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# **The Enigma of Social Harm and the Barrier of Liberalism: Why Zemiology needs a theory of the Good**

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## **Abstract**

Social harm is one of the most potentially potent and transformative concepts currently available to the social sciences. However, scholars have struggled to define social harm, puzzled by enigmatic questions and tensions around the issue of how to establish clear conceptual parameters which take advantage of social harm's broader critical focus, whilst preventing the concept from becoming so nebulous that it loses all utility. This article suggests that the enigma of social harm is not simply a problem of having yet to find an adequate definition and set of conceptual parameters. Rather, the uncertainty that surrounds social harm and the proliferation of harms we are witnessing in late-capitalism are both positioned as symptomatic of far deeper social problems generated by a combination of liberalism's flawed conception of the autonomous individual subject and postmodernism's cynical individualism and dismantling of belief in any transcendent authority or ethics that can constitute what philosopher Slavoj Žižek describes as the 'Big Other'. However, such discoveries provide us with a roadmap out of zemiology's conceptual crisis. This article argues that by revisiting the moral philosophy of Alasdair MacIntyre and Slavoj Žižek's ontology of the subject, we can shake-off liberal-postmodernism's ethical 'culture of emotivism', abandon liberalism's *a priori* ethical maxims, and begin to reinstate the Big Other by developing a transformative theory of the Good and human flourishing from which we can derive a clear understanding of social harm.

**Keywords:** Social Harm; Liberalism; Postmodernism; Ultra-Realism; Slavoj Žižek; Alasdair MacIntyre

## **The Enigma of Social Harm**

Some of the most significant problems facing contemporary society not only lie beyond the present scope of legal prohibition but are thoroughly normalized and integral to the functioning of liberal-capitalist political economy. Climate change (Wainwright and Mann, 2018); the rise of far-right nationalist groups (Winlow et al, 2017); crises in housing and employment (Lloyd, 2013; Madden and Marcuse,

2016); resource wars (Parenti, 2011); a libertarian financial elite generating widening gaps of inequality (MacLean, 2017); and a socially corrosive consumer culture generating harsh interpersonal competition, indebtedness and significant mental health issues (Cederström and Spicer, 2015; Raymen and Smith, 2017) are just a few examples of the issues currently facing contemporary society that could be broadly grouped under the term social harm.

Despite these grave problems, there is a paucity of coherence or consensus around the conceptualization of social harm and its parameters. There is a palpable diffidence when it comes to deciding which social practices should be considered genuinely harmful or only ‘mildly injurious’ outcomes that are to be tolerated as the ‘price of freedom’ (Hall and Winlow, 2018). The fundamental question rests on the ontological and ethical basis that underpins these decisions. As it stands, all we have is the intuitive claim that we know harm when we see it. As Yar (2012: 59) points out, social harm as a concept “is sustained by its intuitive moral-political appeal and ‘common-sense’ purchase, but no more”. In publications discussing theories of social harm it is common for scholars to express concern around how broadly we should conceptualise social harm (Hillyard and Tombs, 2004; 2017; Lasslett, 2010; Pemberton, 2015). The crucial question often uttered but never comprehensively answered is this one: How can we establish clear conceptual parameters which take advantage of social harm’s broader critical focus yet avoid the concept from becoming so nebulous that it loses all utility and leaves itself open to accusations of relativism and moral subjectivism?

We live in a society which lacks a common conception of the human and social good, a clear and rational basis for determining what that common good might be, and a grounded understanding of ethics that extends beyond negativistic rights-based ethics in order to determine what can be genuinely conceived of as social harm (MacIntyre, 2011). In the absence of these crucial elements, current theories of social harm exist in a state of partial paralysis, fearful of being derided as producing ‘catch-all’ concepts or committing liberalism’s cardinal sin of piously curtailing the sovereign individual’s right to freely express her desires and preferences. Consequently, theorists tend to limit themselves to only the most visible and obvious forms of social harm, dismissing many genuinely harmful processes and practices as merely mildly injurious. Only those practices that generate sufficiently extreme

and problematic outcomes are discussed as unethical or harmful (see, for example, Lasslett, 2010).

Ambiguity surrounding social harm could simply be a case of having yet to arrive at a consensus on an adequate definition. Given the scale of the task and the diverse nature of contemporary social practices, this ambiguity is to be expected. With a little more research, democratic debate, and tinkering with regards to our technical application of this concept (Hillyard and Tombs, 2004), such a definitional consensus could be seen to be within reach. However, the central premise of this article suggests a different approach. The faltering uncertainty around what constitutes social harm is symptomatic of a far deeper social malaise; a political and ethical paralysis that is generated by the moral philosophical, political-economic and cultural core of liberal-capitalist societies. Namely, the marriage between postmodernism and the political and moral philosophy of liberal individualism which the likes of Slavoj Žižek (2000; 2008) and Alain Badiou (2001) suggest have become the dominant form of politics and ethics in advanced capitalist societies. Liberalism has located both liberty and moral authority within the sovereign individual, leaving her free to pursue her privately defined and pluralistic notions of the Good life. Meanwhile, postmodernist skepticism has suspended belief in any set of authoritative customs or codes capable of transcending the liberal subject's pluralistic notions of the Good and providing an objective reference point for ethics to arbitrate moral and zemiological disagreements. Consequently, the problem is not just that a consensus around social harm is hard to come by, but that the cynical individualism of liberal-postmodernism *fundamentally precludes any such consensus being reached*. Furthermore, the fusion of postmodernism's skepticism with liberalism's individualism has enabled liberalism—and more specifically, liberal capitalism—to *become more fully itself* and, consequently, more destructive (Deneen, 2018).

