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Big Trouble or Little Evils: The ideological struggle over the concept of harm

Steve Hall
Simon Winlow

Introduction

This chapter builds upon the authors' previous work, which suggests that there has never been a 'civilizing process' across the course of modernity but an economically functional conversion of harms from physical brutality to socio-symbolic aggression. Although harm is integrated into the system's generative core it appears as morbid symptoms during dysfunctional intervallic periods. The subject's acceptance of core harms and their various manifestations can be best explained in a theoretical framework of transcendental materialism, with a focus on the process of deaptation, which proliferates harms as morbid symptoms appearing in the tension between a changing real world and ossified ideologies. Capitalism can be best explained as a process of managed deaptation, which constantly puts us at risk of the continuation and unpredictable mutation of a broad spectrum of harms. The criminalization of harms is maintained in a state of imbalance by the catastrophizing negative ideology of capitalist realism, which compels us to legitimize the existing spectrum of harms by constantly warning us of the far greater harms we would risk should we instigate a process of transformation. Given star billing in an endless cautionary tale, potential transformative harms are condemned as absolute, intolerable and inevitable while the system's everyday morbid harms are excused as relative, tolerable and contingent. This dominant ideology operates at the core of the criminalization process, legitimizing negative rights and compelling us to regard specific types of crime as the 'price of freedom' while downplaying the harms they cause.

Harm and the Pseudo-Pacification Process

There has never been a 'civilizing process'. Rather, a long-running economically functional process, beginning in the late 14th century, has moved civil society away from physical brutality and towards socio-symbolic aggression. To explain this historically unique and rather unstable

situation we must understand the basic principles that underlie capitalism's *pseudo-pacification process*. This gives us an insight into how liberal permissiveness and conservative repression, often seen to be in opposition, actually operate together as complementary cultural forces in the dynamic psychosocial process that drives forward the capitalist economy. This process has been explicated in greater depth and detail elsewhere (see Hall, 2007; 2012a; 2015), but here we present its primary elements.

From the late 14th century, beginning in England and appearing later in Europe, arbitrary interpersonal violence in public space consistently declined up to the mid-1950s. This decline in interpersonal violence occurred despite the establishment of a white, patriarchal bourgeois elite as the dominant social group in an unequal social order. However, during the same period there seems to have been an undulating increase in non-violent abstract crimes throughout the social structure (Sharpe, 1996). The fundamental driver for the decline in violence was not the establishment of a general civilized ethos but the emergence of a dual economic need for pacification in an emerging market economy. The two primary interactive functions of this dual need are:

1. The protection of property rights and the reduction of violent interactions between traders to *enhance safer trading activity* throughout the nascent market economy's arteries and nodes – this provided a crucial condition for expanding the *production and circulation of commodities*

2. The sublimation of destructive and repressive physical aggression into *functionally aggressive* yet physically pacified rule-bound competition for wealth and status represented by the acquisition and display of sociosymbolic objects in a burgeoning consumer culture – this expanded the *demand for commodities*

Capitalist market economies cannot become efficient and expand under conditions of *arbitrary physical violence*. However, neither can they do so under conditions of *institutionalised altruism*. Mediaeval Distributivism's regulatory customs and laws institutionalised altruism and a measure of social justice in the economy; for example, restrictions on trading activities, usury, price undercutting, low wages, maximum wages and profits above the level of 'sufficient livelihood' (Hall, 2012a). As urban markets developed these laws were repealed and new laws and customs were introduced to simultaneously decrease violence and bypass these restrictions.

Another important cultural current had already been generated by the introduction of the laws of primogeniture and entail throughout the social structure in 12th century England (Macfarlane, 1978). This atomised the traditional defensive socioeconomic units of family and community, creating a *socioeconomic tumour*, a process of cell-division that cast out anxious individuals to participate in the development of markets as they were forced to fend for themselves by seeking contractual business or employment opportunities.

The combination of resentment, anxiety, ambition and excitement that characterised this new individual was the wellspring of the modern Western competitive individual. It released a powerful current of libidinal energy that was to be harnessed by the supply and demand sides of the emerging market economy. In such a fundamentally competitive culture the difficult project of dispersing altruistic love outside the parent-child relationship to the external socioeconomic world became almost impossible. Fake benevolentism and sentimentalism established the tradition of *post hoc* charity that masked the functional *obscene Real* at the core of our culture. The modern Western competitive individual's disposition towards maintaining pacified relations became overly dependent on the corresponding expansion of opportunities to obtain material and sociosymbolic rewards. From the Peasant's Revolt through the American and French Revolutions to the present day, this core expectation 'embourgeoisfied' all forms of pacification and rebellion. Projects of political and social solidarity, especially those based on class struggle, became very difficult to establish.

