ADDRESSING SOCIAL HARM: BETTER REGULATION VERSUS SOCIAL TRANSFORMATION

ABORDAR EL DAÑO SOCIAL: ¿MEJOR REGULACIÓN O TRANSFORMACIÓN SOCIAL?

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ABSTRACT

The challenge involved in the transformation of capitalist societies so that social harm is far less prevalent has been a concern implicit in recent scholarly work in the UK. The results of this work have, however, tended towards conventional proposals in favour of better regulation rather than a more fundamental programme of social transformation. This article argues that current approaches to the problem of social harm, along with the way scholars have defined the horizon of their inquiry, have tended to limit the critical purchase of social harm in explaining contemporary problems and articulating coherent solutions. Applying insights from Marxist political philosophy the article highlights the intimate relationship between the production of social harm and capitalist relations of production. The challenge of a social harm perspective is one of transcendence of existing capitalist social relations and state structures, not merely the better regulation of actually existing capitalism.

Key Words: Social harm, capitalism, patriarchy, political economy, Marxism.

RESUMEN

El desafío que supone que en la trasnformación de las sociedades capitalistas se produzca menos daño social, es una preocupación implícita en los recientes trabajos académicos en el Reino Unido. Los resultados de estos trabajos, sin embargo, suelen ser propuestas convencionales en favor de una mejor reglamentación más que un programa de transformación social. En este artículo se argumenta que los enfoques actuales acerca del problema de daño social, junto con la forma en que los estudiosos han definido el horizonte de su investigación, han tendido a limitar los effectos críticos del daño social en la explicación de los problemas contemporáneos y en la articulación de soluciones coherentes. Mediante la aplicación de puntos de vista de la filosofía política marxista, el artículo destaca la íntima relación entre la producción de daño social y las relaciones de producción capitalista. El desafío de la perspectiva de daño social gira entorno a la trascendencia de las

relaciones sociales capitalistas existentes y las estructuras del Estado, no sólo en la mejor regulación del capitalismo realmente existente.

Palabras claves: Daño social, capitalismo, patriarcado, economía política, marxismo.

Introduction

What social transformations are required in order that contemporary societies might be characterised by far lower magnitudes and a much lower prevalence of social harm? Put differently, what are the fundamental structural and historical features of contemporary societies characterised by high levels of social harm? How might these meaningfully be transcended?

These are the questions explored in this article. Our investigation begins with an examination of the work of a representative sample of social harm scholars, focusing in particular on two aspects of their work: definitions and explanations of social harm and proposed solutions for reducing its magnitude and prevalence. Despite the radical and emancipatory potential of the social harm perspective, we will see that the scholars studied here have tended towards the advocacy of rather modest reform agendas – a better regulated capitalist order notably – rather than a more profound agenda for social transformation.

The social harm scholars examined in the first section have explored the *effects* and *consequences* of social harm: death and injury, environmental pollution, lack of access to food or shelter for instance. Much less attention has been given to considering the underlying structural and historical *causes* of social harm. The second section introduces some conceptual tools drawn from the Marxist tradition to shed light on the question of the social *production* and *reproduction* of social harm, and thus on its underlying causes.

In conclusion it will be argued that for the social harm agenda to meet its emancipatory potential the analysis of the effects and consequences of social harm needs to be far more clearly integrated with a consideration of its causes in the underlying process of capital accumulation. Rather than limiting its analysis to the terrain of actually existing capitalism, it must also broaden its horizon to consider alternative modes of social organisation.

At outset, it is important to note an important omission in what follows, which is the lack of a gendered perspective. Patriarchy as a form of social organisation in which women are systematically subordinated to men is immensely socially harmful. It is a profound structural feature of all contemporary societies. It has also been a profound structural feature of human societies across space and time. It has proved extraordinarily durable and resistant to change. There is, to use Sandy Bardsley's striking phrase, a 'patriarchal equilibrium' that pre-dates the emergence of capitalism as a dominant mode of social organisation, and that has proven very difficult to challenge. Small gains made at any given time tend to be cancelled out over time as the equilibrium reasserts itself (see Bennett 2006, p. 72 and p. 178, n. 56). The omission of a gendered perspective in this article – the rather prosaic result of the present author's current lack of clarity on the undoubted mutually supportive interrelations of patriarchy and capitalism – is therefore a significant one. It is hoped that this omission will be remedied in the future.

Definitions, explanations and solutions: some representative recent examples

Social harm as a conceptual framework for understanding a wider array of social problems than is possible to encompass under the notion of 'crime' has been a theme immanent to the field of criminology for many years. Kristian Lasslett considers Edwin Sutherland's 1949 book on white collar crime to be a key moment in this respect (Lasslett, 2010, p. 1-2). Simon Pemberton highlights the work of a number of critical criminologists whose work prefigured, sometimes consciously, sometimes unconsciously, what has become the social harm approach (Pemberton, 2004, pp. 16-32). It was, however, with the publication in 2004 of a collection of essays that argued explicitly for the need to move *Beyond Criminology* (Hillyard, et al., 2004) that social harm studies gained a sharpened focus and impetus in the UK. It is therefore with this volume, and with a representative selection of its essays that a consideration of definitions and solutions starts.

In the first of these essays, 'Beyond Criminology?', Paddy Hillyard and Steve Tombs identify four dimensions of social harm that 'embrace a wide range of events and conditions that affect people during their life course' (Hillyard & Tombs, 2004a, p. 19). First there are 'physical harms': early death or serious injury as a result of, for instance, exposure to toxins, workplace injury, adverse effects of medical procedures, state brutality or lack of food or shelter. Second are 'financial/economic harms', such as various frauds, pension or mortgage 'mis-sellings', price-fixing, regressive tax and welfare policies, the effects of poverty and unemployment. Hillyard and Tombs offer no specific examples of their third type of harm: 'emotional/psychological harm'. Finally, they argue that unimpeded access to a range of social, intellectual and informational resources − what they refer to, following Alvesalo, as 'cultural safety' − is an important positive dimension to the social harm approach.

