

What is Criminology About? The study of harm, special liberty and pseudo-pacification in late-capitalism's libidinal economy

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Why criminology must break its chains

The non-conservative dimension of criminology is currently dominated by what we can describe loosely as the 'liberal left', the conglomeration of liberal humanism, 'new left' culturalism, identity politics and anarchism that grew in the 1960s as a multifaceted protest against the 'old orders' of conservatism, corporate capitalism, patriarchy, racism and failed state socialism. In the post-war era liberal-left criminology has been evasive whenever it encounters the discipline's primary aetiological question: 'why individuals or corporate bodies are willing to risk the infliction of harm on others in order to further their own instrumental or expressive interests' (Hall, 2012a: 1). Conservative and classical liberal criminologists are less evasive, but their metatheory rests on the ancient and reductive ontological certainty of the human being as the intrinsically 'fallen' creature, which ignores Fredric Jameson's (1981) reminder that we should always historicise – by which he means periodise – the human condition and our attempts to understand it. On the other side of the divide, today's liberal left celebrates the possibility of radical indeterminacy, the notion that, should actors dissent and choose to act differently, things could always be different: by which they really mean 'better', even though they are normally shy of expressing such moral essentialism.

However, as it slowly dawns on the discipline's liberal-left wing that its core metatheoretical assumption of crime as misguided proto-political dissent expressed by the victimised actor has been a fatal category error (Hall et al., 2008; Treadwell et al., 2013), it's too easy for conservative critics to say, with some justification, that liberal-left criminology cannot recognise or explain its own principal objects of harm and crime, or explain why people do such things to each other. This is one reason why Western populations are currently abandoning any faith they might still have in liberal-left politics to 'deliver them from evil' (see Becker, 1975), or, in plain secular parlance, prevent the harms caused by the sporadic and systemic crime, violence and corruption that can be found throughout the social structure.

This evasion creates a vacuum into which right-wing contenders flow to offer populist explanations and punitive solutions. When Western crime rates increased in the 1960s and 1970s despite increases in freedom and affluence and the (albeit temporary) truncation of social inequality, doubt was cast on the liberal left's rather tentative causal explanations of relative deprivation and repression. Subsequently criminology entered its first 'aetiological crisis' (Young, 1987). However, the liberal left, hamstrung by its proclivity to sneer at aetiology and marginalise theory in its educational and research programmes, preferring instead to strut its pluralist, deconstructive sophistication and put most of its effort into a long-running critique of punitive social reaction, still seems reluctant to accept the requirement for new ideas relevant to today's circumstances.

The liberal left is now a firmly established paradigm and resistant to new ideas. A clear example of such resistance can be detected in the philosophical kernel of the critical industry that grew around the global popularity of Slovene radical philosopher Slavoj Žižek, who provides us with new conceptions of ideology and subjectivity that are relevant to

criminology (Winlow and Hall, 2013; Hall, 2012a). Later in this article I will present a brief synopsis of the position of *transcendental materialism*, based on the work of Žižek and others, which, if combined with some emergent in-house concepts, could present criminology with a new perspective. This position provides new ways of thinking about ideology and subjectivity, based on a fundamental traumatic encounter with the Real and the individual's solicitation of a coherent symbolic order driven by a pressing need for comprehensibility and coherence (Johnston, 2008; Hall, 2012b).

However, criminology is an importer discipline (Loader and Sparks, 2010), therefore it must wait for new ideas to filter through the more established disciplines of philosophy, social sciences and the humanities. Whereas the conservative and classical liberal wing of the intellectual establishment has continued to act as expected, ignoring all new ideas and continuing to research the most effective ways of bolstering traditional institutions, the liberal-left wing's reaction to Žižek's ideas has been more interesting. It is founded on a concern that the ontological and ethical foundation of his particular form of cultural politics – drawn chiefly from Hegel, Marx and Lacan – discerns essential value in some traditional institutions, such as family, universalist philosophy, executive political power, the state, religion and socialism. For many on the liberal left, seeing any value in these slain dragons would return us to some variant of the old oppressive order and its normative structures such as statism, heteronormativity or patriarchy (see Braidotti, 2002). Žižek's Hegelian-Lacanian conception of subjectivity has elicited the utmost concern from the liberal left; the claim that the subject is born in a trauma that makes its unbounded freedom an impossible burden. For Judith Butler, his concept of the originary trauma presupposes that kinship and sociality share a traditional structure:

What he's doing is consolidating these binaries as absolutely necessary. He's rendering a whole domain of social life that does not fully conform to prevalent gender norms as psychotic and unliveable (1993: 37)

Butler suspects that such a theory of primal trauma is the road back to conservative oppression because it insists that subjectivity must be grounded in traditional kinship and social relations that, for her, are saturated with heteronormative assumptions. She was not the first to join the great collective knee-jerk. Dews (1995) accused him of denying the creative processes of reflexivity and intersubjectivity, although his position changed markedly in later work (Dews, 2008) of more interest to criminology. Holloway (2002) accused him of reviving a notion of totalizing executive political power that we must consign to the dustbin of history because of the death and destruction it caused in the past. Ebert (1999) accused him of masking his actual cynicism with his analysis of cynicism, which throws the damp cloth of 'metacynism' over today's active and incrementally successful reformist identity politics. He has also been accused of a multitude of other sins (see Parker, 2004 for a discussion).

