

Transcending the Carceral Archipelago: Existential, Figurational and Structural Perspectives on Power and Control

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Abstract

From Foucault (1977) through to Cohen (1985) and Feeley and Simon (1992) criminological thinking about punishment has been dominated by penal rationalities of power and control. This has led to an under-theorised notion of the individual in criminology (Green 2011). As society and penalty become increasingly 're-emotionalised' (Karstedt 2011) justice and punishment are invested with a new narrative and expressive dimensions. Drawing on Sartre's (2010) existential philosophy about choice and authenticity and the social theory of Norbert Elias (2000) and Anthony Giddens (1986) the aim is to locate individual freedom and agency within these wider social conditions and through this begin to provide the basis for a broader conception for criminology of power that is both enabling and liberating as well as oppressive and controlling.

Key words

Power; agency; figurational sociology; structuration theory

Resumen

De Foucault (1977) a Cohen (1985) y Feeley y Simon (1992), el pensamiento criminológico sobre el castigo ha estado dominado por las racionalidades penales del poder y el control. En criminología, esto ha llevado a una noción del individuo infra-teorizada (Green 2011). A medida que se han "re-emocionalizado" la sociedad y la penalización (Karstedt 2011), se ha investido a la justicia y al castigo de una nueva dimensión narrativa y expresiva. Inspirándose en la filosofía existencial de Sartre (2010) sobre la elección y autenticidad, y la teoría social de Norbert Elias (2000) y Anthony Giddens (1986), el objetivo de este artículo es situar la libertad y acción individual dentro de estas condiciones sociales más amplias, para después

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comenzar a ofrecer la base para una concepción más amplia de la criminología del poder, que sea tanto facilitadora y liberadora, como opresiva y controladora.

Palabras clave

Poder; agencia; sociología figuracional; teoría de la estructuración

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1. Introduction: the power of criminology

I have come to the conclusion that the concept of power is very poorly understood or theorised in criminology. Overwhelmingly, power is seen as an oppressive strategy that is rooted in governmental and penal technologies of control. Everything seems to be squeezed into this explanation and everything is therefore seen as part of some nefarious plot to extend the power of the penal apparatus and its control over all of us. Or alternatively, power is either ignored or left unsaid; perhaps because criminology is an exercise in power itself or perhaps because power is perceived as a normative concept that is owned by a particular school of radical or critical criminology. Whichever criminological camp you fall in to and regardless of whether or not you use the concept itself, my contention is that it is firmly ingrained in the psyche of the discipline of criminology that power is always about control. Control is about authority and constraint and therefore focuses the criminological gaze upon structure rather than agency and leads to an under-theorised conception of individual, or personal, power. As a consequence criminology fails to recognise other types of power that are located beyond the carceral and which can be understood in quite different ways. In particular, I shall explore individual and enabling power that stems from agency rather than structure.

To make this argument I shall attempt to do three things. The first will be to chart the predominant use of power within criminology to demonstrate how power is understood, the normative basis of this understanding and the problems this presents to the criminological understanding of the dimensions and applications of power. The second will be to draw on a combination of sociological and criminological writings that increasingly foreground the individual, or 'self' within understandings of social and criminal relations and which are arguably linked to the re-emotionalization of criminal justice (Karstedt 2011). These approaches start to place private, or individual feelings and concerns back into penal decision-making (Green 2011) and consequently create a growing need for criminology to reengage with the individual. The third and final will be to reconceptualise theories of power within criminology to include individual agency as well as structural constraint.

To achieve this final goal I shall draw on the existential thought of Jean-Paul Sartre (2007, 2010) and Simone de Beauvoir (1948) in an effort to redirect the criminological focus towards the individual and consider how personal 'power' or free choice can be constructed despite penal authority and social constraints. I shall then also draw on the social theory of Norbert Elias (2000) and Anthony Giddens (1986) to explore social theories that seek to reconcile structure with agency and which include a different conceptualisation of power that I shall argue can provide a corrective to criminology's narrow and ultimately negative construction of power as control.

2. Criminology, power and control

My argument is that criminology conceives of power in rather narrow terms that reduces it to forms of structural and political power wherein one group, usually the state, the government, or its proxies exercises power over another group, the poor; the criminal; the citizenry. Underpinning this conception of power is usually an explicit or implicit Marxist leaning that power is rooted in economic relations which further suggests that criminology's theory of power is normative as well as analytic. I am very aware that in making this claim I am opening myself up to the criticism that I am treating criminological thought in overly reductionist terms, so I shall try my best to make my case as carefully and clearly as possible.

It is Michel Foucault (1977) who describes criminology as part of the disciplinary apparatus. Providing a combination of scientific credibility, or justification, for punishment with the psychiatric study of criminals designed to discipline and normalise, criminology is first conceived as part of the emerging nation-state's

strategies of control (Garland 1992). Consequently, criminology had little to say about power or the critique of power during its formative years. Instead, it was part of the governmental system that sought to create a disciplined and conformist population. Garland (1992) does point to some limitations in Foucault's (1977) analysis of criminological power, most notably his failure to acknowledge other non-clinical forms of criminological project about crime trends, the evaluation of criminal justice agencies and victim studies. However, the point that is most relevant to this argument is that criminology in the late nineteenth and first half of the twentieth century 'does not question the system of power of which it forms a part' (Garland 1992, p. 407). An emerging criminology therefore fails to develop a coherent framework for thinking about power.

By any contemporary benchmark for criminology it would, of course, be absurd to suggest that criminology continues to remain ignorant of power or that it continues to only operate in the manner that Foucault (1977) describes. But the history, or genealogy, of criminology's relation to power as outlined by Garland (1992) does remain instructive in one important way; contemporary criminology's construction of power is rooted in the conditions of its emergence and the predominant focus of its enquiry. Accordingly, the criminological project constitutes power as control and is primarily concerned with power as the shaping of individual behaviour through governmental policies, practices and strategies of enforcement, confinement and correction.

By contrast, the second half of the twentieth century witnessed a burgeoning of radical and critical perspectives across the social sciences. A profound critique of the scientific methodology (Kuhn 1970, Feyerabend 1975, 1978) and the proliferation of radical neo-Marxist writings (e.g. Dahrendorf 1959, Althusser 1969, Gramsci 1971) emerged thick and fast from a range of celebrated schools of critical thought such as the Frankfurt School and the Birmingham Centre for Contemporary Cultural Studies (CCCS). The impact of this intellectual revolution on criminology was considerable and led to a range of insightful critical writing about the ideological construction of the law, punishment and the crime problem. The writings in this field are too numerous to mention but good summaries of research in this tradition can be found in Box (1983), Hall and Scraton (1981), Ryan and Sim (2007) though perhaps the two most celebrated contributions are Hall *et al.*'s (1978) *Policing the Crisis: mugging, the state, and law and order* and Taylor *et al.*'s (1973) *The New Criminology: for a social theory of deviance*.

