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Harmful thoughts: Re-imagining the coercive state?

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Why do we keep returning to the state? It remains an object of both constant fascination and constant anxiety. I suspect that one of the seductions that draws us back to the state centres on issues of power: what other formation offers the prospect of enabling and enforcing progressive politics and policies on a large scale (at least national, but also international)? Yet it is precisely this sense of combined reach and power that brings with it a sense of anxiety, or even dread, about the power of the state. This combination generates a familiar sense of ambivalence, in which we are attracted to, and repelled by, the promise/threat of state power. Most of the time, I have little difficulty in imagining the state as a means of delivering social value – creating supports for welfare, well-being and social improvement, or providing the machinery to redress past and present harms and inequalities. This conception of a progressive state draws on well-established (if seriously flawed) social democratic imaginaries of reform and progress. Taking it forward would certainly demand challenging and moving beyond some of the severe constraints of social-democratic conceptions of ‘universal’ welfare, not least their nationalism, productivism and familialism (see Clarke 2010). Nevertheless, such constraints have been, and are, open to political challenge, while thinking of the state as what Gramsci called the democratic-bureaucratic system brings me up against what might be the *limits of politics*: more precisely, against questions of how political desires become translated into policies and then become translated into practices.¹

¹ I am deeply grateful to Davina Cooper for the original invitation to think about this question and for her comments on an earlier draft. Thanks also to the participants in the original workshop and a subsequent meeting for the thought-provoking discussions and to Nick Gill for his comments on a previous draft. If I have failed to live up to them, their efforts to help me think better are still much appreciated.

This issue was central to Gramsci's view of the state as a double structure – the idea that the bureaucratic parts of the complex formation offered a place where power and dominant interests could be both *installed* and *insulated from* democratic incursions. Here, even small progressive steps (in terms of politics and policies) have to engage in that passage through the institutions where they may be translated, adapted and assimilated to the prevailing dispositions of the bureaucracies (for instance, the complex sagas of equality policies, e.g., Cockburn, 1991; Cooper, 2004). These institutional dispositions may take a variety of forms – legal, professional, managerial, organisational and so on – which may (or may not) align or fuse into blocks of power. But these conditions of power within state bureaucracies create the possibility of refusal, resistance, dilution, and diversion, for example, the capacities of professional/occupational cultures to reproduce patriarchal, racialized and other forms of discriminatory practice and embodiment (from the university to the hospital). Of course, sometimes they may provide the resources to create and enact progressive directions, but my concern here is with their *recalcitrant* capacities: their ability to soak up or defuse radical innovations. We know that there have been diverse approaches to regulating and reforming these bureaucratic capacities and dispositions that have gone beyond the writing of laws or policies and expecting them to be implemented. Among them have been the reform of professional cultures; the deployment of target-setting (or management by objectives) in pursuit of progressive outcomes; the installation of political supervisors within the bureaucracies; and the creation of localised political control (ranging from workers' committees to community representation).

Before exploring such issues, however, there is a prior question that organizes this chapter: *how can we reimagine the state's coercive powers?* This is, I realize, a rather old-fashioned phrasing after Foucault's strictures. However, I think that even coercive forms of power might usefully be thought of as productive rather than omitted from discussion or consigned to the conceptual dustbin. In pursuing this question, I need to turn away from all those positive images of the state as enabling, developmental, welfarist, etc. (even while acknowledging that such images conceal highly contradictory politics, policies and practices including forms of discipline, control and coercion). Instead, I begin from images of the security state, the military state, the penal or carceral state, and the police state; images that speak of forms of power that have to be addressed in any project of re-imagining the

state. Each of these forms of power has become more significant in the context of the recomposition of states of the global North during the period of neo-liberalization (see, for example, Hall et al., 1978; Wacquant 2009). Can we imagine states without coercive powers? At the moment of writing, I do not think I can – though exactly what and who are the objects of coercion may be open to question. In what follows, I explore these issues by addressing three questions:

1. *Can existing coercive powers and agencies be re-imagined?*
2. *What do we imagine coercion might be used for?*
3. *Can popular control be exercised over state apparatuses?*

But first, there are some difficulties to be addressed about the terms of the discussion.

