights; preservation of individual wealth; a rapacious form of unregulated free market capitalism’ (BMWG, in Rowell, 1996: 43). The sanctity bestowed to private property by these beliefs permits corporations to act as they wish with their property, and groups such as People for the West! have been created in order to campaign for the reintroduction of a 19th century mining law that ‘allows anyone who finds valuable mineral resource deposits on federal land the right to purchase that land for a maximum of \$5 per acre’ (Rowell, 1996: 90). Evidently, this law is enormously beneficial for the mining industry, but the ridiculous selling price renders the protection of the environment impossible. The BMWG adds that free market beliefs ‘include opposition to... government regulations concerning health, safety and the environment’ (BMWG, in Rowell, 1996: 43). Attempting to justify this, the Business Council for Sustainable Development (BCSD) argue that free trade ‘is essential for sustainable development’ (BCSD, in Rowell, 1996: 124), and ‘the only rational, fair and democratic allocator of goods and services’ (McChesney, in Chomsky, 1999: 8). Instead, corporations hope to sidestep regulation by adhering to ‘Voluntary codes of practice filled with vague ambiguous language, such as sustainable development’ (Rowell, 1996: 104). However, Rowell believes that such policies are ‘a corrupted oxymoron... that translates into ‘business as usual’ (1996: 125), allowing companies to break the rules they set themselves with no adverse consequences.

Capitalist development requires infinite growth, and sustainable development is seen as a form of development ‘that will allow a company to remain in business forever’ (Dowie, in Rowell, 1996: 125). Addressing the United Nations on the subject of climate change, Evo Morales, the socialist President of Bolivia, criticises this approach, accusing corporations of ‘proposing to continue as before, and paint the machine green, which is to say, continue with growth and irrational consumerism and inequality, generating more and more profits’ (Morales, in Fuentes, 2008: 56). Morales continues, stating that the World Bank’s proposed solution is to ‘end subsidies on hydrocarbons, put a price on water and promote private investment in the clean energy sector’ (2008: 56). Rather than recommend a constructive approach to reducing emissions and pollution in order to preserve the environment, the World Bank strategy shelters capitalist interests from the predicted economic storm, thus increasing the cost of living for billions of people. This reflects the overall result of Neoliberal policies: rewarding corporations with a free market and punishing workers and consumers by abolishing state restrictions to big business. Echoing Morales’ statement, anarchist thinker Noam Chomsky starkly proclaims that ‘under capitalist conditions - meaning maximisation of short-term gain - you’re ultimately going to destroy the environment’ (2003: 59).

The second major task set down in Genesis, the replenishment of the earth, has been all but forgotten by the believers of dominion theology Christianity, who argue that ‘‘man’ can basically do what he wants to the animals, plants and resources of the earth, with God’s express permission... there are basically no limits to exploiting the earth’

(Rowell, 1996: 9). This may appear to be a small, sect-based belief, but when it emerges that dominion Christians fund large US corporate lobby groups such as the National Legal Center for Public Interest, Wise Use and the Center for the Defense of Free Enterprise (Rowell, 1996; Kennedy, 2005), who argue for complete deregulation of markets, the influence of these groups becomes far-reaching and ties in neatly with the modernist vision of an enslaved environment to be continuously harvested. In the subsequent chapter, I shall discuss the effect these groups, as well as the media and corporations themselves have in shaping governmental and societal debates around environmental harms.

IV. Power, Knowledge and Harm

Make a million living things suffer... / What of that change that could save everything?... / Budgets that burst with oil-crude gas in purse, no compassion / Common criminals seek asylum, concrete pillow / Exxon dreams, hidden hierarchy, no one in power taking blame.

(Skinny Puppy, 'Hexonxonx' (1989))

Having identified that modernity and Neoliberalism encourage environmental degradation owing to ideas of human destiny and unrestrained economic progress, I now turn my attention to some of the methods by which the discourse of CEH is reproduced. The discourse of any crime or harm is multifarious, Lynch and Stretesky remarking that 'The social construction of crime does not involve images and definitions alone... it can involve actions and behaviours that act as illustrative symbols as well as the behaviour of law enforcement agencies' (2003: 219). Alongside pollution and destruction, this chapter will focus on the role of corporations in the climate change debate. It will also be necessary to analyse corporate-funded lobby groups and advertisements portraying corporations as 'green', what Phil Scraton terms the 'self-serving and self-preserving 'spin' of governments, state institutions and corporations' (2002: 28-29).

