Civic contradictions and criminalization in the management of everyday life

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Statement of the Research Project, Summary of Findings and Future Directions:

Since the early 1990s when first proposed by Lynch (1990), “green criminology” has been concerned with environmental crimes and harms affecting human and non-human life, ecosystems, and the planet as a whole. Green criminologists have devoted the preponderance of their attention to illuminating and describing different types of environmental harm and to identifying the causes, contributors, and perpetrators of injurious activities, behaviors, and practices—from individual “ordinary acts that contribute to ecocide” (Agnew 2013) to business/corporate violations and state transgressions. To varying degrees, green criminologists have also examined the presence of environmental injustices and the possibility of environmental justice (see, e.g., Brisman, 2008; Lynch and Stretesky, 1998, 1999, 2003; Lynch et al., 2002; Pellow 2004, 2013; Schelly and Stretesky, 2009; Simon, 2000; Stephens, 1996; Stretesky, 2003; Stretesky and Hogan, 1998; Stretesky and Lynch, 1999, 2011; Stretesky et al., 2003, 2011).

In “The indiscriminate criminalisation of environmentally beneficial activities” (Brisman 2010), I argued that green criminology needs to consider not just activities that harm the environment and that are unregulated or underregulated (such as those listed above), but also activities that are proscribed yet benefit the environment. To support this assertion, I offered two examples of environmentally beneficial activities that are criminalized: (1) junk poaching, recyclable rustling, street scavenging, dumpster diving, and other forms of trash picking (which temper rampant production and consumption, and reduce the amount of garbage thrown into landfills and incinerators); and (2) pedicab driving in New York City (which serves as an environmentally friendly alternative to automobiles), little attention has been devoted to activities that are proscribed yet benefit the environment. With respect to the first category, I contended:

fines, penalties and other processes of criminalisation function as exercises of influence and power by the state, helping to ensure that the state, rather than individuals, makes money off of trash. In addition, such laws and ordinances benefit corporate entities, who would much rather sell you something inside their stores than have you get it for free out back or along the kerb.
And finally, such laws and ordinances are, in Ferrell’s (2006:180) words, also ‘designed to keep “undesirables” from fouling the consumption experiences of he city’s better classes’—thus lending credence to [David] Simon’s comments [in Tony Soprano’s America] regarding the correlation between criminalisation and the repression of the rights of minority groups. By reclaiming urban waste, . . . dumpster divers, freegans, street scavengers, junk poachers, recyclable rustlers, and other trash pickers . . . perform an important ecological service (Brisman 2010:176-77).

With respect to pedicab driving, I argued that a similar phenomenon was at play—namely, that pedicab drivers were being harassed by police officers (and often issued tickers for disorderly conduct) as a result of pressure from the (less environmentally friendly) taxi industry and horse-carriage industry, who claim that pedicabs “steal” their business. Both examples, I maintained, illustrate the ways in which environmental harms stem from and are permitted by particular relations of power and selective criminalization. I concluded by calling for further research into the links between environmental harm and the institutions, structures, and processes of production and consumption in late capitalist society.

This project represented an attempt to continue my investigation of the selective criminalization of environmentally beneficial activities. Rather than reconsider junk poaching, recyclable rustling, street scavenging, dumpster diving, and other forms of trash picking or pedicab driving, I turned my attention to four different examples of activities that are proscribed yet benefit the environment: (1) hitchhiking; (2) urban agriculture: beekeeping and chicken keeping; (3) line drying; (3) and (4) greywater recycling. As I describe below, each of these activities offers some sort of environmental benefit—e.g., water conservation, reduced fossil fuel consumption and air pollution. To varying degrees, however, these activities have been subjected to practices and processes of criminalization, (over-)management, and (over-)regulation that encumber or prevent them. This project sought to probe the reasons for, rationales behind and dynamics of such practices and processes of criminalization, (over-)management, and (over-)regulation that encumber or prevent them.

In the sections that I follow, I provide a brief description of these activities—i.e., what they entail or consist of, their possible environmental benefits, and their legal status. As described below, while the project investigated instances or examples of these activities beyond just the snapshot here, one area of research (greywater recycling) proved to be the most compelling area of study—one that I hope to continue exploring in the near future.