One of the main characteristics of this phase of criminological thinking is an overt and deliberate attempt to redress criminology's unreflective stance towards the power dynamics of both itself as a field of study and the field of study itself. In particular, two interrelated themes of 'mystification' and 'domination' emerge. Mystification (Box 1983) refers to the social construction of the crime problem in such a way that leads to the criminalisation and control of the powerless whilst ignoring the harmful behaviour of the powerful. Put simply, the 'real' crime problem is hidden by those in power who direct attention away from their own crimes by focusing attention onto others. Crucially, the ability of the powerful to identify and label (Becker 1963, Cohen 1973) others as criminal becomes a central explanation of how this crime problem is constructed (Mankoff 1976). Crime statistics, public debate and media representations of crime are all part of this process of mystification and all play a part in creating a perception of the crime problem that draws the eye away from harmful behaviour committed by those in authority. This particular analysis helped criminology to focus at least some of its attention on corporate crime and state crime and took further inspiration when the feminist movement began to uncover hidden sexual and domestic crimes against women (Smart 1976, Sim *et al.* 1987). The implication of this mystification is that social institutions are part of a deliberate attempt to serve the interests of one group at the expense of another. This perspective on power is reminiscent of Lukes' (2005)

radical conception of the capacity of power to control fields of political action and awareness through the decision-making process.

Domination refers to oppressive strategies put in place to criminalise and control and is concerned with coercive strategies of policing, prosecution and punishment (Hall and Scraton 1981). This perspective posits the law, the police, the courts and the penal system in the service of the state and against the interests of the working classes. The ascendant criminology of the 1960s and 1970s is thus built almost entirely in reaction to the Foucauldian (1977) analysis of a clinical, positivist criminology outlined above. Instead, a combination of neo-Marxist and post-structuralist perspectives are drawn upon to tear apart the oppressive inequities inherent in criminal justice:

In place of *centralized state control*: decentralization, delegalization, decriminalization, diversion, divestment, informal justice; in place of *classification and professionalization*: delabelling, deprofessionalization, decategorization, demedicalization, anti-psychiatry, self help; in place of *segregation and incarceration*: decarceration, prison abolition, deinstitutionalization, community care (or correction or treatment). (Cohen 1988, p. 12, emphasis in original)

This is a fairly well-rehearsed phase in criminological thinking and my intention is not to critique or analyse it beyond demonstrating that the explicitly self-conscious analysis of power contained within this chapter of criminology is grounded on two distinct urges. The first is an attempt to *escape* the Foucauldian accusation that criminology is part of a system of control and the second, is to *rectify* this complicity by helping to critically uncover and dismantle the political economy of criminal justice and crime control. In service to these objectives, criminology draws on a normative theory of power that exists entirely as a strategy of control.

One of the consequences of this radical phase in criminology's development was a simultaneous and related growth of interest in resistance to power. Whilst by no means limited to radical perspectives the focus on conflict and power invited a concomitant reinvigoration of criminological interest in resistance to power. This focus on resistance included a wide range of commentaries that included theories of criminality as emerging forms of class consciousness (Taylor *et al.* 1973, Hall *et al.* 1978), inmate subcultures (Cohen and Taylor 1972, Sykes 2007) and resistance to criminal justice authority (Quinney 1977, Cohen 1981, Storch 1981). During this period many influential texts that explore power, conflict and the legal order emerge that seek to analyse and expose the political economy of crime and criminal justice. Whilst each has its own particular focus they share a common interest with the resistance as a form of class conflict and place the state and its criminal justice system in conflict with a criminalised and exploited working class. This interest continues into contemporary criminology and a good example of it is the synoptic inversion of surveillance (Mathieson 1997) that has led to a reversal of the camera lens during public demonstrations (Greer and McLaughlin 2010) where political protesters have started to record policing behaviour at public demonstrations and set up 'FIT-Watch'¹ and 'Cop-Watch' schemes to record and monitor the police behaviour (Huey *et al.* 2006). Resistance is thus constructed in terms of power and control. Resistance is the green shoots of class consciousness and rebellion that must be suppressed and controlled coercively by the state through its criminal justice apparatus. Resistance is subsequently not external from this conception of power but part of it (Foucault 1991). Accordingly, resistance does not offer an alternative conception of power for criminology but remains part grounded in the political economy of control.

The next stage in this whistle-stop tour of the criminological construction of power takes us to the social control literature that emerges during and after radical criminology. Analysed by Hall and Scraton (1981), Cohen (1985) and Simon (2009)

¹ Police Forward Intelligence Teams (FIT) see, for example www.fitwatch.org.uk

social control research moves beyond radical conceptions of power and resistance to consider the role of the state in shaping and creating order through increasingly more sophisticated technologies of control. Unlike radical criminology which locates the political economy of crime control in class conflict, social control includes a wider tapestry of possibilities that take as the object of enquiry governmental technologies of control. These tend to address questions about the role of the state and the strategies it uses to maintain order. Whilst these sometimes include radical, class-based explanations they are by no means limited to them. Following on from Cohen's (1985) insightful analysis of left-wing inspired penal reform from the 1960s and onwards more recent developments in social control theory are exemplified by Feeley and Simon's (1992) articulation of the 'new' penology and its actuarial management of risky groups. Other key contributions from O'Malley (2004) on prudentialism and Rose (1996, 2000) on advanced liberalism explore in more depth how government increasingly controls 'through' people. These dovetail with Foucault's (1982 1991) own theory of governmentality which posits that state power is exercised by shaping the field of decisions through which active citizens make choices (Garland 1997). These approaches to social control therefore conceive the exercise of power as moving beyond coercive strategies of control that lead to conflict and resistance to strategies of cooption that overcome these dangers by inculcating individual choices into an unseen, and virtually undetectable, web of control into which we are all woven.

The criminological treatment of power is therefore inextricably bound up with power as control. Perhaps this is unsurprising given that criminology is predominantly concerned with crime and criminal justice which inevitably draws the eye towards the state's authority to coercively interfere in the freedom of its citizens through institutions of enforcement and punishment. Yet these are very particular, and not necessarily very representative types of institutions that arguably skew the criminological conception of power towards constraint and control. Anthony Giddens (1986) makes a similar point in his critique of Foucault's (1977) construction of power and the total institution in which he claims that 'complete and austere institutions are the exception rather than the rule within the main institutional sectors of modern societies' (Giddens 1986, p. 154).

Consequently, criminology has tended to work with a concept of power that is grounded on control. This is shaped by a history and object of enquiry that locates criminology within and about institutions of control. This has had the effect of creating a very narrow criminological conception of power that is ill-equipped to think about and understand how power operates in other fields. Agency is replaced, or reduced, to an expression of structural or political power through which control is achieved. Theories of criminality have almost exclusively been deterministic in the sense that crime is a consequence of physiology, environment or the power to criminalise. Criminology therefore tends to ignore other dimensions of power, and freedom, deployed elsewhere in philosophy and sociology. Power as agency, power as an enabling force, power as the freedom to act or achieve something are rarely given any space within the criminological frame of reference. Criminology is therefore constrained by its inhibitory conception of power. This leads to a very negative, almost dystopian (Cohen 1988) criminological critique of both the state and criminal justice reform. Power and control are seen as the property and purpose of the state and its agencies leaving individuals conceptually robbed by criminology of any real agency of efficacy.