(a) Mass Media and Corporate Advertising

The most visible location in which discourse is reproduced is the mass media. Noam Chomsky attests that the 'press is huge corporate interests... kept alive by other businesses, through advertising' (2003: 24). The history of criminologists making similar statements is extensive, William Bonger (1916) taking the view that 'the press is the opposite of what it ought to be; it represents the interests of those who pay for advertisements or for articles' (2003 [1916]: 59), an opinion echoed by Edwin Sutherland (2001 [1945]: 19). Moreover, Stuart Hall, in *The Politics of Thatcherism* (1983), believes that 'The colonisation of the popular press was a critical victory in this struggle to define the common sense of the times' (1983: 29) following the collapse of some of the major 'workers' newspapers in Britain in the 1960s (Chomsky, 2003: 122). Hall adds that the right-wing British press of the following decade focused on 'the elaboration of... populist language and the reconstruction of a free-market ethic' (1983: 29) in order to secure support for the election of Margaret Thatcher in 1979. This pro-free market, business friendly position remains, allowing corporations to advertise themselves as 'green' organisations and promote the free market as the sole solution for ensuring environmental protection.

Enormous marketing budgets have enabled corporations to take control of these environmental debates. The left-leaning *Independent* newspaper has been particularly eager to include advertisements from companies who claim to have modified their operations to prevent environmental damage. In August 2007, the newspaper published a series of articles in association with HSBC focusing on the responsibility of businesses in mitigating climate change. The articles are essentially opinion pieces for the bank, in which they espouse their green credentials and the pioneering role that global business

plays in ‘combating climate change’ (2007: 1). The first article in the series stated that ‘Business absolutely depends on a healthy global environment, which produces its raw materials and provides services ranging from supplying clean air and water to receiving its properly treated waste’ (2007: 1). Despite the sterile description of the environment as a ‘service provider’ and a ‘supplier’, this statement appears to show that businesses desire a clean, safe environment, and that pollution control is in the best interests of all groups in society. However, the real nature of the article is revealed when the authors propose that ‘New regulations and taxes brought in to force companies to cut emissions can bear down on them.... It is important that Governments are consistent and fair in bringing in such measures’ (2007: 1). In keeping with the negative view of state intervention highlighted in the last chapter, businesses wish to ‘self-police’ their pollution rather than submit to state regulation.

Vehicle manufacturers have also taken to advertising their environmental responsibility in an effort to build a positive corporate reputation. In the January 2008 issue of *National Geographic* magazine, an advertisement by the Japanese manufacturer Toyota confirmed the company’s commitment ‘to preserving the delicate balance between man and nature’ (2008: back cover). Two months earlier, *National Geographic* featured a four-page advertisement of Toyota’s hybrid engine, an engine that allows vehicles to ‘run on half the amount of fuel that conventional cars would need’ (2007b: 6). However, since only one Toyota model, the Prius, is sold with this engine, it is unlikely that the engine will have a significant impact in preserving this ‘delicate balance’. Even if all cars were fitted with a hybrid engine, the 50% reduction in car fuel emissions would fall well short of the 90% reduction in all emissions deemed necessary before 2030 to prevent a rise of more than 2° Celsius in average world temperatures (Monbiot, 2007b: xxii). Another manufacturer, Land Rover, offered buyers of their Discovery 3 model a ‘CO₂ emissions offset for the first 45,000 miles’ (National Geographic, 2007a: 4) of the car’s lifespan. However, the effectiveness of offsetting schemes is both uncertain and unproven, and merely permits the continuation, rather than force any significant reduction, of pollution (Monbiot, 2007b: 210-212; Smith, 2007b).

The aim of these advertisements is to convince consumers that companies are doing as much as they can to alleviate harm. Often, however, these companies are engaging in a token gesture, but otherwise continuing with ‘business as usual’. For instance, an advertisement by Royal Dutch Shell in *National Geographic* magazine in October 2002 stated that the company was

working to increase the provision of cleaner burning natural gas and encouraging the use of lower-carbon fuels for homes and transport. It’s all part of our commitment to sustainable development, balancing economic progress with environmental care and social responsibility.