Underlying this conception of subjectivity as trauma is the universalist philosophy that Žižek advocates. For the liberal left, such universalism would halt the march of piecemeal progress and return politics to an unwinnable ideological battle. Left liberals fear the return of the 'Law', the Oedipal relation that the child-as-subject must negotiate to enter civilization, the symbolic order that must enter the subject's unconscious if it is to recruit drives and desires to its transcendental ideals and ensure its essential maintenance and reproduction. For Žižek, however, this does not mean the return of traditional elite authority, its ontological certainty and its repressive system of control and punishment, but it does mean the return of symbolic reconstruction as the ultimate end of initial deconstruction and dissent. It is dawning on some

other thinkers that symbolic reconstruction and the return of the collective super-ego might be the essential prerequisites for the eventual downsizing of the repressive control system (Stiegler, 2009; Crogan, 2010).

Criticism of the symbolic reconstruction and unifying politics advocated by Žižek and other contemporary European thinkers has cooled off since the financial crisis in 2008 and the failure of the ensuing worldwide protests to coalesce into a political movement offering a genuine alternative. For some, as neoliberalism ploughs its destructive furrow with renewed conviction in the immediate wake of one of its most catastrophic failures (see Mirowski, 2013), as recession, socioeconomic austerity, relentless exploitation of cheap, expendable labour and the upward flood of wealth towards the neoliberal elite create precarious lives and increase fear and insecurity, yet no coherent oppositional politics can get off the ground, Žižek's cynicism is begrudgingly accepted (see Winlow and Hall 2013). Others, liberals and conservatives alike, conform to tradition and accentuate the positive – progress made in human rights and personal freedom, technological developments and so on. Criminology is stuck in a rather odd position across this divide between pessimism and optimism. The much-vaunted statistical crime decline in the West since the mid-1990s has nudged the discipline over onto the optimistic side almost by default. Conservatives and classical liberals are obviously celebrating the statistical decline as evidence that capitalism and its attendant institutions are back on track. However, whilst the liberal left remain circumspect and divided, established liberals such as Pinker (2012) also celebrate of the statistical decline because they suspect it must be a result of a new fairness, sociability and gentleness as the people's rainbow alliance of piecemeal cultural struggles against the system's traditional iniquity bears fruit.

The recent statistical crime decline, although now coming under increasing critical scrutiny (see Parker, 2008), has reinforced the notion that new ideas are not really required at the moment. Criminology's aetiological negligence is the result of both too much optimism from the liberal left, for which the crime decline is real and a gift from good people, and too much pessimism from the neoliberal right, for which it is a gift from the good state working effectively against bad people. The result is that the excellent criminological research currently in train is being starved of new ideas in its two primary dimensions: firstly, new trends in harm and innovative criminality, and secondly, philosophy and theory, where conceptual tools needed to investigate the political, economic and psycho-cultural contexts underneath these trends can be created. For instance – just to refer to a small few selected from a large body – penetrative new ideas such as the 'depressive hedonia' and 'soft narcosis' (see Fisher, 2009) pervading youth culture and driving young people into social and political withdrawal, all-purpose scavenging and soft criminality, 'post-politics' (Mouffe, 2000), the 'crime-consumer couplet' (see Passavant, 2005), the new 'super-ego injunction to enjoy' (see Žižek, 2008) and the 'libidinal economy' (see Stiegler, 2011), which depoliticise and desubjectivise young people, have been ignored by most criminologists.