The pseudo-pacification process outlawed arbitrary physical violence for the purpose of pacifying subjects and their relations in such a way that they could compete against each other with more intensity. This major shift in the nature of previously violent competition allowed *relatively safe libidinal energy* to be generated in abundance and supplied to the project of expanding markets. In transcendental materialist terms, the pseudo-pacification process was a complex dualistic form of *permanent managed deaptation*, the systematic disruption of ideologically and culturally coherent subjectivities and socioeconomic ways of life and their replacement by symbolic inefficiency, constantly dislocated subjectivities and unstable yet dynamic markets. Liberal-postmodernism's celebration of symbolic inefficiency has contributed to capitalism's final historical dominance in the neoliberal era. Liberals tend to accept capitalism because they think that any attempt to establish a new altruistic order will end up as a totalitarian nightmare replete with variants of the old oppressive order (see for instance Butler, 1993; Holloway, 2002).

Thus the stable and just community exists only as a vague and melancholic *memory* of unfinished projects and a *fundamental fantasy* of the general *lost object* (Winlow et al, 2015). Such a fundamental absence constantly creates desire for love and stable community, which supplies immense libidinal energy to the corporate political, media and advertising complex that serves the circulation of today's symbol-rich commodities. Relentless socioeconomic disruption and competitive individualism structure reality whilst the market fails to deliver enough in real terms to maintain the credibility of its fantasy. In such a stream of constant failure diverse *replacement fantasies* of lost collectivism – volkish nationalist groups, fundamentalist religious sects, roots ethnic groups, neo-tribes, cosmopolitan networks, street gangs, organised crime families and so on – structure politics and culture in the post-social milieu.

The fundamental harm at the capitalist system's generative core is the constant destruction of the physical and symbolic infrastructure that maintains the individual's integrity and security, a process that liberals of right and left accept as collateral damage necessary for what they hope will be the continuity of progressive social transformation. Neoliberalism's hapless stumble into the recent financial crisis, military interventions and austerity cuts has further disrupted the already broken communities of the politically disunited working class. The recent worrying turn towards the far right in Europe and the USA was a consequence that should have been quite obvious, yet liberalism failed to predict it (Winlow and Hall, 2013; Winlow et al 2017). A zemiological turn in social science could have helped to clarify the situation and provide some early warnings, but the current way we think about harm remains rather incoherent because a clear founding ethical concept has not been formulated. Yar (2012) suggests that we ground our understanding of harm in Axel Honneth's (1996) revival of Hegelian recognition. In Hegel's famous theory of the master-slave relation; subjects and their identities are always socially interdependent, therefore the dominant are always reliant on the recognition of the subjugated. This ineluctable need for recognition prevents the master from achieving *special liberty* (see Hall 2012a) by breaking free from his obligations towards the slave. This is the basis of social recognition, which of course needs to be advanced from its initial source in instrumental interdependency and culturally and legally normalised. For Yar:

> The theory of recognition can ground a theory of social harms, firstly, because it seeks to establish at a fundamental anthropological level the 'basic needs' that comprise the

conditions of human integrity and well-being (what Aristotelians call 'flourishing'). The theory, as already noted, identifies a differentiated order of such needs through the categories of 'love', 'rights' and 'esteem' (Honneth 1996: 131–9) … [A]ctions such as inter-personal physical, sexual and emotional violence within the family acquire their specifically *harmful* character because they violate the necessary conditions for a person to establish basic self-confidence through the experience of love. Public (including state sanctioned) practices of torture and abuse, theft and appropriation, amounts to a denial of those rights that meet the need for dignity and equality amongst others as citizens. Practices such as market discrimination or symbolic denigration on the basis of gender, ethnicity, sexual orientation and suchlike are properly harms in that they deny those subject to them the experience of self-esteem or recognition of the distinctive worth of their identities and ways of life. Thus for each of the many forms of harm that may be adduced as social problems, we find a corresponding basis in the refusal of that recognition which is the basis of human self-realisation. (Yar, 2012)