3. Consumerism, identity and the narrative turn

Society has changed. Or rather, society is changing. Whilst care must be taken to avoid overstating these changes or slipping into historicism there is a weight of social theory and research across the social sciences that argues and demonstrates that change is afoot. Of course there is significant variation in the thinking about the nature and desirability of these changes and it is described differently

depending on who you read. As I have argued elsewhere (Green 2011, 2014) two of the most significant drivers of this social change in recent years are the cultural conditions often referred to as late-modernity and the political ideology often referred to as neo-liberalism. Both late-modernity and neo-liberalism have been the subject of extensive study and thought within both criminology and the social sciences more widely. Whilst it is not necessary to engage in a protracted discussion of the complexities of either body of research it is necessary to briefly rehearse a few key aspects of each before developing my own point in relation to both perspectives.

Late-modernity is an attempt to theorise a phase of social change that sits between modernity and post-modernity. If modernity refers to the gradual change beginning in the Middle-Ages and accelerating during Enlightenment and industrialisation whereby traditional, agrarian, social and economic conditions are replaced by modern ones characterised by the birth of the nation-state, urbanisation, democracy, rationalisation, bureaucratisation and so forth then postmodernity is the replacement of these with something new. This something new is usually understood in terms of fragmentation and fluidity, a society in which absolute values or universal governing laws have been replaced by pluralistic and competing explanations and understandings of the world. No universal principles are provided as all knowledge is contextual, subjective and unfinished.

Between these two perspectives late-modernity asserts that whilst social conditions may be moving beyond those of modernity it would be overstating the case to suggest that they have been replaced with post-modern ones. Instead, we are witnessing an intensification of modernity in which its social institutions develop in new and often unpredictable ways. Whilst there are many discussions of the changes associated with late-modernity and whilst they often take place in a variety of guises (Giddens 1990, 1991, Beck 1992, Bauman 2000) there a set of common themes that are often associated with late-modernity. These include insecurity, uncertainty, reflexivity, identity, consumerism and individualisation. It is the last of these themes, individualisation, which has a direct bearing on this discussion as it denotes the late-modern shift away from public and collective life towards the private and inward creation of self-identity. Individualisation is not, as often mistakenly assumed, meant to signify a growing selfishness in society but a shift towards the individual, rather than the group, as the centre of social relations.

In contrast to late-modernity stands neo-liberalism which is normally understood as a political ideology or philosophy. Rooted in a commitment to individual liberty and market freedom neo-liberalism argues that an open, competitive market is the fairest means of redistribution and that government inhibits human freedom and creativity as the state is intrinsically coercive and therefore controlling (Hayek 1960). Consequently, government should be kept to a minimum and the freedom of the market and the individual to a maximum. The purpose, according to neo-liberal thinkers like Hayek (1960), Nozick (1974) and Rawls (1971) of government is to ensure the sanctity of individual autonomy through the traditions of justice and the rule of law which are there to safeguard fair and equal forms of contract and exchange in the marketplace. Whilst there was, and is, significant variation and disagreement within neo-liberalism about exactly what are fair and just principles for the distribution of material goods in society (Kymlicka 2002) the shared allegiance of neo-liberal thinkers to a free and competitive market, the minimum state and individual liberty define this school of thought.

To be clear, I am not suggesting that late-modernity and neo-liberalism are similar, they are not. One is born of social theory concerned to make sense of changing cultural conditions and the other is a political philosophy grounded on a normative commitment to a particular conception of the good society. Their methods, goals and objects of enquiry are entirely different and do not share any mutual sense of purpose or project. However, if it is accepted that at least some of the conditions of

late-modernity exist for at least some of the people living in highly developed societies and if it is accepted that neo-liberalism has been a pervasive political influence over the last 40 years in these societies then they arguably lead to some shared outcomes, in particular consumerism and individualisation.

Consumerism, or the consumer society, is premised on the idea that consumption has replaced production and late-modern economies are driven by a ceaseless and endlessly unsatiated consumption of goods, lifestyles and fashions that are part and parcel of the creation and recreation of self-identity (Bauman 2005a, 2005b, 2007). Whilst the consumer society is therefore more than just the purchasing or exchanging of goods it does require, or is at least benefitted by, the personal freedom to choose, discard and replace self-identity and a strong, open and flexible marketplace in which to do this. Consequently, neo-liberalism helps to furnish the social conditions of late-modernity by asserting the primacy of a free market and creating the political conditions for its pervasive presence. By the same token, individualisation, as the inward looking process of self-identity creation is entirely compatible and indeed, fostered by neo-liberal politics of personal freedom. Whilst the social theory of late-modernity posits these trends in terms of changing social conditions emerging from advances in technology, globalisation and the decline of traditional kinship and community bonds, the political philosophy of neo-liberalism has fuelled these changes by valorising both individual autonomy and the free market.

Furthermore, consumerism and individualisation are both aspects of self-identity creation. Self-identity is essentially personal story-telling that provides each of us with a narrative sense of who we are and how we present ourselves and connect with others. For example, I might have a personal narrative for myself as 'family man', which shapes how I see myself and how others see me, providing the basis for how I form bonds with other, similar people. Of course, I may have other aspects of this narrative that are either foregrounded or backgrounded depending on context. At work, I might foreground some other aspect of myself such as 'teacher' or 'researcher'. With my old school friends it might be 'prankster' or 'arguer'. When I'm in the North of England I may be 'Cockney', in London, I'm a North-Londoner, on holiday overseas I'm 'British'. At Comic-Con I am 'Batman'. These aspects of self-identity, or perhaps more accurately, self-identities, are the primary way in which we connect with others and create a sense of purpose, place and control in an increasingly insecure and uncertain world (Beck 1992, Giddens 1991, Bauman 2000, 2005b). By creating these personal narratives we replace a lost, or declining, sense of place in the world that was previously given to us through concrete social institutions and social relations such as the family and the community. It is this loss that helps create a sense of insecurity and uncertainty and it is our corresponding creation of narratives that helps to replace it. As we get to increasingly choose our self-narratives we also get to increasingly destroy, replace and finesse them as we move through our lives.

There are three reasons for making this point. The first is that late-modernity and neo-liberalism, despite their very different natures, create the conditions of individualisation, which can generally be understood as the process of constructing self-identity. The second is that this personal project of creating self-identity is primarily about creating personal narratives, back stories, or biographies that give us a sense of purpose, place and belonging. The third is that the process of doing this requires that we have the freedom to choose our self-identity and all that this entails with regards to choices about lifestyle, group membership, opinion and taste. This position shares much in common with the philosophically inspired conception of the 'will to self-consummation' developed by Crewe (2013) insofar as it is premised on the assertion that the ability to think biographically is itself a form of personal and creative power. To be entirely clear, this does not mean that all people are equally able to choose from an equally broad range of options and we are all bound to a greater or lesser extent by the conditions of our existence. By the

same token, neither does it mean that everyone is unbound from traditional roots of family, community, locality and the constraints that these bring with them. What it does mean is that regardless of the constraints and inequalities of each of our existences the opportunity, and space, to make meaningful choices about who we are is growing. This freedom, I wish to argue, is a type of power.