In a subsequent version of the same essay Hillyard and Tombs augment their typology.[1] Physical harms now include domestic violence, child abuse and racist attacks. A new category of 'sexual harm' is introduced. The disproportionate use of police stop and search against Muslims and young black men is given as an example of 'emotional/psychological' harm (Hillyard & Tombs, 2005, p. 14). This adjustment highlights a potential weakness with a definitional approach built largely around categories and types. Without a clear framework for understanding what does and does not count as social harm, definitions run the risk of endless revision and adjustment or, worst still, of descending 'into a pure relativism, the production of particular political orientations to the world' (Hillyard & Tombs, 2004, p. 20). Ultimately, Hillyard and Tombs argue, definitional matters are of secondary concern. The key question for them is the choice between a scholarly enterprise concerned with social harm or a criminological approach concerned with crime. Resolving this question involves making a judgement about 'which approach will produce greater social justice' (Hillyard & Tombs, 2004, p. 26), echoing a point made by the editors in their Introduction to *Beyond Criminology*:

> 'For us, as critical social scientists, key questions that must be asked of a discipline are to what end, and for whom, does it seek to produce knowledge? The more adequate discipline, then, is the one which produces knowledge more likely to enhance social justice' (Hillyard, et al., 2004, p. 3).

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[1] I am grateful to Rebecca Roberts for pointing this out to me.

But does an appeal to social justice do anything but displace the problem? The British philosopher Walter Gallie famously gave 'social justice' as one of his examples of an 'essentially contested concept': that category of concepts characterised by regular disagreement over their proper application, as distinct from disagreement over whether an identified feature conforms to an agreed definition. Some might understand social justice as a meritocratic society in which people gain individual advancement consistent with the specific contribution they make. Others might ground it in the principle of social cooperation 'to provide the necessaries of a worth-while human life, and of distribution of products to assure such a life' (Gallie, 1956, p. 187). An appeal to social justice without any further specification of its content therefore gets us nowhere. More recent attempts to offer a normative definition of social harm, discussed below, seek to address this weakness.

Of more immediate interest, we can observe that Hillyard and Tomb's dimensions of social harm categorise the *effects* and *consequences* of a complex set of historical and structural processes that combine to *cause* social harm. They document *types* of social harm rather than explain the *production* of social harm. This preference for classification and quantification over the explanation of underlying causes is a feature of a number of the essays in *Beyond Criminology*. Jamil Salmi, in his contribution, presents an impressive typology of different categories and forms of violence in democratic societies (Salmi, 2004, pp. 60-63). Violence, he argues, 'is not a random phenomenon, in most cases, but an event associated with specific causes and responsibilities' (Salmi, 2004, p. 56). Causes and responsibilities in this context, however, refer to the types of perpetrator – individual, group, firm, government – rather than the social processes that give rise to the various forms of violence. Christina Pantazis offers an important categorisation and quantification of those social harms endured by girls and women throughout their lives. Her assessment of the underlying causes of such harm, however, is limited to a few tantalising concluding remarks about 'the interactions between patriarchy and economic interests... manifested in law, customs, religion, tradition and societal norms more generally' (Pantazis, 2004, p. 216).

Overall, the often detailed documenting of the consequences and effects of social harm in the contributions to *Beyond Criminology* contrasts with a striking lack of any consistent and coherent explanation of its underlying causes and, more importantly, the implications of this for concrete strategies to address social harm. This is despite the editors' statement in their introduction that a 'central thesis of the book is that much harm is "the social wreckage of neo-liberal globalisation"' (Hillyard, et al., 2004, p. 3); a strong statement that points to a significant set of causal processes rooted in distinct historical and structural processes.

Indeed one of the distinctive features of the social harm approach more generally is precisely the emphasis it places on the origins of social harm in definite and specific human institutions, processes and arrangements. As Pemberton argues in a more recent article:

> 'Social harm denotes the study of socially mediated harms. It... distinguishes between harms which may result from the physical world and those that result from modes of social organization' (Pemberton 2007, p. 36).

And while it would be wrong to claim that the contributors to *Beyond Criminology* ignore entirely the question of the underlying causes of social harm, where explanation does enter into the analysis it does so in rather general and unspecific ways, and to rather modest and conventional ends.

In a second essay in *Beyond Criminology*, for instance, Hillyard and Tombs identify social harm as specifically the social harms of capitalism. The 'capitalist economic system,' they argue, 'while creating large benefits for sections of the world's population, has always produced a wide range of social harms. As Marx so cogently showed, harm production is a necessary and essential part of the system'. Hillyard and Tombs go on to note that no attempt has ever been made 'to develop a generic concept of "capitalist harm"' (Hillyard & Tombs, 2004b, p. 43). The modes of social organisation that produce social harm are not, in other words, *abstract*. They are not just *any* mode of social organisation. They are specifically *capitalist* modes of social organisation. To understand the various physical, financial/economic and emotional/psychological harms, as well as the need for cultural safety, Hillyard and Tombs argue, it is necessary to place them in the context of capitalist societies.

If the concern here is with social harm in actually existing societies it could hardly be otherwise. The social harms of feudal societies might be of historical interest. Assessing those of contemporary societies, even those marginal to the circuits of capital, requires a minimal engagement with and consideration of the capital system. As Pemberton points out:

> '[T]he primary task in defining the notion of "social harm" is... to identify the determining contexts that produce harms. To date, this has led many writing on social harms to interrogate the harms produced by capitalist organization... [G]iven the global dominance of capitalism – albeit in varied forms – it is appropriate that attention should be focussed on identifying the injurious social relations common to capitalist societies' (Pemberton, 2007, p. 36).