As this cynical individualism undermines belief in the legitimacy of any cultural authority to curtail the freedoms of the sovereign individual, there is no guide to tell the individual that his consumer behaviour, financial practice or politico-cultural prejudices is illegitimate. The individual must rely on her own rational decisions guided by conscience and policed at the outer boundary by the crude categories of law. We are witnessing the effects of this in our contemporary context, as subjects

transcend the old protections of negative liberty and filter through the numerous loopholes of conscience and law to achieve neoliberalism's asocial libertarian fantasy of total or 'special liberty' (Hall, 2012a; MacLean, 2017). Consequently, the cynical individualism of liberal-postmodernism not only precludes any consensus around what constitutes harm but also cultivates the cynical and potentially harmful subjects who feel justified in questioning or ignoring any authority that attempts to curtail their pursuit of self-interest.

This article suggests that if the concept of social harm is to arrive at a point of meaningful coherence, zemiologists and criminologists must interrogate their ontological and ethical underpinnings by investigating the subjectivisation processes that operate in a deeper register than liberal idealism's simplistic existential or discursive theories of subjectivity. The transcendental materialist philosophy of Slavoj Žižek can provide social harm scholars with a roadmap out of their current definitional crisis. Specifically, Žižek's radically alternative model of ontology and how subjectivity comes into being can help us grasp the problems faced by a society plagued by liberal-postmodernism's cynical individualism. Žižek offers a unique understanding of the corroded relationship that exists between the subject and the shared social space of culture, politics and ethics, and what is required to repair it (Johnston, 2008; Žižek, 1989; 2000). Therefore, a useful starting point for this article is to outline Žižek's model of ontology. From here, we can work backwards and subsequently display how liberal-postmodernism not only precludes any consensus on what constitutes social harm but works in concert with capitalist political economy to cultivate harmful subjectivities rooted in anxiety and intense competitive individualism (Hall et al 2008) and hardened by their continuous experiences in a competitive yet disintegrating global economy (Crank and Jacoby 2014). Finally, the article will consider what this means for existing social harm perspectives, specifically those rooted in theories of human need.

## **Žižek's Ontology**

Liberalism likes to convince us that we enter the world to develop quite quickly into fully-constituted, autonomous individuals who contractually choose to enter society. However, for Žižek (2000), what lies at the core of subjectivity is a *void* or the

‘Lacanian Real’. From birth we exist in a state without culture, besieged by raw internal drives and external stimuli of which we cannot make sense without the guidance of a Symbolic Order. This is the social world of symbols, customs, rules and values that provide a frame of reference with which we can identify, orient ourselves and make coherent sense of our lives. In the Lacanian Real, meaningful subjectivity cannot exist as such. Desperate to escape the terror of the Real, the subject must *actively solicit* a pre-existing Symbolic Order to establish any sense of coherence or ontological security (Hall, 2012b). For Žižek, contrary to Hobbes’ ‘natural man’, identifying with such an order of symbols is not something to which the autonomous individual can contractually agree. It is a fundamentally necessary part of the formation of identity and subjectivity. The subject must submit to the rule of the Big Other which, in Žižek’s philosophy, constitutes the quasi-anthropomorphic and therefore comprehensible politico-cultural embodiment of the Symbolic Order. As Winlow and Hall (2013) succinctly describe it, the Big Other is the broad network of social institutions, customs, ethical codes and laws into which the individual is socialised. It is only in this transition from the Real to the Symbolic Order that subjectivity can begin to constitute itself. The Symbolic Order provides the cultural substance that can ‘fill up’ the void of subjectivity. We are encouraged to seek and find meaning in politics, religion, tradition, government, communities and the purposeful social roles and functions they demand, all of which are imbued with symbolic meaning, values and ethics.

However, for Žižek the Symbolic Order and the Big Other are not ‘real’ in any objective or material sense. Rather, they are a form of collective fiction and shared ideological illusion generated by a particular set of social and ethical principles and values which reflect our imagined vision of the Good life for individuals and society. As such, the Symbolic Order and Big Other can only exist and perform their function of ordering social life for as long as we act *as if they exist*. Therefore, the meaningful substance of the Symbolic Order is always an artifice. Collective commitment to and agreement upon these shared fictions are imperative if we are to maintain a well-ordered, comprehensible and liveable social space. This is what Žižek terms *symbolic efficiency*. Living under this framework, the subject is always a subject of ideology. Žižek rejects the common understanding of ideology as a ‘false consciousness’ which distorts reality and prevents us from grasping it as such. Indeed, this is a common mistake perpetrated by social scientists and social harm

scholars who view ideology as fundamentally oppressive and backwards, and view utopia as non-ideological (Copson, 2016). Rather, it is the collective belief in and submission to the ideology of the Symbolic Order and the Big Other—be it utopian or regressive—that allows us to structure reality. Without the shared ideological illusion of the Symbolic Order—embodied by the Big Other’s network of institutions—we are left without any meaningful substance through which to construct reality and confront the trauma of the void that exists at the core of the subject.

This is precisely why we are witnessing in our broad mass-mediated culture the constant and fervent reproduction of commitment to a liberal-capitalist system which is increasingly failing the majority, actively harming many others, and persisting far past its sell-by date. It is not that we are unaware of these realities. On the contrary, we are acutely aware of them every day. However, without a viable alternative Symbolic Order with which the subject can identify, the subject is faced with a choice: To continue on and act as if they do not know of the unsustainable nature of contemporary capitalism, or risk returning to the Lacanian Real—a plunge into the void, a totally unexplained experiential and perceptual encounter with reality, an option which is persistently, albeit unconsciously, avoided (Žižek, 2008). This is one of the major lessons we learn from Žižek’s model of ontology. For the subject, *any* Symbolic Order is better than no Symbolic Order at all (Hall, 2012b).