This narrative self-determination contains within it a conception of individual power, or agency, that is absent from criminological thought. In some ways, this seems very odd, as criminology engages regularly and fruitfully with both late-modernity and neo-liberalism. For example, Garland's (2001) research on the late-modern conditions of mass incarceration and Young's (1999, 2007) polemics about the social and criminological dangers of late-modernity are testimony to this. Further, both desistance research and cultural criminology engage in full-blooded fashion with self-identity and late-modernity. Desistance theory has a core concern about how offenders re-write their personal narratives to become ex-offenders (Maruna 2001, Farrall and Calverley 2006) whilst cultural criminology is concerned to understand the meaning and value people attach to both transgressive acts and the creation of criminal identities (Katz 1988, Ferrell *et al.* 2008). By the same token, Wacquant (2009) provides a penetrating analysis of the logic of neo-liberal penalty whilst criminology has engaged in a sustained critique of neo-liberal crime control policies and their underpinning logic of the liberal actor, freely and rationally choosing this or that course of deviant action (Reiner 2007, Taylor 1999). This has led to a resurgence of both political interest and criminal justice policy about individual morality (Green 2014) and the re-emotionalization of both crime and criminal justice (Karstedt 2002, 2011).

This interest in morality and emotions lacks a coherent theory of power to help explain agency and freedom and leads to confusion and contradiction within criminology's treatment of the individual in both late-modernity and neo-liberalism. On the one hand, late-modernity is the cause of exclusion, criminalisation and incarceration (Young 1999, 2007, Garland 2001) whilst on the other it provides the space to write, or rewrite, self-identity with liberating and even transcendent benefits (Katz 1988, Maruna 2001, Ferrell 2005). Neo-liberalism is at the heart of a pernicious penal populism and popular punitiveness (Brake and Hale 1992, Bottoms 1995, Wacquant 2009) but at the same time the criminological response to this has often implied a return to social and penal welfarism that places more power back into the hands of the coercive state that criminology has spent so long critically researching (Currie 1997, 2013, Young 2002, Reiner 2012). Of course, such contradictions within a discipline are both normal and healthy; reflecting different types of analysis, competing epistemological frameworks and normative standpoints.

In making this point I am in no way wishing to make any comment about the comparative merits (or otherwise) of different criminological paradigms and although I am aware of the ongoing debate between experimental and cultural criminology (Ferrell 2004, Hayward 2007, 2012, Sherman 2009, Farrall 2010, Young 2011) my purpose is to illustrate that within criminology there is confusion about the role of the state and this confusion is grounded in criminology's narrow conception of power. As I have argued, criminology's notion of power is rooted in the structural and political power to control; power which is overwhelmingly located in the structures of the state. Other forms of social agency are therefore not usually identified or understood as forms of power at all and seen instead as social and cultural processes about, for example, the creation of self-identity.

The consequence of this is that power is narrowly construed and narrowly focused. Criminology's confusion about the role of the state is a good example of this because it demonstrates that there is no other outlet for considering the exercise or function of power beyond structures of control. Hence, the criminological conception of power is effectively funnelled upwards towards the state, creating an explanatory

bottleneck that means the state is the only institution with the power to both control and liberate. This confusion needs correcting and can be fairly easily achieved by drawing on wider frameworks about both power and freedom from philosophy and the social sciences. In particular, existentialism with its emphasis on individual freedom and figurational sociology and structuration theory with their emphasis on recasting the relationship between social actor and social institution can be usefully drawn upon to help broaden the criminological conception of power.

4. Existentialism and power: freedom, authenticity and ethics

There are three reasons why existential philosophy can help address questions of power for criminology. The first of these is that existentialism is explicitly about individual freedom and choice and therefore begins to provide a framework for focusing on personal power and the manner in which it operates. The second of these is that locates this power within the social constraints into which we are all born and exist. The third is that it contains the beginnings of a system of ethics through which the exercise of personal freedom can be achieved without damaging the equivalent freedoms of others. Existentialism therefore has the capacity to provide an interpersonal, socially situated and ethical conception of power. Whilst this perhaps sounds rather unlike how existentialism is often understood it is a perfectly reasonable articulation of existential principles.

Existentialism is usually thought about in philosophical terms about what it is to be human. In particular, it is often seen as a challenge to orthodox philosophy that works on the assumption that there is some hidden truth about human nature that will eventually be divined through reason and logic. Existentialism begins from a different starting point, arguing that there is nothing that defines human beings beyond the lived reality of their everyday existence. This led Sartre in *Existentialism is a Humanism* (2007) to coin the phrase 'existence precedes essence' which is tantamount to a reversal of the more commonly held metaphysical position that there is some purpose or plan behind the creation of human beings. For Sartre (2007, 2010), this philosophical about-turn is driven by his atheism and a corresponding assertion that with no external or divine purpose driving our existence we are entirely free to decide for ourselves the path our lives take. This freedom allows us to 'transcend' the conditions of our existence and become something new. Or put differently, the thing which distinguishes human beings from animals is that we can change, or transcend, the world that we inhabit and create new forms of identity and purpose for ourselves over time. This led to another of his famous phrases that we are 'condemned to be free' by which he meant we must live with the responsibility that our decisions are ours alone and regardless of intended or unintended outcomes we must make our choices and live with the consequences of them. Exercising this freedom and making self-aware choices for ourselves is how we become some-thing, rather than no-thing; how we live an authentic and meaningful existence. The price of this existence is a constant anxiety about the choices we have to make in a world where we cannot know or rely on the outcomes.

It is this concept of freedom that is important to questions of power. For Sartre (2007, 2010) we all have this freedom. It is integral to our existence. Exercising this freedom by making choices is how we transcend the mundane conditions imposed on us by social norms. Accepting that this freedom is always there and exercising it in a fashion compatible with who we are is how we live an authentic existence. For Sartre (2007, 2010) there is no circumstance in which we might find ourselves where we do not have this freedom. The slave can choose to run away, to rebel, refuse to work, or work extra hard for rewards and privileges not shared by other slaves. Writing in the aftermath of the Second World War this is a controversial claim. Sartre (2007, 2010) courts this controversy to some extent, criticising collaborators with the Nazi regime in France and attacking anti-Semitic attitudes. Yet how can a Jewish prisoner in a death camp or a member of the

French resistance being tortured by the Gestapo be in any way free? Sartre (2007, 2010) argues that even in these most heinous of circumstances freedom remains. What Sartre means by this is very specific. His point is that even under torture the point at which we 'break' is a decision. Typically, this point is understood in terms of pain and circumstances beyond our control. But presumably we held out for some period of time. Why then, did we break at a particular point rather than earlier or later (by a second, minute, hour or day)? For Sartre all of the explanations that we might normally understand as entirely reasonable for 'breaking' under torture are no more than excuses. This sounds very harsh and of course Sartre is perfectly well aware that the choice being made is not a good one. It is choice between more pain and capitulation. But it is a choice. The same is true for the death camp inmate, the slave, or indeed the prisoner. We do not all have the same range or quality of choices available to us but we do always have choices we can make. To deny them is to deny being a human, a form of moral cowardice in which we hide from the awfulness of our freedom and the anxiety it generates.

Freedom is therefore a type of power. It is the power to make a decision, the power to act in one way or another. For Sartre (2010), acknowledging and using this power is an imperative that carries with it emotional and social consequences for yourself and others. In this sense, freedom is neither a painless nor politically constituted thing. It is not a right codified in a Constitution or articulated in a political doctrine. It is not having the same choices as other people. It is not being able to have a range of pleasing choices. It is simply accepting that there is always a choice. You always have the personal power to decide what to do. Even though the consequences might seem devastating insofar as some choices might lead to your death. Sartre (2010) argues this is still a choice. Of course, such choices are very difficult to make and as a result living a fully free existence is also very difficult and we seek ways of avoiding this freedom. In particular, we seek to hide from this freedom by creating structures that allow us to pretend to be free even though we then use them to give up our freedom. For Sartre (2010) God and religion are perfect examples of this; but more generally our social institutions, social norms and social relations are also forms of structure that we use to hide from our freedom.