Systematically ignoring this large body of new ideas and chaining ourselves to politico-philosophical concepts from the dawn of the 'new left' in the 1960s – such as 'moral economy', 'moral panic', 'imaginary solutions' and so on – allows criminologists to keep on conjuring up increasingly far-fetched notions drawn from the principle that crimes are misguided proto-political actions (see Taylor et al., 1973). Thus we get the unlikely claim that the English consumer riots of 2011 were 'preconsciously' political (Akram, 2014) because political urges are stored in the *habitus* of today's young people; we don't see them articulated or practiced, but they're there all the same. Akram, however, entirely

misunderstands Bourdieu, for whom *habitus* is an internalised guide to the *dominant* external logic of practice (Bourdieu, 1990), and as such the most difficult aspect of the human psyche for reflexive thought to penetrate, not an internal source of oppositional pre-political impulses to be stirred into action at the first sight of unfairness (Hall, 2012a). This convenient misunderstanding allowed Akram to fabricate this concept even as politics palpably failed to reassert itself in the midst of the most serious global economic crisis since 1929 and its destructive social fallout, and even as the absorption of potentially political young people into the depoliticising surrogate social order of consumer culture was painfully obvious (Treadwell et al., 2013; Winlow and Hall, 2012). The liberal left had no answer to why these young people chose to do harm to each other and their environment rather than engage in articulate politics, which again allowed the right to press their case for individual ‘evil’ disconnected from its underlying economic, social and cultural contexts.

Harm and the politics of aetiological revival

There is no consensual understanding of harm in criminology, but in a post-war era characterised by the increasing dominance of interpretivism and relativism the ambition that this can be arrived at was somewhat marginalised. Criminology must return this debate to the centre of criminological education and research. The first step is to decentre legal definitions of crime and centralise a serious debate on harm. This will not be easy. The political philosophy behind each criminological faction prefers to depict the identity-group it represents as the innocent and oppressed victim. The two big players have the loudest voices; conservatives will resist definitions of business activity as harmful, whilst left liberals will resist definitions of drug taking or petty property crime as harmful. Libertarians will argue

that our entitlement to define anything as harmful should be pruned as vigorously as possible. Relativists and constructivists acknowledge the existence of a core of consensual harms, but they tend to reduce this category to ‘brutal violence’ (see Henry and Milovanovic, 1996). This definition is both too nebulous and too restrictive, the product of a resolute reluctance to open up a debate at the centre of the discipline. Such reluctance is the product of left liberalism’s all-encompassing fear of what to them is the only real perpetrator of harm, the oppressive state bearing down on free individuals on behalf of the traditional normative order, and the concern that any expansion of the category of consensual harm, or indeed any prominent debate on the issue, will justify the equivalent expansion of modes of ‘governmentality’ (see for instance Ericson, 2006).

However, perhaps a better first principle is that irrational fear from any political or cultural position should not rule criminological thought – everyday people’s fear of overwhelming criminality, conservatives’ fear of the ‘working class mob’, liberals’ fear of the state and normative orders, or whatever – and it is wrong to attempt to close down the debate; wrong for the integrity of the criminological discipline and wrong for future generations who might want the opportunity to make their own decisions in the specific historical circumstances in which they find themselves. Harm cannot be limited to brutal acts of physical violence because it is an expansive and variegated category that contains an assortment of acts and experiential consequences. We will investigate this issue later as we encounter the concept of the *pseudo-pacification process* and consider the possibility that the culturally expansive and economically functional sublimation of harm from its raw form of brutal violence should be criminology’s central concern.

Behind this intellectual evasion is the powerful post-war current of *political catastrophism*. We still live in the shadow of Stalinism and Nazism, the abhorrent products of Schmitt's (1985; see also Agamben, 2005) 'state of exception', the self-conferred entitlement to suspend human rights in order to purify the social body and establish authoritarian political regimes. Agamben's *homo sacer* is the subject of the state of exception, an expendable individual victim who is neither murdered nor sacrificed, but cast outside of all legal and normative categories to be killed with impunity. This historical abyss disturbed the liberal-left sensibility to such an extent that it attempted to dismantle collective politics outright in order to eliminate all risk of the return of institutionalised genocide (Jacoby, 2005). To a large extent it succeeded in its mission, thus we now exist in an unprecedented era of *post-politics*, a self-induced political paralysis. Unfortunately, however, the continuation of war and genocide across the world and current signs of the return of the far right in the industrialised West suggest that this tactic did not achieve its goal (Hall, 2012c; Winlow and Hall, 2013).

Political catastrophism was over-extended (Žižek, 2001). A large number of recent social scientific texts begin with grim warnings against totalitarianism followed by a brief genuflection to Foucault on 'biopower' and 'governmentality', then they proceed to place things like government healthcare warnings in the same category as gang violence, as discursive objects constructed to raise public concern, whip up 'moral panics' and increase state power over the individual (see for instance, Matthews 2014). However, this over-extended reaction also destroyed the credibility of the social-democratic regulatory framework, which allowed the libertarian anarcho-capitalist right to return to the centre of politics and culture (Harvey, 2007). Once established there they completed with ease the destructive task of crushing conservatism, communism, socialism and social democracy alike

to unleash the forces of the neoliberal market upon us all. Now we find ourselves in a world of totalitarian neoliberalism, administered by a corporate oligarchy and plagued by widening social inequality, jobless financial growth, the economic marginalisation of youth, proliferating urban slums, ethnic and geopolitical tensions and the normalisation of global criminal markets. We also face the return of reactionary protectionism and an upsurge of resolute nationalism, ethnocentrism and racism.