However, Honneth and Yar are assuming that this progressive advance from a social relation in a superseded era has been realised. But this assumption is only a dream at the heart of liberalism's fundamental fantasy. In neoliberal capitalism's harsh socioeconomic reality there has in fact been a regression. Today's capitalists, benefiting from advanced technology, the mobility of capital and the precedence of finance capital, no longer need labour in the numbers and the grounded communities it once did. The masters have escaped responsibility to the extent that they have reached a position of independence, special liberty and narcissistic self-affirmation, a historically unprecedented position where they alone have the right to grant recognition. The fundamental social relation has been severed, politics enervated and dialectical movement suspended. Until the business class can be politically and legally forced into a position where they must attain legitimizing rights from the majority before they embark on their potentially disruptive and harmful socio-economic undertakings, the social recognition that Honneth and Yar seek cannot be realized. Making a first move towards mutuality requires a pre-emptive political move that shifts power and authority to an ideologically unaffected and fully informed majority who can grant conditional rights and legitimation on their own terms. It is only one step beyond this to a position where the majority can refuse to grant all rights and legitimation, a structural refusal that Žižek (2008) suggests is the first step towards systemic social change.

Transcendental Materialism, the Subject and the Fundamental Fantasy

Neoliberalism's harms – environmental, social and psychological – continue to mount up (see for example Klare, 2012; Hiscock, 2012; Smith, 2014; Crank and Jacoby, 2014; Raymen and Smith, 2016). The majority's frustrating acceptance of neoliberalism's plutocratic non-relation and their refusal to make a significant initial political move against neoliberalism can perhaps be best explained in the philosophical framework of transcendental materialism (Johnston 2008; Hall 2012a; Winlow and Hall, 2013; Wakeman 2017). As the let realists warned in the early 1980s, critical criminology's tendency to impose a crude comparative structural template on criminology's analyses of harm is an intellectual impediment (ref). Of course, the harms of the comparatively more powerful state and the business class are costlier, but some of the 'little evils' inflicted on everyday people by less politically and economically powerful criminals can be traumatic in ways that are often very difficult to detect, measure and understand as an aggregate. The ultra-realist position (see Hall and Winlow, 2015) takes this critique a step further to argue that harms are perpetrated and inflicted on individuals, the social fabric and the physical environment throughout the social structure, therefore criminology should broaden its horizon to construct critical analyses of the whole advanced capitalist way of life, from its deep ethics and system dynamics to its cultural forms, subjectivities and everyday practices.

Constructing typologies of harms and arguing about their relative impacts can be useful for lobbying policymakers, but it tells us little about the motivations and justifications behind harmful practices. In the Anthropocene era, the speculative realists warn, not just everyday 'little evils' but most of the large-scale environmental and social harms are the consequences of human actions (Ennis, 2011). The transcendental materialist concept of *deaptation* (Johnston 2008) helps us to understand how harms proliferate as morbid symptoms in the tension between a changing real world and obsolete ideologies. Capitalism can be best explained as a process of *managed deaptation* (Hall and Winlow, 2015), which constantly puts us at risk of the continuation, unpredictable mutation and deleterious consequences of its broad spectrum of core and peripheral harms (Hall 2012a). The zemiological aspect of managed deaptation is an attendant ideology that categorises and evaluates harms across a spectrum defined at one end by absolute evils and at the other by unfortunate but necessary collateral damage. The political ability to place in the latter category the harms that are the consequences of one's actions allows such actions to be performed, justified and accepted by the actor and the electoral majority of

the population, even some of the victims. The problem with critical criminology's structural analyses is that they neglect the fact that some of the more active amongst the powerless accept and act in accordance with these ideological principles (Winlow 2001; Hall, 2012a), and therefore make their own relatively small but nevertheless numerous contributions to the overall zemiological aggregate (Hall and Antonopoulos 2016). The harms that are most readily justified and accepted are those associated with 'doing the business' (Hobbs 1988), or in other words clearing the way to out-compete others, make profits and publicly display the trappings of success (Hall et al 2008).