Existential power is about the freedom to choose. But this freedom is constrained. It is constrained by our own fears and anxieties; it is constrained by other people; and it is constrained by the conditions of our existence. Sartre (2010) calls these conditions, facticity, which means the facts of our existence. Key facts of our existence are our bodies and our inevitable deaths. Facticity also includes our personal biographies and past decisions. We cannot therefore decide to choose to be a bird and fly away. And if we self-deceive by seeking to explain our choices in ways that do not match up with our behaviour or seek to pass responsibility for our choices onto others then we act in 'bad faith' which, for Sartre (2010) is living an inauthentic existence. For example, if a man chooses to have an extra-marital affair then blames it on his wife for withholding affection or on his mistress for tempting him these would be examples of bad faith. As would, claiming that 'you couldn't help yourself' and were compelled by biology, personal flaws or circumstances beyond your control to have sex with someone else. All of these things are, according to Sartre (1989, 2010) examples of an inauthentic existence because they deny personal freedom by reducing existence to the pressures of social conformity.

A further dimension that can constrain our freedom is other people. For Sartre (2010), the other refers to the expectations of social conformity placed upon us by other people. These expectations impose all sorts of social norms about how we should behave. Sartre (2010) explains this imposition upon us in terms of how we imagine other people see us. This he calls 'the look' or 'the gaze' which is how we imagine others seeing us. This creates an external reference point to ourselves that objectifies us and makes us self-conscious as we imagine being watched by others.

It is this conception of the other that led Sartre in his play *No Exit* (1989) to famously say that 'hell is other people' (Sartre 1989, p. 45). The impact of the other's imagined gaze is that we become locked in an endless struggle to reclaim ourselves from the objectification of others. Sometimes we can reclaim our sense of self by overcoming the social expectation and judgement contained in how others see us and at other times we become overwhelmed by our sense of how we are perceived by others. Our ability to exercise our freedom and make authentic choices is thus continuously locked in a battle with the constraints placed upon us by others.

So whilst the existential position is that we all have freedom it is not unconstrained or uninhibited freedom. The exercise of this personal freedom is always governed by the facts of our existence, the social norms imposed by other and the anxiety generated by the responsibility freedom carries with it. Yet it is with unrequited doggedness that Sartre (2010) asserts that it is freedom that defines our being. Consequently, the existential position is one caught in a battle between social conformity and an authentic, free existence. Social conformity can be translated as external social pressures on the individual that come from the social norms and expectations of other people. Living an authentic existence means wrestling with and overcoming these external social pressures and making choices purely in reference to one's sense of self. So living an authentic existence means not only makes choices but making choices unencumbered by social pressures. It is therefore the manner in which we make our choice rather than the choice itself which is important to the existential understanding of freedom. Freedom is making decisions based on what we decide we want without concern for what the social world expects of us.

The problem with this is that it opens existentialism up to the criticism that an authentic existence is an immoral and unethical existence achievable only through a sociopathic disregard for other people and shared social norms. The implication of Sartre's (2010) thinking is that if, for example, someone sat down and carefully decided that they genuinely wanted to go a murder spree; or if Adolf Hitler made a similarly thoughtful decision to invade Poland or exterminate all the Jews then in existential terms this would be at the heart of living an authentic existence. This criticism is something that both Sartre (2007) and his partner Simone de Beauvoir (1948) in *The Ethics of Ambiguity* were acutely aware of and sought to address in their later work. Whilst Sartre's answer to this conundrum in *Existentialism is a Humanism* (2007) is perhaps not entirely convincing as he seems to contradict his earlier thoughts on freedom, Beauvoir (1948) in particular strives to locate an authentic existence within a framework of respect for the free and authentic existence of others. This, she argues is essential if we are to avoid reducing ourselves and others to mere 'things' which would then deny us all the ability to transcend the conditions of our existence. By beginning to shape an ethics of authentic freedom Beauvoir engages existential thought with the social world and the social relations contained within it. As a result, Beauvoir opens existentialism up to wider social questions about oppression and domination and much of her later work is about the oppression of women by men (Beauvoir 1997).

Existentialism is about freedom and choice. It is an assertion that each of us has the power to transcend the conditions of our existence. Whilst rarely thought about as a theory of power there is an important lesson in existential thinking for criminology. This is that whilst we are all subject to a range of inner emotional and outer societal constraints we always retain the ability to exercise some aspect of choice regardless of circumstances. For Sartre (2010) this is central to his philosophy: freedom and choice *are* the human condition. When we deny our freedom and choice we stop being human. Hence, existentialism draws the criminological eye back towards how the individual experiences the constraining influence of the social world and how the individual escapes, or transcends it. This is more than a simple reaction or resistance to structural and political power but an

internal and autonomous process of reflection and identity creation. Sometimes it will be a reaction to authority other times it will be something new and unexpected. The existential perspective insists that the individual cannot be reduced to a simple tool of power and cannot be controlled by power unless they allow themselves to be. In other words, there is a different aspect to power than just control. Power can also be liberating and enabling. It can be positive and life-affirming. And it is always available regardless of how dreadful or limiting the circumstances someone finds themselves in.

Within criminology these existential perspectives are most closely represented in desistance research and cultural criminology which share an interest in self-identity and narrative change. The writing and re-writing of personal scripts that allow people to transcend their offending past or ontological insecurities are fundamentally about taking control over one's life and share much in common with existential thought. Yet, focusing on life-course and culture these perspectives tend to sidestep questions of personal power, preferring instead to locate explanations for going straight and transgressive lifestyle in the social and cultural conditions in which people exist. Consequently, individual agency as a type of power that can enable people to change both themselves and the social structures around them is rarely given much conceptual space within criminology as it is seen as both sociologically and normatively dubious and largely irrelevant to any explanation of social agency or social change. Nothing however could be further from the truth. Not only does existentialism locate individual freedom and choice within the constraints of the social world there exist at least two profoundly influential forms of social theory that do exactly the same.

5. Power, the individual and social theory: figuration and structuration

Norbert Elias (2000) and Anthony Giddens (1986) both provide distinctive forms of social theory that can bridge the gap between structure and agency and contain within them theories of power that go beyond standard criminological fare. Whilst they are very different types of theory that arguably explain the social world in quite different ways they share a common concern to locate the individual social actor within power relations that create and reproduce the social system. My purpose is not to try and combine the two or to artificially force them together but simply to point out that both provide conceptions of power that go beyond strategies of control. For Elias (2000) this is about interdependent networks of people whilst for Giddens (1986) this is about overcoming the distinction between structure and agency by conceiving the social actor as creating, sustaining and changing social structures.

