

The Study of Bodily Harms in the light of Zemiological Approach

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(Received: 10/11/2017 - Accepted: 18/5/2018)

Abstract

In modern societies improper economic, political, social and cultural policies have resulted in widespread bodily harms. Improper policies increase the intentional bodily crimes such as murder, suicide and abortion. They also facilitate committing unintended physical harms against individuals, such as harms related to safety, consumption of faulty goods and services, environmental pollution and driving accidents. In tackling these harms, criminal law has a dual approach. Criminal law simply intervenes in interpersonal and minor harms where the relation between act and damage is easy to understand. However, in the absence of a direct and clear relationship between act and harm, it simply passes. Conversely, Zemiology, as an academic discipline, has a more holistic approach to social harms and macro damages which are the center of attention for zemiologists. While it presumes that maximization of criminal law intervention is a harm in itself, it criticizes criminal law for its focus on minor offences. It also emphasizes improvement of social structures and processes rather than punishment as the only means of fighting against harms. Taking a descriptive and analytical approach and relying upon a zemiological perspective, this article studies intentional and unintentional physical bodily harms and addresses the shortcomings of Iranian legal system in treatment of these harms. The article insists the necessity of a holistic approach to social harms and involvement of other social institutes for fighting against harms along with using social responses instead of mere punishment.

Keywords

Social harm, Bodily harms, Myths of crime, Humanizing of criminal law

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