In the case of Hillyard and Tombs', however, their interest lies not with capitalism *in general* but specifically with 'the neo-liberal form of capitalism', which they argue 'is both quantitatively and qualitatively more harmful than other forms' (Hillyard & Tombs, 2004b, p. 43). Indeed, the 'neo-liberal economic paradigm', they state earlier in the same essay, 'is fundamentally harmful – it wrecks lives and creates harm on a wide scale – and these features are not some aberration, but integral and necessary aspects of this form of economic and political organisation' (Hillyard & Tombs, 2004b, p. 32). This means that 'any adequate understanding of the vast scale of harm that affects people from the cradle to the grave must be understood in terms of political imperatives and the economics of the neo-liberal paradigm' (Hillyard & Tombs, 2004b, p. 53).

The supposedly neo-liberal turn of capitalism from the 1970s on – symbolised for many by the election of Ronald Reagan in the USA and Margaret Thatcher in UK – has become a significant theme of recent scholarship that has sought to explain the seemingly bewildering chaos and crisis in the global capitalist system (e.g. Harvey, 2010; Duménil & Lévy, 2011). Yet whatever the value of neo-liberalism as a framework for understanding certain political and ideological trajectories of recent decades, it offers a poor starting point for understanding the underlying dynamics of the production of social harm.

For one thing, throughout its history the operations of capitalism have been associated with the most profound social harms. We might recall, for instance, the violent expropriation of the agricultural populations as part of the reorganisation of property relations under emerging capitalism in England and other European states from the sixteenth century on (Marx, 1976, p. 877-904). Or consider the millions of avoidable famine deaths in late nineteenth century India and China, people who, as Mike Davis remarks, 'died in the golden age of Liberal

Capitalism', and did so 'not outside the "modern world system," but in the very process of being forcibly incorporated into its economic and political structures' (Davis, 2001, p. 9). We might think of the 1929 Wall Street crash and the global depression that followed. We might consider the destructive inter-capitalist rivalries that resulted in two devastating world wars in the first half of the twentieth century. These past social harms are of more than mere historical interest, not least of all because they continue to shape social harms in the present. Understanding the production of social harm under capitalism means placing the production of harm within the context of the underlying dynamics of the processes of capital accumulation as these have developed across time and space, and continue to do so, rather than fixing on any given iteration of the capital accumulation process, in this case the neo-liberal variety.

More significantly, making *neo-liberalism* the quintessential cause of social harm tends towards the radical foreshortening of the critical horizon and the dilution of much of the social harm perspective's emancipatory potential. For a characteristic feature of most social harm scholarship is the *a priori* acceptance of the capitalist order as the only possible mode of social organisation. As a result, the necessary critical openness to the possibility of fundamental social transformation is closed off. In its place we are offered a trade off between different forms of capitalism and an essentially pessimistic set of prescriptions in favour of the better management and regulation of the capitalist order.

This problem is brought into sharp relief by what is the outstanding contribution to *Beyond Criminology*: Danny Dorling's highly original study of homicide trends in Britain in the final two decades of the twentieth century. Dorling points out that the increase in homicide victimisation in Britain between 1981 and 2000 was 'concentrated almost exclusively in men of working age living in the poorest parts of the country' (Dorling, 2004, p. 186). Those living in the richest areas saw their risk of homicide victimisation fall. The question is why. Here is Dorling's explanation:

> 'Behind the man with the knife is the man who sold him the knife, the man who did not give him a job, the man who decided that his school did not need funding, the man who decided to reduce benefit levels so that a black economy grew, all the way back to the woman who only noticed "those inner cities" some six years after the summer of 1981, and the people who voted to keep her in office' (Dorling, 2004, p. 191).

Dorling's gendered language noted, the problem of homicide in Britain becomes a problem associated ultimately ('all the way back') with the election of one politician – Margaret Thatcher – and the introduction of a set of 'neo-liberal' governing strategies that caused unemployment, ran down schools and cut social security.

Hillyard and Tombs take a similar tack, calling for the roll-back of neo-liberal policies in favour of more generous social security provision and a more rigorous regulation of capitalist markets, production, distribution and consumption (Hillyard & Tombs, 2004b, p. 43-51). Yet even if we were to accept a return to a renewed form of pre-1980s western capitalism as the extent of our ambitions, how might such a frankly uninspiring prize be attained? Put another way, if, as Hillyard and Tombs argue, it has been capitalist states pursuing neo-liberal policies that 'have been pivotal actors in producing inequality and social harm' (Hillyard & Tombs, 2004b, p. 52), what institutions or social collectivities might redress this? Hillyard and Tombs' slightly counter-intuitive answer is that it is for the capitalist state and associated agents of global capital, national and international, to do it. Far from being 'victims of... [or]

passive agents within, generalized economic processes', Hillyard and Tombs argue that states play a determinative role in shaping policies resulting in greater or lesser degrees of social harm. Put bluntly, capitalist states have 'chosen' to pursue socially harmful neo-liberal policies. Equally they can chose to pursue different, less socially harmful, policies. Thus, 'politics matters... in terms of the differential nature and levels of social harm that it may or does produce' (Hillyard & Tombs, 2004b, p. 52).

Hillyard and Tombs' implicit challenge to the 'weak state' thesis – the belief, widely shared in criminological circles among others, that modern nation states can exert little meaningful power in the face of an uncontrollable global capitalism – is well made. Indeed, far from being weak and passive bystanders to the ongoing development of global capitalism, capitalist states actively intervene to create and sustain favourable conditions for ongoing capital accumulation. As such, capitalist states are not neutral; they operate in the interests of capital. And while the capitalist state's relationship to capital is a complex one and often marked by conflict, to propose that states should simply chose to pursue different policies that, in reality, would work counter to the interests of capital is unrealistic.

