



Book Review: *Social Protection After the Crisis: Regulation Without Enforcement*. Steve Tombs

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BOOK REVIEWS

Social Protection After the Crisis: Regulation Without Enforcement. Steve Tombs, Bristol: Policy Press (2016). 272pp £24.99 ISBN 978-1- 44731 -376-2

Social Protection After the Crisis: Regulation Without Enforcement both consolidates and advances Tombs's work on regulation over the past 25 years. Using the financial crisis of 2009, it demonstrates the extent to which regulatory policy and practice have been purposefully remade in the image of neoliberalism since the 1970s, and in particular since 2003. Due to this transformation, regulation has become increasingly permissive of corporate 'crime', allowing for the routine production of corporate 'harm' as enforcement has been withdrawn and agency objectives have been coloured by the growth imperative. In making this argument, the text proceeds in a logical, well-evidenced and persuasive manner, leading to the conclusion that, at least under neoliberalism and following the financial crisis, regulation should not be understood as standing in opposition to the interests of capital.

Chapter one provides a clear and accessible account of the social, political and historical context of UK regulation. It also introduces some of the key concepts explored later in the book. Chapter two describes how, since the 1970s, support for interventionist regulation has waned as material investment in private capital has been accompanied by the ideological promotion of the 'moral capital of capital' (p. 34). Chapter three explains how this has culturally embedded the assumptions of neoliberalism to such an extent that they constitute a meta-narrative of 'common sense', rendering acceptable the discursive frames and 'morality plays' which diverted blame for the financial crisis away from private debt and towards its public counterpart. It is this that provides the justification underpinning the post-crisis drive towards austerity, meaning that instead of posing a challenge to the ideological foundations of the economy, the financial crisis served to increase public dependence on private capital. Taken together, chapters two and three are particularly effective at explaining how the narrow, idealised and economic aspects of neoliberal ideology bleed into popular discourse, working to sustain the perceived legitimacy of the system even in the event of its crisis.

Chapter four presents an overview of the academic literature on regulation, exploring the debate between the interventionist 'command-and-control' school of thought, which tends to favour punitive responses to corporate

deviance, and the 'compliance' school, which is termed the 'academic orthodoxy' and advocates negotiation and compromise with corporate entities. Here, Tombs presents a cutting critique of this latter approach, not least because of the support it provides for the withdrawal of regulatory intervention, but also because it takes for granted certain neoliberal assumptions. Readers familiar with Tombs's work will recognise many of the arguments forwarded, but they are here brought to bear on 'orthodox' regulatory scholarship in such a concentrated fashion that the chapter poses a serious and fundamental challenge to this school of thought. Indeed, of particular importance is Tombs's analysis of how little effect the financial crisis has had on this scholarship, which has proceeded '*as if* the events of 2007/08 have not happened' (p.103, emphasis in original).

A different direction is taken in chapters five and six, where Tombs moves from a concern with context to explore the evolution of UK regulatory policy and its concomitant effect on regulatory practice. Chapter five examines government claims to pursue 'Better Regulation', illustrating the consistency with which subsequent administrations have pursued this goal since 1997. This demonstrates that it is not only 'de-regulation' that is occurring, in the sense of a withdrawal from intervention, but 're-regulation', denoting attempts at further entwining the state with private capital. While this chapter is repetitive – a feature which Tombs himself acknowledges – it is precisely in this repetition that the uniformity with which different governments have pursued regulatory 'reform' becomes apparent. Indeed, the mechanisms described provide important detail on how the contextual influences examined in chapters two and three find form in government policy.

Chapter six critically examines the manifestation of this 'Better Regulation' in practice. Translating into 'a long-term downward trend in every form of enforcement activity' (p. 155), the goal is also shown to have been successful at re-purposing regulation to facilitate the growth imperative dominant under neoliberalism. These empirical contributions add weight to Tombs's overall argument, illustrating that the 'Better Regulation' agenda – driven forward under the auspices of neoliberal political-economic doctrine – and supported by orthodox regulatory scholarship, is having a direct and detrimental influence on regulatory practice, and that this remains unchanged despite the financial crisis. In this sense, the more contextual, theoretical and policy-orientated arguments forwarded in previous chapters are further substantiated by the primary and secondary data presented here.

In the final chapter, consideration is given to how the ‘moral unpanic’ following the financial crisis transformed a ‘crisis of capitalism’ into a ‘crisis in capitalism’ (p. 185), enabling financial regulation to continue as before, without modification. In this context, Tombs discusses existing and possible future vulnerabilities inherent to regulation under neoliberalism. Both realistic and forward-thinking in its suggestions, this chapter brings into focus potential opportunities for change as the fault lines between state and capital become increasingly exposed in late capitalism.

The human consequences of this near-40 years of regulatory transformation was recently made visible in the Grenfell Tower fire, which killed at least 80 people. As the flammability of building cladding was one of the key issues in the incident, it is to the vague content of the regulation governing its use that criticism has been directed. While being discussed in 2017, this regulatory ambiguity was ‘pioneered in the 1980s during Margaret Thatcher’s premiership’ in order ‘to leave room for innovation’ (Evans and Wright, 2017). This implicates the transition towards the dominant ‘compliance school’ of regulation critiqued in Chapter Four, of which the rules governing cladding appear to be an archetypal example. Indeed, this is not the only incident to be associated with regulatory plasticity. A tower block fire in North Ayreshire, in 1999, caused the Scottish Government to increase the stringency of its devolved building regulations, while those in England remained unchanged (Committee on Environment, Transport and Regional Affairs, 1999). Similarly, six people died in a 2009 fire at Lakanal House in London, after which an inquest recommended the government both review and clarify building regulations (Kirkham, 2013). Despite the government committing to publish such modifications by 2016/17 (Pickles, 2013), these remain unchanged. In light of these events, Tombs’s work illustrates that an understanding of their occurrence should not to be severed from context. Instead, they need to be recognised as symptomatic of a broader and decades-long pattern of regulatory dilution and transformation, which has been systematically pursued by various governments in relation to a range of industries, and buttressed by justifications that are politically-convenient and aligned with neoliberal doctrine.

Ultimately, *Social Protection After the Crisis* provides an accessible, well-grounded and consistent argument that progresses logically throughout the book. That is not to say that each chapter cannot be read alone, only that the sum of its parts provides a comprehensive account of private sector regulation in the United Kingdom, both pre- and post-financial crisis. It is a welcome addition to a body of scholarship that tends to neglect context and power,

providing an important, difficult to ignore, counterpoint to the regulatory orthodoxy. Finally, it will be useful to those interested in the extent to which neoliberal ideology exerts influence on both regulatory policy and practice, whilst also seeking to understand the specific and normative mechanisms through which political-economy can have criminal and harmful material consequences.

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