Therefore, to those scholars on the left who have dreamed of a post-ideological society in which the individual is, one day, to be liberated from the oppression of the Symbolic Order, Žižek would reply that they have fundamentally misconstrued freedom. To attempt to realise such a wish would be to consign the subject to an existence of crushing anxiety, uncertainty, and disorienting ontological insecurity as they scramble around in search of a set of fragile symbols and meanings that can structure and order their lives. Indeed, as many scholars of post-industrial consumer capitalism have suggested, this is precisely the world we currently occupy (Hall et al., 2008; Lasch, 1979; 1985; Raymen and Smith, 2016; 2017; Smith, 2014). The political responses to such widespread anxiety can be ugly and precisely what liberalism promised permanently to supersede (Hall et al. 2017). Therefore, we must now turn to an evaluation of liberal individualist moral philosophy, postmodernism and their destructive marriage with neoliberal consumer capitalism.

## Liberal-Postmodernism Killed the Big Other

Milbank and Pabst (2016) argue that the past fifty years of contemporary capitalism have been the story of an unspoken collusion of two liberalisms. At a basic philosophical level, the economic liberalism of the neoliberal-right and the socio-cultural liberalism of the liberal-left are essentially mirror images of each other. The classical liberals and contemporary neoliberals of the right have espoused principles of liberty in their efforts to curtail the scope of government's intervention in private property rights or imposition of regulations upon business<sup>1</sup>. Simultaneously, the socio-cultural liberalism of the left has advocated individual rights and freedom of self-expression on fields such as identity, consumer culture, and sexuality<sup>2</sup>, and permits government intervention insofar as it protects those liberties and ensures the avoidance of any mistreatment of the individual. This is the fundamental principle behind 'negative liberty'. Of course, while they have been depicted as bitter enemies, these two liberalisms have long been in a tacit alliance; one that has served the interests of a post-industrial consumer capitalism grounded in notions of 'freedom' and 'choice' (Cremin, 2011; Lasch, 1985). The result has been the establishment of "a new, scarcely questionable consensus masquerading as a pragmatic centrism that concealed its ideological commitment to limitless liberations and mindless modernization" (Milbank and Pabst, 2016: 13).

This is neither a caricature of liberalism nor a denial of the significant differences between these wings of liberal thought, nor a denial of the substantive variations within the liberal fold. Rather, this is an attempt to penetrate the core *domain assumptions* and common characteristics shared by positions across the broad liberal spectrum, which have developed as the foundational basis of modern moral philosophy, politics and perspectives on social harm. Firstly, they concentrate liberty and moral authority within an individual that achieved sovereignty by rebelling

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<sup>1</sup> Although, as Will Davies (2017) has pointed out, big business leaders have repeatedly welcomed rapid government interventions into the financial affairs of the free-market as a temporary measure in order to rescue capitalist political economy from collapse during the aftermath of the 2007-2008 Global Financial Crisis.

<sup>2</sup> However, as we have seen in recent years with Donald Trump, Brexit and the rise of far-right, left-liberals have been just as quick as their economic liberal 'opponents' to abandon their own principles and no-platform far-right speakers.

against traditional collective institutions of moral, theological or political authority. They rejected the classical notion of human beings as possessing some natural teleological purpose and conceived of the human subject as a fully-constituted and autonomous individual who freely chooses to contractually enter into a society constituted only by floating, contractual and constantly renegotiated social relationships.

For liberalism, in all its various guises, freedom is the right autonomously to pursue one's privately defined notion of the good life unimpeded by intrusive moral or political authorities (MacIntyre, 2011). Immanuel Kant spells out the motto of modern liberal individualism and its rejection of belief in a transcendent moral or political authority when he writes, "Have courage to use your own reason!"; deriding the laziness of deferring to "a book which understands for me, a pastor who has a conscience for me, a physician who decides my diet, and so forth" (Kant, 1990: 83). There is no rightful moral authority to which we should defer or that transcends the self-reasoning and moral sovereignty of the individual. This approach facilitates a more systemic and wide-ranging critique that can show how both the liberal-right and liberal-left impede the formation of a consensus around what constitutes social harm. Furthermore, it enables us to see the problematic subjectivities that emerge when liberalism's individual sovereignty combines with capitalism's intense competitive individualism and postmodernism's decimation of belief in *any* adjudicating authority. Hall (2012a) argues that such a cocktail has paved the way for subjectivities which attempt to burst through the flimsy protections of negative liberty to enact a destructive *special liberty* in which they transcend any remaining socio-ethical norms in the name of individual freedom.