In short, the traditional socialist left quit whilst the liberal left survived by acting as the reluctant under-labourer to the neoliberal right (Dean, 2009). Now, as the tenured job fades from view and the social welfare comes under concerted attack, the sole immediate solution to harm and crime is the security state, precisely what liberals wanted to avoid. In the absence of a feasible political alternative, harm, crime and their complex probabilistic aetiology are downplayed and customised to fit the only solutions on offer; from the liberal left a downsized and humanized criminal justice system embedded in a comprehensive welfare system, and from the neoliberal right a more efficient criminal justice system embedded in a downsized welfare system and a wealth-creating deregulated capitalist economy. This means, of course, that the 'problem' is being defined by the approved solutions, which both rest on the fundamental fallacy that harm and crime are indeed aberrant problems rather than, as we shall see later, the consequences of practicing normality in a specific way. The displacement of honest and penetrative criminological debate on aetiology is diverting attention from the reality that political intervention in the socioeconomic field of a far more fundamental type is required if the criminogenic conditions of late capitalism are to be addressed (Currie, 2010).

The culturo-political fragmentation of the left and the dominance of hard-line social constructionism and relativism in its intellectual discourse have together led us into the

impenetrable fog of *symbolic inefficiency*, which has infused not only criminology and social science but also politics and popular culture (Winlow and Hall, 2013). Pulled along in the wake of Derrida and the cult of deconstruction, we find ourselves no longer able to establish meaning except for the short time required to deconstruct and destroy it. Embracing anti-statism, dissidence and subversion with no political purpose, the liberal left has permanently suspended any chance that real interventionist politics might return. Social movements come and go with little lasting effect apart from the entry of various cultural identity-groups into the system's interpersonal competition, whilst the precariat grows, criminal activity mutates and the security state expands in the vacuum created by the withdrawal of substantial democratic forms of political intervention.

Subjectivity and special liberty

Whilst liberal-left criminology pumps away with its traditional critique of state and corporate harms, it ignores the vitally important *cultural currents, individuals and forms of subjectivity* behind these harms. We might want to consider the concept of *special liberty* (Hall, 2012a). This cultural norm operates as a form of subjective permission to allow business operators to inflict multiple harms of varying magnitude on human beings and their environments, justifying their actions, and therefore defining themselves, as essential to the continuation of progress and prosperity. However, this normative mentality is not entirely restricted to a structural elite class; special liberty is a general cultural current. Since deindustrialisation, legitimate and illegitimate markets have expanded to attract numerous individuals, thus the permission and the inclination to risk inflicting harm on others – to simply 'get things done' in order that the competitive logic of business can be served – operates throughout the social

structure, from corporate boardrooms to ghettos. To the subject of special liberty, who regards himself as a miniaturized sovereign state, the everyday individual is a sublimated variant of *homo sacer*, a worthless unit not necessarily to be killed – although in extreme cases this does happen – but to be exploited with impunity in order to serve the logic of the market and the enrichment of the Master.

Harms are not restricted to the material dimension expressed in the standard culturo-legal terms ‘person and property’. They can also be found in the environmental, financial/economic, social, cultural, emotional and psychological realms. To make intellectual and political progress in the midst of such diversity, and to offer philosophical aid to sub-disciplines such as green criminology and feminist criminology, which are attempting to address specific dimensions of harm, we could revisit the Hegelian notion of *social recognition* as a first step in an attempt to ground and unify harm as a working category (Yar, 2012). The ethical demand that all those who act in the world should recognise the rights and empathise with the fundamental needs and emotional sensibilities of others is the foundation of this position. Although needs are multi-dimensional, for Honneth (1996) they can be reduced to the categories of material survival, love, rights and esteem.

However, first we must overcome a considerable obstacle thrown up by the reality of life in late capitalism. We can no longer use Hegel’s formulation in its original form because in late capitalism’s socioeconomic order the social interdependency on which social recognition between the Master and Slave depends has been severed. As automated production and deregulated finance dominate the global economy, and the return on capital now exceeds the rate of growth in the real economy expressed in output and wages (Piketty, 2014), the global oligarchy can simply dispense with the services of an increasing number of people and leave

them to their own devices. Most of the Slaves, even those who hold on to precarious service work, are technically redundant, therefore the Master's recognition of the Slave and his need for the Slave's work, approval and consent are no longer compulsory. The organic relational and reciprocal source of the Slave's political power has receded into the past. The Master is now entitled to special liberty by default, which in turn enables and justifies narcissistic self-affirmation and the reduction of social recognition to an arbitrary choice.