1. *Turbulent states: old problems and new possibilities.*

The state continues to drive us crazy – in theory as well as in practice – so let me begin by refusing the definite article ('the') and the singular form ('state'). We are necessarily dealing with states, plural, that vary in form, shape and tendency in different spatio-temporal contexts. They are acted upon and shaped by very diverse social relations and political forces with the result that 'The state, in every country, is to some extent the trace in social reality of social conquests' (Bourdieu, 1998: 33). Nor can such states be grasped as singular entities with a coherent institutional form and structure. Rather, they might be best understood as a more or less loose assemblage that combines *places* (from windowless offices to symbolic constitutional sites), *people* (heterogeneous agents variously empowered to act as if they embody The State, from tourism officers to torturers), *policies* (that range from defining membership of the 'political community' to the criminalization of selected acts and actors) and *practices* (in which people come to encounter The State, such as disability assessments or dietary advice). Such states have complicated – and changeable – scalar architectures in which local, regional, national and supra-national elements are combined and condensed. Finally, the boundaries of such states are variably porous and mobile, not least in their relationships with what is often termed civil society. As Gramsci argued these are complexly connected formations, rather than divided and opposed

entities. In the present, that elusive boundary has been refigured through various state-like capacities and powers being devolved to non-state agents and agencies, that range from para-military death squads to service-providing NGOs (see, for example, Sharma, 2006, on the complex articulation of NGOs and state-ness). For the purposes of this chapter, I will be concentrating on some of the clusters of places, people, policies and practices through which states often come to seem most State-like: the apparatuses of coercion and control, such as policing, prisons, and the law. But even these need to be thought of as assemblages rather than singular and coherent entities: they are always both internally complex (e.g., the struggles between inmates, staff and managers over the internal control of prisons) and externally coupled through strained relations with other assemblages, not least the different incarnations of finance ministries or budgetary control and accounting systems.

The arguments in this chapter try to work with these shifting and unsettled understandings of states (and their efforts to appear stately) in relation to a set of issues and an inherited set of ideas, concepts and concerns about the coercive capacities of states. My interest in the coercive powers of states – and their relationship to popular and progressive politics – has been animated by two relatively recent movements. The first emerges from the efforts of families and friends to discover the truth of how 96 people came to die in a crowd at a football game on 15 April 1989 at the Hillsborough stadium in Sheffield, England (Scruton, 2016). So far, it has taken two inquests (1991 and 2016) and two inquiries (1990 and 2012) for the criminal responsibility of the policing of the event to be publicly confirmed. Before then, most of the official accounts had deflected blame onto the supporters themselves (including collusion between police, local politicians and media in the immediate aftermath of the event). There have been several organizations involved in the campaign to get justice for the Hillsborough families and survivors, including the Hillsborough Families Support Group (<https://en-gb.facebook.com/HFSGOfficial/>) and the Hillsborough Justice Campaign:

The Hillsborough disaster still remains in the memories of football supporters, although for a whole new generation, it is an event from almost another era. We need to reach out and teach this new generation what happened almost 10 years ago when 96 men, women and children went to a football game and came home in coffins. Even

people old enough to remember may have been deliberately misled by the tabloid gutter press into believing that it was 'Scousers' who killed the 96.

We have had to contend with these despicable lies by printing and distributing the personal testimonies of those of us that were there. We will be silent no more and we hope that this website reflects our ability to conduct a campaign for Justice in a manner which best serves the interests of the families and survivors. We are an open, democratic organisation and if we have missed out on some point which you would like to see raised then we welcome any [suggestions or questions](#). We appeal to anyone, be they a football supporter or otherwise to show solidarity with our campaign by helping in whatever way they can.

<http://www.contrast.org/hillsborough/whoweare.shtm>

The event matters politically because it raises questions about the persistent impunity of state agents to popular accountability (this is the same regional police force, South Yorkshire, that was also at the heart of violently policing the Miners' strike of 1984-5). It matters to me personally because I grew up in Sheffield and attended that football ground on hundreds of occasions without dying. It is important to pay tribute to the persistence not only of the families and friends of those who died but also the committed intellectual work of Phil Scraton in recording, reporting and pursuing the Hillsborough families' claims to justice.

The second movement emerged in response to the killings of young black and Hispanic men in the United States (Trayvon Martin, Mike Brown and many more: see *Killedbypolice.net*, for example). These killings underlined a structural vulnerability in the relationship between black people and the coercive apparatuses of the US state, long known and remarkably persistent (e.g., in the history of racialized incarceration in the USA: Christie, 1996; Morley and Petras, 1998; Wacquant, 2009). The issue of police killings was made into a focus of political attention by the mobilization organized under the banner of *Black Lives Matter*:

The Black Lives Matter Global Network is a chapter-based, member-led organization whose mission is to build local power and to intervene in violence inflicted on Black communities by the state and vigilantes.

