INTRODUCTION: STATE, POWER, CRIME

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Bolstered by the new wave of theoretical innovation and methodological scepticism that had tentatively begun in 1968 with the formation of the radical National Deviancy Conference (NDC), a number of seminal texts were published during the 1970s which developed the critical themes and perspectives initially identified by those participating in the NDC.[1] These texts contested not only the mystifying, algorithmic quantification of positivist criminology, and the reductive emphasis on the individualization of criminal behaviour that flowed from this methodological position, but also implicitly confronted the conjoined, cosy and intertwined relationship which many in the discipline had developed with micro and macro structures of power and domination, including the state and its institutions (Walters, this volume). This relationship was based on the rhetoric of benevolent, progressive reform, which generated a criminology of 'compliance and complicity'[2] while simultaneously excluding significant areas of social and political life that had a direct bearing on the nature of, and response to, criminal and deviant behaviour. Profoundly important political and cultural processes, including the question of the state, did not feature on the radar of conventional criminological endeavour, nor the nebulous, administrative pluralism which underpinned it. However, for critical criminologists, state power, and the interests the state served in a grossly unequal social world, became increasingly important as critical criminology moved from the amorphous conceptualization of social control underpinning labelling theory's often idealized glamorization of transgressive male criminality to a more materialist, Marxist-based interpretation of power, and, by extension, the processes of criminalization and control emanating from the state and its institutions.

By the mid to late 1970s, the work of Pearce (1976), collections by Taylor et al. (1973, 1975) and, in the latter, notably the contributions by Quinney (1975) and Schwendinger and Schwendinger (1975), all drawing upon some forms of Marxism, combined to place the state as an analytical entity on the agenda of critical criminology. Again this work was a direct and oppositional challenge to the dominant criminological discourse of the time. As Frank Pearce noted:

> Within sociology, and particularly within criminology, the serious study of the state and its agents and of the activities of the ruling class is virtually non-existent. … [N]evertheless most of what has been written has been administratively oriented or

meritocratic in its inspiration. On the other hand, endless surveys and reports have been compiled on crime, racial disturbances, working class militancy, drug 'abuse' etc. (Pearce, 1976: 158)

However, it was not until the publication of *Policing the Crisis* (*PtC*) (Hall et al., 1978) – in 1978, the same year as Poulantzas' *State, Power, Socialism*, itself a key moment in the fervent of social science literature on 'the state' – that the complexity of the state's material and ideological interventions in maintaining, and indeed enhancing, a capitalist social order increasingly dominated by the political economy of neo-liberalism, was laid bare for critical criminological analysis.

This chapter is concerned with exploring these themes, and in doing so provides a context for the contributions that follow. It focuses on three main areas. First, it is concerned with *Policing the Crisis* itself, and the conceptualization of state power that underpinned the book's analysis. Thus, it analyses the influence of the book in relation to the debates around state power within critical criminology as they have developed since its publication in 1978; this influence is, of course, further identified in its scope, variety, and trajectories by the contributors to this collection. Second, it is also concerned with exploring the conceptualization of state power as a matter of contemporary criminological concern, and in particular its invisibility within a range of criminological work – work that is itself based on both mystifying what the state does (and does not do) and caricaturing the work of those who wish to retain a critical focus on its role in reproducing the social divisions and defending the globalized capitalist social order of the early twenty-first century, however contingent and contradictory that process might be (Gill, this volume). Finally, we consider the question of the state with respect to its place as a contradictory site where the individual actions and collective activities of state servants are open to contestation from a range of individuals and groups, both within and without the power networks of its material and ideological institutions.

Policing the Crisis and the State

Policing the Crisis was published during the dying days of James Callaghan's Labour government and before the electoral birth, in May 1979, of Margaret Thatcher's first Conservative government. Politically, the book both reflected, and reflected upon, the sense of apocalyptic panic gripping the nation in general, and fractional blocs of the ruling class in particular. This panic, Hall et al. argued, was linked by a cultural and political umbilical cord to the organic crisis of a capitalist Britain experiencing a pervasive, intensifying sense of loss and defeat, of imperialist retreat and demoralization, and of economic, political and moral decline. More generally, *Policing the Crisis* signalled what was to become a social, political and economic torrent of international proportions in the rolling out of a neo-liberal experiment across much of the globe – an experiment which took its most vicious and virulent forms in centres of Anglophone criminology, namely the UK, North America, Australia and New Zealand.

Central to the book's analysis was the moral panic around mugging and the role of black youth in this most 'un-English' of crimes. Never intended as a book about 'why or how muggers, as individuals, mug' (Hall et al., 1978: 327), Hall et al.'s neo-Marxist analysis of this crime was located within the emergence of a state form that was coercive, authoritarian and brutal. The nascent social and political clampdown generated by this authoritarian state form was hegemonically cemented in the consciousness of the wider population through mediated 'truths' about mugging generated by a competitive mass media (see Mason, this volume). At the same time, according to Hall et al., the post-war social democratic state was shedding its skin of welfare–oriented, consensual social inclusion (however idealized that might have been) in favour of a militarized, coercive social authoritarianism as a response to the moral and political threats, posed by the social detritus generated by capitalist social arrangements that were in crisis.

At the time of writing *Policing the Crisis*, Stuart Hall made explicit his reading of Poulantzas' *State, Power, Socialism* (1978b) and his agreement with the central arguments of that book, notably those around the emergence of what Poulantzas was evocatively and presciently to call 'authoritarian statism' (see Hillyard, this volume). This, Poulantzas famously defined as:

> …intensified state control over every sphere of socio-economic life *combined with* radical decline of the institutions of political democracy and with draconian and multiform curtailment of so-called 'formal' liberties, whose reality is being discovered now that they are going overboard. (Poulantzas, 1978b: 203–4, emphasis in the original)

In practice, authoritarian statism meant relentlessly mobilizing around the criminalization and control of those groups – the welfare dependent, the economically deprived, the politically depraved (those whom Thatcher was subsequently to label the 'enemy within') and the socially and psychologically dislocated – whose corrosive presence was increasingly regarded as problematic for the maintenance of a deeply divided social order and the untrammelled working of the free market.