1. Hitchhiking

Like greywater recycling and line drying, discussed below, hitchhiking is an inexpensive practice that conserves a natural resource. Like greywater recycling and line drying, it is also a practice that, despite its environmental benefits, has become largely stigmatized and criminalized in most of the United States (and Western countries, more generally). Indeed, of the environmentally beneficial activities described in this proposal, it requires the least effort—one literally needs to just stick out one’s thumb while standing by the side of the road—yet engenders the greatest fears (and some very vivid images!) As Purkis (2005:5) writes, “[w]hile plenty of possible sociological explanations for hitchhiking’s ‘official’ disappearance exist—rise of cheap coach/rail cards, rise in car ownership, growing public perception of risk, decline in ‘capacity-building’ of shared values across generations—the prevalence of the hitchhiker in popular representation seems paradoxical. In an era when lift sharing is actually more important, the symbolic ceremony within which hitchhiking exists is still largely dominated by motifs of danger, poverty, dishonesty, youthful immaturity, female vulnerability or as the source of amusement—the film star whose car broke down.” In other words, in an era rising fuel prices and heightened awareness of the adverse environmental effects of fossil fuel consumption, we have rejected a simple and straightforward means of transportation—largely, as I learned through my research, because of objections of the American automotive industry, its temporal/historical and
(sub)cultural symbolism and the fear (perhaps, even moral panic) of violence committed by both drivers picking up hitchhikers and hitchhikers victimizing drivers (see, e.g., Strand 2012).

2. Urban Agriculture: Beekeeping and Chicken Keeping

Beehives promote sustainable agriculture in urban areas (Navarro 2010). In addition to helping to pollinate gardens, a single beehive can produce about 27 kg of honey per harvest (depending on the keeper), thereby reducing the environmental costs of transporting honey (see, e.g., Appleborne 2009; Brustein 2009; Cornes 2008; Muessig 2009; Navarro 2010; Raffles 2010; see also McKinley 2011; Mohn 2010). Although legal in Chicago, Dallas, London, Minneapolis, Paris, and San Francisco, beekeeping is illegal in New York City, where it is considered to pose a public health threat (see, e.g., Rules of the City of New York, Title 24: Department of Health and Mental Hygiene; Title IV: Environmental Sanitation; Part B: Control of Environment; Section 161.01 Wild animals prohibited). Indeed, in New York, honeybees are treated like cobras, dingoes, hyenas, and tarantulas—all of which are deemed too dangerous for city life.

In a similar vein, many cities and municipalities prohibit raising chickens and other livestock, despite the fact that such urban farming facilitates locavorism (diets based on eating foods grown only within a certain geographic radius) and allows immigrant communities to maintain aspects of their cultural heritage (Kilarski 2003; see also Blecha 2007; Price 2007; Appleborne 2009; Neuman 2009; www.madcitychickens.com; www.thecitychicken.com; http://urbanchickens.org/chicken-ordinances-and-laws). According to Littman (2009:12), “[t]here appears to be no consistency in the approach to regulations on backyard chickens”—with some cities prohibiting any pets besides cats and dogs and others permitting a wide range of animals. While many cities and municipalities are recognizing that urban agriculture can help combat “urban woes” such as hunger, air pollution, and the proliferation of “derelict, crime-ridden abandoned properties,” other places have been reluctant to reexamine their urban agriculture (Choo 2011).

My original intention had been to continue my investigation of urban agriculture with a focus on beekeeping and chicken keeping. First, my goal had been to identify regulatory themes in cities across the United States. In so doing, I hoped to further understand why some residents wished to keep bees and chickens, why others opposed such efforts, and the ways in which city councils were addressing these often contentious matters. With this background, which I had intended to conduct primarily through an examination of newspaper and magazine articles, as well as reviews of municipal codes, my plan had been to turn my attention to Berea, KY, which, at the time of this proposal, had been the site of a particularly charged debate about chicken keeping. Because of EKU’s proximity to Berea (and following approval from EKU’s institutional review board), I intended to interview stakeholders about concerns surrounding chicken keeping.

Shortly after receiving funding for this project, an agreement was reached in Berea, KY, regarding chicken keeping and the issue died down (see, e.g., Shannon 2012). As a result—and as a result of growing interest in greywater recycling (discussed below)—I did not conduct further research on beekeeping and chicken keeping in the United States.