To imply, as Hillyard and Tombs do, that nothing but political will and determination stands in the way of a different capitalist order is also to fall into the trap of what Andrew Kliman, characterises as 'political determinism – the notion that the economic laws of capitalism can be fundamentally modified by political will and power' (Kliman, 2012, p. 50, emphasis removed). Politics and ideology, Kliman points out, echoing Marx, 'are based upon and conditioned by the relations of production that are the real foundation of society,' not the other way round (Kliman, 2012, p. 51, emphasis removed). This carries with it important implications for strategies aimed at achieving much lower levels of social harm. Far from it being merely a matter of the better regulation and management of capitalism, it implies the need for far more profound material, political and ideological transformations.

Similar limitations affect the contributions of Pemberton and Pantazis. In the case of Pemberton, he appears caught between two imperatives: reform or revolution. In his 2007 essay, already quoted, Pemberton concludes with an ambitious call to arms:

> '[T]he task remains to provide analyses and articulate challenges to the systemic harms produced by this mode of organisation (RG - i.e. capitalism). Thus ensuring that the habitual harms endured by individuals... come to be understood not as a product of individual pathology or choice, but as products of the way we organise our societies and ultimately, wholly preventable!' (Pemberton, 2007, pp. 39-40).

In reformist mode, on the other hand, Pemberton argues that the 'short term goal of the social harm perspective' is 'to re-orientate the "strong state" towards a "social state"' (Pemberton, 2007, p. 32). By the 'social state' Pemberton here means the capitalist welfare state, in contrast to the criminal justice dominated neo-liberal state. Echoing Hillyard and Tombs, Pemberton describes the challenge of achieving this reorientation as fundamentally political and ideological. Here is Pemberton's prescription for addressing absolute poverty in the third world:

> '[T]he barrier to solving absolute poverty remains political will. Therefore, there are identifiable groups of actors that have the ability to reconfigure, particularly current neo-liberal forms of capitalism, which have been foisted on the developing world... There are

more humane forms of capitalism, which could be advocated by those who have the power to do so' (Pemberton, 2007, p. 39).

This concern with 'more humane forms of capitalism' is a significant feature also in a subsequent article Pemberton co-wrote with Pantazis. Drawing on the conceptual framework developed by the British criminologists Michael Cavadino and James Dignan (Cavadino & Dignan, 2006, pp. 14-36), itself strongly influenced by the work of the Danish sociologist Gøsta Esping-Andersen (Esping-Andersen, 1990, pp. 26-29), Pantazis and Pemberton develop a series of indices – physical health, autonomy, housing, healthcare, cultural recognition to name but a few – to build up a picture of variable social harm across five different capitalist states (Pantazis & Pemberton, 2009, p. 218).

Pantazis and Pemberton characterise the United Kingdom and the United States as 'neo-liberal' states. This in itself is a sign of the fluidity of 'neo-liberalism' as a concept. Capitalism, it appears, can be neo-liberal *as a whole*. Individual capitalist states can also be neo-liberal, though not necessarily so. Japan and Germany are described as, respectively 'oriental corporatist' and 'conservative corporatist'; Sweden as 'social democratic'. This ambiguity in terms appears to have been introduced by Cavadino and Dignan. Esping-Andersen referred to 'liberal' rather than 'neo-liberal' states.

Terminology aside, the US and UK score badly on a number of indices compared with Japan, Germany and Sweden. Life expectancy in the USA and UK is lower; exposure to environmental toxins is higher; social security protection is generally lower; levels of relative poverty generally higher. These are striking findings. Pantazis and Pemberton's indices remain the most impressive attempt to document the variable experience of social harm across a number of capitalist states. Like Hillyard and Tombs, though more explicitly, Pantazis and Pemberton also define the horizon of the possible firmly within the boundaries of the capitalist order. Their 'purpose... is to assess the performance of states in mitigating harm' in order to identify 'more humane forms of capitalist state' (Pantazis & Pemberton, 2009, p. 216). And while they emphasise that 'alternatives not only remain possible but... already exist in a wide variety of forms' (Pantazis & Pemberton, 2009, p. 232), these alternatives are all varieties of capitalism. Pantazis and Pemberton's framework stops short of considering the possibility of transformational change in favour of a rather more modest advocacy of a better regulated and managed capitalist order.

Earlier, in our discussion of Hillyard and Tombs' typology of social harm, we considered the problem of arbitrariness in definitions. Hillyard and Tombs' appeal to the 'essentially contested concept' of social justice as a means of grounding social harm, we noted, was an act of displacement not resolution. Superficially Pantazis and Pemberton's indices of social harm run the same risk. 'While we have sought to be as comprehensive as possible in our identification of needs,' they write, 'this is not an exhaustive or definitive account' (Pantazis & Pemberton, 2009, p. 217). This poses the question of what might comprise an exhaustive or definitive typology of social harm. Indeed, is such a typology possible at all? Would it not always be subject to review, augmentation, refinement, challenge? Considered this way, the aspiration to develop ever more comprehensive typologies of social harm might best be understood as a form of scholarly displacement activity, symptomatic of a failure to develop a coherent explanation of the causes of social harm. Indeed, while measurement and quantification are necessary scholarly pursuits, the fundamental challenge, particularly for an emergent discipline such as social harm studies, is arguably one of *explanation* rather than of *description*. For explanation to be grounded, there also needs to be clarity over

definitions. We therefore turn to consider how certain scholars have sought to develop a more robust definition of social harm.

In the pages of *Beyond Criminology* and since its publication the definitional challenge has been a recurring theme. Pemberton, for instance, views as essential the development of a 'normative rationale' for determining 'which social events should be considered as harmful' (Pemberton 2007, p. 36). Majid Yar echoes Pemberton's concern. The social harm perspective, he argues, 'suffers from some basic problems with its conceptualisation of harm itself'. Like Pemberton he emphasises the importance of placing the concept of social harm 'on a sounder theoretical, conceptual and analytical footing' (Yar, 2012, p. 56). In the quote above from Pemberton's joint article with Pantazis we should note that they refer not to social harm, but to the identification of *needs*. It is this notion of human need that both Pemberton and Yar place at the centre of their definitions of social harm.