The negative ideology of *capitalist realism* (Fisher 2009) constantly persuades us to legitimize and accept the whole existing spectrum of harms and their justifications by constantly warning us of the far greater harms we would risk should we instigate a politically driven process of transformation. In a never-ending cautionary tale, potential transformative harms are condemned as absolute, intolerable and inevitable, while the system's everyday morbid harms are excused as relative, tolerable and contingent. This dominant ideology operates at the core of the criminalization process to legitimize negative rights and compel us to regard specific types of harm as the 'price of freedom' or the 'price of progress'. Transcendental materialism suggests that although the forces and processes in the deep system, or what critical realists call the 'intransitive' realm (Bhaskar, 2008), seem to act independently of our knowledge and activity, this realm is a product of the historical accumulation of actions that are constantly and systematically fetishistically disavowed and ultimately *made unconscious*. We really know about these actions, and indeed we have always known about them as we perform them or allow others to perform them, but we constantly either deny them or, as we become more knowing and cynical in the communication age, simply accept them as necessary or unavoidable.

In other words, we already know quite a lot about the so-called 'intransitive' systemic realm and the direct and indirect roles we play in reproducing it. Perhaps we have known for a very long time. Each day we knowingly act to reproduce it, but we fetishistically deny our collusion and thus repress it into our unconscious. The unconscious realm of repressed symbols is not the product of external repressive forces imposed on us by 'power' – the ruling class, patriarchy, biopower, the media or any of these dominant forces of evil in leftist demonology. We create it ourselves by *choosing to repress* specific aspects of our knowledge and even our experience, which allows us to reproduce the system we inhabit by acting out what we *don't*

want to know and have thus convinced ourselves that we *don't know*. In other words, put very simply, we persistently *choose* our own unconscious into being. Constantly deconstructing and changing 'meaning' is of little use when every day we choose to fetishistically disavow the crucial bits of what we know anyway and accept the consequences as unavoidable contingencies with no real causes. "Well", we say to ourselves every day, "shit happens".

Transcendental materialism offers a potent conception of subjectivity (see Johnston 2008; Hall, 2012a). It draws upon Lacan's three interconnected psychic realms of the Real, the Imaginary and the Symbolic. The Real, which consists of the unnameable irruptions of reality unknown to but experienced by the individual, is the primary neurological source of stimulation, consternation and terror. The Imaginary is the realm of misidentification and self-deception, where, in an attempt to escape the Real's terror, the ego splits and misidentifies itself with spectral objects in the external world. The Imaginary is the primary target of ideology as it is circulated by mass media, consumer culture and the atomised, cynical, ironic and introspective popular culture of neoliberalism's post-political era. The Symbolic is the realm of collective symbols, institutions, customs and laws that allows us to understand and act in the world in ways that are coordinated with other people. A degree of symbolic efficiency, or rough agreement on what important things mean and how we should act in the world, is essential for a civilised existence. Symbolic Orders can be rigid, conservative and hierarchal, but, if they leave gaps in which subjects can freely move, they can be reflexive, egalitarian and progressive. It is the role of science, art and politics to create these gaps and allow forward movement without destroying the whole structure and thus condemning the subject to return through the fragile and temporary comforts of the Imaginary to the terror of the Real.

Žižek (2012), acknowledging the latest neuroscientific research on the plasticity and adaptability of the brain and the neurological system, uses the Lacanian concept of the Real as a void filled with conflicting and disorientated drives and stimuli from internal and external sources, which inflict the proto-subject with terrifying feelings of unexplained uncertainty and fear. Liberals instruct us to celebrate the former and reject the latter, failing to see their unavoidable relation of circular causality. The proto-subject, desperate to escape the Real and the constant misidentifications of the Imaginary, always seeks comprehensible, coherent and substantial meanings in the Symbolic Order. The orthodox notion that dominant forces in the social order *impose* hegemonic signifiers and norms on the subordinate and reluctant individual, which they either internalise to become a subject or resist to become an independent

or dissenting non-subject, is completely wrong. Rather, the individual proto-subject has no choice but to *actively solicit* the trap of a coherent Symbolic Order to escape the primary terror of the Real and, when it eventually proves to be insubstantial, the secondary terror of the Imaginary (Hall, 2012b). The Symbolic Order is temporarily 'renaturalised' by the subject as it demands the subject's *emotional commitment* to the symbols that constitute its underlying fundamental fantasy. However, these orders can be either closed or dialectical and open. The contradictory gaps that can be dialectically opened up in the symbolic order – the stains on the Lacanian mirror – provide the subject with opportunities to glimpse reality and free itself for the purpose of reflexive revision and progress. These gaps, in which new symbols can be produced, make partial perceptions of reality possible as new knowledge and guides for our actions. The Lacanian twist is that, as individuals driven by a primal fear of the void of the Real, we have no choice but to solicit the ideological trap that the Symbolic Order sets for us.