Hall recognized 'many similarities between [Poulantzas'] characterization and those I had been struggling to formulate in *Policing the Crisis*, "Drifting into a Law-and-Order Society", and so on' (Hall, 1988: 151–2). However, he has also maintained that there were two weaknesses or omissions in Poulantzas' initial conceptual framework built around authoritarian statism. First, Poulantzas failed to analyse how popular consent could be 'constructed by a historical bloc seeking hegemony'. In mobilizing deeply embedded psychic emotions of insecurity and discontent for its own political ends, this bloc could 'neutralize the opposing forces, disaggregate the opposition and really incorporate some strategic elements of popular opinion into its own hegemonic project' (ibid.: 152). Allied to this was a second weakness, which concerned the new right's pursuit of an 'anti-statist strategy', defined as:

> …not one which refuses to operate through the state; it is one which conceives a more limited state role, and which advances through the attempt, ideologically, to *represent itself* as anti-statist, for the purposes of populist mobilisation… (ibid., emphasis in the original)

This dialectic – connecting a strong, interventionist, law and order state on one hand to a rolled-back, non-interventionist state form on the other – influenced the analysis of state power and crime developed by some of the emerging generation of critical criminologists. *Policing the Crisis* was one of a number of possible impetuses for 'critical criminology', a heterogeneous collection of 'radical agendas' seeking to 'challenge the status quo, modernist modes of social control, the claims of science and other disciplinary knowledges, the dominance of patriarchy and the underlying moral order of Anglophone culture' (Carrington and Hogg, 2002: 3). More specifically, the model of analysis Hall et al. developed for understanding the dynamics of state power has influenced a range of work published over the last three decades, within which it is possible to identify two distinct strands.

First, different authors have focused on the ongoing intensification in the authoritarian interventions of a numerically expansionist, surveillance-oriented, highly militarized and nakedly aggressive state form. This coercion is apparent not only in the policing and punishment of narrowly defined, legally circumscribed criminal behaviour, but also with respect to the control of public order and the criminalization of popular and political dissent (Scraton, 1987; Gamble, 1988; Hillyard and Percy-Smith, 1988; Barton et al., 2007; Hillyard, this volume). In turn, this authoritarianism, and the often violent and retributive discourses on which it is based, has been legitimated and sustained by a mass media which has remained central to the creation of moral panics around crime and incivilities, particularly among the young (see Jamieson and Yates, this volume). Moreover, these same media, in the last three decades, have become increasingly more concerned, indeed obsessed, with the licentious trivia associated with the cult of modern personalities, rather than with identifying the structural and motivational complexities surrounding a range of contemporary social issues, including crime (Bauman, 2002; Mathiesen, 1997; Mason, this volume; Hillyard, this volume). And while the state may have undergone some important reconfigurations, particularly with the emergence of more privatized forms of social control, as well as 'changing from provider to purchaser of public services' during the Thatcher/Major and Blair/Brown eras, nonetheless,

> it continues to maintain a coercive core and central role in the shaping and defining of social problems and the social and legal response to such problems. … The delivery of some aspects of state power may have changed but its orchestration remains relatively unchanged. (Barton et al., 2007: 208; see also Coleman, this volume)

A second, albeit indirect, legacy of *Policing the Crisis*, via its references to the at times (apparently) contradictory relationship between state, law and capital, has been the space the book potentially opened up for developing the idea of an 'anti-statist strategy', subsequently developed via Hall (1988), and its usefulness, or otherwise, for analysing crimes of the powerful in general and corporate crime in particular (see Tombs and Whyte, this volume). Thus, in the Thatcher/Major era, the activities of the powerless were the focus for 'the retributive interventionism of the strong

state … [while] for other, more powerful groups, the eighteen years of Conservative rule meant that their activities remained relatively invisible, comparatively unregulated and effectively decriminalized' (Sim, 2000: 324). This process continued under the Blair/Brown governments. In contrast, the regulation (never the *policing*) of the powerful in the last three decades has, *in general*, followed an 'anti-statist' strategy with respect to the rolling back of those state agencies responsible for the regulation of their activities – even if this anti-statism has been highly selective, and in some contexts more important in its representation than reality (see Tombs and Whyte, this volume). For the Thatcherite bloc in the Conservative Party, this strategy was loudly proclaimed through the populist and political discourse of 'freeing the market' and, by extension, risk-generating, buccaneering entrepreneurship, from the stifling strangulation generated by bureaucratic red tape in a society over-burdened by state intervention (Gamble, 1988). For Blair, then Brown, the sustained (if partly rhetorical) attack on 'red tape' has been legitimated as a necessary response to the new 'realities' of globalization. Therefore, in the thirty years since *Policing the Crisis* first appeared, the state's capacity, and indeed motivation, for intervening into and responding to the activities, criminal and otherwise, of the powerful – individuals, organizations, institutions and states themselves – which can have an enormously detrimental impact on the lives of individuals, communities and the wider society, has been and remains markedly different from the interventions of its increasing number of servants into the lives of those without power, and the inevitable process of criminalization that flows from these interventions.