Early liberal thinkers could not foresee that the result of their ambitions would be the unstable context in which we exist today. Liberalism's pluralistic individualism has slowly corroded, undermined or minimised the authority and scope of the Symbolic Order and the Big Other; particularly when combined with capitalism's profit motive and the embedding of competitive individualism into all features of life (Davies, 2017). Indeed, Alasdair MacIntyre (2011) offered a seminal critique of modern liberal individualist moral philosophy, suggesting that liberalism's enthusiastic abandonment of any transcendent moral authority was modern moral philosophy's original mistake. This precipitated the rise of what he describes as the

“culture of emotivism”, in which the use of moral and evaluative judgments reflects nothing more than the expressions of individuals’ myriad arbitrary interests and preferences. Emotivism’s theory of meaning suggests that the *meaning* underneath an allegedly objective judgment such as “this is good”, is actually a subjective statement of “I approve of this, do so as well”. True emotivists or relativists would therefore accept that evaluative moral arguments are always subjective and arbitrary. MacIntyre’s argument, however, is that this theory of *meaning* has been abandoned in favour of a ‘cogent theory of *use*’, in that people *use* moral language only to express already-held arbitrary preferences. Since liberal individualism has rejected the *telos* or any final adjudicating authority that can transcend the sovereignty of the respective individuals in disagreement, we are faced with the situation we often find ourselves in: interminable moral disagreements or dilemmas which are fundamentally incommensurable and have no rational basis of resolving themselves. Therefore, as MacIntyre points out, for the criterionless, emotivist self, moral disagreement descends into a manipulative clash of wills, in which there is nothing to do but for “one will to align the attitudes, feelings, preference and choices of another with its own” (MacIntyre, 2011: 28). The Other is reduced to a means to moral victory. Since there is no *shared* conception of the Good and only manipulatively won battles of private interests and preferences, there can be no meaningful consensus on morality, ethics or, in our case, social harm.

What we are left with is *negative liberty*, a minimalistic series of rights and protections from abuse and mistreatment acting as a vague boundary for the milieu of free wills in permanent competition. These rights attempt to provide some *a priori* rules and laws that can stem the corrosive influence of liberal individualism’s underlying logic and deter sovereign individuals from exerting their desires too forcefully and with too much extremity upon vulnerable others. The prevention of powerful majorities from exercising their prejudices has certainly provided some protections for historically and systemically marginalised populations. However, this same logic has been used in a more perverted sense by libertarian financial elites to justify their own *special liberty* (Hall, 2012a) and neoliberal policies of relaxed economic regulation and corporate taxation. The encroachment of the state into such private economic affairs is seen as the illegitimate manipulation and coercion of a wealthy and successful minority by a tyrannical and inferior majority. Indeed, this is the precise argument of James Buchanan and Gordon Tullock (1962) in *The*

*Calculus of Consent*, two economists who were among the conceptual forefathers of contemporary neoliberalism (MacLean, 2017); in addition to the early Austrian neoliberals who saw democracy and human rights as useful insofar as it facilitated a peaceful exchange of governmental power, but should be curtailed and have rigid limits in its scope for politically intervening in the global economy (Slobodian, 2018). Therefore, we cannot view the special liberty enacted by financial elites and violent low-level criminal actors as a gross transgression or perversion of liberalism's underlying logic, but instead see it as a predictable outcome entirely in keeping with liberalism moral philosophical underpinnings. Therefore, as Badiou (2001) argues, the essential function of such negative liberties has always really been the preservation of capitalism's status quo. Liberalism's conception of the sovereign and autonomous individual is preserved and moral behaviour is reduced to an act of mere rule-following. There is no need to engage in a shared deliberation of the common Good and the kinds of subjectivities that we collectively wish to cultivate since, from a liberal standpoint, such issues cannot be settled. These minimalistic negative liberties constitute the basic measures which attempt to keep a watered-down version of the Žižekian Big Other on life-support. This is the basic conclusion of philosopher Christopher Lutz (2012), who suggests that this culture of emotivism basically reflects the tense and fragile state of contemporary life under neoliberal consumer capitalism. As he writes, the contemporary culture of emotivism is:

“[A] collection of autonomous individuals who struggle to balance individualism and collectivism, liberty and oppression, and chaos and control. They seek a rational basis for this balance, but they agree that moral choices are either essentially or effectively arbitrary. Each individual has her or his own arbitrary ends, and the state has another set of arbitrary ends; so questions about individualism and collectivism become questions of power” (Lutz, 2012: 58-59).

If liberalism's advocacy of autonomous individualism has undermined the health of the Big Other, then postmodernism's pan-scepticism has served as the force which could yet intensify liberalism's individualistic drive to turn off the Big Other's life-support altogether. As outlined earlier, a properly functioning Symbolic Order and Big Other only exists as long as we *act as if it exists*. However, for postmodernism the Symbolic Order and the Big Other are just one amongst a constellation of

circulating truth claims, trying to pass themselves off as more legitimate or ‘objective’ than others but, in reality, merely an assortment of socially constructed and renegotiable rules and conventions (Žižek, 2000). Therefore, postmodernism’s inexhaustible reflexivity has punctured this collective fiction and revealed the truth at the core of the Big Other—that its allegedly transcendent authority is not *real* in any objective or material sense that precedes active human maintenance. Under a healthy Symbolic Order, we might have gone along with and believed in the collective lie of community ties, ethical customs and taboos, unspoken rules and social obligations. However, postmodernism, particularly in its liberal guises, has suspended belief in the Symbolic Order, viewing its customs and meanings as ridiculous and often oppressive artificial conventions and unfounded beliefs. Every attempt at ideology is just a ploy to advance and protect the interests of those who devised it at the expense of others. This might seem to be a thoroughly positive development, abandoning the myths and parochial prejudices of modernity’s Symbolic Order. However, in denying belief in the Big Other, liberal-postmodernism has thrown the baby out with the bathwater. It has corroded belief in *any* set of shared ethics, customs, values or rules that form the social content that fills up the void that lies at the subjective core of our being. As such, there can be no coherent basis for social harm or consistent guidance on how to govern our social conduct<sup>3</sup>. For Žižek, postmodernism signals the triumph of liberal-individualism, creating cynical and sceptical subjects who trust only in themselves, what they see before them, and who are constantly furnished with the tools to question the authority of the Big Other, or indeed any authority that attempts to curtail their own passions or desires.