(National Geographic, 2002: 3)

This ‘balance’ between environmental protection and economic progress is a compromise on the health of the ecosystem that is preferable only as long as it does not damage profits. Steven Poole identifies the policy of sustainability as ‘a financial approach by

which the oil industry as we know it might be sustained... [with] the minimum amount of environmental care that was affordable by those whose activities harmed the environment' (2007: 62). These advertisements also fail to highlight Shell's appalling human rights and environmental record in Nigeria, where the company has engaged in gas flaring, military funding, the building of pipelines over the property of the Ogoni people and the use of hydraulic fracturing to find oil sources (Okonta and Douglas, 2003).

(b) Corporate Lobbying and Front Groups

If the goal of advertising is to secure popular support for corporate strategies, then the goal of lobbying is to obtain endorsements from political figures and parties. Andrew Rowell states that 'industry is spending vast amounts of money on public relations in an attempt to... co-opt the environmental debate' (1996: 2). These tactics bear the hallmarks of Stanley Cohen's concept of interpretive denial, where 'By changing words, by euphemism, by technical jargon, the observer disputes the cognitive meaning given to an event and re-allocates it to another class of event' (2001: 8). Steven Poole believes that such processes were behind the renaming of 'global warming' to the friendlier, more neutral 'climate change', which: 'seems to assign no blame... [and] works to support the notion, eagerly propagated by the Bush administration, that there is a controversy about whether there is warming, and if there is, whether humankind is to blame' (2007: 45).

This manipulation of language is also evident in the names of corporate-funded groups such as the Global Climate Coalition, the World Business Council for Sustainable Development, and the Information Council on the Environment, which despite their pro-environment sounding names, support 'unlimited unregulated resource extraction' (Rowell, 1996: 27) and are engaged in 'an active campaign of dissuasion' (Monbiot, 2007b: 22) regarding environmental harm. Many of these groups do not publish their 'research' in peer-reviewed journals, and as Monbiot states, 'For those who do not understand that scientific findings cannot be trusted if they have not appeared in peer-reviewed journals, the names of these institutes help to suggest that serious researchers are challenging the consensus' (2007b: 28).

Despite this, the lobby groups who conduct this research, and their corporate paymasters, deem this research to be 'sound science' (Monbiot, 2007b; Poole, 2007), a term invented by the ExxonMobil-funded Advancement of Sound Science Coalition. The term describes scientific research that, amongst other things, denies the true impact of climate change and the effects of passive smoking on children (Monbiot, 2007b: 32-35). ExxonMobil is known to have funded at least 124 organizations that 'take a consistent line on climate change: that the science is contradictory, the scientists are split, the environmentalists are charlatans' (2007b: 27). The extent of this funding is extraordinary, but Monbiot asserts that such a massive funding drive 'helps to create the impression that doubt about climate change is widespread' (2007b: 28), and that, as a result, such science is indeed 'sound'. By funding so many organizations, it appears as if the scientific community really *is* split on the debate. With ExxonMobil's quarterly profits running at \$10 billion (2007b: 27), it is without doubt that 'the capacity to manipulate [discourse] is

greater the more capital one possesses' (Bourdieu, 1999: 505).

Given the extent to which corporations such as ExxonMobil have produced knowledge on the environment, and the impact this has had on environmental debates, it is difficult not to see these lobby groups as Foucauldian 'judges of normality' (Foucault, 1977: 304). Politicians and governments refer to this scientific research in the same way that judges appeal to psychiatrists, probation officers and social workers - in order to 'assess, diagnose, recognize the normal and abnormal and claim the honour of curing or rehabilitating' (1977: 304). Indeed, it was from these lobby groups that the American Congress took scientific and economic advice on withdrawing from the Kyoto Protocol (Spash, 2008: 65). Nevertheless, this 'curing or rehabilitating' is merely the positioning of individuals, or in this case the environment, 'within a hierarchy... fixed in definite relations of domination' (Foucault, 1977: 291). The environment is secondary in importance to the economy and is dominated by it, a sentiment particularly evident in the policy of sustainability mentioned earlier in the chapter. How is this priority of the economy over the environment expressed in governmental policies?

