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**The Crisis of Social Control**

*The state is a philosophical, European, concept; social control is a sociological, American concept. Both rest on opposing slopes of a great divide constituted by the emergence of democratic societies. (Melossi 1990 3)*

This quote, from Dario Melossi’s *The State of Social Control,* triangulates these three concepts – state, social control and democracy. It is interesting to revisit his discussion in the light of an apparent crisis of social control, evident across a wide number of countries in the 2020s, and ask ourselves what is happening to the democratic legitimacy of key institutions of these states.

Sociologists often recall Weber’s definition of the state from *Economy and Society*:

*A compulsory political organization with continuous operations {politischer Anstaltbetrieb} will be called a “state” insofar as its administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order. (Weber 1956 54)*

In a recent Canadian study, Robyn Maynard spells out what this rather dry description actually means: “Not only is state violence rarely prosecuted as criminal, it is not commonly perceived as violence. Because the state is granted the moral and legal authority over those who fall under its jurisdiction, it is granted a monopoly over the use of violence in society, so the use of violence is generally seen as legitimate.” (Maynard 2017 6-7) Police “have immense discretion in defining, convicting and sentencing. They are central definers, by their actions, priorities and selective interventions, of crime in society…the policies of selective and discriminatory policing…are the embodiment of institutionalized racism.” (Scraton 1985 37, 80) This is why understanding crime is all about the police’s discretionary prejudice – their “criminal selectivity.” (Vegh Weis 2018)

Can those state institutions empowered to legally use violence still be considered legitimate, and by who? With the military it depends on which side you are on. Take the case of Russian soldiers invading Ukraine, legitimately for many Russians and certainly their government, but not in the eyes of Russian protestors and of course Ukranians. But the institution generally associated with social control in the more everyday sense is the police. According to Weber, their legitimacy is upheld when the majority share ‘belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands.’ (Weber 1956 215) If public faith wanes in those who hold the monopoly in the use of force then belief in the value of the police shrinks. When police officers use violence against a public who expect protection then instead of being the solution they become part of the problem. High profile convictions of Derek Chauvin, the US police officer who killed George Floyd, and Wayne Couzens, the UK police officer who raped and murdered Sarah Everard, both occurred in 2021 and signal an institutional crisis whose patterns can be traced internationally (Clement 2022).

This is not just a threat to the maintenance of ‘law and order’, but to many people’s ability to believe in the positive value of institutions of the state altogether. Rulers and the ruled risk losing the ‘shared values’ which keep the social hierarchy in place. Weber explains – in a rather circular fashion - that these values ‘derive from a voluntary agreement of the interested parties or is imposed by an authority which is held to be legitimate.’ (Weber 1956 36) From which, Melossi concludes: ‘The interesting question that remained unanswered, therefore, concerned the sociological explanation of the orientation of society’s members toward authority as legitimate authority.’ (Melossi 1990 65) This brings us back to democracy, more precisely the forms of ‘direct democracy’ that involve assembling in public spaces, demonstrating in acts of protest that challenge the hegemony and legitimacy of those managing processes of social control. The consciousness that facilitates this activism comes out of the reaction against injustice, and frustration at government’s attempts to use force to prevent such manifestations.

Evidence for this argument is presented by looking at two events from 2021. One from Bristol, UK, where a demonstration – branded a riot - against the police in March 2021 followed on from several protestors being charged for their part in the dumping of the statue of Bristol slave trader Edward Colston in the city dock during a black lives matter (BLM) protest in June 2020. A fracturing of trust in the police was compounded by the fact that the government at the time was intent on allowing the police to criminalize protests deemed too ‘noisy’ and/or ‘a public nuisance.’ According to the Daily Mail: ‘The demonstration was organised to show discontent towards the Government's Police, Crime, Sentencing and Courts Bill - with the riots subsequently dubbed ‘Kill the Bill’ protests.’ The Mail’s report of the trial that followed gives a flavour of proceedings:

*Jasmine York, 26, was filmed leading a crowd in chants of 'ACAB', which stands for 'all cops are b\*\*\*\*\*\*s', and 'f\*\*\* the police', as violence erupted. The protester had attended a vigil for Sarah Everard at 2pm, but later joined crowds marching to the police station. She live-streamed the protest from her phone and was also filmed helping to push an industrial bin towards a burning police car - acting as further fuel to the blaze. York was given a nine-month sentence in March earlier this year.* *(Daily Mail 2022)*

The Mail is the UK’s best-selling newspaper and no supporter of the protestors. Like many organisations fighting the ‘culture wars’ - alongside the government and the police – their viewpoint tends to lead to what Ruth Wodak calls “victim– perpetrator reversal,” (Wodak, 2015 67) where the more powerful group claim that they are the victim of the malicious intent of those they are, in fact, marginalizing. For example, the Bristol police maintained that they had come under attack from protesters during the first of the ‘Kill the Bill’ demonstrations in the city in March 2021, telling journalists that two officers had been seriously wounded with a broken arm and a punctured lung. Both claims later turned out to be untrue.

One of the defendant’s lawyers, David Rhodes QC, said: 'The police had significantly underestimated the numbers of protesters expected and as a result were caught under-prepared and under-resourced. It is fair to say that there was ill-discipline on the part of both the protesters and the police. The result was that by nightfall there were scenes of mass disorder, with the police station smashed up and police vehicles on fire.’ (Daily Mail 2022) Of course, this fanning of the flames by targeted violence against protestors exacerbates the situation and causes more conflict. By doing so, the police action provides a palpable ‘self-fulfilling prophecy’ of public disorder which can be breathlessly reported and amplified by all forms of media. This was observed in Stuart Hall *et al’s* classic study, *Policing the Crisis.* Its focus upon how the police, media and politicians created the ‘folk devil’ of the black criminal through a moral panic over street crime is certainly relevant to the era of black lives matter and applies to current actions such as the ‘Kill the Bill’ protests: ‘The paradox is that the selectivity of police reaction to selected crimes [i.e. protests –MC] almost certainly serves to increase their number (what is called a “deviancy amplification spiral”). It will tend to produce this increase in the form of a cluster, or “crime wave.” When the “crime wave” is then evoked to justify a “control campaign” it has become a “self-fulfilling prophecy.”’ (Hall et al 1978 38)

In the US, 2021 saw the unusual spectre of a full-blown crisis of social control as Trump supporters stormed the Capitol. Strangely, despite their use of ‘flash-bang shells, tear gas and rubber bullets’ to suppress a BLM protest in 2020 ‘to clear the way for a presidential photo opportunity’ (Carby 2022 14), the police appeared helpless in this face of the right wing inspired ‘insurrection’ against the deviant election result. However, the real threat to the status quo came not from the protestors but when ‘139 Republican members of the House of Representatives voted to reject the Presidential election results…the Trump Republicans were openly declaring their contempt for the rule of law…Now it was only democracy if they won.’ (Meek 2022 6) Regimes who court popularity by claiming anti-establishment, populist credentials, such as Trump, Bolsonaro or Modi may choose to defy the law. The lawlessness of our rulers is another feature of the 2020s that indirectly threatens their ability to maintain social control in the future – leading Meek to speculate that in the future ‘Might a different mob storm into Congress to save democracy, rather than attack it?’ (Meek 2022 8)

The purpose of this paper is to illustrate some of the ways that today’s crisis in policing reflects the growing lawlessness of global rulers and their institutions of government. There have always been ‘crimes of the powerful’, but hitherto many leaders were anxious to veil their actions and demonstrate their commitment to democracy and control through consent not coercion. When leaders like Johnson in Britain admit their criminality but deny any accountability they risk generating a spiralling wave of defiance and deviance they may not be able to suppress.

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