We are expansive. We are a collective of liberators who believe in an inclusive and spacious movement. We also believe that in order to win and bring as many people with us along the way, we must move beyond the narrow nationalism that is all too prevalent in Black communities. We must ensure we are building a movement that brings all of us to the front.

We affirm the lives of Black queer and trans folks, disabled folks, undocumented folks, folks with records, women, and all Black lives along the gender spectrum. Our network centers those who have been marginalized within Black liberation movements.

We are working for a world where Black lives are no longer systematically targeted for demise.

We affirm our humanity, our contributions to this society, and our resilience in the face of deadly oppression.

The call for Black lives to matter is a rallying cry for ALL Black lives striving for liberation. (<https://blacklivesmatter.com/about/>)

Black Lives Matter's mobilization around the racialized violence of the US state (and elsewhere) has made visible once again the long history and present reality of the ways in which the USA functions as a racial formation (Omi and Winant, 1986). In a moment where US populism has taken the form of celebrating white supremacist conceptions of the nation, such contestations of the racialized formation of the state and its coercive capacities raise vital questions about how popular control of such agencies might be achieved (and demonstrate the risks of the failure to achieve such control).

Although the focus of my work in recent decades has been on matters of citizenship, welfare states and public service reform, these two examples have drawn my attention back to the coercive elements of state power and, in particular, reminded me of the ways in which they could be insulated from popular politics and struggles for popular control. This sense of the resistance of such institutions poses questions of how to re-imagine some of the most *intractable* parts of state power for progressive purposes. Although both examples come from the global north, the issues that they bring into view – the prospects and problems of controlling state power – have echoed around popular, liberatory and revolutionary politics in very different settings. Popular movements have often sought to

protect various subjects (the vulnerable, the subordinate) from violence, including violence by states. Meanwhile, other movements have sought to use state powers to protect subjects (such as the people, the nation, the revolution) from the dangers of reaction and regression. The issues raised by the Hillsborough disaster and Black Lives Matter have taken me back to older concerns – notably with race and policing (Hall et al., 1978) – and some of the conceptions and resources that were important to me then, from debates in what was then called ‘state theory’ to the developments of critical/radical criminology in the UK, Europe and the USA (see, for example, the journal *Social Justice*, formerly *Crime and Social Justice* – and that *Crime and* in the original title was significant!).

This inheritance gives a rather strange dynamic to the work of *imagining* that goes on in this chapter. In particular, it gives it a very odd temporality, juxtaposing older resources, current issues and projected possibilities in strained and unsettling ways. The results feel like rather idiosyncratic encounters that make imagining a work of reaching for connections – reaching for in both the sense of bringing them (back) into view, but also the sense of spinning them out of fragile tissue, and as a consequence, running the risk of over-reaching and failing to grasp the object of my desires. Finally, the temporal sensibility of this discussion is also unsettled by my feeling that thinking about coercive state powers emerges somewhere at the intersection of *prefigurative practices* (such as Black Lives Matter trying to build blocs that might achieve ‘local power’) and *exhausted experiments* – from moments of ‘popular justice’ to the diverse ways in which attempts have been made to secure ‘progressive’ policies within state agencies. The result feels uncomfortably like a conversation between different parts of myself – ‘re-imagining’ as a sort of dialogic thinking out loud. This odd conversation wanders across a variety of topics around which there are many debates in political philosophy, politics and even economics (e.g., about regulating the commons) about the relationship between social order, the state and coercion. But I am going to begin from an older set of concerns: what the Hungarian Marxist István Mészáros called the ‘necessity of social control’ when considering how the transition to a socialist society would necessitate processes and systems of social control. In his Isaac Deutscher Memorial Lecture, he argued that:

The manifest failure of established institutions and their guardians to cope with our problems does not put, of course, these problems out of existence; only intensifies their complexity as well as the explosive dangers of a deadlock. And this takes us back to our point of departure: the imperative of an adequate social control which "humanity needs for its sheer survival".

Its establishment will, no doubt, take time and will require the most active involvement of the whole community of producers, activating the repressed creative energies of the various social groups over matters immeasurably exceeding in importance issues like deciding the colour of local lamp-posts to which their "power" of decision-making is confined today.

