

## BOOK REVIEW/COMPTE RENDU

**Tombs, Steve.** *Social Protection After the Crisis: Regulation Without Enforcement*, Bristol: Policy Press, 2016. 280 p GBP 70.00 hardcover (9781447313755).

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**S***ocial Protection after the Crisis*, written in the wake of the 2007/08 global financial disaster, aims to make sense of how and why western states remain committed to the idea that somehow, magically, the road to prosperity is paved with and by private enterprise. It notes how this commitment remains largely intact even after states were forced to bail out the financial industry for creating the crisis and despite mounting evidence of the massive social and environmental harms caused by corporations. To help understand this situation, Steve Tombs explores how neoliberalism attained common sense status within modern capitalism and its material effects for the regulation of private enterprise. Situating his work empirically in the UK and drawing theoretical insights from Gramsci, Tombs interrogates the state's social protection efforts concerning three areas of corporate activities which annually sicken and kill a significant number of citizens, consumers and workers: environmental protection, food safety and occupational health and safety. As the author notes, these harms, which routinely evade the label of crime, have their origins in the routine, profit-driven activities of modern corporations.

Tombs' starting point is the "contemporary paradox of regulation" (2) in which the state maintains its faith in the very forms of regulation that helped to generate many of the corporate disasters of recent decades. Tombs unpacks the "ideological, cultural and moral elements" (11) of neoliberalism in championing free markets and the role of the corporation therein and downplaying the need for state intervention through formal rules and law, unless, of course, to facilitate private profit-making. In so doing he avoids a fetishistic account of regulation that naively believes that 'better' or 'smart(er)' regulation can somehow solve the problems of the abuse of power. Although Tombs does not reject outright the benefits of regulation, he remains keenly aware of law's historic role in mediating class conflict and (re)securing capital's existence.

Chapters 2 and 3 examine the moral capital of corporations under neoliberalism, mapping the ascendancy of neoliberal thinking as fun-

damental to the triumph of the corporation and the hegemonic belief that regulation best combines "... property rights, market forces and private litigation" (35). Guided by these ideals many western states justified their 'business as usual' approach after the financial crisis through a series of "morality plays" (55) which depicted the causes of the disaster as the villains of the financial world (the proverbial bad apples); differences between good and bad banking (i.e. retail versus investment banking, as if magically separate worlds); guilty borrowers (some borrowed when they shouldn't have); and an unavoidable tsunami that victimized bankers as much as states and citizens. For Tombs these developments indicate how neoliberalism is "a project with a moral core" (36), seeking to convince us that anything done in the name of capital is an inherent good.

Chapter 4 focuses on the "emergence, nature and maintenance-of-dominance of a regulatory orthodoxy" (104). Tombs saves particular rebuke for the regulation scholarship that dominates within socio-legal studies and which views regulation as a technical matter and is devoid of any consideration of "power, capital, class and *even crime or harm*" (104). Despite the financial crisis, and with virtually no evidence regarding the efficacy of compliance forms of regulation, the literature on regulation persists in its belief that corporations will self-regulate with just the right amount of education and persuasion, a position that coheres nicely with neoliberal thinking and policies. This regulatory orthodoxy must be challenged, Tombs argues, not uncritically accepted as truth.

Chapter 5 explores how consecutive governments in the UK (Labour, Conservative and Coalition) championed business-friendly climes and the belief that private enterprise is always better and more effective than the public sector. Cloaked in a "Better Regulation" agenda, these efforts included prolonged periods of re-regulation (for Tombs deregulation is a misnomer which fails to capture the state's efforts to create pro-business regulations), relentless rhetorical assaults on regulation and arguments that corporations are inherently law-abiding. Most notable is a series of government-led reviews which singled-out the work of local regulatory authorities (in the UK most regulatory enforcement is undertaken in regions by Environmental Health Officers, or EHOs) as overly burdensome and unfair to business. As Tombs argues, these anti-regulatory initiatives cemented "the institutionalisation of a new form of regulation: *regulation without enforcement*" (132).

Chapter 6 documents the material effects of neoliberalism for the enforcement of regulations relating to food safety, health and safety at

work and pollution control. After reviewing the statistics on regulation across the three areas in question, demonstrating a downwards trend in the level of enforcement, Tombs reports on 35 interviews with local EHO authorities. His geographical focus is Merseyside, a region in the Liverpool area with a population of more than 1.3 million and one of the poorest in England (as Tombs notes, it's the poorest that most often bear the brunt of regulatory orthodoxy). In addition to noting the negative effects of drastic cuts to staffing levels, which weakened inspection rates considerably, EHOs also spoke of the loss of expertise when senior employees were not replaced, pressures for regulators to become generalists (read: do more with less), lack of training and the private sector's ability to promote and realize self-regulation. This "Better Regulation" agenda ultimately produced a shift in the "regulation of business to regulation for business" (180).

In the final Chapter Tombs argues that neoliberalism and the concomitant attacks on regulation by successive UK governments means that the system of social protection has been gutted and reoriented to help ensure private sector growth. Today the very idea of more regulation is seen as a bad decision, generating an endless race to the bottom where less regulation is never enough. For Tombs, the academic, political and popular culture silence around "Better Regulation" must end, for the stakes are too high. It's about more than just technical decisions around rules and laws concerning business; it's about the very health and safety of all of us as consumers and workers and the future of our environment.

Overall, this book makes excellent contributions to the regulation, crimes of the powerful, corporate crime and political economy literatures. It is suitable for advanced undergraduate and graduate courses in these fields, and its relevance extends beyond its focus on UK (indeed, there are important comparisons to be made with Canada's own pro-business and anti-regulatory agenda). Tombs cogently demonstrates the very real and harmful effects of neoliberal common sense for the regulation of private enterprise. In so doing he reminds us that the capitalist state is always more interested in (re)securing the status quo than with seriously addressing crimes of the powerful. At the same time, Tombs argues that we must push the state on its own terms to develop adequate social protections and work to expose the inherent instability and weaknesses of neoliberalism – the ongoing corporate harms and crimes, the failure to deliver benefits to everyone, the corporate oligopolies that defy free markets and the persistence of corporate welfare. These cracks in neoliberalism's veneer not only represent opportunities for reversing regulatory orthodoxy but to think in more

transformative terms, to envision a world not dominated by corporations.

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