Pemberton draws on the work of social theorists Len Doyal and Ian Gough and of the political philosopher Nancy Fraser to propose that 'an individual is harmed through the non-fulfillment of their needs'. Such a definition, Pemberton argues, 'clearly delineates needs which are pre-requisites for human well-being from subjective wants and desires. Furthermore, it not only identifies needs at an individual level but lists a series of structural needs and contextual needs necessary for the promotion of these individual needs' (Pemberton 2007, p. 37). This 'needs' perspective also informs the analysis of Pantazis and Pemberton, as we have already noted. 'To understand harm we rely on a notion of what it is to function successfully as a human being; only then can we understand the full range of harms that affect us', they write. 'The concept of need – premised on an account of human essence – is better suited to an investigation of harm' (Pantazis & Pemberton, 2009, p. 216).

Yar's main influence is Axel Honneth, a student of Jürgen Habermas and a key figure in the post-Marxist 'Frankfurt School' critical theory tradition. This very different starting point, however, belies some significant continuities with Pemberton. Fraser, one of Pemberton's key influences, has engaged in a critical dialogue with Honneth over a number of years for instance. And while Yar's framework is philosophically more sophisticated than Pemberton's, he comes to a similar conclusion about the definition of social harm. Developing Honneth's theory of recognition, which 'seeks to establish at a fundamental anthropological level the "basic needs" that comprise the conditions of human integrity and well-being', Yar proposes a definition of social harm that encompasses three levels of formal recognition: that accorded by political systems; that by intra-group relationships and that of intimate relationships. Social harm is thus understood as the 'inter-subjective experience of being refused recognition with respect to any or all of these dimensions of need' (Yar, 2012, p. 59).

In Pemberton and Yar's conceptualisation, therefore, social harm can be understood as a threat to and an attack on humans by structures and processes external to them, but within which they are embedded. Such an approach offers distinct advantages, in particular by offering the potential for integrating the consideration of the consequences and effects of social harm with its underlying causes. Pemberton, for instance, links 'the 10 million children who die each year before the age of 5 in the developing world' – the effects and consequences of social harm – with consideration of its causes: 'two thirds of these deaths could be prevented by medical interventions that are readily available' (Pemberton, 2007, p.

37). In a similar vein Yar refers to the impoverishment of third world populations (effects and consequences) as 'arising from the operation of global relations of capital' (Yar, 2012, p. 60).

That Pemberton in his earlier article, as well as in his collaboration with Pantazis, does not develop the radical implications of the needs perspective is related to the decision to limit consideration of alternatives to those between different forms of capitalism, rather than broadening it to include alternatives to capitalism itself. In this respect Pantazis and Pemberton's reference to an abstract 'human essence' as a means of grounding their typology of human need is telling. This rather static conceptualisation, which implies that human essence and human need exist in a state logically prior to, and independent of, the social relationships into which humans enter, offers a philosophical analogue to their static conceptualisation of capitalism as an *a priori* given. Human need and human essence are, however, dynamic and relational, not static and 'essential'. As Marx observed in his famous 'Theses on Feuerbach, written in 1845, 'human essence is no abstraction inherent in each single individual. In its reality it is the ensemble of the social relations' (Marx, 1975, p. 423).

This is a point made strongly by Yar in his account of Hegel. 'Contrary to the assumptions of liberal-individualist thought,' Yar writes, Hegel does not view the individual 'as a self-subsistent entity, "always already" fully constituted as it enters the world. Instead the individual 'comes to know himself (*sic*), to recognise himself as a being with particular attributes or properties, through the acknowledgement conferred by an "other"' (Yar, 2012, p. 57). This relational dimension to social being is something Marx himself took from Hegel in the process of radicalising and ultimately transcending him. Yar's own development of Hegel's perspective, via Honneth, while striking and provocative, lacks the critical edge Marx brought. For Yar's framework is curiously detached from the underlying social antagonisms and inequalities in power that are a feature of the societies he considers. Here, for instance, is Yar's discussion of Hegel's exposition of the Master-Slave dialectic:

> 'Hegel hypothesises a scenario in which a seemingly autonomous subject (the Master) enjoys unrestricted acknowledgement of his freedom from the other. The other (the Slave) exists in order to answer the desires and affirm the authority of the Master. However... the Master... can only come to experience himself as such through a relation of dependence on the Slave; the Master is... the Slave of the other because of this need, and the Slave is in fact the Master, in that he enjoys the power to arbitrate or mediate recognition'.

Yar goes on to observe that the Slave's recognition of the Master as Master is 'coerced, forced from him through the basic asymmetry of his relationship of servitude'. This recognition is therefore not meaningful because it is not offered freely (Yar, 2012, p. 57, emphasis removed).

While Yar is summarising Hegel's argument, he does so approvingly. And there is something more than a little odd with it, regardless of its philosophical sophistication. For sure, the relationship of dependence of the Master on the Slave points to the fact that the institution of slavery is not one of unqualified and total domination. The Master's dependence on the Slave implies an emancipatory potential for the oppressed to realise and actualise their power.[2] For such emancipation to be meaningful, however, it requires change at the level of the material conditions of existence. A relationship of mutual recognition between Master and Slave at the interpersonal level, while retaining the institution of slavery at the material level, is nonsensical. After all, the institution of slavery is by its nature a relationship of coercion and

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[2] I am grateful to Arianna Silvestri for pointing out this important nuance.

exploitation *at the material level*. The Master's recognition as Master comes, fundamentally, not from the Slave's interpersonal recognition, whether freely given or coerced, but from the Master's social position that allows him to exploit the Slave's concrete labour, regardless of the Slave's recognition of the Master's right to do so.