The establishment of this social control will, equally, require the conscious cultivation—not in isolated individuals but in the whole community of producers, to whatever walk of life they may belong, of an uncompromising critical awareness coupled with an intense commitment to the values of a socialist humanity which guided the work of Isaac Deutscher to a rich fulfilment. (Mészáros, 1971; see also Mészáros, 1972)

In the Marxist tradition, the state was understood as necessary to manage the transition from capitalism (before 'withering away', of course). Actually existing socialist societies indicated the some of the problems of trying to 'capture' the state for progressive purposes, not least the risks of being captured by the state and its power (and its fantasy of power). So, any re-imagining of the state, and of its coercive powers in particular, has to wrestle with these contradictions. Nevertheless, Mészáros points to a central problem about progressive social transformations: they do not happen all at once. There is not a single revolutionary moment in which a whole new society is born fully formed and complete. The question of transition necessarily raises questions and problems of 'social control' as people attempt to secure or deepen social changes. In what follows, I try to explore some of these dilemmas that emerge at the unsettling intersection of 'state desire' (including what Stef Jansen, 2015, nicely calls 'yearnings' for a state) and 'state phobia' (see also the discussion by Nikita Dhawan in this volume).

2. Can existing powers and agencies be re-imagined?

It is useful to distinguish between the claimed purpose of existing state agencies and their actual practices, not least because the claimed characteristics of the liberal states (the rule of law; the control of crime; the defence of the nation, membership of the international community, etc.) conceal practices that are both more particular and more contradictory than the general statements imply. For example, who and what are criminalized always involves specifying a particular set of identities and behaviours (paralleled in those identities and behaviours that are selectively not criminalized). We can see the traces of these specifications in the racialized and racializing dynamics of criminalization, exemplified in the 'racial profiling' in the use of stop and search powers, in the grossly disproportionate incarceration of black men and, most dramatically, in the use of deadly force against young black and Hispanic males by police in the USA.

Similarly, the idea of the Rule of Law occludes the rule of very specific laws. Including those which are socially, economically and politically oppressive. This is a dilemma that E.P. Thompson famously addressed at the end of his study of the Black Act of 1723, which ruthlessly enforced processes of enclosure in forests and woodlands. Having demonstrated the full class power of the rule of this law, Thompson nonetheless concluded that 'And if the actuality of the Law's operation in class-divided societies has, again and again, fallen short of its own rhetoric of equity, yet the notion of the rule of law is itself an unqualified good' (1975: 267). Thompson argued that the rule of law offered the possibility of a defence against authoritarian and despotic uses of state power. This position was much debated at the time and remains a subject of argument (see, for example, Cole, 2001 Fine, 1994 and Peluso, 2017). These controversies find echoes in a variety of past and continuing struggles to use the existing legal agencies and powers to redress inequalities, for example, in equalities legislation (e.g., Hepple, Coussey and Choudhury, 2000) or the criminalization of 'hate crimes' (Lamble, 2013). Such issues also evoke a wider debate about the possibility of extending the state's reach to a range of 'harms' that are currently exempt from or only thinly addressed by existing laws and agencies of regulation (see Hillyard et al., 2004).

Sites of continuing conflicts include issues of corporate responsibility for animal and human welfare, environmental abuses and deaths at work/from work. One example of the possibilities and limitations of the criminalization strategy can be found in the issue of

‘corporate manslaughter’ (Tombs and Whyte, 2010). Indeed, Pearce and Tombs have argued that “a *punitive policing* strategy is necessary, desirable and practicable” to address corporate harms (1990: 440, my emphasis). This points to a tension between criminalization and decriminalization as elements of progressive strategies. Decriminalization strategies (e.g., around drugs and sex work) have aimed to take particular behaviours (and potentially vulnerable social actors) out of the purview of state power; while criminalization approaches have sought to redirect state power to redress injuries and harms previously immune to social control (reflecting the wider debate about harms versus crimes (Hillyard et al, 2004)). Sarah Lambie (2013) has explored the contradictions of ‘hate crime’ as a setting for the deployment of state power, noting how it enrolls those it defends (gay, lesbian and trans people) into the uncomfortable space of ‘neoliberal citizenship’. In particular, she points to the punitive penalty of such criminalizing processes, notably against other subordinated groups. This testifies to the dilemmas of using the law as a means of enforcing desired social changes. There are alternatives to criminalization and penalty as strategies of social control through state power, for example in the politics of abolitionism, long established in the domain of penal politics (see Mathiesen, 1974), which argues that withdrawal from the use of prisons is a necessary precondition of any humane or progressive social order.