(c) Governmental and Intergovernmental Responses to CEH

With both American and British voters consistently electing neoliberal governments since the 1980s (often with few or no alternatives), the demands from corporations for deregulation have unfailingly been met with enthusiasm (Kennedy, 2005). With an army of researchers, lobbyists and PR companies at their disposal, corporations have been able to shape both popular and political opinion on the environment. In the three years between his election and 2003, the Bush administration 'launched over 300 major rollbacks of US environmental laws, rollbacks that are weakening the protection of [America's] air, water, public lands and wildlife' (Kennedy, 2005: 3). President Bush has also been keen to employ CEOs from various industries in his administration, Kennedy stating that the President's administration 'boasts more CEOs than any in history. Most come from the energy, extractive and manufacturing sectors that rely on giant subsidies and create the worst pollution' (2005: 5). Furthermore, the White House recruited former American Petroleum Institute lawyer Phil Cooney 'to control the presentation of climate science. He edited scientific reports, striking out evidence that glaciers were retreating... When the revelations were published he resigned and took up a job at Exxon' (Monbiot, 2007b: 39).

Inevitably, the implementation of corporate figureheads into senior governmental roles and *vice versa* has not been exclusive to the United States. In the United Kingdom, 'Lord Sainsbury is a Parliamentary Undersecretary [and] three of Tony Blair's former advisors are now employed by Tesco' (Solidarity Federation, 2008: 16), helping to create a compliant atmosphere for the expansion of major supermarkets in the New Labour era. Many of these supermarkets are amongst the corporations that have signed up to the British government's 'Courtauld Commitment', a voluntary agreement that requires signatories to reduce packaging on its products. *The Independent* claims that 'The backing of nine major grocery suppliers for the Courtauld Commitment, the Government's voluntary agreement on packaging, should mean saving thousands of

tonnes of plastic and paper from landfill in the next three years' (Hickman, 2007b: 1). While action such as this is a tentative step in the right direction, the Commitment aims by 2010 'to cut packaging by 340,000 tonnes' (2007b: 1), just five per cent of the 6.3 million tonnes generated annually. Moreover, *The Independent* observes that this waste costs 'the average family more than £400' (2007b: 1) per annum, meaning that should the Commitment be a success, each family would make an annual saving of just £20.

The Courtauld Commitment was one of the few government proposals on excessive waste that focused on the producer rather than the consumer. One of the British government's plans was to introduce a 'waste tax' that utilised microchips placed inside household bins to monitor how much waste people used (Anarchist Federation, 2007a: 11). Lynch and Stretesky blamed this focus away from corporate activities on the fact that 'Consumers have been encouraged to 'think' and 'buy' green, and to associate green practices with specific corporate advertising rather than with environmentally friendly production practices' (2003: 221). With the corporations in control of the environmental debate, 'consumers could become 'green' simply by altering their purchasing behaviour, i.e. buying 'green' products from companies that claimed to be 'green' (2003: 220). This is perfect for the neoliberal CEOs and government ministers, as the blame, and any subsequent regulations, are steered towards individuals, as seen in the proposed plans for household waste monitoring.

Lenient environmental agreements have been also been implemented at an international level by the European Union (EU). The EU Emissions Trading Scheme (EUETS) is a market-based solution whereby emission 'permits' are issued to corporations at no cost based on their annual emissions figures. The aim is for corporations to reduce the amount of permits they require year-on-year, the incentive being that any unused permits are traded on a market to corporations from across the EU. However, because corporations self-calculate their emissions, they can - and do - overestimate their figures, selling on excess permits and failing to reduce emissions. Kevin Smith (2007a) identified this as one of the main concerns regarding the ETS, revealing that 'the four biggest European power producers - Eon, RWE, Vattenfall and EnBW - have profited from this to the tune of 6 billion and ###8 billion' (2007a: 20). George Monbiot (2007a) focuses on the inequality of the EUETS, proclaiming that:

By handing out CO₂ emissions permits, free of charge, to the European companies who pollute most, it ensured not only that the polluter was paid, but also that something which belongs to all of us - the right, within the system, to produce a certain amount of carbon dioxide - was given to the corporations.