None of this is to deny that the non-regulation of the powerful, for example around health and safety at work, is a process that long predates the advent of neo-liberalism,

> and can be traced to the moment at which the criminal courts saw the punishment of the wealthy or the ruling class as somehow beyond their remit. The process of law reform and the process of law implementation remains guided by a logic of social ordering – of mediating over conflict in a way that will not disturb the status quo. (Tombs and Whyte, 2007: 123)

However, the important point to note here relates to how the state form that has developed in the last three decades has further reinforced and intensified this process of differential law and its enforcement so that, with respect to the activities of the powerful:

> Under neo-liberal conditions, in other words, punitive enforcement becomes less feasible, and co-operative or compliance-oriented approaches become much more likely. And it is here we can see – again – a coherence with policy, since the current and recent British governments are, for all their deregulatory rhetoric, probably less interested in the removal of law *per se* (which, as Thatcher found, in the 1980s, invited political confrontation), but much more interested in changing the terms of that enforcement, towards greater compliance-type techniques which imply less actual impact upon business. (ibid.: 164–5)

Thus, while a reconfigured law and order agenda has been central to the generation of successive moral panics around the behaviour of the powerless, the failure to mitigate the harms generated by relatively powerful social actors such as corporations can be characterized as an exercise in the creation of *un*-panics (Davis, C., 2000) with respect to the lack of state concern over their depredations, certainly when compared with the desperate concern constantly articulated about the behaviour of the powerless in the mass media, state documents and ministerial and other statements made by politicians. Further, the (actual or claimed) rolling back of the state should be understood alongside its rolling out in creative and novel institutional forms. For criminology, this means that increased regulation and social control should be conceptualized in its dialectical relationship to the increase in the freedom to act with the simultaneous and creative *re*-regulation of specific individuals and targeted groups (Tombs and Whyte, this volume). These are not separate spheres of criminology, criminal justice or state activity, but inextricably linked elements of a dynamic process with respect to the risks these groups may pose to the social order, however socially constructed the idea of risk might be.

Criminology and State Power: Myopia and Invisibility

Given these academic legacies, we now turn to the question of state power and its relationship to criminology in general and consider the discipline's response to the intensification and consolidation of state power that Hall and his colleagues identified in the late 1970s. As we noted above, *Policing the Crisis*, and Stuart Hall's subsequent analysis of Thatcherism, provided some key theoretical, methodological and empirical pointers towards understanding and analysing the contours, direction and impact of the law and order state as it developed from the late 1970s under successive Conservative and Labour (New or otherwise) governments. This work was responding to the clearly demarcated authoritarianism that lay at the heart of the criminal justice and state welfare policies as they developed during this time (see Hillyard, this volume; Jones and Novak, this volume). However, neither the neo-Marxist model of state power outlined by Hall et al. (nor variants of it) has been taken up or developed by criminologists, critical or otherwise. There are four reasons for, and elements of, this academic marginalization that we want to highlight here.

Critical Fragmentation

The first issue concerns the fragmentation of the critical paradigm which began as early as 1975 but which was intensified and consolidated in the 1980s. Even as many of those associated with the NDC and the emerging critical paradigm during the 1970s and 1980s provided searing critiques of crime, criminology and state power – for example, in terms of the rule of law, the capital/labour relation, gender, race and racialization – the solidification of a law and order discourse to which *Policing the Crisis* pointed, and to which criminology was quickly to submit (Hillyard, Sim et al., 2004;

Walters, this volume), led many key critical scholars of this period rapidly to aban-
don the terrain of crime and criminology. While the nuances of these developments
cannot be discussed here (but see Hillyard, Sim et al., 2004; Hillyard, Pantazis et al.,
2004; Tombs and Whyte, 2003a/b), suffice to say that the period from the very early
1980s saw a reinforcement of criminology's historical commitment to work on the
basis of definitions of what constitutes crime produced by the state. Of course, that
criminology has been largely non-reflexive on this issue and has, on the whole,
accepted the notion of crime, is no mere quirk or an effect of lack of effort, but is
more a consequence of the rules of formation of the discipline itself; as Carol Smart was
to observe some years later, 'the thing that criminology cannot do is to deconstruct
crime' (Smart, 1990: 77).

Others who had been working with neo-Marxist concepts reacted to 'The Great
Moving Right Show' (Hall, 1988: 39), by themselves establishing, and then admon-
ishing, what they saw as the straw men of the idealist left and urging criminologists
(as well as centre-left politicians) to take crime seriously. In 'left realist' criminology,
the state was characterized as one autonomous element in a much-cited, but theo-
retically empty 'square of crime'. There is no little irony in the fact that left realism's
failure to take the state seriously occurred just at the moment that its nature and effects
were being most significantly analysed by neo-Marxist criminology (Sim et al., 1987).
Taking crime seriously was then easily incorporated into the great ideological beacon
of New Labour's modernizing march towards government: 'tough on crime, tough on
the causes of crime'. The Blair and Brown governments then commenced to mobilize
around a desperately populist, highly punitive (for the powerless) law and order and
social welfare strategy which was no less toxic in its implications than policies pursued
under the previous Thatcher/Major regimes (Sim, 2009).

The New Pluralism

Second, and related, the state has been made even less visible in the past thirty years.
The state had been gradually airbrushed out of critical analysis largely because most
criminology has continued to take official discourses on 'crime' and 'law and order' –
and the solution to those problems – at face value (see Walters, this volume). Thus, new
ways to describe institutional concentrations of power and resources which elide states
and state power – 'partnerships', 'joined-up government', 'modernization', 'rebalancing',
'flexibility', 'community cohesion' and so forth – have been accepted and internalized
relatively uncritically by academic criminology. In particular, there has been a failure
to subject such terms to critical scrutiny or to question the extent to which they
correspond to a form of 'new liberal speak' (Bourdieu and Wacquant, 2001).

Arguably, the 'success' of this new liberal speak of 'partnerships', 'joined-up
government' and so on has been to mystify and obscure the processes of power
(in ideological and material terms) that shape social orders and reflect persistent
(and deepening) patterns of inequality (Burnett, this volume; Coleman, this volume).
In this respect the channels of primary definition ensconced in state discourses
have attempted to place limitations on the sociological imagination to which

many academics have aligned themselves. Within these discourses, 'the state' (if the term is deployed at all) is depicted as a series of governmental and quasi-governmental institutions among multiple sites of power. Recent studies, for example, have argued that: state power has become pluralized into variegated orders (Shearing and Stenning, 2003); states have less recourse to coercion and repressive measures (Barry et al., 1996); states lack coherence in terms of ideological referents (Miller and Rose, 1990), and indeed ideology has disappeared altogether in some work; states and powerful corporations are themselves just as likely to be subject to surveillance and regulation as the 'powerless' (Haggerty and Ericson, 2006); and states have been superseded by a range of risk managers (Feeley and Simon, 1992).