The apparatuses of law and policing have long been seen as the core of states’ coercive and repressive capacities. They raise three particularly difficult questions for progressive imaginations. First, in what ways can harms in the present be controlled or even redressed without the capacity of state power? There are – and always have been – forms of ‘informal social control’ that regulate social behaviour without recourse to the state. Indeed, some authors (e.g., Ranasinghe, 2017) argue for the privileging of such ‘private ordering’ over the material and symbolic violence of state law. Second, in the face of persistent harms or disorders, can we imagine a progressive politics of punishment? If so, what principles would govern such progressive approaches (redress, restitution, restorative justice)? Equally importantly, through what mechanisms or agencies would such policies be enacted? These are, I think, not just tactical questions that follow from larger decisions about progressive political programmes but are at the core of any modelling of a better social order and its nurturing. They are questions that carry critical choices about ‘social control’ and how it

might be organized given our persistent ambivalence about state power. I was fortunate enough to attend the Institute for Political Ecology's 'Green Summer Academy' (on Vis, 2016: <http://ipe.hr/en/category/green-academy/>), during which there was a fascinating debate about how the Commons might be governed if it took the form of a 'social commons' as well as an economic one. In the process, we discussed the eight principles that Elinor Ostrom identified for governing the Commons – and these pose interesting problems of social control:

8 Principles for Managing a Commons

1. Define clear group boundaries.
2. Match rules governing use of common goods to local needs and conditions.
3. Ensure that those affected by the rules can participate in modifying the rules.
4. Make sure the rule-making rights of community members are respected by outside authorities.
5. Develop a system, carried out by community members, for monitoring members' behavior.
6. Use graduated sanctions for rule violators.
7. Provide accessible, low-cost means for dispute resolution.
8. Build responsibility for governing the common resource in nested tiers from the lowest level up to the entire interconnected system. (Walljasper, 2011; see also Chatre and Agrawal, 2008)

For my purposes here, there is an admirable clarity about these principles (locally appropriate regulations, nested layers of participatory rule-making and responsibility, accessible dispute resolution, etc.). But there are also some conceptual and political ambiguities: what would the 'system' for monitoring behaviour look like, and what form would a set of 'graduated sanctions' take? Ostrom's terms are disconcertingly neutral descriptors of a system and agents that might perhaps be thought of as practices of policing the commons and punishing rule violators. There were a couple of other points which triggered some political doubts. I understand why 'defining a clear group boundary' might be invoked in the context of a local commons, but in terms of other social orders, such exclusivist reasoning is disconcerting (especially in a political moment of increasing

nationalism and nativism). The questions of such membership and the associated forms of entitlements and obligations are rightly vexed and troubling ones. I am also haunted by a temporal question: do those who come into the community of the commons (either by migration or by birth) get the same chance to revise or reset the rules as the original rule-making collectivity? This is not intended to be a discussion of the commons, but a demonstration that questions of collectivity and social orders get us quickly – perhaps more quickly than we would like – to matters of rules and their enforcement: the problem of ‘social control’.

This question of membership connects to a critical cluster of issues that emerge if we take apart the hyphenated form in which states usually appear to us – the nation-state (on the hyphen, see Gupta, 1998: 316-327; on the national form of the state, see also Newman in this volume). Some of these concern the military forms of the coercive capacities of the state – the Janus-faced apparatuses of ‘national defence’ that can be deployed against both external and internal ‘enemies’. The shifting cast of characters who come to be ‘enemies of the people’ should warn us against taking the defence of the nation as a simple matter of identification and loyalty: in the UK terrorists, judges, and Members of Parliament have all been recently declared enemies and traitors. One of the critical questions about imagining ‘pacifist states’ (Crook, 2016) is whether (and how) they might exempt themselves from an international political (dis)order that presumes forms of military capacity and generates national investment in them (in both material and affective ways). There have been different answers to this question, ranging from neutrality to building alliances with the more powerful (or at least militarily more powerful) nations. Similarly, the unfolding of progressive or revolutionary politics has often had complicated relationships with military power, including the participatory model of people’s militias and the expectation (or hope) that professional standing armies will take the side of ‘the people’ rather than the people’s enemies. This hope has been sometimes fulfilled - from St. Petersburg in 1917 to Tunisia in 2011 where the army announced it would serve as a ‘guarantor of the revolution’: see ‘No-one is really in charge’ *The Economist*, 27 January 2011: <http://www.economist.com/node/18014117>). However, these issues take me way beyond my limited capacities (of space and imagination), so I am not going to pursue these questions of the military and security apparatuses here, despite the problems they pose as

the agencies perhaps most deeply insulated from popular politics. But the question of who or what is to be 'defended' – and by what means – remains a persistent *political* challenge.