Winlow and Hall (2013) use the example of the doctor’s medical prognosis. Previously, submitting to the rule of a functioning Big Other, we would have accepted the doctor’s medical advice. Her degrees from universities, medical schools and her years of training indicate that she is a medical expert deserving of respect

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<sup>3</sup> One might respond to this by observing that we live in a world full of rules and bureaucracies. These are the series of ‘little others’ which attempt to occupy the same space as the deceased Big Other and resolve the many situation-specific issues in our lives. However, as Winlow and Hall (2012; 2013) observe, these little others cannot be elevated to the status of the Big Other. They are just a tyranny of committees who do not have a fixed, objective or transcendent source. Therefore, the postmodern subject can undermine belief in these little others in precisely the same way. For a more in-depth discussion, see Winlow and Hall (2012) on ethics committees.

and we should defer to her informed judgment. However, in the contemporary context if we are told that we do not need to be admitted to hospital or given a medical prescription, we are more likely to sceptically assume that this is just a ploy by the NHS to free-up hospital beds or save money on expensive pharmaceuticals. Consequently, as Hall and Antonopoulous (2016) have observed, we are witnessing a rise in consumers' purchasing of counterfeit pharmaceuticals after trusting their own individual judgment and self-diagnosis. Similarly, we could apply these ideas to examples of social harm explored by researchers in the field of 'deviant leisure' (Smith and Raymen, 2016), such as the ethical questions surrounding tourism and drinking holidays and the harms generated both to the environment and local populations (Briggs, 2013; Briggs and Ellis, 2016). Liberal-postmodernism's cynical individualist is armed with an array of counter-arguments capable of downplaying the harms generated and questioning the authority of those who would position such practices as harmful. Who gave them authority to pass judgment? Why should I be discouraged from going on three luxury holidays a year, drinking to the extent that I vomit in the street and playing my music loudly in my private villa? Climate change is just an overblown moral panic that scientists have used to get research funding, and my frequent tourism provides plenty of jobs in communities where there is little else. Public morality is just a parochial social construct, the petty old-fashioned narrow-mindedness of others trying to intrude upon my fun and inhibit my ability to express myself and my sexuality (Jayne et al, 2006). As Winlow and Hall (2013: 156-157) write, "In this sense, postmodernism reanimates asocial libertarianism and fits neatly within the doctrine of neoliberalism: nothing exists beyond the immediate freedoms of the subject and no legitimate authority exists that can justifiably curtail those freedoms".

It is precisely within these environs of commodified leisure and consumer capitalism that social harm is most uncertain of itself. It is within leisure that we are culturally, economically and even politically represented as existing in a state of voluntarism. Seen to be rightfully enacting our individual freedom and leisure choices, leisure has not just been elevated to a social good but a *moral right* (Raymen, 2018). Within a society which places a primacy upon the liberty of the individual, Rojek (2010: 1) has written that "one may hardly dare speak of leisure in anything other than celebratory or triumphalist tones". However, in an era of post-industrial consumer capitalism in which leisure markets are increasingly cultivated and deregulated due

to their demand-side value to the global economy, it is within these arenas of commodified leisure that some of the most normalised harms are being played out (see Smith and Raymen, 2016; Hayward and Smith, 2017). Indeed, postmodernism's systematic suspension of disbelief in liberty's *telos*, and its concomitant suspension of belief in any alternative mode of existence, allows liberal-capitalism and individualistic consumerism to fully realise its core drive of intense competitive individualism. Liberal-postmodernism's suspension of belief in the Symbolic Order has denied the possibility of a fully-functioning Big Other to contradict the late-modern consumer subject and whisper in her ear that a particular desire or leisure practice is harmful or illegitimate. Winlow and Hall (2013: 157) sum it up nicely: "if nothing is sacred there is nothing that cannot be enjoyed, and nothing that cannot be sold on commercial markets".

Postmodernism's denial of belief in the Symbolic Order has left the contemporary subject scrambling for something in which they can anchor identity. Liberal-postmodernism has treated this as a self-congratulatory gain; as the autonomous self was 'freed' from the social bonds and hierarchies of the Symbolic Order (MacIntyre, 2011). However, for the likes of Žižek, while the late-capitalist subject pretends to enjoy the new-found 'freedom' and indeterminacy granted by the death of the Big Other, it is actually unconsciously experienced as an acute *loss*. As noted in an earlier section, identification with a coherent Symbolic Order is a fundamental aspect of identity formation, but the liberal-postmodern subject of late-capitalism has been 'cut adrift from its moorings (Young, 1999; 2007) and deprived of many of the firm boundaries around which identity could be oriented. Therefore, this so-called 'liberation' has *intensified* rather than dissipated the need for something in which identity can be rooted, and the polysemic world of consumer capitalism has been happy to step into the void. Of course, consumer capitalism carefully cultivates *dissatisfaction*, generating profit by stimulating a sense of *lack* that can be assuaged by new commodities and experiences which could help the competitive individual distinguish herself from 'the herd' (Heath and Potter, 2006; McGowan, 2016). The looming anxiety and threat of cultural obsolescence looms in the background as the commodity's life-cycle of cultural relevance shortens and demands regular abandonment. Therefore, using consumerism as the foundation of identity is like building a house made of beach sand as the tide rolls in and out. It quickly erodes

and must be constantly rebuilt anew, irrespective of the interpersonal, socially corrosive, and environmental harms it generates.