The Master-Slave relationship, regardless of its ideological and political dimensions, is therefore concretely and socially embedded in definite and specific societies. A person becomes a slave not in an abstract sense, but only through his or her social position within a set of coercive *social* relationships in which the status of slave is a recognized *social* category. As Lasslett points out, 'for an individual to become a slave they must be absorbed into a specific exploitative social process, which in turn presupposes the development of certain class relations' (Lasslett, 2012, p. 3). Therefore, challenging systems of oppression, implementing emancipatory strategies, crucially means challenging them at the level of material social relations of power and domination, not merely at the level of ideas and recognition. For all its conceptual sophistication, Yar's framework is critically flawed in its disconnect from the concrete reality of capitalist societies grounded in exploitative power relationships.

A critical challenge for social harm scholarship is to apply its insights on the social and relational nature of social harm – the fact that its mediations are concrete and material, not natural nor merely political or ideological – and its connection to human need, through the development of a clear and coherent understanding of the social production and reproduction of harm in the material processes of capital accumulation. In the most striking and original contribution to social harm scholarship to date, Lasslett introduces a number of critical insights from Marxist dialectics that addresses some crucial weaknesses in Pantazis, Pemberton and Yar's approach to social harm as need. In particular, he develops a notion of social harm that integrates more thoroughly a consideration of the effects and consequences with an explanation of its underlying causes.

According to Lasslett, what scholars refer to as social harm are 'reified moments generated by the processes, flows and relations of global capitalism' (Lasslett, 2010, p. 11). To understand what is meant by this it is important to understand that Marxist dialectics tends to privilege an appreciation of processes and flows over structures and things. From a Marxist perspective the indices of social harm developed by Pantazis and Pemberton are snapshot instances of underlying processes and fluxes which themselves are important to understand. Focusing purely on the effects of these processes – the indices of social harm – is to engage in an act of *reification*: an acceptance of the surface-level appearance as real, rather than understanding it as being but a series of specific instances of the underlying social processes that give rise to them.

Lasslett's perspective is grounded in the Marxian notion of social being, particularly as developed by György Lukács, which argues that it is the social creation of lived reality that marks out humans from other animals:

> 'What distinguishes social being is that the historically forged relations and corresponding ideal structure which gives it concreteness, have been authored by humans through collectively modifying their metabolic exchange with nature and each other. This developing material structure, and corresponding social culture, provides an "established system" through which humans engage in consciously directed "life-activity", a form of practical existence that

fundamentally distinguishes humans from other animals' (Lasslett, 2010, p. 3, emphasis removed).

Following Lukács, Lasslett highlights three forms of social being: the inorganic, the organic and the social. Humans are *organic* beings, living in a world characterised by a range of *inorganic* matter that they seek collectively to shape and adapt to their needs. As a result the nature of human existence is *social*. Humans are engaged in the *social* production of their *organic* and *inorganic* environment. Thus Lasslett argues that 'social harms arise when socially generated processes undermine the organic reproduction of "man" (*sic*), or the organic/inorganic reproduction of man's environment' (Lasslett, 2010, p. 12). The task of a social harm approach is then 'to approximate with greater clarity how... [the] processes, flows and relations' of global capitalism 'produce particular forms of harm' (Lasslett, 2010, p. 11).

On the one hand, therefore, we have the notion of fundamental human needs, simultaneously organic and social, that are in crucial respects transhistorical and immutable. The organic reproduction of the species, the need for food and shelter, are essential biological precursors to continuing human existence. These organic processes are also inherently social in nature. What distinguishes humans from other species, for instance, is the fact that they produce the food and shelter they use and consume through their collective, social labour. This act of production is fundamental to any imaginable human society. As Marx pointed out, 'Labour... is a condition of human existence which is *independent of all forms of society*: it is the *eternal natural necessity* which mediates the metabolism between man (*sic*) and nature, and therefore human life itself' (Marx, 1976, p. 133, emphasis added).

On the other hand, we have attacks on and threats to the social metabolism between humans and nature, and between one or more humans and another. These attacks and threats – social harm – arise from certain social arrangements that in crucial respects are contingent and changeable. Third world poverty, exploitative and dangerous workplace practices and price-fixing in relation to foods and other commodities are examples of the latter. The challenge of transition to societies far less marked by social harm is the challenge of detaching the satisfaction of human need from the socially harmful arrangements of current societies, and replacing them with social arrangements that more fully satisfy these needs.

Underlying causes of social harm

This section explores two related questions, considered through the lens of the Marxist theory of social being. The first of these, a recurring theme of the preceding analysis, is that of the integration of the assessment of the consequences and effects of social harm with an understanding of its underlying causes. The second picks up on a key limitation of much of the social harm scholarship explored above: the radical foreshortening of the horizon of the possible, resulting in the collapse of the emancipatory potential of the social harm perspective into an impoverished concern with the better regulation of capitalism. In its place an historically open perspective will be proposed that takes seriously both the emancipatory potential of the social harm perspective and the transformational nature of the challenge it represents.

It is as well, at the outset, to address some objections to considering the question of social harm through the lens of Marxist theory. Mainstream sociology, far more influenced in its forms of thought by Weber than by Marx,   has tended to view social events and historical

processes as being the result of the interaction of several, irreducible forms of power. Thomas Mann's neo-Weberian four volume historical sociology, for instance, identifies four sources of social power – ideological, economic, military, and political – that he argues mutually condition each other throughout human history (Mann, 2012, p. 22-32). The primacy Marx appeared to place on the economic realm has therefore been portrayed as partial, unbalanced, crude even. 130 years after his death, Marx might also be considered simply irrelevant to understanding the workings of contemporary societies. Physicists no longer read Newton nor biologists Darwin, Garry Runciman observes. Yet Marx continues to be read as if 'a social theory framed both in and for mid nineteenth-century Europe should be directly applicable to circumstances and events of a kind which its author could not conceivably have foreseen' (Runciman, 1983, p. 6).