Others *have* retained the concept of the state as an analytical and empirical object of inquiry, for example in relation to regulation, policing and security (Crawford, 2006; Loader and Walker, 2006). And this work raises a number of important questions, not least of which relate to how the state in its 'diverse forms' is becoming 'more frenetic, volatile, contradictory, and politicised' in its 'regulation of behaviour' (Crawford, 2006: 471). Yet while not without insight, there remains a general tendency across this heterogeneous work to reduce state power to the organizational form that delivers policy. Crime control partnerships between public authorities and civil society groups are thus characterized as the conduits of new forms of power under the auspices of 'responsibilization' or 'governance'. This focus leads to a theoretical and political position in which these institutional arrangements are conceptualized as merely reflecting new technologies of government – the 'how' of government and governance. Indeed, it is this focus that underpins claims regarding new epoch-defining shifts in social structure (such as 'networked governance', 'neo-feudalism' or the 'death of the social', Crawford, 2003; Rose 1996), within which the state is constructed as a static set of institutions which are bit players in new networked arrangements.

The new forms of delivering criminal justice policy, local community safety agendas and so on are seen as a challenge to the state and state power precisely because they are seen as *external* to the state. A key conceptual mistake that is being made here is a narrow understanding of what the state is. As Gramsci noted, what is normally represented as the 'state' – the 'safeguarding of public order and of respect for the laws' (or 'state as policeman') – negates the centrality of 'private forces' in the historical development of states. Thus, he argued, the 'state as policeman' approach is a 'limiting hypothesis' (1971: 261). He counterposed the 'state as policeman' with the 'ethical' or 'interventionist' state. The visible and repressive role of the state is only a part of its core function: 'the law is the repressive and negative aspect of the entire positive, civilizing activity undertaken by the state' (Gramsci, 1971: 247). Where its substantive concern is the criminal justice system, criminology tends to adopt a limiting hypothesis of the 'negative' aspects of state power, restricted to the visible mechanisms of law and public order maintenance; those mechanisms that Poulantzas called the 'public kernel' of army, police, prisons and courts (1978b: 36). No wonder, then, when new forms of 'positive' policy delivery emerge (partnerships, coalitions with the private sector, and so on), they appear before some criminologists as a revelation. No wonder that they appear to alter seismically the foundations of the state itself. For because

they are not contained within the negative aspect of state power, they appear to pluralist criminology as novel forms of power, rather than new forms of positive, civilizing activity that the state has always engaged in (on this point, see also Hall et al., 1978: 211).

There should be nothing surprising in this. We should expect criminologists who are concerned with state power to study the 'negative' aspect of state power – the key institutions of policing, criminalization and incarceration, the production of political discourse around law and order in government, and so on. But in order to develop a more useful theoretical understanding of state power, a unidimensional approach that remains bounded by the *institutional ensemble* of the state should be problematized and subjected to critical scrutiny.

New pluralist commentators, then, tend to interpret the shifts in the forms taken by the delivery of policy as constituting a new form of 'state' rather than understanding them as merely new modes of delivery – thus reinforcing fragmentation of the state form itself and aspects of the social realm it seeks to govern. As Jessop (1990: 269–70) reminds us:

> The state as such has no power – it is merely an institutional ensemble; it has only a set of institutional capacities and liabilities which mediate that power; the power of the state is the power of the forces acting in and through the state.

Yet, as Jessop goes on to point out, the precise institutional arrangements and boundaries that characterize the state – such boundaries 'are usually in doubt' (Jessop, 1990: 342) – and the social forces organized through these arrangements, should therefore not be left unproblematized as a background blur without structural underpinnings. The state is not a 'thing' but a *process* that, in its shifting boundaries and ensembles, provides the arena for the organization of social forces, continually recodifying as well as drawing upon 'public' and 'private' interests. Moreover, the 'dispersed state' form of analysis distracts attention away from points of convergence across this form – and recalls Miliband's (1969) concern to map the correspondence of interests across and through the state. At the same time, it is important to point to contradictions and tensions, and explore ideological coincidences that bind interests and provide states with a measure of coherence and unity (however fragile).

An examination of the states role in 'leadership, in direction, education and tutelage' (Hall et al., 1978: 202) questions the naïve and reductive understanding of a strict binary divide between the 'public' and 'private' realms, whereby the former is constituted by state apparatuses and the latter by institutions of civil society. In reality both arenas are constituted and reconstituted in struggles around the state form. It is precisely here where an alliance of forces congeals and displays relative unity and, in borrowing Gramsci's terms, 'poses itself as an organism in continuous movement, capable of absorbing the entire society, assimilating it to its own cultural and economic level' (1971: 260).

Rather than focusing on the relative size of the 'public' or 'private' sectors, the key issue here is how these categories come to have political meaning and powerful

institutional effects in structuring the economy and facilitating strategies of capital accumulation. Questions that can be asked include, how the contingent balance of forces between public and private acts as to, for example, redefine notions of 'sovereignty' over a given space (see Coleman, this volume) and how state projects intersect with inequalities concerning social class, 'race', gender (see Ballinger, this volume), sexuality (see Bibbings, this volume) or age (see Jamieson and Yates, this volume). Thinking of the state form as a process and a site of strategy (in defining and promoting, for example, illusory communities as a means of shaping hegemonic compromise with subordinate populations), we can undermine both the tendencies to analyse the state as a neutral arbiter or to render the state absent, and instead analyse 'the relation between state structures and the strategies which different [and asymmetrically constituted] forces adopt towards it' (Jessop, 1990: 260).