Liberal-postmodernism's cynical disbelief ultimately results in the preservation of our existing political-economic and cultural arrangements. Global capitalism's competitive drives and consumer culture's individualism are depicted as the political-economic and cultural systems that appear closest to our nature as autonomous individuals (McGowan, 2016). We are told that any attempt to rejuvenate society on a radically new political, economic and ethical footing will inevitably lead to totalitarian disaster. This is what Mark Fisher (2009) describes as 'capitalist realism', a deep and enduring form of collective nihilism in which we struggle to imagine a world beyond capitalism which occupies the 'horizons of the thinkable' (Fisher, 2009). This is the ultimate embodiment of liberal-postmodernism, resulting in what Žižek (2008) describes as post-political biopolitics. As he explains, this is a piece of immense theoretical jargon, but one which basically describes the current state of affairs in which society has renounced grand ideological causes or transformative visions of society based upon a new politics, economics and ethics but has instead set about the task of efficiently administering life as it currently exists. This applies neatly to much of the current zemiological landscape. Under this framework, the question of social harm is not an ethical issue or a departure point from which we can imagine a more desirable collective social existence, but more of a technical issue which attempts to engage in piecemeal 'harm-minimisation'. Rather than recognised as symptoms of deep but ultimately solvable social problems which are then interrogated and challenged, certain social harms are simply accepted as a fact of life and the price of our individual freedom. Social harms become transformed into risks to be managed; and the task of academics, politicians and policy makers becomes the devising of ingenious ways to mitigate the worst excesses of these harms without transgressing the ontological assumptions of liberalism or the economic needs of capital.

### **What does this mean for existing perspectives on social harm?**

*"If Evil exists, we must conceive it from the starting point of the Good" (Badiou, 2001: 60)*

This foray into the ontological, moral and political philosophical underpinnings of contemporary life in late-capitalism leaves us with the question of what this means for existing perspectives on social harm. While there have been a variety of suggested approaches to social harm (see Lasslett, 2010; Yar, 2012 for two examples), I specifically focus upon Pemberton's (2015) approach rooted in theories of human need, which has been advocated by others in the field (Copson, 2011; Hillyard and Tombs, 2017). I do not focus upon this approach to social harm because it is any more deficient than other perspectives. On the contrary, while there are some fundamental flaws that stem from its underpinning intellectual influences, it is focused upon here because of its *potential*. Pemberton's use of the notion of human flourishing opens up possibilities to re-establish what is missing from social harm perspectives—a natural human *telos* or clear notion of human flourishing around which an alternative Symbolic Order can be organised and can then serve as a guiding reference point for social harm to transcend postmodern liberal individualism's culture of emotivism.

A quick glance across the zemiological literature would suggest that the barrier of liberalism is not a problem for many critical social harm perspectives. Hillyard and Tombs (2017: 300) have spoken about the need to push beyond *negative liberty* organized around a 'freedom from' and link social harm to more a more ambitious positive liberty. Pemberton (2015) has similarly advocated this positive liberty, whilst also adding the rather Aristotelian language of social harm as the systemic compromising of 'human flourishing' and suggesting that a Rawlsian human needs approach is the best way to provide the guiding parameters of social harm (Doyal and Gough, 1984; 1991). Additionally, Copson (2011) has also advocated a human needs approach and bemoaned criminology's reliance on the 'liberal individualism' of contemporary jurisprudence. Yar (2012) has adopted a promising ontological position by using Honneth's (1996) theory of social recognition as the basis on which human flourishing can be cultivated.

However, a closer look at the intellectual underpinnings of contemporary approaches to social harm, particularly those with foundations in Doyal and Gough's (1984; 1991) theory of human needs, reveals a persisting and unacknowledged influence of liberal individualist moral philosophy (see for example, Pemberton, 2015). Doyal

and Gough's position is largely predicated upon the liberal philosopher John Rawls (1972) and his theory of redistributive justice, which attempts to develop an objective and rational test to determine the fair distribution of social goods in society. Rawls encourages the reader to imagine himself about to enter society standing behind a 'veil of ignorance'. The reader does not know what position she would occupy in society, what social class she would belong to, what race or gender she might be, what talents she would possess, or what kind of society she is about to inhabit. Any rational individual, Rawls argues, would therefore agree that each person would have an equal right and access to an extensive set of basic liberties and human needs, and that goods in society are distributed equally unless an unequal distribution of these goods would benefit the least favoured in society. Rawls is essentially attempting to manage and resolve the core tension at the heart of liberalism's political philosophy. The debate between the libertarians and classical liberals who view any taxation and redistribution of goods as theft, and those social liberals who see that a balance must be struck between individual liberty and the needs of the majority. Of course, since the collective majority (traditionally represented by the left) fragmented into innumerable minority interest groups, the minority group of the financial elite have used their political-economic clout to win this battle repeatedly over the past forty years, as the left has endured defeat after defeat (Dean, 2016).