(2007a: 111)

The EUETS encourages companies to make a profit first, and at best ensures a levelling off of pollution rather than a reduction. If the cost of buying carbon credits is greater than the costs of upgrading technology or manufacturing processes, then the outcome will be continued pollution. As a result, 'corporations that release... substances into the environment in amounts that meet established regulatory limits are praised as

‘exemplary environmental citizens’ (Lynch and Stretesky, 2003: 220). Even if a corporation never reduces its emissions, choosing instead to buy more and more permits, it would not face any adverse consequences within this system.

In an analysis of the US Department of Justice’s (DoJ) use of the federal antitrust laws, Edwin Sutherland found that the DoJ had ‘selected the method of criminal prosecution in a larger proportion of cases against trade unions than of cases against corporations’ (2001 [1945]: 17). Sutherland concluded that the DoJ ‘has been comparatively reluctant to use a method against business firms which carries with it the stigma of crime’ (2001 [1945]: 18). Criminal justice is ‘a way of handling illegalities, of laying down the limits of tolerance, of giving free rein to some, of putting pressure on others’ (Foucault, 1977: 272), where corporate harms are subjected to economic, rather than legal, opprobrium. The court is no longer the location where all crimes are tried, but where ‘a social category with an interest in order judges another that is dedicated to disorder’ (1977: 276), and protects those of a similar stature from legal scrutiny. The bias that exists in favour of the powerful members of a society ‘makes it possible to leave in the shade those [crimes] that one wishes to - or must - tolerate’ (1977: 277; cf. Tifft and Sullivan, 1980: 17). By proposing to let the market ‘police’ itself, corporations bypass the stigma of crime altogether.

V. A Case Study: Waste Management and Disposal

She gave us all she had, but we went and took some more / Can't seem to shut her legs, our Mother Nature is a whore.

(Nine Inch Nails, 'Survivalism' (2007))

Having outlined the incompatibility of the modern, capitalist system with adequate care of the environment, as well as a number of the methods that corporations and governments employ in the justification of environmental degradation, the final objective of my research is to undertake a case study in which the arguments of the previous chapters can be developed further. To complete this task, I have chosen the question of waste management, specifically the areas of planned obsolescence in the electronics market and toxic dumping.

In the previous chapter, I outlined the government's voluntary agreement, the sclerotic Courtauld Commitment, which encourages manufacturers and distributors to reduce total packaging by 340,000 tonnes by 2010 - five per cent of existing levels. However, this agreement takes into account packaging only, and does not cover the '1.6 million tonnes of food waste' (Mesure, 2008: 14) that retailers dispose of each year. Mesure, quoting a report by Imperial College, London, claims that 'supermarkets preferred to throw away food that was approaching its sell-by date rather than mark it down in price. "The cost of staff time is greater than the money made on reduced items"' (2008: 14). This cost-benefit analysis echoes Bauman's remarks that in a bureaucracy all decisions are driven by 'efficiency and lowering of costs of... processing' (1989: 104). In a capitalist system, the maximisation of profits takes primacy over all other concerns.

Also highlighting the use of the cost-benefit analysis was another article in *The Independent* by Woolf and Lean (2007), this time highlighting the problem of planned obsolescence in the computer market, an area that, due to its high rate of product disposal, 'now does as much damage to the climate as aircraft emissions' (2007: 1). The article states that each personal computer 'takes around 1.8 tons of chemicals, fossil fuels and water to produce' (2007: 1), and typically lasts 'for three years and, once junked, most are buried in landfill' (2007: 1). Carroll (2008) is more pessimistic, stating that computer power 'roughly doubles every two years... at any given time, all the machines considered state-of-the-art are simultaneously on the verge of obsolescence' (2008: 69-70). Because of such rapid obsolescence, Woolf and Lean note that, 'The soil where [computers] are buried can become polluted with cadmium and mercury' (2007: 1), so much so that 'a campaign to press computer manufacturers to cut their carbon footprint.... [and] make it easier for people to upgrade their computers rather than replacing them every few years' (2007: 1) has begun. From this information, significant reductions in emissions rates and ground pollution could be achieved if manufacturers produced computers that were at the same time more energy efficient and longer lasting. Since each computer 'generates 0.1 tons of CO₂ in a typical year' (2007: 1), it is clear that efforts by companies to reduce emissions rather than individuals would create much more beneficial results.