However, specific Symbolic Orders become ideologically entrenched in specific real historical circumstances. When these circumstances undergo change the entrenched Symbolic Order becomes obsolete and dysfunctional. Johnston (2008) calls this descent into dysfunctionality *deaptation*, which, ideally, can be counteracted by replacing the once secure but often oppressive and hierarchal conservative order – an oppression that worsens as it tries to return to its fundamentals as it wrestles with an accumulation of fetishistically disavowed knowledge of its own obsolescence – with a reflexive and egalitarian order. But the crucial point is that either order is better than no order at all. Deconstructing and abolishing all coherent symbolism to set ourselves 'free' as detached individuals and relying on spontaneous resistance and renewal from the ruins, as we have encouraged to do in the liberal-postmodern era, prevents us from overcoming our primal fears. Therefore, this *intensifies rather than transcends* the emotional need for a coherent order of symbols, which can be met temporarily by consumer culture's surrogate order, or – when that mask slips and reality's traumas multiply and bite hard (See Winlow 2014; Ellis 2016) to activate objectless anxiety (Hall 2012a) – more substantially by the return of regressive collective forms such as fundamentalist religion, nationalism and the classical security state. This is how the liberal fantasy and praxis of total individual freedom always descends into oppressive forms of intervention and control.

Because no true individuation can constitute itself without some sort of collective existence to affirm identity (see Simondon, 1964), liberal-postmodernism's new post-Kantian cult of indeterminacy, pragmatism, irony and contingency has set us up for permanent insecurity and

driven us to *actively solicit* forms of repressive external control. The criminological aspect of transcendental materialism's philosophical framework now becomes clear. If Soper (1995) is right that liberalism's immaterial and disinterested *transcendental subject* constantly dissipates the physical energy needed to activate and sustain ethical and political projects, draining off this energy into the realm of objectless anxiety has a number of deleterious consequences. It endlessly postpones vital political interventions. It incorporates the subject into a melancholic fantasy of loss in the past and a fearful fantasy of anticipated loss in the future (Winlow et al. 2017). This fantasy intensifies and monopolises culture and the psyche as postmodern liberalism endlessly postpones real political intervention in the capitalist system to produce overwhelming feelings of an impending general loss of wealth, status and security with no means of averting it or receiving some sort of compensation. This propels populations into a generalised zemiological fantasy, a nightmarish vision of an impending fall with no safety net. This acted as the powerful ideological advocate for the ascent of neoliberalism after 1971, when capitalism once again began to descend into recession despite the efforts of the Keynesian stabilisation infrastructure. Now that neoliberalism is failing and an alternative has been accepted as either impossible or contingent on unknown spontaneous processes of organic dissent and subjective renewal, fundamental fantasies from the past return to assert themselves in our midst.

Capitalism's fundamental fantasy is the main contender in the general revivalist effusion. It rests on the celebrated narrative of a socioeconomic rags-to-riches situation that never existed for the majority, a world full of opportunities for poor individuals to turn a buck and achieve wealth and status. Now, in the post-political era of capitalist realism, this and all other contending fantasies simply pump a profuse diversity of deaptative ideologies into the air. All are obsolete and none can guarantee the individual's social comfort or economic survival. This places huge strain on the precarious individual's likelihood of remaining within the law. Criminogenic and zemiogenic tendencies are diffused throughout the social order from the ghetto to the boardroom as individuals bang their heads against a confusing diversity of brick walls blocking off the future. These tendencies that are now leading to systemic corruption.

The Truncated Politics of Harm

In the neoliberal era, the quest for symbolic efficiency was systematically abandoned in a flurry of relativistic interpretive paradigms that came to dominate intellectual and political life. All were centrist and quite vacuous. As the quest to represent and intervene in reality was abandoned and the 'passion for the real' (Badiou 2007) fragmented and fell back into the diversity of anachronistic fantasies thrown up by neoliberalism's disintegration, it has become increasingly difficult to tell which zemiological threats are real and which are constructed: Trump or Clinton, street crime or corporate crime? Neither the neoliberal right's cynical assumption that everything is threatening nor the liberal-left's naïve assumption that nothing is threatening provides any analytical purchase on an increasingly turbulent reality. Recent political events based in a discernible shift to the right in the absence of a traditional left demonstrate quite clearly that populations across Europe and the USA are sensing the need to move beyond post-war liberalism's centrist and politically inactive relativism. Because the politics of harm has been confined to this narrow, relativistic and endlessly procrastinating centre the intellectual debate, which of course includes criminology, has to a large extent been trapped there too.