However, the most problematic aspect about Rawls' (1972) theory of justice is that, as MacIntyre (2011) observes, it *separates morality from desire*. This is antithetical to the teleological ethic of Aristotle, who saw morality not as a given but as an achievement; not as distinct from personal happiness, human flourishing and social advancement but as a fundamental and necessary spur to those pursuits. Modern liberal individualists, however, often treat morality as an impediment acting *against* natural inclinations, individual desires and social progress. We see it in Kant's categorical imperative, which views morality as acting out of a sense of duty to universalizable moral norms, denying ourselves particular desires and interests if for no other reason than to avoid them being inflicted upon ourselves. We see it in Rawls who can only imagine people acting in an ethical and equitable manner when they are standing behind a 'veil of ignorance'. We also see it in Mill, who wrote that the readiness to serve the happiness of others through the sacrifice of his own happiness or desire is "the highest virtue that can be found in man". Therefore, instead of trying

to develop a society which cultivates subjectivities which reconnect morality and desire, moral and pro-social behavior is reduced to the act of mere rule-following. As MacIntyre writes:

“[W]hat sort of person am I to become? This is in a way an inescapable question in that an answer to it is given *in practice* in each human life. But for characteristically modern moralities it is a question to be approached only by indirection. The primary question from their standpoint has concerned rules: what rules *ought* we to follow? And why ought we obey them? [...] the central doctrine of modern liberalism is the thesis that questions about the *good life for man* or the ends of human life are to be regarded from the public standpoint as systematically unseizable. On these individuals are free to agree or to disagree. The rules of morality and law hence are not to be derived from or justified in terms of some more fundamental conception of the good for man”. (MacIntyre, [1981] 2011: 138).

We can see within the above quote the questions that liberal-postmodernism’s cynical individualist can quickly pose when morality is separated from desire and reduced to an act of mere rule-following. A good example of the problems generated by this approach can be found when we consider one of the most pressing types of social harm—climate change. Environmental issues tend to be framed as being at odds with personal desires. We are encouraged to change our consumption habits, buy re-usable coffee cups, and find ways of reducing or negating our carbon footprint when we travel. Appeals are made to alleviate the suffering experienced by animals, or to fulfill our duty to live sustainably in order to ensure a future for our children and grandchildren. The underlying message from those trying to stimulate change is that we must act *against* our self-interest or desires. While it is inconvenient to painstakingly check labels and recycle, to carry a reusable coffee cup wherever you go, or to walk or cycle when it would be much quicker and convenient to drive a car, such measures must be taken no matter how painful.

However, such approaches quickly fall apart. As Shaw and Bonnett (2016) have argued, we are increasingly witnessing the perpetuation of environmental harm through a form of nihilistic grief and loss. Overwhelmed by the daunting scale of change required to avert environmental catastrophe and convinced that things seem

to have gone too far, there is no incentive to act against one's sovereign desires. This defeatism prompts depressive forms of consumption that can be witnessed in practices such as extinction tourism, in which companies arrange trips to see certain places, populations or species that are on the borderline of extinction. Here, these consumers and companies flagrantly perpetuate the same environmental harms that have driven these places and populations to near-extinction in the name of 'seeing it before its gone'. Moreover, in contemporary society there has been a reorientation of the cultural super-ego toward a *cultural injunction to enjoy* (Žižek, 2002). Rather than feel guilt or shame for spending money on new clothes or going on a big night-out; the contemporary reoriented super-ego is now more likely to feel guilty for *not* doing so, driven by the sense that others are living more exciting, fulfilling and enjoyable lives. This is most effectively captured by the hashtag FOMO (fear of missing-out) and bucket-list tourism which provides an itinerary of travel and tourism experiences that one simply has to experience before they die (Thurnell-Read, 2017).

Despite these flawed intellectual underpinnings, Pemberton's (2015) approach to social harm as the compromising of *human flourishing* offers the possibility for resolving this issue around the separation of desire from morality. Whether intentional or not, this is a very Aristotelian term that implicitly suggests that human beings possess a particular goal, purpose or perfected state of being which the individual is constantly striving towards. This is what Aristotle would call the *telos* of human life. It is not something which is left up to the individual to decide privately for themselves, nor can it be achieved individually. Rather, the *telos* (or human flourishing) is developed through a shared deliberation about the common human good and the kinds of subjectivities, virtues, characteristics and social institutional values that are required for its achievement. It can only be achieved through a properly ethical and political participation within the communities to which we belong. To marry this with Žižek's language, this notion of human flourishing and what it demands would become enshrined within the shared meanings, values, customs and institutions of the Symbolic Order and the Big Other. As the likes of MacIntyre (2011) and Lutz (2012) argue, this *telos* could provide the objective reference point that can not only resolve moral or zemiological disagreements, but also offer guidance as to how to live the Good life. We can see how this notion of human flourishing differs from the idea of the 'Good life' in the liberal-individualist

culture of late-capitalism; which is often a private pursuit of consumer pleasures and personal success which can be achieved in spite of, and is often contingent upon, the suffering or degradation of others (Hall et al, 2008).

However, Pemberton (2015) fails to offer much guidance on what actually constitutes human flourishing. Instead, he limits his analysis to the conditions necessary for ‘human flourishing’ without considering the ends they are geared towards. Given the scale of such a task, this absence is entirely understandable. The restrictions of space similarly prohibit this article from offering an outline of what the Good life for human persons might be and what human flourishing looks like. However, what was required was an acknowledgment that the potentially substantive yet currently diaphanous content of human flourishing—a shared vision of the Good life for human persons and society—is the vital component that can reconnect morality and desire to provide the basis from which we can derive an understanding of what we consider to be social harm. Without this, Lutz (2012) argues, “there is no such measure by which the good or evil of desires or actions could be judged, and the contingent facts about the random desires of individuals would have no clear relationship with moral rules intended to only curb abusive behaviour” (Lutz, 2012: 63).