Another incident referred to in an earlier chapter was the shipping of hazardous waste from the first to the third world, where there is often little or no legislation governing its disposal. This arises from the 1989 Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Gourlay, 1992: 193-195), a Convention originally drawn up to *prevent* such shipments. At the negotiations for the Convention, the United States, supported mainly by Japan and the United Kingdom, opposed the proposal to notify importing countries as to the cargo of ships carrying hazardous waste, the proposal to prohibit exports to countries with less stringent waste-handling laws than the exporter, and the proposal to ban exports to non-signatory nations. Coupled with the considerably weakened Convention, and as a result of 'a growing number of state laws that prohibit dumping of e-waste, which may leak lead, mercury, arsenic, cadmium, beryllium and other toxics into the ground' (Carroll, 2008: 71), recycling companies are now selling hazardous electronic waste to 'brokers who ship it to the developing world where environmental enforcement is weak' (2008: 71). Despite the Convention being converted into EU law, Carroll also observes that 'untold tons of e-waste still slip out of European ports, on their way to the developing world' (2008: 74), proving that even the slightest regulatory manoeuvres 'create a highly profitable domestic and international trade in illegal disposal and dumping of hazardous toxic waste' (South, 1998: 453). The solution for American waste appears to be 'a certification process [operated by the EPA] for recyclers that would define minimum standards for the industry' (Carroll, 2008: 80), but such regulation may prove uncomfortable for free market advocates. A European-style scheme that requires producers to take responsibility for obsolete goods would be equally unlikely, if not more so, given the current control of the EPA by corporate bedfellows under the supervision of the Bush administration (Kennedy, 2005: 124-129).

Calls to reduce the output or increase the expenditure of a business in order to protect the environment lie in fundamental opposition to the continuous profit that capitalist economies idolise. The likelihood that manufacturers will take any notable steps towards producing longer-lasting computers that use less energy is therefore slender. Instead, offering a small, symbolic token of environmental responsibility, the electronics retailer Dixons decided to 'pioneer a phase-out of energy-guzzling stand-by functions on TVs and DVD players that drain electricity and waste money' (Hickman, 2007a: 1). The decision was, like the decision to throw away millions of tons of in-date food a year, a purely economic one, the retailer admitting that it was only forcing suppliers to 'ditch stand-by after noticing a rise in the sale of energy-efficient products' (2007a: 1). This cynical admission did not stop *The Independent* claiming that the move was an example of 'the company's new green approach' (2007a: 1). Still, Dixons set 'no date for the end of stand-by' (2007a: 1), and the decision remains to be enforced in British stores. Meanwhile, the Energy Savings Trust, as if to remind readers of the real environmental criminals, quipped that 'there are things that householders can do here and now in their homes to help minimise the environmental impact of their electronic equipment, such as turning existing appliances off stand-by when they're not in use.' (2007a: 1).

The dumping of enormous amounts of disused electronic goods in West Africa has had an equally large impact on the environment and the health of the local people.

These electronic goods routinely contain mercury, cadmium and lead, and it is no surprise that in one Chinese town where the dumping of electronic waste is rife, the air 'contains the highest amounts of dioxin measured anywhere in the world' (Carroll, 2008: 78). Further, the soil, plants and animals all had detectable levels of carcinogens that damaged foetal development in pregnant woman and wreaked havoc on immune systems. In the eastern Chinese province of Hebei, to the south of Beijing, factories producing leather dump large quantities of waste water containing chromium is disposed of in local rivers, and 'Many polluting businesses... ignore the rules because the penalties, when enforced, are so low' (Becker, 2004: 94).