The relationship between public and private in capitalist societies is therefore organized around a complex balance of forces, rather than being organized around separate and antagonistic elements of a society that stand in external relationship to each other. It is this symbiosis – and the way that it acts to secure the domination of a minority ruling class – hat concepts of 'state' should seek to capture above all. Indeed, it was his understanding of the complex ways in which 'diverse tendencies' of the state secure hegemonic domination for the ruling class that led Gramsci to the formulation that state = political society + civil society, and which was crucial to the analysis developed by Hall et al. in *Policing the Crisis*.

Globalization as 'Reality'

A third issue, and a further manifestation of an over-simplified understanding of the state which is dominant across criminology, is perhaps best captured in terms of an acceptance of the 'ideology of globalization' (Poulantzas, 1978b). If globalization is a relatively recent phenomenon, it is one that has still not been subjected to any serious critical analysis within criminology. Thus, just as nation-state power has been ceded horizontally (to the private sector) and downwards (to the local state), as the new pluralists would have it, so too has it shifted upwards, to the new dominant actors of the global economy, be these supranational institutions or transnational corporations (Braithwaite, 2000). Those assumptions lead to a range of calls to abandon our concern with the nation state as a site of power. For Sheptycki, this means we should 'no longer study the nation state system, but rather look at the transnational-state-system' 2000: 7); for Findlay, this means we should work towards a global system of crime control based around some kind of 'global ethic' (1999: 220).

Thus much contemporary criminology invokes globalization as a structuring context for, or as a factor in, a whole series of contemporary substantive issues – whether this is the nascent forms of, increasing need for, and clear problems in genuinely achieving transnational policing, the 'rise' of new or exacerbated crime threats, such as terrorism, the trafficking of drugs, people or arms, cyber-crime and money-laundering, not least through transnational organized crime, the prevalence of new risks, insecurities and mentalities – and, of course, a seemingly undeniable, yet unquestioned, loss of

state authority, usually in association with a series of claims regarding 'governance' (Braithwaite, 2000). The discourse of globalization, too, attains the status of new liberal speak precisely because it forces state power and state authority into the background of the political landscape. This has particular implications for arguments to control corporate crimes and harms produced by capitalist accumulation. Notions of 'globalization' are invoked by governments as they seek to attract or retain private capital through various forms of de- and re-regulation or impose massive cutbacks in the social wage, and more generally reproduce the 'political construction of helplessness' (Weiss, 1997: 15). Thus, state interventions to protect consumers and workers are constructed as counter-productive in the sense that they repel prospective investors, or force existing businesses to relocate elsewhere (Tombs and Whyte, 1998). From its very outset, the first Blair administration was marked by his famous pledge to 'accept globalization and work with it' (cited in Holden, 1999: 531). This very same phrase might also be used to describe academic criminology. In other words, by accepting 'globalization' at face value, criminology also assumes that there has been a diminution in the capacity of states to act in the face of global market forces.

What is missing in criminology is any critical interrogation of the contested nature of globalization itself or any consideration of what different understandings of globalization might mean for different nation states (see Pemberton and Pantazis, this volume), nor, crucially, any attempt to understand globalization as political economy. Yet, beyond criminology, if only perhaps relatively recently as a critical intellectual reaction to globalization 'orthodoxy' (Hay, 1999), there *has* been a recognition that nation states have not only been the 'principal agents of globalization', but remain 'the guarantors of the political and material conditions necessary for global capital accumulation' (Barrow, 2005: 125; see also Lee and Yeoh, 2004: 2296). Thus the state is neither peculiarly constrained (Somerville; 2004; Weiss, 2005), nor is the logic of deregulation a necessity (Mosley, 2005) in the international political economy. Indeed, as Panitch reminds us, this much had been noted by Poulantzas, in 1975 in his book *Classes in Contemporary Capitalism*:

> Far from losing importance, the host state actually becomes responsible for taking charge of the complex relations of international capital to the domestic bourgeoisie, in the context of class struggles and political and ideological forms which remain distinctively national. (Panitch, 2000: 8–9)

It is precisely these relations between state and structural power that have been severed in most recent criminological theorizing – and thus there has also been a jettisoning of the affinity between state projects and the differentials in power, access to recourses and claims to social justice found in the wider social formation at any given time. Thus, we should focus attention on what the state *is*, what it *does*, but *also* the ways in which images of the state orient subjects 'to the state and the kind of order it is engaged in producing', and how such imagery figures in a 'legitimization of domination' often through 'the generation of the figure of the enemy' (Neocleous, 2003: 5; see also chapters by Hillyard, Burnett and Gill, this volume).

State Violence

A fourth key issue for our considerations here relates to the fact that the neo-Marxist conceptualization of power always foregrounds state violence, and the threat of violence – and this is antithetical to contemporary criminology's sanitized, individualized understanding of what violence is, and how it operates. In the context of our comments above, regarding contemporary criminology's limiting hypothesis of the state in 'negative' law and order terms, it similarly constitutes the apparatuses of state power, particularly with respect to violence, in very narrow terms (if at all). Thus, although the focus tends to be on overtly violent processes and institutions, the violence that concerns criminology is *individual* violence (Tombs, 2007). Yet, violence is integral to states and state power – not least, of course, and with no little irony, to law, even in its most apparently benign forms. To grasp this latter point one can simply return to some well-known histories of the development of the criminal law, which have emphasized the crucial role that the law plays in reproducing social class in ways that mask the violence of the modern state.

The work of Thompson, Hay, Linebaugh and others has asserted how the law did not merely act as an instrument of class domination but that by limiting arbitrary power and occasionally punishing members of the ruling class, the new law appeared to act in the interests of all (Hay et al., 1975; Thompson, 1975). Thus, the law was able to impose by force the new property rights of the rising merchant class. The new property rights and the methodological individualism that was developed in the criminal law acted as crucial ideological and material supports to the process of capitalist industrialization (Norrie, 1993; Carson, 1979, 1980). Some of this work was highly influential upon the radical and critical criminology that was contemporaneous with *Policing the Crisis*. In particular, the National Deviancy Conference/Conference of Socialist Economists text, *Capitalism and the Rule of Law*, published in 1979, located its analysis in the requirement of the law to mediate relations between capital and labour. Thus, we find articles on the role of the law in the reproduction and disciplining of workers (Gregory, 1979; Kinsey, 1979; Mellosi, 1979) and the working class more generally (Cohen, 1979; Fine, 1979) which contextualize our understanding of the development and application of juridical processes and the form that the rule of law assumes. The labour–capital relation in this work is explicitly constructed as a relationship that is based upon force/violence. The role of the law explored in this context therefore has a very specific aim – to guarantee by violent means a particular social order that is conducive to capital accumulation. The point that this work re-inforced, and one that is generally missed in contemporary criminology, is that the state plays a key role in reproducing coercive forms of power that *appear* to be consensual.