There are good reasons to reject the characterisation of Marxist social theory as a rigid framework that reduces social complexity down to so many instances of economic determinism, in contrast to a supposedly more nuanced and flexible Weberian analytical tool kit. Marx did emphasise the primacy of the underlying social relations of production in shaping political, ideological, military and other forms of power, but he did so for good reason. '[T]he Middle Ages could not live on Catholicism, nor could the ancient world on politics', Marx observed in a footnote in volume one of *Capital* (Marx 1976, p. 176, n. 35), the point being that a coherent explanation of ideological or political forms of any society at any given point in history needs to start with the way in which a society sustains itself materially. This is different from claiming that a society's economic forms *determine* everything else, which is not what Marx claimed.

Critiques such as Runciman's, on the other hand, tend to elide the propositions Marx made about human society *in the abstract*; the analysis he developed concerning the laws of capitalist development *in general*; and the study he undertook in *Capital* of the emergence and development of capitalism in England from the sixteenth to the mid-nineteenth centuries *in particular*. An important reason why physicists and biologists no longer read Newton and Darwin is because their abstract propositions and the general laws they identified have been integrated – including by being modified – into the modern disciplines they in good part shaped. This is not the case with Marx, which of itself justifies continued reflection on and reiteration of his distinctive contribution. When it comes to the particular study Marx made of the emergence of English capitalism, there remains much of historical interest. For the rest, only those who misunderstand Marx's project would look to apply, unmodified, the many specific points he made about nineteenth century English capitalism to a world that in many ways differs from the one Marx did so much to explain.

The most famous expression of Marx's position on social being is found in the Preface to *A Contribution to the Critique of Political Economy* (hereafter the *Critique*), published in 1859. There he recounts his rejection of the Hegelian position that 'legal relations' and 'political forms could be comprehended... on the basis of a so-called general development of the human mind'. Instead Marx argued that 'they originate in the material conditions of life, the totality of which Hegel... embraces within the term "civil society"' (Marx, 1975, p. 425). Marx is therefore not proposing a singular, economistic determinism in place of a Weberian pluralism. Weber, after all, was only 18 when Marx died in 1883. It was Weber who developed his system in reaction to Marx, not the other way round. Rather, Marx is rejecting a mystical Hegelian idealism in favour of a quintessentially sociological, concrete

materialism. This rejection of Hegelian idealism in favour of a materialist standpoint is central to an understanding of the Marxian dialectic, as Marx himself pointed out in the Postface to the second German edition of *Capital*:

> 'My dialectic method is, in its foundations, not only different from the Hegelian, but exactly opposite to it. For Hegel, the process of thinking, which he even transforms into an independent subject, under the name of "the Idea", is the creator of the real world, and the real world is only the external appearance of the idea. With me the reverse is true: the ideal is nothing but the material world reflected in the mind of man (*sic*), and translated into forms of thought' (Marx, 1976, p. 102).

In the Preface to the *Critique* Marx goes on to argue that humans enter into 'relations of production' with others in order to shape their social existence and that the 'totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure' (Marx, 1975, p. 425).

Marx reaffirms, but with more nuance, the same position in a rather less well-known passage from the third volume of *Capital*, written by Marx in the 1860s and published posthumously by Engels in 1894. In it Marx argues that in the social relations of production 'we find the innermost secret, the hidden basis of the entire social edifice, and hence also... the specific form of state in each case'. There is, though, an important qualification:

> 'This does not prevent the same economic basis – the same in its major conditions – from displaying endless variations and gradations in its appearance, as the result of innumerable different empirical circumstances, natural conditions, racial relations, historical influences acting from outside etc., and these can only be understood by analysing these empirically given conditions' (Marx, 1991, p. 927-928).

The social relations of production are the basis for the social edifice. They do not, however, *determine* it. Different state formations, legal, political and ideological forms (the 'appearance') are possible on 'the same economic basis'. Indeed, there is the possibility of 'endless variations' resulting from a vast array of different historical, contextual and contingent circumstances. One way of understanding mainstream sociology and its allied disciplines is precisely as an exercise in studying these 'endless variations', based on the *a priori* assumption of the capitalist economic form as an eternal, immutable given. This indeed is the task Pantazis and Pemberton set themselves in their search for 'more humane forms of capitalist state'.

These passages from *Capital* and the *Critique* are statements of an abstract nature. Marx is asserting something about human societies *as such*, rather than capitalist societies *in particular*. One of the tasks he set himself in *Capital* was to explore their detailed articulations *specifically* within the context of mid nineteenth century English capitalist social relations of production. And while Marx, more than any other thinker, set the framework for thinking about the articulations between fundamental human needs and the specific operations of capitalism, this was not central to his concerns in *Capital*.

One scholar who has done this is the Hungarian Marxist philosopher István Mészáros, a former student of Lukács. The notion of the 'social metabolism', which we have already encountered in Lasslett's discussion of Lukács, is central to Mészáros position. Human beings, Mészáros argues, 'are a part of nature who must satisfy their elementary needs through a constant interchange with nature'. On the other hand they are also

'constituted in such a way that they cannot survive as individuals of the species to which they belong – the uniquely "interventionist" species of the natural world – on the basis of an unmediated interchange with nature (as animals do), regulated by instinctual behaviour directly determined by nature' (Mészáros, 1995, p. 138, emphasis removed).

The thought here is that humans are inescapably organic in nature, wholly dependent for their ongoing existence on their metabolic relationship with nature. They must breath air, eat, drink, sleep, and reproduce, as other animals do. Unlike other animals, however, who relate to nature directly, human existence is also social, which means that humans relate to nature, and to each other, in a mediated manner. As a result humans 'must always fulfil the inescapable material and cultural requirements of their survival through the necessary primary functions of mediation among themselves and with nature at large' (Mészáros, 1995, p. 138, emphasis removed).