As organic socioeconomic interdependency unravels, the security state expands to enforce pacification, and seductive mass media and consumer culture recruit the subject to their fantasised surrogate social world, the Master finds himself under little pressure to respond to dwindling judgements and protests about multiple harms. The Slave, deprived of organic relational interdependency and class solidarity, finds that mimicry of the Master's business practices in brutal subterranean environments is one of the most reliable ways to guarantee material and symbolic survival. We cannot restore social recognition if we assume that a genuine democracy that can rearrange core socioeconomic relations has even a partial existence in today's world. Criminology's recognition of harm and its grounding in post-politics and severed socioeconomic relations can not only move the discipline forward but increase its political potency.

The pseudo-pacification process: how we made friends with special liberty and harm

In the liberal-capitalist system harm is not an aberration, a set of multiple hazards and problematic consequences to be obviated by minor policy tweaks. It is integrated in the system's dynamic core and reproduced in its conventional culture and subjectivity.

Throughout its history capitalism has not been a civilizing process but a *pseudo-pacification process* (Hall, 2007; 2012a; 2014). Across the course of the capitalist project in the West there has been a marked shift in the normality of harms. After the fall of the Roman Empire in Europe the social order was governed in the final instance by intimidation and physical violence (Tilly, 1985), which also operated unofficially in a similar vein at the core of a criminal shadow-economy dominated by successful brigands (Hibbert, 2003). However, in England, after the Norman invasion, proto-capitalists taking advantage of the Norman warlords' lax estate management noticed that a market economy can flourish when property rights are protected by reducing both violent governance and violent brigandage. They also noticed that the diametric opposite, socioeconomic peace maintained by the cultural norms of ethico-legal regulation, altruism and sociability, also hampered the market's expansion. Proto-capitalists emerging amongst the rich peasant and merchant classes attempted successfully to arrange a 'third space' of 'orderly disorder', adjusting politics and law to reduce both physical violence and traditional ethics to create a *pseudo-pacified* social environment conducive to the rise of aggressive yet non-violent sociosymbolic competition and economic exploitation.

A politico-legal and culturo-economic environment of atomised individualism, exploitative business practice and aggressive sociosymbolic competition, in which success was signified by gentrification and conspicuous consumption, allowed the more brutal forms of physical violence that had permeated crime, governance and punishment to be reduced. Other European regions followed suit later in order to expand their own market economies, which, despite an earlier start in the Mediterranean region, had been hampered by violent brigandage and governance up to the 16th century. The USA found the conversion of physical aggression into sublimated sociosymbolic competition a little more difficult to achieve in its condensed

period of economic development from the early 19th century. Its homicide rates undulated quite markedly and failed to reach the very low rates achieved in Europe.

From the 12th century in England cultural life was highly individualised. The main impetus came from legal change as the laws of primogeniture and entail, which applied only to the Feudal elite in Europe, were introduced throughout the social structure. All siblings apart from the eldest were effectively dispossessed, a traumatic experience which gave them little choice but to establish some sort of business operation outside the family and community upon which they could attempt to build some security and continuity back into their lives. The criminogenic cult of special liberty established itself in the desperate need to overcome obstacles. The family and community lost their places as the main economic and protective units. Insecure yet ambitious individuals were dispersed into the market economy just as cells split as the motor of organic growth. Early capitalism was a sort of socioeconomic tumour, virulent and difficult to control (Hall, 2012a).

The growth of markets, and the normalisation of conspicuous consumption as the cultural means of anchoring social signification to the economy, coincided with the decline of homicide and violent brigandage. However, this decline correlated with a rise in property crime, fraud and associated forms of non-violent criminality. Increasing wealth was accompanied by declining honour, generosity and egalitarianism. Ethical values were displaced from the centre of socioeconomic life and removed to the boundary to act as ascetic restraining mechanisms for the containment of the sublimated vices – greed, exploitation, deception, usury and sociosymbolic aggression – that had been installed as dynamic forces at the core. In this context pacification was neither a product nor a cause of civilised values but a functional condition propagated to allow the expansion of aggressive yet non-violent forms

of economically functional sociosymbolic competition. Consequential harms became collateral damage, unwelcome but necessary. This is the rudimentary shape of the *pseudo-pacification process* (see Hall, 2007; 2012a; 2014 for more detail).