The work of Norbert Elias has received comparatively little attention within criminology though Hall (2007) and Ward and Young (2007) have explored the work of Elias in relation to the state's control of violence and the pacification of people and spaces. The most common starting point for understanding Elias is his work on *The Civilizing Process* (2000) which is split into two volumes that deal with the development of manners and the concomitant establishment of the nation-state. These two volumes provide the basis for figuration sociology by engaging in a micro-historical analysis of the process by which the aristocracy established a set of careful rules for Court-life that slowly formed the subtle nuances and behaviours that governed power relations at Court and through this the a wider system of etiquette that shaped social hierarchy and convention across the emerging nation-state. Elias (2000) locates this process in the gradual process of the monopolisation of legitimate violence by the state and the pacification of space that this entails. An example that Elias (2000) uses to explain this process is the development of table manners, in particular the etiquette of bringing a knife to the King's table which, during medieval times is primarily understood as weapon and therefore a threat to the peacefulness and security of the Court and, by extension, the state. Hence,

complex rules of etiquette emerge to govern what sort of knife is acceptable and in what context.

These types of Courtly 'manners' are then gradually absorbed by wider society and become normalised and internalised as part of civilized behaviour. One of the first commonly recognised sets of manners that distinguished the nobility from the *hoi polloi* was that of chivalry which according to Elias (2000) emerged out of the Monarchy's need to instil a set of values that limited when and how it was acceptable (or polite) for local war-lords (or knights) to use martial force. Chivalry thus brings a sense of etiquette to the use of violence and is part of the process of concentrating the use of this force in legitimate ways that both justify the use of violence on behalf of the Monarchy and delimit its use by others. This process is well illustrated in T. H. White's fictional tale of Arthurian legend, *The Once and Future King* (1996) during which Arthur seeks to establish the knightly principle of chivalry:

'I have been thinking,' said Arthur, 'about Might and Right. I don't think things ought to be done because you are *able* to do them. I think they should be done because you *ought* to do them.' (White 1996, p. 261-262, emphasis in original)

As Arthur seeks to wrestle control over the violent and warring knights in an effort to establish his Kingdom he seeks to differentiate his code of honour which is about only using violence in service of some higher good from that which the nobility have previously relied on which is whomever is the strongest is the rightest.

Elias (2000) explains the emergence of the modern nation-state in terms of an ongoing process of establishing interdependent networks that regulate the use of violence and concentrate it in the hands of the state. For this to work, these manners are not imposed but assimilated over time. They become part of our sense of who we are and how we differ from others. This is what Elias (2000) calls the 'we-image' which establishes our sense of group membership and owes much to Freud's (2010) concept of the super-ego. As the nation-state burgeons more sophisticated strategies for communicating and ordering the rules of behaviour emerge and Elias (2000) also relies on Weber's (1978) articulation of bureaucratisation as the basis through which this civilizing process extends outward through the formation of states.

Whilst *The Civilising Process* (Elias 2000) is the most well-known and most frequently cited example of Elias' thought perhaps the clearest articulation of his social theory can be found in a short essay by Elias at the beginning of *The Established and the Outsiders* (Elias and Scotson 1994) which explores the contours of the 'established-outsider' figuration in relation to a small working-class community in the midlands of England called Winston Parva. In this fascinating study Elias and Scotson (1994) explore relations between two working-class groups in one local community. One group, the established, has lived in the community for several generations longer than the other group, the outsiders, and therefore distinguishes itself as higher, and better, than the other. In his introduction to this study Elias provides a clear account of how power functions within and between groups and the basis on which this shapes the relationships and emotions of the members of each group. Elias conceives the relationship between the established and outsider groups as a balance of power with one group holding power over the other. In the example of Winston Parva, this power differential is drawn in terms of the older, established group being more cohesive and better organised. Consequently, it is able to represent itself better than the outsider group on various local committees and thus construes itself as superior to the outsiders. Elias argues that this established-outsider figuration in Winston Parva is the same configuration used by the aristocracy and ruling elites around the world to justify their superiority to the general population. Elias therefore locates one aspect of power in the cohesion and organisation of the group and its ability to assert its own interests over other groups.

This leads the established group to view the outsider group as inferior and attributes all sorts of negative connotations to it. In this way Elias articulates the interdependent group relations that lead to 'social' prejudice and the stigmatisation of the outsider group. The less organised and less cohesive character of the outsider group prevents it from effectively retaliating or asserting its equivalence with the established group and Elias argues that as long as the power differentials remain then the outsider group will remain stigmatised as inferior. This power differential is maintained and protected through a complicated process of exchange rituals enshrined in the dominant, established group. This operates at two levels, internal and external. At the internal level the established group protects its sense of superior social position through a complex set of interpersonal rules, or sensibilities, about how to behave towards each other. Members of the established group are prohibited from all but the bare essential (usually workplace based) fraternisation with the outsider group and are expected to conform to the 'group-specific norms' (Elias 1994, p. xxiii) that are enforced through various types of social control and social censure that operates through systems of conversation and inflection, obligation and commitment, symbolism and intimacy. Rarely is censure explicit or overt but instead contained in the sensibilities, loyalties and general habitus of the group life. At the external level Elias argues that the outsider group can actually begin to adopt their stereotyped and stigmatised identity. If they are treated as dirty and aggressive they become dirty and aggressive. Depending on the extent of the power differentials this can sometimes be a form of disorganised retaliation or, more commonly, when the balance of power is very great it is an internalisation of identity given to them by the established group. Thus Elias uses this established-outsider figuration to explain the 'fantasy' stigma embedded in race, caste and class relations in general.

One of the key motifs in Elias' thought is how these power relations change over time. There is always a constant 'tug-of-war' between the established and outsider groups which involves ever more sophisticated nuances of power that act to constrain and restrain the outsider group from threatening the established group. But relations do change; sometimes the groups switch positions, perhaps due to significant change in economic fortunes or political representation which then leads to a new established group². Consequently, power is always contingent and the ongoing 'tug-of-war' between the two groups means that power is always locked in reciprocal and interdependent networks both within and between groups. It is this conception of power that is of primary importance to the wider point I am trying to make. Elias uses power differently from criminology. Although he shares with criminology a sense that power is about control, power is also about balance. In other words, whilst one group may have power over another, power dynamics exist within and between groups and the balance of power can change, sometimes deliberately and overtly, sometimes serendipitously or by accident. Sometimes this change in the balance of power occurs because attempts to control or counter the threat of the outsider group and protect the status of the established group have unforeseen and unexpected contingencies that sometimes don't emerge for many years. This conception of power differs from the criminological in two distinct ways. The first is that power is rooted in networks of interdependence which places power at the disposal and control of social actors who can use it for their advantage or to control others. The second is that power is unpredictable and contingent. It cannot be entirely harnessed and change can come about in new and unplanned ways, such as the emergence of a new social or political movement or the affects of technology on the ability of a group to organise themselves more effectively³.

² For example, the continuing rise of alternative political parties in the recent 2014 European Parliament elections such as UKIP in the UK, Podemos in Spain and the National Front in France.

³ For example, protest groups using social networking to co-ordinate their demonstrations. Or in the case of the 2011 London / England riots the capacity to use social networking to co-ordinate activities faster than the police could respond.