Finally, in the global north, the national character of existing states means that there are necessary corollaries concerning the politics, policies and practices – and the forms of power in which they are entangled - that have taken us from colonialism to neo-colonialism. Can we imagine a national state that would take internationalism and its international obligations (to other places, other people and to the global environment) seriously? These questions take shape at the intersection of networks of relations and institutional forms - ranging from historical questions of redress and reparations to the current movements of people (see Nick Gill's chapter in this volume). The national scale currently dominates over others, not least because the dominant international organisations are typically the embodiment of an *inter-state* system, but it is clear that the dilemmas of progressive politics cannot be confined within one national territory – and its accompanying state. Necessarily, then, the questions of coercion – of protection, redress and regulation of disorders – also outrun the existing national borders.

3. What do we imagine coercion might be used for?

Mészáros's concern with 'social control' in the transition to a more fully human society provides a starting point for this question. How is such a transition to be regulated, safeguarded and enforced? At the moment, I cannot imagine a progressive politics that is not committed to the protection of people from various forms of violence – ranging from physical assaults and emotional abuse through to the varieties of structural violence associated with inequalities, exclusions and subordinations. While other progressive policies might be dealing with questions of redress, recognition and redistribution, the protection of people from harassment, attacks and harms demands collective capacities of control, constraint and coercion. So, there will remain a need for powers to control violence, to separate, constrain or exclude dangerous people, and to enforce compliance with progressive social norms. No doubt coercion comes at one end of a spectrum of strategies – reconciliation or reintegration (Braithwaite, 2002), re-socialization, reparative measures (Meertens and Zambaro, 2010), and the enforcement of compliance. Power can take many

forms before it arrives at the point of direct coercion (Allen, 2004; Morris, 2012). Equally, the justice processes of such a progressive state might be explicitly integrated with its social justice programmes rather than being institutionally separated. But how might such coercive powers or capacities be organized, directed and enacted? Clearly, we might imagine such powers could be organized and governed in the form of Committees, Tribunals, Forces, Services, and so on – but do they not tend to look like, sound like and, indeed, feel like what we currently call a state? This is, of course, one of the dilemmas at stake in re-imagining states: to what extent do the things that we imagine resemble actually existing states? If they do resemble such things, has our act of re-imagining gone far enough? But if these re-imagined entities do not seem stately, have we imagined something else? What stately qualities should our re-imagined states possess, and which should they lose in the process?

Turning back to the question of coercive powers, we might also need to see coercion as a necessary part of any progressive programme of social and economic reform. Suppose that policies for progressive taxation were enacted, then establishing an apparatus for identifying and collecting taxes due would be a corollary, and the enforcement of such policies on individuals and collective entities such as corporations would be essential to make both taxation policies and the reforms they might fund become a reality. Similar questions surround the control of environmental harms. In both of these instances, there are larger questions about the nominal national limits of the state and the existence of harms, injustices and inequities that flow across contingent national boundaries. There is a parallel problem about the policing of agents and agencies that are transnational, not least around the potential expropriation of ownership and resources, which points to the limitations of the conventional national, and nationalizing, imaginary of the state (and the scale of its powers).

I have tried to suggest that there are a range of issues - from interpersonal violence to transnational harms that require us to think about the need for coercive powers. As indicated above, I do not think social control is only about coercion: there is a large repertoire of both informal and formal processes through which social life can be governed – through which conduct can be conducted. So coercion is neither the only, nor even the

first, recourse of a progressive collectivity try to engage in the challenges of social development, social ordering and social protection, but neither can I see that such a collectivity can forego coercive powers.