This process reduced violent crime and harm but created a probabilistic environment in which non-violent crimes and a greater variety of harms were likely to proliferate. Analysis of the process requires a conception of modernist subjectivity as dualistic, motivated primarily by methodically elicited yet ideologically disavowed aggressive drives, the collective of the ‘obscene Real’ and its stupid pleasures (Žižek, 2008), which are pacified by internalised cultural codes and external means of control. However, these codes are dualistic insofar as they do not simply repress or eliminate but also stimulate and convert aggressive drives. This culturo-economic invasion and configuration of the chaotic, undirected drives at the core of subjectivity severed the connection between desire and the transcendental ideals that can attract and motivate the active social subject. Pacification, sociability and political participation thus became overly dependent on the constant gratification of drives and desires orientated to sociosymbolic competition.

Contra the Weberian liberal discourse on reflexivity and ethical constitutionalism, the reality is that most individuals in the capitalist continuum abandoned ethics and transformative rebellion for the sake of adaptation to capitalism’s brutal yet rewarding interpersonal competition. Ethical realism and its politics were rejected in favour of pure pragmatism and the multiple gestures of ethical idealism manifested in fake ‘sentimentalism’ and ‘benevolence’ (Eagleton, 2009). In such a cynical epoch, the internalised consumerist envy – publically disavowed to be experienced privately as enjoyment – that energises the capitalist project, and the special liberty and exploitation it continues to sanction, is

celebrated by the liberal right and criticised only sporadically and lightly by the liberal left, least of all by ‘radical’ criminologists who cling desperately to outdated notions such as the ‘moral economy’. Deep critique of consumer culture and subjectivity seemed to be the preserve of an unholy alliance of now extinct conservatives and socialists. The likelihood that much economic and expressive criminality is the outcome of the twin desires to constantly gratify obscene drives that cannot be gratified, and simultaneously avoid the mundane labour and social obligations that once structured the lives of everyday people, is currently escaping us. Contributing by default of silence to the ideology that disavows these obscene drives, left-liberal criminological theorists cannot connect agency to structure or explain the motivations behind most forms of crime. On the other hand, by positing the ‘malady of infinite aspirations’ as timeless and natural, conservative control theorists along with traditional Durkheimians and Mertonians reproduce the fallacy that both protects the economic system and its subjects’ exploitative activities and justifies the expansion of the control apparatus.

Elias’s (1994) theory of the ‘civilizing process’ joins the criminological canon in ignoring the systematic promotion of sublimated rule-bound aggression in business and sociosymbolic life. There has never been a ‘civilizing process’. Neither has there ever been a Foucauldian disciplinary regime of ‘biopower’ normalising the population and producing discursive subjectivity, rather, a system of regulatory practices sanctioned and reproduced *by the population itself* to control the socially and environmentally harmful overflow from the sublimely aggressive subjectivity they also sanction and reproduce. Sublimated aggression is cultural fuel required for the economic development and prosperity that the majority wanted and for which they continue to sacrifice their subjective freedom and tolerate an inherently criminogenic environment. This is still the situation today; the normalised and fully sanctioned presence of sublimated aggression at the centre of cultural and socioeconomic life,

practiced every day by sublimely competitive individuals throughout the social structure and across the political divide, makes ideology's reproductive job rather easy.

Transcendental materialism

Perhaps, then, it's time for criminology and social science in general to consider the importation of a new philosophical perspective that rests on a combination of revived and innovative concepts. The upshot of this position is that capitalism has temporarily captured the majority of Western individuals at the deep psychological level of drive and desire as subjects of its ideology. All idealist theories based primarily on false consciousness, hegemony, language, symbolic interaction, discourse, interpretivism and ethical constitutionalism thus fail. The theory of pseudo-pacification can draw upon *transcendental materialism* to provide ontological foundations for its criminological argument that the fundamental purpose of this capture is to simultaneously stimulate and pacify the subject's drives in such a way that they obviate any form of collectivism and fuel consumer culture and economic expansion. This requires a reassessment of the mediatory relationship between biology, culture and ideology. The simplified upshot is that human drives are not hard-wired 'instincts' mechanistically attuned to survival and triggered by environmental phenomena, but, as the latest neuroscience suggests, activated by an assortment of sophisticated emotions (see Damasio, 2003) that constitute an interface between weak, indeterminate instincts and the external realm of symbols and ideology (Johnston, 2008; Malabou and Johnston, 2013).