A second branch of social theory that offers a useful perspective on the concept of power is that offered by Anthony Giddens (1986) in his development of structuration theory. Structuration theory is Giddens' (1986) attempt to reconcile structure and agency in understanding and explaining the social world. By attempting to overcome the dualism within sociology that deals with structure and agency as separate and reposition the relationship between the two as duality, Giddens' (1986) contrives a social theory that locates structure and agency as part of each other. Structuration can be understood as uniting agency and structure by conceiving the social system as created and reproduced by social actors; refuting the traditional sociological conception of social structure as something external, or given to individuals. Similarly, Giddens (1986) presents agency as part of social structure rather than something located in individual autonomy. Instead, he argues, social structure only exists as a set of rules situated within the routinized and institutionalized everyday activities of human agents. As a result, social structure shapes social agency and vice versa. This approach allows Giddens (1986) to escape the distinction between macro and micro sociology and instead begin to explore the ways in which social agency creates, reproduces and changes social structure. Structuration can therefore be understood as the process of structuring the social system across time and space through pre-existing patterns of human agency that also change as individuals adapt and develop to changing circumstances⁴.

This brings us to how Giddens (1986) conceptualises power. Whilst the existentialists see power in terms of freedom and choice (Sartre 2007, 2010) and Elias (1994, 2000) sees it as balance and contingency, Giddens (1986) construes power in terms of the ability to act. Given that his structuration theory is about the ways in which social actors create, reproduce and change social structure his theory of power needs to provide social actors with the space to exercise choice in a meaningful way that conceives social actors as possessing intrinsic power. In this sense, Giddens (1986) shares some common ground with the existentialists and Elias as he invests his conception of power with a 'dialectic of control' (Giddens 1986, p. 16) that asserts 'all forms of dependence offer some resources whereby those who are subordinate can influence the activities of their superiors' (Giddens 1986, p. 16). In this way, Giddens (1986) builds power as something invested in social actors as well as social structures. This is unsurprising given his broader project of structuration but it does begin to provide a helpful distinction between power as domination over others and power as the ability to act. Giddens (1986) argues that both types of power exist but that structural sociology has been too quick to reduce questions of power to questions of domination. To be clear, Giddens (1986) is in no way arguing that power isn't about domination but that it is not *only* about domination. It is also about social agency, which is the ability to do (or for that matter, not to do) something, indeed anything, in pursuit of a particular goal. Consequently, agency is power.

Within this framework, Giddens (1986) distinguished between resources and power. Resources are the various different media through which power is exercised through social institutions (which of course are reproduced by social actors) and the way in which some groups seek to pursue their self-interested goals by hoarding or manipulating these resources. Hence, power is not a resource in itself, and in this way Giddens (1986) seeks to demonstrate that power is not something that can simply be controlled by one group over another. Social actors are part of the social structure and thus retain the ability to act regardless of their access to resources. In structuration theory therefore power is not external to social agency or social structure but exists in them and through them. Power is invested in social agency

⁴ Whilst the relationship between time and space is integral to Giddens' (1986, 1990, 1991) social theory about the development of the city and modern social relations it is only of passing relevance to the argument I am trying to construct about power. For the purposes of this discussion it is not therefore necessary to explore time and space relations further.

which is integral to social structure. Accordingly, social actors cannot be reduced to docile bodies, ground out by social institutions and turned into 'autonoma' (Giddens 1986, p. 16) but instead contain both autonomy and dependence within and across social relations and social contexts. Hence, by distinguishing between resources and power Giddens (1986) neatly sidesteps the 'zero-sum' game of power and control and therein creates the terms in which the social actor will always retain the capacity to affect change. Without this separation, structuration theory would not work as it would leave open theoretical space for social agency to be dominated by structure thereby denying their co-existence as the one would effectively render the other obsolete.

Within criminology Farrall and Bowling (1999) and Jewkes (2002) use structuration theory to help analyse the experience of offenders and the relationship between identity, agency and structure in navigating either desistance from crime or the prison environment. Farrall and Bowling (1999) provide a thoughtful and interesting application of Giddens' (1986) structuration theory but seem uncomfortable with Giddens' concept of power on the grounds that it doesn't provide any sense of how power is differentiated between individuals and social groups. They go on to comment that Giddens' (1986) fails to acknowledge power differentials either between individuals and groups or across the life-course of an individual. This is an important point and one that is often raised by criminology about any exposition of power that does not contain some sense of the social, cultural, or indeed personal constraints that shape and inhibit opportunities. But it also belies the central concern of my argument which is that criminology is primarily and overwhelmingly concerned with, as Stewart (2001) puts it 'power-over' others. This needs unpacking further.

Whilst Farrall and Bowling (1999) are quite clear that Giddens' (1986) articulation of structure is both constraining and enabling they seem to struggle far more with his conception of power as the same despite the fact that the two are requisites of each other in his social theory. This discomfort appears to be premised on a sense that Giddens' (1986) conception of power doesn't provide a framework for thinking about power differentials, and simplistically treats power as the ability to 'act'. In other words it doesn't deal with constraints on the ability to act⁵. This is based on an argument made by Bauman (1989) who criticises Giddens (1986) failure to properly situate social actors within a network of interdependencies and concludes by suggesting that Elias (2000) might offer a more fruitful alternative for a social theory that blends structure and agency. This is an important critical limitation within Giddens' (1986) work but in the context of theorising power it is in danger of overlooking what Giddens (1986) is seeking to achieve in his construction of power. Whilst Giddens (1986) may not robustly engage with these questions he is in no way denying that people and groups have differential access to, and experience of, life choices; only that power is separate from the resources that govern these choices. Individuals cannot therefore ever be robbed of some level of interpersonal power. Elias (2000) in fact makes a virtually identical point though he articulates on different terms, as I have demonstrated above. Accordingly, for both Elias (2000) and Giddens (1986) power is interdependent and based on the every-day routines and institutions of social actors. The difference is Giddens (1986) deliberately separates power from its distribution so that he can uncouple the individual agent from structural control thereby liberating the individual from a Foucauldian (1977) conception of power as control. This facilitates a different point of entry for social analysis that can investigate power outside of constraint and as a type of social force that is not solely about domination but also about emancipation. Hence, for Giddens (1986) domination requires the investigation not of power but of resources which he categorises under the two broad headings of 'allocative' (the organisation, production and distribution of natural resources and the material goods) and

⁵ An argument persuasively developed by Margaret Archer (1988, 1995)

'authoritative' (the organisation, production and distribution of social relations and life-chances).

When looked at this way what emerges is a very different conception of power being used by Giddens (1986) to that conventionally used by criminology. Farrall and Bowling's (1999) discussion of structuration and power is illustrative of this difference between the conception of power used in the social theory of Giddens (1986) and a narrower definition more commonly used by criminology. To be clear, this is not meant as a critique of Farrall and Bowling (1999) who provide an insightful analysis that draws on structuration theory to help understand desistance opportunities over the life-course. Rather, it is a useful illustration of the difference between a social theory with a broader conception of power and criminology's difficulty in accepting this within its own terms of reference that views power as a force of control and constraint. Further, if this was just the lone voice of Anthony Giddens (1986) criminology could perhaps dismiss this broader conception of power but, as I have tried to demonstrate, power as an enabling force can also be found in the existential thinking of Jean-Paul Sartre (2010) and the figurational sociology of Norbert Elias (2000). Furthermore, recent research by Stewart (2001) and Drake (2010) alongside a useful companion text by Scott (2001) further reinforce and articulate the distinction between 'power-over' others and 'power-to' act (Stewart 2001). Drake (2010) presents this as the difference between 'constituted' power, which is structural and state power to act over and upon others and 'constitutive' power, which is agency and civil society power to act. Scott (2001) usefully summarises these various sociological and political conceptions of power by distinguishing between elementary forms of power, power as domination, power as counteraction and interpersonal power.