In the absence of this acknowledgment, two interrelated problems arise, both of which prohibit zemiology from realising its self-proclaimed desire to push beyond negative liberty and conceptualise social harm as the systemic compromising of human flourishing. Firstly, to place human flourishing as the objective reference point for social harm and ethics is a positive first step; but without an acknowledgment of the need for a shared conception of the Good life and a human *telos*, ‘human flourishing’ provides nothing more than an empty signifier. It remains at the discretion of each sovereign individual to privately decide what constitutes the Good life *for her*; inevitably resulting in vastly divergent conceptions which will inevitably clash with others’ privately defined ideas of human flourishing. The central tenet of liberal individualism remains intact, perpetuating the ‘culture of emotivism’ as described by MacIntyre above, and zemiology remains trapped within the confines of liberalism’s ideological understanding of ‘freedom’. This, Deneen (2018) and MacIntyre (2011) argue, was liberalism’s great historical achievement. In the pre-liberal world of Aristotle, liberty was defined as the conquest of base

desires and the development of practical moral reasoning to know how to act, what is best and right to choose and desire in order to pursue a shared conception of the Good. However, liberalism has located liberty within the sovereign individual, as the right to pursue pluralistic, personal and privately defined notions of the Good free from religious, cultural or moral intervention.

This perversion of the notion of liberty creates the second interrelated problem. It has enabled liberal individualism to hijack notions of ‘positive liberty’ and create an essentially false distinction between positive and negative forms of liberty (Hall, 2012a). While theories of human need claim to espouse a notion of *positive* liberty (Doyal and Gough, 1984; 1991; Pemberton, 2015), what this really amounts to is a slightly more ambitious, welfare-oriented and socialistic brand of negative liberty with a different name. It extends the traditional negative liberties of the right to life; freedom from torture; freedom of expression and so on to include equal access to physical and mental health services; education and personal development; and employment, among others. However, this does not constitute a radical departure from the moral philosophy of liberal individualism and its primacy upon individual sovereignty, merely a more comfortable ledge for the majority to rest upon as they pursue their personal dreams. With no ethical or teleological substance to guide a common understanding of the Good life for human persons, the sovereign individual is simply provided with more services and tools to enable them to pursue their own personal wants and desires. Under this framework, positive liberty is defined as the provider of basic material needs and services for individuals to enact their freedom to behave according to their sovereign view of the good life. Positive and negative liberty thus collapse into one another. We can see this quite clearly when we examine Doyal and Gough’s work on theorizing human needs. In a passage that reads as remarkably similar to Žižek’s (2008) post-political biopolitics described above, the scope of liberty is limited to a choice between a society of unshackled capitalist production or a state which ensures equal access to high standards of health, education and abundant employment and so on in order to expand the individual’s choices so that they can freely decide their own destinies:

“As we have hinted in the introduction, conceptions of liberation as a generalisable goal have traditionally been interpreted either as unlimited material production or the expansion of individual choice...For our purposes,

the first formulation is problematic because it is now clear that for a variety of social, economic and ecological reasons the dream of unrestrained production has for many turned into a nightmare of Taylorism, unemployment, pollution, corporate imperialism, the fear of nuclear destruction and the exhaustion of global resources. This has in turn focused attention on the ‘quality of life’, again highlighting the importance of the distinction between wants and needs. Thus, the second approach to theorising liberational needs - optimising the satisfaction of basic individual needs in principle and in practice - seems more promising if it can be shown to be conceptually and strategically coherent” (Doyal and Gough, 1984: 23).

Alain Badiou has suggested that in a contemporary society oriented towards a negative rights-based ethos, “[e]vil is that from which the Good is derived, not the other way around” (Badiou, 2001: 9). Badiou argues this precludes any genuine transformation of society. What we require in our effort to clearly identify, recognise and provide parameters for social harm is a fundamental reversal of Badiou’s (2001) diagnosis of our current predicament. What we are striving for in defining harm is an idea of the *Good* from which social harm is derived. Simon Pemberton has expressed this precise sentiment when he writes that “we gain an understanding of harm exactly because it represents the converse reality of an imagined desirable state” (Pemberton, 2015: 32).

Therefore, it is suggested that we should take up the mantle from Pemberton (2015) and drive forward to flesh out a fully-fledged theory of what constitutes *human flourishing*. Lasslett (2010) has suggested that we should do the exact opposite and move away from grounding harm in an ‘ethical conception of man’ and return to more objective and robust ontological theories of harm. However, if we return to Žižek’s ontology of the subject, we can see that this separation of ontology from ethics is misguided and ultimately fruitless. At the ontological core of the subject lies a void, and identifying with a Symbolic Order of shared meanings, customs and ethics is a fundamentally necessary part of identity formation, the development of subjectivity and the constitution of a social world. Therefore, the formation of a Symbolic Order and an associated ethics is a fundamental part of the organic and inorganic reproduction of man, without which subjectivity, identity, relationships and other fundamental human needs cannot exist. Social harm, therefore, is not an

ontological *or* an ethical issue. Rather, it is an ethical issue *by way of the subject's ontology*. If social harm is to transcend the liberalism's scarcely challengeable hegemony and its associated culture of emotivism, it must take heed of this fundamental ontological insight and observe the subject's need for the formation of a strong and coherent Symbolic Order, with a clear and collective notion of *human flourishing* at its core. It is the absence of this shared deliberation of the Good—precluded by liberal-postmodernism—that stymies our efforts to arrive at a clear, coherent but open-ended understanding of social harm. Despite the apparent pessimism of the preceding pages, this brings us to the more optimistic kernel of the argument that concludes this article. Social harm is not merely a concept that identifies what is socially, environmentally and politically-economically corrosive in our society. On the contrary, defining social harm is fundamentally bound up with constructing an imagination for the type of lives we want to lead, the society we want to live in, and the subjectivities we want to cultivate. Thus, social harm becomes a transformative concept which allows us to think beyond the horizons of liberal-capitalism.

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