4. Can popular control be exercised over state apparatuses and agents?

The final question brings me back to the challenge of what Gramsci called the democratic-bureaucratic system, in which we can see the complex, if not contradictory, terrain for the potential articulation of politics (the democratization of power) and policies (the apparatuses and capacities for delivering progressive outcomes). While I do not underestimate the problems of formulating and agreeing progressive policies or directions on a whole variety of fronts, the really difficult challenge concerns how to ensure their realization through networks of agencies and agents that may not be 'fit for purpose'. As I noted at the beginning, the coercive apparatuses of states have proven particularly resistant to popular politics and progressive policies. This is, of course, not coincidental. Here I propose to take up two issues. The first concerns problems of popular control of coercive capacities; the second involves questions about the techniques and technologies through which state agencies and agents might be brought into alignment with progressive policies. First, then, there have been many examples of forms, sites and practices of popular control over state apparatuses, including ones that emerge from the politics of popular justice (de Sousa Santos, 1979, 1982 and Abel, 2014). Sally Engle Merry notes that:

Popular justice has appeared in a wide variety of forms in and in highly diverse locations throughout the world: in revolutionary socialist states, in fascist states, in capitalist welfare states, and in postcolonial socialist states. ... Popular justice has a basic temporality, a historically formed and changing quality. In this respect, it differs from the formal legal system, which typically has far greater continuity and stability. Although a particular manifestation of popular justice may be short-lived, new forms continually emerge. Some are initiated by the state, some by more or less distinct social groups endeavouring to assert some autonomy from the state, and some by dissident groups protesting the power of the state. (Merry 1995: 31-2)

Merry points to political ambiguities around the idea of the popular – an issue to which I will return shortly. But first I want to pursue the ways in which popular justice differentiates itself from the ‘formal legal system’ because the formality of the legal system is one of the crucial dynamics of the ‘state effect’ (Mitchell, 1990). The Law distances itself from the people – and achieves its ideological dominance – partly through a variety of organisational and discursive devices: formalization, professionalization, an architecture of power and a cool or even frozen style of discourse (see, *inter alia*, Edelman, 2007, and Ewick and Silbey, 1998; on the frozen style see Joos, 1961). Popular justice innovations attempt to disrupt or displace these characteristic distancing effects of Law and to create new settings, styles and practices to enact the popular. For example, Boaventura de Sousa Santos has argued that, in the context of the Portuguese revolutionary crisis of 1974-5, popular justice signified the following:

It is class justice; that is, it appears as justice exercised by the popular classes parallel to or in confrontation with the state administration of justice. It embodies alternative criteria of substantive legality or at least alternative criteria for the interpretation and enforcement of pre-existing legality. It is based on a concrete notion of popular sovereignty (as opposed to the bourgeois theory of sovereignty) and thus on the idea of direct government by the people. Consequently it requires that judges be democratically selected by the relevant communities and act as representative members of the masses, who are autonomously exercising social power. It operates at a minimum level of institutionalization of bureaucratization (a nonprofessional justice with very little division of legal labour and immune to systematic rationality). Rhetoric tends to dominate the structure of discourse mobilized... (1982[2014]: 253).

Here we can see one route to constructing a different sort of apparatus – one that in its processes and styles aims to engage the people in the process of creating – rather than merely administering – justice. Merry’s observations about the distinctive temporality of popular justice point to one of the dilemmas here – how to institutionalize informal, dynamic and emergent organizational forms. These dilemmas are structured by a triangle of reference points in which ‘formal’ and ‘informal’ can be grasped as different ways of

enacting or institutionalizing democratic impulses. This troubled and unstable relationship between popular politics and institutionalizations of popular justice is also evoked by the Committee of Public Safety, established in Paris 1793 to embody Danton's claim that "This Committee is precisely what we want, a hand to grasp the weapon of the Revolutionary Tribunal". The Committee might stand for the dilemmas and contradictions of an imagined progressive reform of state apparatuses – facing as it did the challenge of counter-revolution, the external military threat of Austrian invasion, and the domestic instability occasioned by external agitators and spies (from Britain, in particular). That combination imposed a distinctive political/administrative temporality on the Committee and its works: a state of permanent emergency. But, of course, the Committee is also recurrently mobilized as a symbol in a very different imaginary, this time as a warning of the dangers of progressive or revolutionary political transformation – in which 'the Terror' functions as a salutary tale of the evils of non-gradual political change (see Wahnich, 2012)

These examples point to characteristic revolutionary fusions of the people and power – but such fusions are also a source of discomfort for more modern (post-modern?) political sensibilities. They raise the question of who can speak for The People or even a 'community' in the face of heterogeneous identities and interests. This is a particularly pressing issue in situations where challenges to forms of state power involve redressing past harms or inequalities. This returns us to the problem of 'membership': who counts as (or gets to be counted as) members of the community-at-issue is constantly contested. It contains – and often conceals – nested problems of voice and representation. For instance, Southall Black Sisters have raised important questions about how minority communities – of ethnicity and faith – have come to be represented by 'community leaders' or representatives who exclude, subordinate and silence other bodies and voices within those communities (see, for example, Dhaliwal and Yuval-Davis, 2014, and Southall Black Sisters, 2011). These problems of membership and voice are particularly pertinent for arguments that state agencies and their personnel should be more representative of the communities they serve or govern. The argument about state representativeness makes apparently straightforward claims – that we should be served, policed or judged by 'people like us'.