From this basic distinction Mészáros develops the notion of primary and second order social metabolic mediations (see Mészáros 1995, pp. 108-110, 138-141; also Mészáros 2010, pp. 280-283). The primary social metabolic mediations Mészáros characterises as:

- the 'more or less spontaneous' regulation of biological reproduction;
- 'the regulation of the labour process' through 'the necessary interchange with nature', by which goods satisfying human needs are created, maintained and improved;
- a suitable mechanism for linking up human needs and exchanging socially produced resources;
- the coordination of a range of human activities aimed at the underlying reproduction of society;
- the rational and economizing allocation of material and human resources;
- the enactment of various rules and regulations.

These primary mediations, Mészáros argues, are 'the unavoidable primary functions of social reproductive mediation'. The argument being made is not for an 'idealized "original natural state" directly corresponding to the primary mediations to which one could return'. The primary mediations are always 'reshaped under the prevailing historical circumstances... in the form of specific second order mediations'. These second order mediations can be 'conducive to human self-realization or, on the contrary... destructively opposed to it' (Mészáros 1995, p. 140).

Mészáros therefore opens up the possibility of alternatives between second order mediations, some that might facilitate human self-realisation, others inimical to it. These alternatives differ to the alternatives *within* capitalism explored explicitly by Pantazis and Pemberton, and implicitly by a number of other social harm scholars. For when it comes to the second order mediations of the capital system Mészáros identifies them as destructive to human self-realization *as such*. Modifications to them are beside the point. He characterises them as follows:

- the nuclear family as 'the "microcosm" of society', responsible both for the reproduction of the species and 'the necessary mediation of the laws of the state to all individuals';

- the monopolisation of the means of production and the products of social labour by the representatives of the capitalist interest;
- the various mystifying forms of money, 'all the way to the global stranglehold of the present-day international monetary system';
- the subordination of production to satisfy human need 'to the blind imperatives of capital expansion and accumulation';
- the institution of coerced wage-labour, 'structurally divorced from the possibility of control' of the productive system;
- various capitalist state formations, engaged in dangerous, sometimes violent confrontation with each other;
- 'the uncontrollable world market... protected by their respective national states'.

These second order mediations have in part emerged individually at different times and under different circumstance, Mészáros points out. The 'consolidation of the nuclear family... is a much later historical phenomenon than the appearance of dynamic monetary exchange relations... [T]he earliest forms for commodity production... precede by many centuries the formation of the modern state' (Mészáros, 1995, pp. 133, 134). Once established, however, they 'reciprocally sustain one another, making it impossible to counter the alienating and paralyzing force of any one of them taken in isolation while leaving intact the immense self-regenerative and self-imposing power of the system as a whole' (Mészáros, 1995, p. 109). The second order mediations therefore 'constitute a most bewildering network into which the particular human individuals are inserted' (Mészáros, 1995, p. 116), a 'vicious circle from which apparently there can be no escape' (Mészáros, 1995, p. 108).

The 'apparently' here signals that Mészáros, considers pessimism, while understandable, to be misplaced. The challenge, though, involves moving beyond mere accommodation with or reform of capital's existing second order mediations – what Mészáros describes as 'trying to solve problems by fiddling with effects and consequences, because of the incorrigible failure to address the underlying causes' (Mészáros, 1995, p. 191) – in favour of 'conscious comprehensive transformatory action' (Mészáros, 2011, p. 351, emphasis removed). Such action would involve a 'radical restructuring of the established order as such, aimed at overcoming its structural antagonisms and the destructiveness arising from them' (Mészáros 2010, p. 395). And this means 'finding a rationally controllable and humanly rewarding equivalent to all those vital functions of individual and social reproduction which must be fulfilled... by all conceivable systems of productive mediatory interchange' (Mészáros, 1995, p. 138).

The specific details of Mészáros' primary and second order mediations – over which critics will differ – are less important than the underlying framework it offers for the understanding of the production of social harm under capitalism. It is important to note, in particular, the emphasis Mészáros' places in his discussion of the second order mediations of capital on the fundamental means by which capitalist societies materially sustain themselves through an alienating network of commodification, production and distribution, grounded in an exploitative wage-labour relationship. This, Mészáros argues, is fundamental to the nature of capitalism as a system, and is key to the harms it perpetuates.

Conclusion

In the social production and reproduction of human society's fundamental human needs – the primary social metabolic mediations – are mediated through a set of second order mediations that change and develop over time. Under the antagonistic second order mediations of capital these fundamental human needs are systematically threatened and undermined. This is what scholars refer to when they write about the social harms of capitalism.

The social harm approach implies the need for a conscious, comprehensive transformation of the destructive second order mediations of capital in favour of radically restructured second order mediations that more fully and sustainably enable the achievement of fundamental human needs. In general the social harm scholars reviewed here have engaged in a set of practices that have taken them away from a consideration of such a transformational agenda.

One approach has been to develop various typologies of social harm, of differing degrees of conceptual sophistication and analytical comprehensiveness. Even in their most developed forms, however, these typologies have at most highlighted the reified effects and consequences of the underlying processes of social harm production, processes that generally are analysed in passing, if at all. Another approach has been to highlight the socially harmful processes of certain ideological and political manifestations of capitalism – so-called neo-liberalism – looking to different models of capitalism for solutions to the harms generated by purportedly more harmful varieties. These attempts to explore the potential for reforming the second order mediations of capital, retaining these mediations in their underlying harmful forms, have limited the horizon of the possible. Such approaches have also tended to operate with static models of human need, models that tend to equate the fulfilment of human need with the operations of 'more humane' forms of capitalism. Consistent with this, social harm scholars have tended to portray the challenge of tackling social harm as largely a matter of political will and therefore something largely resolvable at a political and ideological level.

In its place this article has sought to map out the potential for social harm studies to broaden its frame of reference. It argues in favour of social harm scholars freeing themselves from the intellectual constraints that come from accepting *a priori* the horizon of actually existing capitalism. And it proposes that consideration be given to the nature of those forms of social organisation that might be required in order for contemporary societies to be characterised by far lower magnitudes and a much lower prevalence of social harm in the future. It also notes, but does not address, the importance of integrating an understanding of the harms of capitalism with those caused by patriarchy.

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