When harmful events hit everyday individuals in the face as they experience reality as *concrete universals*, those who control the criminological agenda can choose to either investigate them or ignore them. Centrist pragmatism and the fear of any 'alarmism' that might stir the public's ire and threaten the peace that for the centrists can be indefinitely sustained prevented the criminological gaze from delving too deeply into either capitalism's systemic harms and injustices – environmental destruction, communal disintegration, institutional corruption and so on – or the 'little evils' – violence, fraud, cyber-crimes and so on – that some of its less powerful subjects perpetrate in everyday life. Truths that are uncomfortable to dominant or subdominant social groups, truths that might threaten their primary concerns of, respectively, protecting or minimising state power, were systematically ignored, invalidated and marginalised by strictly controlled empirical work. Both groups were determined to avoid the remotest possibility of public alarm. A vast cornucopia of events and complex causal contexts were swept under the carpet. These causal contexts were left to rumble on like the magma chamber and pressure vents inside an active volcano.

The repressed real is currently returning, as it always does, in altered or novel forms – normalised criminal markets in run-down post-industrial areas, drug abuse, proliferating cyber-crimes, localised eruptions of homicide, environmental degradation, illegal labour markets,

international trafficking, organised child abuse, new types of extreme politics, hidden institutional corruption, deviant leisure and so on – in everyday reality to experience as the morbid symptoms of the interregnum between a disintegrating socioeconomic system and an as yet unidentified alternative. Just as Brexit, Trump's election and the rise of a reconstituted far right, or 'alternative right', across the west have taken liberalism's obsolete radar system by surprise, an unknown proportion of the myriad harms that characterise this difficult interregnum are also entering our lives undetected. The mainstream criminological research industry's recent admission of its own failure to include proliferating cyber-crimes in its statistical picture warns us that if our current aggregative representation of the limited category of legally defined crimes is such an understatement, then any honest evaluation of our current representation of harms is likely to reveal a significant zemiological deficit. Whether this deficit is the product of a deliberate political move remains a moot point, but there is little doubt that the now highly questionable narrative of an overall 'international crime decline' has been the perfect foil for post-war liberalism's intellectual and political complacency. There are now sufficient unrepresented zemiological symptoms bubbling up in advanced capitalism's increasingly turbulent magma flow to warrant at least a serious discussion about the need for a thorough re-evaluation of criminology's post-war paradigm.

For Thomas Kuhn (1962) a 'paradigm' is a coordinated set of underlying ethical and ontological assumptions that furnish a scientific discipline with the theoretical concepts that make up its basic framework. All events and phenomena – and, when allowed, systemic structures and dynamic processes studied – are interpreted and explained within this broad framework. Post-war social science's assumptions have been drawn from the various positions that constitute Western political philosophy. Criminology's investigation of its fundamental question of what motivates people to inflict harm on others ended up, after a complex process of censorious filtering (see Hall and Winlow 2015), trapped between the narrow parameters of liberal-left and liberal-right domain assumptions, which are, respectively, social liberalism's take on social deprivation and oppression versus classical liberalism's take on lack of self-control and refusal of social responsibility. Traditional conservative or socialist ideas play only bit parts in this truncated and heavily-policed debate. The pre-war attempt to dig to the deepest possible level of systemic socioeconomic, cultural and psychological dynamics and construct synthetic theories had produced only crude and often misleading results, some of which fed into pseudo-scientific pathologization discourses that were used to justify horrific political moves to 'purify' populations. Depth theorisation became caught up in post-war liberalism's

perfectly understandable fearful reaction to such horrors and was subsequently abandoned. Analyses of the catastrophic politics that led to World War II seemed to put the issue beyond question, so research and theorisation of the institutional protection of negative liberty represented by what was considered to be a baseline of minimal human rights, or what Badiou (2002) theorised as the 'avoidance of mistreatment', dominated the whole criminological domain. The resulting theoretical frameworks and research programmes only rarely and very tentatively encroach on the field of positive liberties that require political interventions in system dynamics such as investment, employment, mediated representations of truth, everyday ethical behaviour and so on. Thus, the zemiological phenomena that would affirm the necessity of such intervention tend to be ignored and the dominated paradigm remains truncated and tightly closed.