The trace of the experience of extreme abuse and neglect in early childhood can be etched firmly in the neurological system, which partially explains the motivations behind most of the relatively small amount of extreme and methodical violent crime (Bollas, 1995), but most crime is committed by those who have not experienced such extreme terror. Some family regimes are excessively brutal, but the majority are merely tough, and some can combine tough discipline with care. Most forms of family socialisation are preparation for the individual's future life in capitalism's competitive individualist culture. Mainstream culture and its institutions work on behalf of the pseudo-pacification process to socialise tough individual competitors willing to play by the rules. Here we can see the rough initial shape of a conception of subjectivity and harm that is both scalar and formal: capitalism seeks ideal-type subjects willing to do harm to others as they pursue the commodifiable types of self-interest that fuel economic expansion, but the ideal-type harm is also scaled down to stop short of direct physical violence.

To justify the perpetration of activities that are harmful or potentially harmful to others – harms that range across a complex spectrum from loss of livelihood and diminution of status to physical intimidation and violence – the individual must enter a scalar mode of *dissociation* (Stein, 2007; Sullivan, 1953), a subjectivity that seeks to by-pass social language, morality and social obligations to *simply act* in accordance with drives and desires orientated to success in the sociosymbolic competition (see also Stiegler, 2009). Dissociation allows the individual subject to imagine a personalised *state of exception*, granting himself *special liberty* to attempt – compulsively yet always unsuccessfully – to gratify drives and the desires that connect them to external objects, which can range from the norm of pseudo-pacified sociosymbolic ambition to the extreme of irrational hatred and prejudice. The ruthless businessman, the neighbourhood bully and the serial killer all operate with *scalar*

rather than *qualitative* variations of special liberty. Freedom, of course, has nothing to do with special liberty, but exists beyond an initial escape from its underlying drives and desires.

Therefore what separates the ruthless businessman from the serial killer is little more than a scalar variation in drives, desires and willingness to conform to the system's rules. The subject of special liberty, driven by consumer capitalism's obscene Real of envious and competitive drives, can operate throughout the social structure, from ghettos to corporate boardrooms and governmental corridors of power. Liberal capitalism has never attempted to either 'liberate' or 'control' subjects, but to create and reproduce a third space created by the dynamic tension between both. Many would agree that the fostering of genuinely civilized emotions would lead to a more sociable and peaceful world, but the conundrum is that they would be economically and personally dysfunctional in capitalism's competitive sociosymbolic environment.

A criminological take on transcendental materialism begins with the connection between harm and loosely controlled drives and desires, but, unlike conservative control theory, it does not naturalise or transhistoricise them. Left liberalism, on the other hand lacks a positive conception of harm as drive. Overwhelmed by a constant fear of natural forces that threaten to overwhelm the autonomous ethical individual and the systems of symbolic negotiation on which its philosophy depends, liberalism can only posit the cause of harm as an aberration, a misunderstanding or a failure to negotiate meaning between the actor and the victim.

Transcendental materialism presents us with a way forward by understanding the human neurological system as an abyss of weak, undirected instincts shot through with conflicting drives. The upshot is that the human being is hard-wired but only, paradoxically, for plasticity, and therefore malleable, in any substantive sense of the term, *only* at the *material*

level (Johnston, 2008). In our evolutionary, migratory history this malleability has been essential for survival in multiple physical environments that have changed in a variety of ways over time and have, until the widespread use of technology, demanded different forms of socioeconomic organisation (ibid., see also Gilmore, 1990). Symbolic systems, on the other hand, do not offer flexibility and transformative momentum but have evolved for the practical purpose of providing chaotic drives with the rigid communicative comprehensibility that social groups require to function as economic organisations.

Because pre-symbolic life is traumatic for the helpless child, de-naturalising the proto-self to create subjects of language and seek a comprehensible symbolic order inhabited by others who are committed to shared meanings is also a natural act. This process, whether Butler and the post-structuralists like it or not, is the formation of what we call subjectivity. Individuals must actively ‘solicit the trap’ of a rigid symbolic order – an ideology – simply to become selves and belong to a group as social subjects (Hall, 2012c). However, the major and hitherto intractable problem is *deaptation*. Symbolic systems, which have usually been hierarchical as environmentally specific functional successes were translated into social orders, periodically become counter-productive in new environments. Ideologies tend to insulate themselves from major shifts in natural and socioeconomic environments because powerful conformist subjects who have benefitted from the ideologies’ establishment expend huge effort and use their disproportionate influence to ensure their reproduction and resist change. However, on its own and with no reconstructive purpose in sight, constant dissent is counter-productive because anxious individuals cannot tolerate an existence in the absence of an ideology whose values, norms and symbols are shared by others; they crave a *unary order*. Identity that has been actively solicited by anxious individuals fleeing the primary trauma can be provided only by entrance into a symbolic order, whose values, norms and symbols are

returned inwards to be consolidated and temporarily *re-naturalised* in the body's neurological circuits.