As White (2013: 121) has recently commented on the “varying conceptions of animal rights and welfare, including differing perspectives on which animals ought to be saved, the urgency of action needed and which species are prioritised over others when it comes to activist campaigns.” According to White (2013:121), “when assessing ‘value’ on the basis of ecological criteria such as biodiversity and the place of different species in the chain of being, a different picture emerges to the usual anthropocentric and populist one. For example, animal companions such as cats and dogs are highly valued in legal proceedings and in public discourse. Yet, from an ecological point of view, species such as bees and bats are more valuable for the crucial role they play in the wider ecosystems of the planet.” Future studies might endeavor to further understand the dynamics, reasons and rationales behind human assessment of value of various nonhuman animal species.
3. **Line Drying**

Hanging laundry from a clothesline represents an inexpensive and energy-saving way to dry wet clothing (Hughes 2007). While widespread adoption of clotheslines could significantly reduce energy consumption in the United States—dryer accounts for about six percent (6%) of U.S. residential electricity use—a number of states, some towns and cities have “no hanging” rules (Hurdle 2009). Proponents of the “right to dry” (also known as the “right to hang”) contend that line-drying laundry saves money and reduces carbon emissions (see generally Golden et al. 2010); opponents maintain that clotheslines are aesthetically unappealing and reduce property values (see generally Lee 2002; Salemme 2007).

For this portion of the project, I examined state laws that permit home owners association (HOA) bans on line drying, as well as state laws restricting the rights of local authorities to stop residents from using clotheslines. I investigated the ways fights over clotheslines implicate issues of consumption and class, and explored the ways in which the non-profit organization, Project Laundry List (http://www.laundrylist.org/), touts the environmental benefits of clotheslines, while framing its pro-line-drying position in the language of rights. My hope had been to also been to consider some international examples of anti-drying practices in Uzbekistan and Syria, but time did not permit such an exploration. Future research might take a second pass at the state laws restricting the rights of local authorities to stop residents from using clotheslines to ascertain any changes. Future research might also explore resistance efforts by “right to dry”ers or “right to hang”ers and endeavor to situate their resistance in the larger do-it-yourself (DiY) culture (see, e.g., McKay 1998; Wehr 2012).

4. **Greywater Recycling**

“Greywater” is water from your bathroom sinks, showers, tubs, and washing machines. While it may look dirty and while it may contain traces of dirt, food, grease, hair, and certain household cleaning products, it is not water that has come into contact with feces—either from the toilet or from washing diapers. Greywater can be reused to water ornamental plants, fruit trees, and vegetables as long as it does not come in contact with edible parts of the plants. Aside from the obvious benefits of conserving water—and thus saving money on a household’s water bill—reusing greywater keeps it out of the sewer or septic system, thereby reducing the chance that it will pollute local water bodies. More philosophically, reusing greywater for irrigation, much like harvesting rainwater for the same purpose, (re-)connects urban residents and their backyard gardens to the natural water cycle (see, e.g., http://greywateraction.org/content/about-greywater-reuse).

Greywater policies, when they exist, vary from state to state. While some dry or drought-prone states (such as Arizona) are fairly permissive and, in fact, educate residents in greywater reuse, others are very restrictive and make it virtually unfeasible for people to afford installing a permitted system (as was the case in California, until recently). As a result, residents wishing to irrigate their gardens with water from their sinks, must either seek special variances from their states’ plumbing codes or build illegal systems which, if detected, can result in hefty fines (see, e.g., Carpenter 2010; Dicum 2007; http://greywateraction.org/faqs/greywater-recycling).

For this portion of the project, I ascertained which states have greywater policies and, of those that do, examined which states have restrictive regulations, which ones have permissive or progressive regulations, and the stated or purported reasons for the differing regulations. My speculation, which proved true, is that to some extent, resistance to greywater recycling stems from ignorance about its environmental benefits, misperceptions about its threat to public health, and notions that industrialized societies should have (and utilize!) public sanitation services—sentiments akin to those expressed in opposition to pedicab driving/riding and junk poaching, recyclable rustling, street scavenging, dumpster diving, and other forms of trash picking, which have been viewed as “Third World” phenomena (see Brisman 2010). But more research is needed to understand the dynamics of the opposition to greywater recycling, especially as it may be deemed as an aesthetic threat to an
area’s residential attractiveness or economic vitality (see Ferrell, et al. 2012). Indeed, because greywater recycling is viewed favorably—and, indeed, *encouraged*—in countries such as Australia, Cyprus, Japan, and Korea, additional research is needed for an international, comparative analysis. Continuing this research and conducting such a comparative study should not only reveal differences in greywater policy, but in the ways in which greywater recycling is linked to broader issues of water justice in an age of growing privatization and deregulation (see http://greywateraction.org/content/water-justice).
References