Although individuals, as workers, consumers, citizens and so on, are formally free to make choices, in reality those choices are highly circumscribed; they operate within highly restricted conditions; and these conditions are ultimately underpinned by state violence. Thus, workers are 'free' to buy and sell their labour, but they are not free to enter premises that have been abandoned by their employer and use the facilities

to set up their own business. A local fruit grower is 'free' to enter a supermarket and spend money, but is not free to set up a stall and start selling fruit outside the super-market. Breaking those rules would soon elicit a response of force, either from the police or from the owners of the premises who might feel legitimately empowered (by established state rules and norms) to use force to eject the offender from the premises.

Similarly, new state initiatives, no matter how they are represented, are always underpinned by the coercive capacities of states. Following Gramsci, Poulantzas and Hall et al., it could be argued that although new administrative forms (partnerships, quangos and so on) often have no formally repressive powers at their disposal, it make little sense to analyse them in isolation from, or as existing independently of, the 'repressive' apparatuses of the state. The work of the new community safety partner-ships established by the Crime and Disorder Act 1998, for example, despite their exigencies to go beyond the traditional concerns of the criminal justice system and consider issues of 'community safety' rather than 'crime', is typically implemented as part of a panoply of coercive measures in communities aimed at ensuring the coop-eration of the targets of anti-social behaviour orders, curfews, alongside the 'softer' forms of community engagement. To take an example that is in the headlines as we write, the Safer Islington Partnership instituted a campaign to reduce crime and anti-social behaviour in the Blackstock Road area after it identified particular problems with anti-social behaviour and stolen property. The publicity accompanying the launch of the campaign in July 2007 noted:

> [T]he partnership will continually consult with the local community, particularly the traders. The area is populated by a large Algerian community and therefore police are enlisting the help of translators and Independent Advisory Groups to ensure local traders are kept fully up to date of the partnership activity taking place. Bi-monthly meetings supported by Fin Future [a private translation company] are also taking place to allow two-way consultation.[3]

In March 2008, Operation Mista, a police swoop operation targeted 19 premises on Blackstock Road. Operation Mista was conducted on an unprecedented scale, involving more than 1,000 officers, many of them in full riot gear. The Metropolitan Police noted that Operation Mista was 'an attempt to make a clean sweep of criminality in the area' (*BBC News*, 27 March 2008b).

Thus, there is no mutual exclusivity between the apparently 'consensual' and the coercive powers of the state (see Burnett, this volume). Although no matter how 'soft' or consensual 'partnership' or 'privatized' means of policy delivery look on the surface, it is crucial to analyse the emergence of these forms of power in relation to the forms of coercive power as well as the threat and the actual use of violence that underpins them. This is not to say that 'soft' forms of power are never consensually constructed. Rather, the point is that we cannot derive conclusions about changes in the substance of state power from the appearance of administrative arrangements. What the state *is* and what it *does* remain important sociological questions and point to the need to grasp the *reorganization* – as opposed to the relative disappearance – of it and its institutions.

And always at the centre of state interventions is violence – or, at a minimum, the threat of violence. Therefore, state violence is always implied or connected to the so-called 'soft' forms of power.

To distinguish between force and consent, violent and non-violent means of securing power, then, is to set up a false dualism. Indeed, this was made explicit in *Policing the Crisis:*

> because this domination has been secured by consent – on the basis of a wide consensus, as the saying goes – that domination not only seems to be universal … and legitimate (not won by coercive force), but its basis in exploitation actually *disappears from view*. Consensus is not the opposite – it is the complementary face of domination… (Hall et al., 1978: 216)

In short, the one principle that the modern state is organized around it is its ability to resort to violence. The laws that establish state sovereignty create this as an entity with unrivalled power. Not only are the boundaries of the legitimacy of violence established by law (Green and Ward, this volume), but the power and authority of the state – indeed law itself – is necessarily and intimately bound to violence: 'Lawmaking is powermaking and to that extent, an immediate manifestation of violence' (Benjamin, 1921/1978: 295).

Conclusion: Contesting State Power

At its most fundamental, *Policing the Crisis* sought to place a neo-Marxist, non-reductive analysis of the state and state power on to the criminological agenda. Our analysis here points to the political and theoretical necessity for this task to be revisited, albeit one that will proceed in a changed, but not transformed, context of brutalizing capital-ist excesses in the early twenty-first century. In that sense, the state – what it is, where it is and what it does – should be constantly re-problematized for 'the power of the state is the power of the forces acting in and through the state' (Jessop, 1990: 269–70). However, the state is also a site (or series of sites) where claims for social justice and 'progressive' politics are forged, fought over, resisted and sometimes implemented. Conceptualizing state power in this way means thinking about the processes of resis-tance and spheres of contestation that exist within social relations and how such contestation is articulated and rendered as socially and politically possible (or impossible) in relation to state power. Understanding the state therefore remains crucial not only for thinking about the operation of power and the materialization and representations of social order, but also about challenges to these processes from within and without its institutional but contradictory edifice:

> It is exactly through the state (at whatever scale) that the position and role of the citizen and his/her relationship with society is defined, institutionalized and, on occasion, contested and challenged […]. If we are concerned with formulating

emancipatory policies and strategies, the state and other forms of governance remain key areas for challenging processes of exclusion and disempowerment. (Sywngedouw, 1996: 1502)

Thus, thinking about what progressive social change might look like – as well as the possibilities for its emergence – necessitates an understanding of the state's institutional and discursive power (see Coleman, this volume). Serious consideration should therefore be given to how the state both represents and mystifies itself with respect to its relationship to the maintenance and reproduction of the current inequitable social order, as well as to the mechanisms through which critical voices within and outside the state terrain remain in a process of contestation where state forces and state actors readily appear as categories to be 'talked back to, challenged, or transformed' (Smith, 2005: 894). And, to reiterate a point made above, this task should include not simply a focus upon the state's practices and statements with respect to the marginalized and powerless – those who most manifestly appear to be the objects of state activity, not least through the category of 'crime' – but also with respect to the state's relationships with the powerful, including the relationships between and within different branches of its institutional apparatus and the different blocs and fractions who develop policies and put them into practice.