Even so, waste dumping does not occur only in the third world and those areas where it is difficult for the typical Western tourist or reporter to reach. The mafia has a long history of transporting toxic waste on behalf of corporations based in northern Italy and disposing of it in the Bay of Naples (South, 1998: 453). British Nuclear Fuels (BNFL), the operator of the Sellafield nuclear facility in north-west England has consistently dumped radioactive waste into the nearby Irish Sea, material that has been detected as far away as the Barents Sea (Martiniussen, 2003: 7), off the coast of the Russian Federation. Due to the continued influx of radioactive waste, 'the Irish Sea is now the most radioactive in the world' (Rowell, 1996: 138), and 'large releases of the radioactive element technetium-99 (Tc-99)... is largely responsible for the pollution of the Norwegian coast' (Martiniussen, 2003: 7). The revelation that waste from Sellafield rounds the Western Isles of Scotland and crosses the northeast Atlantic on its way to the Barents Sea obviously raises further questions about how large an area Sellafield waste has contaminated. Erik Martiniussen, the author of *Bellona Report 8: Sellafield* (2003), states that:

In July 1998, the British government signed an agreement [OSPAR - the Oslo-Paris Convention for the Protection of the Marine Environment in the North-East Atlantic] that in reality commits the country to halt all radioactive discharges by 2020... The OSPAR agreement also obliges signatories to reduce radiation releases to levels where the additional concentrations in the marine environment above historical level... are close to zero.

(2003: 60)

However, in direct contravention of the OSPAR Convention, estimates by BNFL and the Department for Environment, Food and Rural Affairs (DEFRA) suggest that 'the company plans to increase its discharges of a number of different fission products in the coming years' (2003: 60). The British government is fully aware of this and has yet to punish BNFL for its failure. There is no doubt that the activities of BNFL at the Sellafield facility are the sole reason that Britain will fail to meet the targets set out by the OSPAR Convention. Outside of the Convention, BNFL, as a state-owned corporation, is permitted to dispose of radioactive waste into the Irish Sea.

The fact that such widespread pollution has been permitted solidifies Foucault's assertion that the legal system exists as a system for 'handling illegalities, of laying down

the limits of tolerance, of giving free rein to some, of putting pressure on others' (1977: 272). Speaking of this legal system, Tiftt and Sullivan (1980) affirm that

The prison, the new policy proposals for deterrence that seek 'outright' punishment, service the elites... protecting the interests of those who promote militarism, those who pollute or destroy our natural resources for profit, those who manufacture and promote unsafe, needless products.
(1980: 17)

Penny Green and Tony Ward add that, 'Very frequently, deviant state actions intersect with the criminal actions of corporations to produce massive human rights and environmental violations' (2004: 28). The continued existence and official acceptance of radioactive dumping in the Irish Sea is, therefore, undoubtedly a question of power, and the result has been the contamination of a significant area of the north-eastern Atlantic and European Arctic marine ecosystem.

VI. Conclusions

And we live in unnatural times. And we must make it natural again with our singing and our intelligent rage.

(Okri, in Rowell, 1996: xv)

Spit for the hated, the reviled, the unrefined / The no-ones, the nobodies, the last in line.

(Saul Williams, 'Act III, Scene 2 (Shakespeare)' (2005))

At the turn of the millennium, Vincenzo Ruggiero declared that in studying corporate crime, 'criminology finally came out of the sewers' (2000: 2). Where it once studied exclusively the 'filth, sewers, and excrement' (2000: 1), the 'crimes of 'the reviled and the unrefined'', it shifted its focus to the whitewashed offices and glass-steel towers of the corporate world. It is a different kind of filth that characterises corporate environmental harm, such as the streams of technetium-99 poured in to the Irish Sea, or the vast dumps of litter that reside in the northern Pacific (Marks, 2008: 2).

I began this research by outlining the rupture that exists in the idea of an environmentally friendly form of capitalism. Capitalism and the modern condition contain within them many characteristics that are incompatible with environmental protection. The *hubris* of humanity that exists within modernism, and the overriding desire for material wealth of capitalism, operate in a dichotomous master/slave relationship with the environment. It may be possible to have a system of capitalism that has an awareness of its impact upon the environment, but it is impossible to have a capitalist system that places that environment above wealth. In due course, I deduced that 'The relation of society to nature cannot remain the same when the fuel driving capitalist dynamics is running out' (Altvater, in Empson, 2007: 198). Nor can this relation remain the same when one partner in that relationship is so incessantly abusive toward the other. Concerning modernity, I concluded that, just as 'Modern civilisation was not the Holocaust's *sufficient* condition; it was... its *necessary* condition' (Bauman, 1989: 13), the defining tendencies of modernity - bureaucracy, dominance over the earth, industry - are also the defining characteristics of environmental harm.