The persistence of social inequalities – of gender, race, sexuality and more – highlights problems in the ways that public services are *embodied*. As a result, the demand for representativeness is multi-faceted. First, it applies to the ‘front line’ embodiment of public services – demanding that they should resemble the communities that they serve. Here the question of statistical representativeness quickly bumps into the more difficult dynamics of organisational cultures, where existing norms, orientations and practices may prove intractable, and often work to either acculturate the ‘outsiders’ or to only include them in subordinate positions. As a result, the second front of the representation struggle necessarily opens around questions of advancement, promotion and the management of the organization, as the problems of overcoming forms of subordinated inclusion become apparent. The third front of the struggle for representation concerns the sites of control and governance: how is popular control, direction and accountability to be established?

The difficult political dynamic at stake, however, is that ‘people like us’ is a constantly contestable concept, just as the ‘people’ is an always emergent collectivity. So, part of the challenge of progressive reimagining of the state is the struggle to find new forms of representation and voice that address past exclusions without reifying or over-solidifying new identities. The claim for better representation points to a horizon, rather than a one-off target. The issues of representation, voice and effective power over services are general ones for progressive politics, but take on a sharper form in relation to the coercive capacities of states precisely because they have historically been so insulated against the prospect of popular control. As I indicated earlier with the examples of the Hillsborough disaster and Black Lives Matter, the coercive agencies tend to deny, ignore or refuse popular demands for redress and reform. Consequently, there is a recurring challenge to find the means by which, for example, policing might be made responsive to, accountable to, or even subject to its local, national and international ‘communities’. The dilemmas are familiar and so are the defensive claims that seek to renew the insulation of policing: policing needs to be independent, subject to the Law not politics, be a matter of professional judgement in terms of both operational management and the actions of the individual officer. Such refusals treat the current state of affairs as normal: policing as non-political? Independent of whom? Subject to the rule of which laws? Bureau-professionalism

as the embodiment of social neutrality? Such questions make clear both the obfuscations of the present and the difficulties of overcoming them.

The difficulties of transforming the personnel and cultures of public services, especially those with coercive capacities, has led to an interest in the possibilities of ‘managerial’ techniques and technologies to bring about compliance with progressive policies and objectives. For example, efforts to control ‘racial profiling’ in the use of stop and search police powers attempted to enforce accountability through recording requirements (providing grounds for each particular ‘stop’) and other rules of engagement. Not surprisingly, police forces have been slow to adapt (Dodd, 2017). Such rules have been the subject of recurrent conflicts between attempts to control by regulation and resistance on the basis that ‘it was overly bureaucratic and officers were being tied up with red tape’ (Barrett, 2014). More recently, body cameras have emerged as a favoured technology for monitoring public-public encounters – with mixed and uncertain results (see inter alia, Ariel et al, 2017; Urban Institute, 2015). The uncertainty is hardly surprising given that it remains unclear whether the technology is intended to control aggressive police behaviour or aggressive members of the public, and the continuing problem of the interpretation of visual ‘evidence’ (Vertesi, 2015). Such issues have acquired renewed salience in the struggles around police violence towards black men in the USA (signified in the arguments of and around *Black Lives Matter*), but are recurrent issues that arise at the intersection of the complex politics of representation and the deployment of the coercive capacities of states.

And finally?

I have tried to explore the ‘dark side’ of the state through questions about coercive power because I find it the most difficult set of issues to confront in the process of re-imagining the state for progressive purposes. As will be obvious, I don’t have any satisfactory answers to the questions that surround these issues. But I do think they are central to dealing with the seductions of the state and the relationship of ambivalence that entangles us. In short, I think a progressive politics has to think about the question of coercive power – its purposes, its forms and its control. It may be possible to think about such questions aside from the

state, but, as will be clear, I find it hard to disentangle them. If an alternative social order is emerging, it will need the means to install itself, and to ensure compliance as well as enthusiasm. Those needs lead inexorably to the question of 'social control' and, in my view, to the challenge of re-imagining the coercive powers of states in the service of progressive politics – and suggest why doing so may be difficult.

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