Those who have adopted a neo-Marxist analysis of the state have therefore not only consistently emphasized the contradictory nature of its institutional power base, but also its place as a site of struggle, which has been, and can be, mobilized by powerless groups to subvert policy proposals and challenge social injustice. In the 1980s, at precisely the historical moment when a rampaging Thatcherism was at its most egregiously triumphant, a range of grass-roots organizations contested the intensification in the coercive capabilities of the neo-liberal state with respect to policing, prisons, the state in Northern Ireland as well as, in the case of women and black and minority ethnic peoples, the rolling back of its institutions with respect to their right to be protected from male and racist violence (Sim et al., 1987: 7). Undoubtedly, gains were made on the basis of these interventions from these wider social movements – even if these were never secure, never adequate and always somewhat fragile.

Contesting state power and exploiting the contingencies and contradictions inherent in its operations continued into the 1990s, and beyond into the twenty-first century. It has expanded into other areas that were either less visible or not on the political and criminological agenda three decades ago, for example the campaigns which have developed around the issue of asylum seekers and their desperate treatment as less eligible subjects both within and without national and international criminal justice systems. These counter-hegemonic interventions, and the strategies which have underpinned them, have been important not only in securing changes in the laws governing a range of social issues, but they have also been important in challenging the ideological basis of the state's claims to 'truth' – for example, around deaths in custody, deaths at work and the role and place of victims in a highly politicized law and order climate (see Walklate, this volume) – as well as impacting on more

reformist-oriented criminal justice organizations by pulling them on to an ideological terrain where they have supported the implementation of more radical, less compromising social policy interventions (Sim, 1994).

If this is no easy task, it nonetheless remains central to many of those working as academics within a neo-Marxist, critical criminology tradition; and it is one which challenges and transcends the ongoing caricatures of this tradition, and those who support it, as idealistic utopians out of touch with the 'real' feelings and anxieties of pejoratively and patronizingly defined 'ordinary' people and their aspirations for individual security and collective safety. In many ways, it could be argued that what this critical position represents, indeed demands, is the need for *more*, not less, utopianism and idealism in the theory and practice of social science if we are to transgress the current baleful and corrosive intellectual and political situation described by Russell Jacoby as 'an age of permanent emergencies' in which 'more than ever we have become narrow utilitarians dedicated to fixing, *not reinventing the here and now*' (Jacoby, cited in Sim, 2009, emphasis added).

Criticisms of 'idealist' critical criminology have traditionally been based upon a highly misleading juxtaposition of pragmatism vs. idealism. This has often led to an assumption that to remain ideologically outside the state somehow makes critical intervention less relevant or likely to succeed. This is perhaps best illustrated by Lea and Young's (1993: 258–60) artificial opposition of police monitoring vs. police democratization, in which the work of police monitoring groups was described as 'reactive' and simply responding to police action, rather than working for more longer-term reform of (community-based) police accountability. This argument was built on the assumption that 'idealist' police monitoring groups had never articulated policies and pursued strategies for making the police democratically accountable. However, almost all of the key contributions made by monitoring groups over the years have made concrete suggestions for improving accountability, some of which have been successful (see, for example, Part 3 of Dunhill, 1989; Institute of Race Relations, 1991; and latterly, Goldson and Coles, 2005).

The perspective set out in the left realist position endures in the work of the new pluralists, with each body of literature based upon a series of unconvincing assumptions, and reflecting a 'curious passion for the mannerism of the non-committed' (Wright Mills, 1970: 90). Among these assumptions are, first, that being idealistic can never be pragmatic or useful in winning concessions or influencing policy. Second, and following this, it is based upon the assumption that a reformist discourse and agenda can actually deliver fundamental social change, an assumption rarely borne out by evidence. Third, that it is not possible to remain outside the ideological terrain of the state and at the same time to engage on the terrain of the policy world or with the current political system. Yet, in fact, there are a number of counter-hegemonic groups that stand firmly and unapologetically in opposition to the state's criminal justice agenda but still remain engaged with government in consultations, lobbying and policy work. Those groups (including INQUEST, Families Against Corporate Killers, No Borders, Women Against Rape, and so on) provide us with often incontrovertible evidence that idealism does not necessarily constrain the

effectiveness or political impact of counter-hegemonic struggle. Therefore, the question remains: how best we might develop a pragmatic idealism that revolves around making connections between, and interventions across, state, economy, politics, history and 'culture', and which stands in direct opposition to 'principled pluralism' with its 'tendencies towards fragmentary problems and scattered causation' (Wright Mills, 1970: 104).

Neo-Marxist criminologists, and the interventionist work in which they engage, thus remain strongly influenced by both *Policing the Crisis* and by Gramsci's earlier interventions concerning the need to develop an alliance-building 'war of position' (Simon, 1982: 74) with the clear intention of turning 'common sense into 'good sense' with respect to crime, criminal justice, social policy, and so on. Such work requires engaging in, again utilizing Gramsci's words, 'patient and obstinate perseverance' (cited in Boggs, 1976: 22) if a radical transformation is to occur in these areas and in the wider structures of power and privilege that both underpin and legitimate them. This kind of criminological work is inherently oppositional and, by its nature, involves making moral choices.