The second major task was to explore a number of the methods by which the discourses of CEH were disseminated. I examined only a small number - the media, lobbying institutes, government initiatives - and despite originally expecting to uncover a single discourse that accounted for 'the powerful' in society, concluded that the goals of these bodies are multifarious. Primarily, there exists a discourse evident in the media and the government: that of individualisation of harm, the "'we are all responsible' line, from the most powerless to the most powerful' (Anarchist Federation, 2007b: 16). This standpoint asks no critical questions as to why things are the way they are, and as such offers no opportunities to address these concerns. The sense of urgency that is inherent in any discourse on environmental harm (apart, obviously, from those that deny the severity of harm, for instance, climate change) effectively stifles any discussion on the topic. It is better if we just stop asking questions and get on with saving the planet: who wants to be

the person who stood and complained about doing more than their fair share while the Earth crumbled? Ironically, this is usually what corporations and governments are doing, continuing with business as usual whilst others make the sacrifices. This 'business as usual' stance also emerged in another discourse, that of the lobby groups, who tended to argue that if people try to change anything, either the market, how or where they consume, then it would be merely wasting time, as climate change either did not exist or was not a serious threat. Finally, there was also the discourse that shared among businesses and governments, that the sole solution to climate change was the free market. The desire to leave things unchanged - with a free market at the centre of the economy, and no fundamental changes within society - united the three discourses to sustain the power of the dominant class.

Ultimately, I constructed a thesis that links critical criminological perspectives with discourse analysis, with a view to examining the discourses of corporate environmental harms. However, this need not be the conclusion of discourse analyses regarding CEH. I did not examine how non-profit organisations perpetuate their own discourses on CEH, or perhaps those discourses of the powerful. Further, my research has referred to environmental harms taking place in China, and I believe that research is necessary on the discourse of state environmental harms under the Soviet and Maoist regimes, amongst others. Doubtless, the modernist gaze would remain, but the communist tendency for an overarching state could open up new horizons around the discourse of state harms and state crime.

Currently, the onus of responsibility for environmental degradation weighs extraordinarily against the consumer. Fairclough writes that 'the problematic of language and power is fundamentally a question of democracy. Those affected need to take it on board as a political issue, as feminists have around the issue of language and gender' (Fairclough, in Jaworski and Coupland, 1999: 35). In this respect, I seek to offer resistance to the prevailing opinion that merely by 'following the rules' and doing what the government says - by car pooling, sharing baths, and re-using plastic bags and bottles - the planet will be 'saved'. Restraint and change need to be encouraged by all parties - consumers, corporations and governments. George Bush's refusal to sign the Kyoto agreement because it would not have covered Indian and Chinese emissions (Kennedy, 2005: 51) condemned him to worldwide opprobrium, but nevertheless highlighted the fact that Kyoto did not go far enough in its aims. Pulling out of the agreement was perhaps a step too far; it would be absurd to suggest that the USA would not have been influential enough to argue successfully that for the expansion of the Kyoto agreement account for the emissions of developing economies. We all have a responsibility to take care of our habitat, but as long as there remains a material interest for powerful groups to do otherwise, then our habitat will continue to be destroyed.

Abbreviations

AOCA	AfriOceans Conservation Alliance
Art.	Article
BCSD	Business Council for Sustainable Development
BMWG	Blue Mountain Working Group
BNFL	British Nuclear Fuels Plc
BP	Beyond Petroleum (formerly British Petroleum)
CEH	Corporate Environmental Harm
CEO	Chief Executive Officer
CO ₂	carbon dioxide
DEFRA	Department for Environment, Food and Rural Affairs (UK)
DoJ	Department of Justice (USA)
EPA	Environmental Protection Agency (USA)
EU	European Union
EUETS	European Union Emissions Trading Scheme
HSBC	Hong Kong and Shanghai Banking Corporation
IDF	Ideological-Discursive Formation
IMF	International Monetary Fund
OSPAR	the Oslo-Paris Convention for the Protection of the Marine Environment in the North-East Atlantic
PR	Public Relations
Tc-99	technetium-99

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