The liberal establishment's refusal to investigate zemiological currents in capitalism's deep structural logic and mainstream culture was energised by this *political catastrophism* (Hall, 2012a), the irrational fear that any form of deep political intervention in socioeconomic and cultural life from a socialist or even serious social democratic perspective will inevitably lead to totalitarian governance and the erosion of negative human rights (see Jacoby, 2007; Žižek, 2001). This grim health warning has confined zemiological investigation to the field of social and state reactions to crime and harm, which has displaced the investigation of the harmful consequences of capitalism's internal logic and deep structures, processes, cultural currents and subjectivities (see Horsley, 2013; 2014a, 2014b). The principal intellectual move here has been the ontological demarcation line drawn between system/structure/process and culture/subjectivity, which of course required the denial that a dominant ideology controls or heavily influences human thought and action (see Abercrombie et al. 1980). Of course, when the dominant ideology of the day is one that denies the existence of a dominant ideology and its connection to systemic structures and processes, the diversion of the population from interventionist politics is complete and the plutocratic establishment, always fixated on its own fetishistic wet dream of *special liberty* (see Hall 2012a), thinks it can virtually do what it likes largely unnoticed and explain away the consequences as temporary errors, acceptable collateral damage or the fault of the victims. Harms proliferate and too many remain off the radar because right-wing (neo)liberalism doesn't care and left-wing liberalism is terrified of caring too much to the extent that it might have to do something resembling political intervention.

The left's self-inflicted defeat ushered in the post-political era of *capitalist realism*. Now that very few individuals believe that an alternative system is possible, traditional oppositional politics has disappeared to be replaced by arguments about how to construct more just and equal social relations within the system as its stands. Social harms tend to be conceptualised in intersectional terms of identity: usually race, ethnicity, age and gender. So far, reactions to Trump's election have been confined to complaining loudly and organising protests about how his political programme will affect various cultural groups. Where class is included it is viewed as a stratified yet potentially fluid relation that with the aid of some legislation and attitudinal change can easily be made more meritocratic. It is no longer the antagonistic structural relation to be abolished. The neglect of this structural antagonism and its fundamental systemic harms – economic insecurity, chronic unemployment, disintegrating communities, expanding criminal markets, nihilism, loss of hope and so on – that played a major role in the hardening of the working class's sentiments and the drift of most away from the liberal left and an electorally significant minority towards the newly constituted populist right

Today's biopolitical technicians and human rights technicians are uninterested in the underlying systemic conditions and causes of harms, only in the localised symptoms and how they impact on individuals and various groups of victims. This sets the narrow parameters of the discipline's current research programme. On this restrictive and narrow path, criminology students and the public do not get the best theories capable of explaining the world as it is but those which inform technical strategies solicited by various criminal justice professionals – situational crime prevention, experimental criminology, restorative justice and so on – as they try to combine efficient crime-reduction strategies with the protection of minimal negative human rights. None of this is driven by curiosity, scientific and philosophical enquiry or the political urgency that our current situation demands. Internal disciplinary pressure will bear down from criminology's dominant right-liberal wing and sub-dominant left-liberal wing to resist the adoption and development of new philosophical and theoretical frameworks such as transcendental materialism, critical realism and ultra-realism. This pressure, consisting of permutations of the usual Schopenhauerean tactics of ignoring, mocking, attacking and dissolving by incorporation, will be quite stringent. It is already activated. Unless some genuinely new thinking can assert itself, criminology's zemiological audit and its shift to a more informative and sophisticated zemiological mode, which could inspire and inform new and penetrative research programmes and theoretical frameworks that connect system dynamics with their myriad harmful symptoms, will continue to be a sideshow.

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Steve Hall is Professor of Criminology at Teesside University and co-founder of the Teesside Centre for Realist Criminology. He is the author of *Theorizing Crime and Deviance* (Sage, 2012), and co-author of *The Rise of the Right* (Policy Press, 2017) *Revitalizing Criminological Theory* (Routledge, 2015), *Riots and Political Protest* (Routledge, 2015), *Rethinking Social Exclusion* (Sage, 2013), *Criminal Identities and Consumer Culture* (Routledge, 2008) and *Violent Night* (Berg, 2006). He is also the co-editor of *New Directions in Criminological Theory* (Routledge, 2012).

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