Thomas Mathiesen, in his book *Silently Silenced* (2004), captured the essence of this position in a chapter which, although devoted to sociology, which he described as a 'silenced profession', has a direct resonance and relevance for criminology in general and critical criminology in particular. At the end of the chapter, he discussed the direction that critical sociological research should follow. For Mathiesen:

> … it is of vital importance to raise anew research as seen from below, taking as our point of departure the interests of those out of power rather than those in power, those who are repressed rather than those who repress, those who are governed rather than those who govern, those who lack channels of communication to act and influence over decision-making bodies and institutions rather than of those who have such channels and, in fact, are these bodies and institutions. What I have said here has been said before. It is part of yesterday's ideology. But today it sorely needs to be repeated and revitalised. Such a programme raises many difficult questions, *inter alia* questions concerning the relations and possible conflicts between interests seen from below, which in turn raise questions of choice between values. (Mathiesen, 2004: 78)

Of course, taking as a starting point the world 'of those out of power' and 'those in power' means also focusing explicitly, albeit not exclusively, upon the key institutional site of social power, namely the state. In subjecting state power and practice to scrutiny, this collection seeks to analyse its significance in ways that acknowledge and extend the insights of *Policing the Crisis*. In doing so, this introduction has taken as a starting point some of the ideas set out by Hall et al., as well as various insights generated across a series of texts that appeared during the radical turn in criminology and the social sciences through the 1970s. At the same time, while this volume recognizes discontinuities in state formation, practices and power in the UK since the era in which *Policing the Crisis* appeared, it also acknowledges significant continuities. Moreover, while various chapters highlight some of the lacunae in *Policing the Crisis*,

they also stand as testimony to its enduring and prescient theoretical and political insights – and, perhaps most importantly, to the often glaring failure of criminology to recognize or develop these insights further.

Furthermore, as Hall and his colleagues noted, *Policing the Crisis* was a book in part concerned to develop 'an intervention in the battle ground of ideas' (Hall et al., 1978: x) with respect to the state's activities, direction and representation. This collection, in its own way, is designed to contribute to that 'battle of ideas'. The chapters therefore foreground issues of inequality, injustice and brutalization, and how they may be conceptualized as the routine effects of capitalist states impacting differentially upon the poor and the powerless (see Jones and Novak, this volume), the '*un*heterosexual' (Bibbings, this volume), women (see Ballinger, this volume), young people (see Jamieson and Yates, this volume), and minority ethnic groups (see Burnett, this volume). Centrally, they reinsert state violence – including a recognition of those state relationships where violence is removed by the state from its own arsenal of legitimate responses (Tombs and Whyte, Hillyard, Gill, Green and Ward, this volume) – into our ways of analysing and describing aspects of the social world. More generally, they recognize that to address and understand inequality is to raise questions of 'why' (for what purpose and in whose interests, however unintentionally), and not just 'how', forms of power operate.

Thus, it is important to look beyond the organizational forms that constitute the 'state' to the way that power is configured in and through states. Perhaps ironically, given the critique of neo-Marxism in some of the work of the new pluralists, an analysis that stops at the 'institutional ensemble', to use Jessop's phrase, is likely to produce a highly reductive account of state power. We would argue that a view of state power, limited to an analysis of the technical and institutional form that we find in the new pluralism, results in a situation whereby the state as a 'target of political revolt is made to disappear' (Smith, 2005: 894) and the intersection between state and economy is obscured. We say this not to argue for a return to an economic determinist view of the state, but to point to the need for a perspective which counterbalances the narrow statism that, by definition, infects all criminology. The same is also true if we take state discourses at face value and thereby eschew their 'illusory' character in respect of how they are involved in 'the differential articulation and aggregation of interests, opinions and values' (Jessop, 1990: 342). Such discursive formations should also properly be analysed in relation to the materialization of the state activity (by which we mean its shifting institutional boundaries, social composition, recourse to violence, and so on) which requires careful analysis in any exploration in respect of the power to both shape material spaces and subjectivities in relation to 'the problem of crime' and the identification of disorder. The centrality of the state then resides in the mobilization of the social forces acting through it and how these forces attempt to reshape the materiality of the state and provide tutelage in the wider society (through mobilizing ideas and ways of seeing social problems).

Ultimately, while state forces retain this power to ideologically construct and materially confine its enemies, along with a power to punish unrivalled by any other social entity, social scientists would do well to maintain vigilance on and over the enemies

of social justice, social equality and democratic accountability. These enemies are far more likely to emerge within, and out of, the moving target that is state power with all of its contradictions, and to which this collection seeks to draw attention.

Notes

1 These texts included: Young's *The Drug Takers* (1971); Box's *Deviance, Reality and Society* (1971); Cohen's *Folk Devils and Moral Panics* (1972); Cohen and Taylor's *Psychological Survival* (1972); Taylor et al.'s *The New Criminology* (1973); Mathiesen's *The Politics of Abolition* (1974); Taylor et al.'s *Critical Criminology* (1975); Foucault's *Discipline and Punish* (1977); Hay et al.'s *Albion's Fatal Tree* (1975); Smart's *Women, Crime and Criminology* (1978); Brownmiller's *Against Our Will* (1976); Carlen's *Magistrates' Justice* (1976); Pearce's, *Crimes of the Powerful* (1976); Fitzgerald's *Prisoners in Revolt* (1977); Ryan's *The Acceptable Pressure Group* (1978); Ignatieff's *A Just Measure of Pain* (1978); Fitzgerald and Sim's *British Prisons* (1979); the National Deviancy Conference's *Capitalism and the Rule of Law* (1979), and Dobash and Dobash's *Violence against Wives* (1979).
2 We are grateful to Anette Ballinger for making this point.
3 www://cms.met.police.uk/met/boroughs/islington/04how_are_we_doing/news/multi_agency_operation_to_reduce_crime_in_blackstock_road_islington_21_08_07 (accessed xx/xx/08).