Criminology seems rooted in the type of power relations discussed by Stephen Lukes (2005) in his classic text *Power: A Radical View* in which he discusses the three dimensions of power in terms of the capacity of one person or group to exercise power over another person or group. Lukes' (2005) conceptualises power as a field of activity in which one group shapes and controls the political agenda through decision-making and non-decision-making processes. His *third dimension* of power is the capacity to either put things on the political agenda or keep them off; thereby controlling not only issues and conflicts themselves but also the construction of them. This third dimension has a definite Marxist underpinning and Lukes (2005) introduces the notion of latent conflict whereby the interests of one group is either unable to express, or even unaware, of their interests. This conception of power is critically useful in helping to understand the way in which power has the capacity to shape fields of political and social thought and action and strongly resonates with the discussion in criminology about the state driven social construction of 'crime problems' that is particularly well-articulated by critical theorists such as Box (1983), Hall *et al.* (1978) and Taylor *et al.* (1973) and zemiologists such as Hillyard *et al.* (2004), Muncie (2000), Shearing (1989) and Swaaningen (1999). Hence, this is a self-avowedly radical perspective of power that locates its exercise in social structures that are treated as a form of political power and authority that are used by one group against another.

It is tempting to embark on a fuller critique of Lukes' (2005) theory of power but at this stage I feel it is enough to say that whilst this theory of power predominates in criminology it only represents one face of power and there is another contained within an established and convincing body of ideas that provides a broader, and therefore more comprehensive, framework for thinking about power. This perspective provides the second face of power which is power as the capacity to act. This second face is therefore enabling and vested in both agency and structure and consequently has the potential to provide new avenues of enquiry and analysis for criminology that can help it escape the conceptual cul-de-sac it has created for itself with regards to social control and the power of the state.

6. Conclusion: a new concept of power for criminology

The purpose of the above discussion has been to explore the social theory of Norbert Elias (2000) and Anthony Giddens (1986) which provide two key perspectives on social theory that place social actors within the production of social structures, social institutions and social relations. When positioned alongside the existential thinking of Sartre (2010), a philosophy and social theory of agency, power and choice emerges that stands in sharp contrast to the criminological conception of power as control. Whilst none of these perspectives ignore the dynamics of control or posit power purely as enabling, they all provide the conceptual space for a fuller theory of power that entertains both enabling and constraining aspects. This is particularly appealing on a number of grounds.

Firstly, I have argued that criminology has a rather narrow conception of power that is rooted in its own history and relationship to power. This narrowness tends to either implicitly or explicitly treat power as control which leads to an analytical and conceptual bottleneck where the state becomes both the source of oppressive control and the solution to it. Hence, by pointing to the interpersonal and sometimes enabling aspects of power the intention is to provide alternative starting points for thinking about the exercise and function of power in relation to both explanations of criminality and people's experience of, and relationship to, criminal justice and penal sanctions.

Secondly, perspectives on freedom, choice and individual agency provide a useful way of exploring the increasingly emotionalised, individualised, and therefore personalised dimensions of late-modern culture and its increasing influence upon transgressive behaviour and penal decision-making (Karstedt 2011, Green 2014). A concept of power that is not only conceived as an instrumental strategy of control provides criminology with a wider lens for thinking about the cultural and symbolic significance crime and criminal justice represent with regard to both rule-breaking and rituals of punishment and exclusion. For example, punishment, and reactions to punishment can then be explored as forms of personal creativity, expression, performance and emancipation. The balance of power and the influence upon how penal systems change can then be understood in terms of how people adapt, react and give meaning to those systems of punishment. This then becomes a valuable critical tool for understanding how, for example, restorative justice or community penalties have developed in recent years. Not just as strategies of power and control but also as fields of drama, story-telling, connection and redemption. Anger, love, loathing and forgiveness all contain significance and meaning beyond the exercise of control from outside or above. The theatres of criminality and criminal justice can thus be construed as beyond formal strategies of social control if social actors are part of an ongoing process that creates and changes social institutions and social structures.

Thirdly, this broader conception of power posits that human beings can never be reduced to mere puppets of the state but always retain the power to act in some shape or fashion and regardless of the constraints in which they find themselves. None of this precludes or rejects ongoing critical analysis of the state as an agent of control but it does provide a balancing point to this analysis that begins to think seriously about power as something beyond control. This suggests two interrelated possibilities. One, that the social institution of criminal justice is invested with purpose and meaning beyond control and two that even if it exists purely for the purpose of control people are not determined to be controlled by it and may make choices that are quite outside of those expected or intended. Foucault's (1977) imagery of a carceral archipelago in which the panoptic gaze controls us all through our social institutions is therefore fundamentally flawed. The standard criminological critique of this is that people will find ways to avoid or exist outside of the controlling gaze of the panopticon (Short and Ditton 1998, McCahill 2002, Marx 2003) but the problem runs much deeper than this. If, as both Elias (2000)

and Giddens (1986) argue, social structures do not exist outside of social actors then the system itself is a product of both structure *and* agency. Changes within it are then products of changes in how people behave and interact that arise out of wider changes in social conditions. This makes it impossible for a panoptic system of control (or for that matter, any system of control) to exist externally from the socially constituted patterns of routinized behaviours and relations that are shaped through the reflexive process of creating and recreating social identities. Consequently, power as control can only ever be partial and contingent and therefore demands equal attention to its enabling qualities as much as its constraining ones. Doing so provides criminology with an alternative starting point for analysing power in both criminal and penal processes.

Fourthly, and perhaps even more fundamentally, power as enabling can act as a corrective to the often miserable, and largely dystopian, criminological explanation of the history of penal reform which presents such reform as an extension of the state's control over all of our lives and opinions about punishment. Just as desistance and cultural criminology researchers have re-invigorated criminological debate about how we give meaning and take self-worth from deviance and the rejection of it; there is no reason why the same approach cannot also be applied to harm, victimisation, punishment and fear. This may sound odd to the ears of many criminologists given there are generally more people in prison, more prisons, more people being punished in a greater variety of ways, more CCTV cameras and more alarms, locks and gates to prevent crime. However, my point is that criminology generally understands and explains these things in terms of how bad they are; how they demonstrate pernicious state control and an intolerant public driven to punitive extremes by a reactionary press and pervasive sense of largely unwarranted fear. All of this seems predicated upon a normative belief that punishment is somehow intrinsically bad and people are somehow driven to equally bad, irrational and condemnatory attitudes by ignorance and fear. This is because the narrow criminological concept of power has robbed us of an explanation wherein people are able to exercise enabling power and make deliberate and conscious choices that they might, in fact, want things the way they are and that this 'want' cannot be explained purely in terms of how our fields of thought and action are shaped by structural forces seeking to control us. This may be an uncomfortable possibility for criminology. It may be that we would like it to be otherwise. But I'm even less comfortable with a criminology that seeks to dismiss people with attitudes and values other than those endorsed by criminology as the passive victims of external control; thereby denying people who hold different views authentic ownership of them. Ironically, given where Foucault (1977) argues the origins of criminology may be found, this seems the very definition of domination itself.

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