Ideology does not need to constantly naturalise itself by hegemonic means; the subject seeks this re-naturalisation as an escape from trauma. Today's ideology is primarily *negative*; people have all sorts of *positive* opinions about this and that, which suggests that a dominant ideology does not exist (see Abercrombie et al., 1980), but the dominant ideology the vast majority share is 'capitalist realism' (Fisher, 2009), the conviction, honed in the era of political catastrophism, that no alternative socioeconomic system is possible. Capitalist realism's ideological function is to vigilantly repudiate the reality that, to truly transform itself at the level of drives and desire, the subject must risk another traumatic encounter with the Real of indeterminate drives, but refuse to stay in this dismal, fearful, permanently fragmented position of liberal-postmodernist, post-structural limbo where no alternative unary identity can be constructed and no real politics can take place. Rather, to regain sanity and increase the chance of potential collective survival into the future, the subject must re-enter an alternative ideology suited to the current environment. The ontological claim is that there exists neither an 'autonomous' nor a 'determined' subject, but a proto-subject who actively seeks a collective symbolic order in which he or she can become individuated; the choice between obsolete or new symbolic orders is the sole choice available.

Modernity's alternative unary political and socioeconomic orders – socialism and social democracy – have disintegrated with no replacement in sight. Liberalism, on the other hand, does not exist as a unary political order, only as a clearing house for atomised individuals and plural cultures in a market economy and a political safety valve for the forces of structural change (see Hedges, 2010). Violent criminality and both traditional and new forms of

competitive, hostile tribalism grow in the vacuum created by the abandonment of the project to construct a new unary order. Examples abound in today's violent paraspaces and failed states, in disrupted former agricultural communities and communist states, in deindustrialised and economically abandoned areas of the old industrial world, and in the cut and thrust of global geopolitics and business competition (Hall, 2012c). Only expansive securitisation and the rule of law, combined with the empty promise of increasing prosperity somewhere down the line when traditional capitalist economic principles can be revived, prevent further unrest and violence.

Left-liberalism and neoliberalism, together with their classical liberal antecedents, are two variations of a liberal-capitalist system that is a historical exception insofar as it has never attempted to create solidarity and security, unlike preceding and intervening systems, which were failed attempts to do so (Jameson, 2010). To promote aggressive competition between energetic asocial individuals it systematically stimulates the anxiety of a subject stranded in the limbo between trauma and the dream of a secure unary order that can never be realised. *Pseudo-pacification* was not a process seeking to adapt to a new environment. Rather, recognising the energising value of permanent dissociation and anxiety, it sought to expand and reproduce a novel and synthetic simulacrum, a post-social environment (Winlow and Hall, 2013). The *pseudo-pacification process* is founded on the stimulation, democratisation and subsequent recapture in its active symbolic form of the obscene Real, whose drives are sublimated to fuel sociosymbolic competition and energise the economy. Therefore from its inception the system was *fundamentally and functionally deaptive*, a form of *managed deaptation* fuelled by the seductive dream of constantly going beyond all ethical and natural limits, a Rabelaisian injunction to *do as thy wilt* and damn the consequences. For enthusiastic and reluctant recruits alike, pacification is dependent on continuous incremental increases in

wealth and the ability to circulate the commodities and competitive opportunities for social status and the recapture of lost identity. The very core of the system is criminogenic, but, paradoxically, so far anyway, it has pacified populations insofar as traditional forms of acquisitive, expressive and governmental physical violence have been largely displaced by a far more expansive accumulation of variegated and hidden harms.

The present is characterised by automated production, resource depletion, climate change, slow economic growth and consumer saturation. The *pseudo-pacification process* is becoming truly outdated and dysfunctional. Our ability to keep the lid on crime and harm is currently over-reliant on an unsustainable combination; the constant expansion of both the external control system and the means of gratifying consumer desires. There are signs that some young people might be seeking an alternative unary ideology beyond left-liberalism's theatre of aimless dissent, a truly adaptive socioeconomic order that transcends the *pseudo-pacification process*. Others, less attuned to the hazards and possibilities of our current situation, retreat into *depressive hedonia*, an asocial, post-political realm of restlessness, nihilism and frustration, seeking temporary respite in the 'soft narcosis' of late-night TV, marijuana and the new round of cheap or free commodities (see Fisher, 2009). In the most impoverished locales, many continue to drift into criminality. Perhaps criminology – if it allowed itself to take advantage of its clear view of the system's most deleterious and often tragic consequences – can investigate the pressing need for a new unary order in which it is possible to relax the pressure, to stop stoking anxiety and the sense of lack in the individual's psyche. Perhaps this would move us towards less disappointment and frustration, less crime, a return to the principles of citizenship and democratic politics and a diminished need for control.

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