Power: The Supposed Definitions Revisited.

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Abstract

This paper advances the proposition that *'Power Merely Equates to 'Can''*. Many writers on power have been less than fully concerned what question concerning power they are, in effect, answering. In the critical criminological tradition for example, many writers speak merely of the negative outcomes of the application of power, adopting often unquestioningly the views of its nature merely implicit in the writings of others. Attempts to disentangle the problems involved with identifying the nature of power have led to many disputes. It is the claim of this paper that most, if not all of these disputes can be resolved by adopting the above proposition. The adoption of the proposition advanced in this paper permits – in line with Deleuzoguattarian assemblage theory – social 'structures' to be seen as mere (historically contingent) distributions (concentrations) of capacities – what an entity can do. It then becomes an empirical task to identify and describe the assembling processes that permit or constrain these capacities.

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We know nothing about a body until we know what it can do, in other words, what its affects are, how they can or cannot enter into composition with other affects, with the affects of another body ... either to exchange actions and passions with it or to join with it in composing a more powerful body. (Deleuze and Guattari. *A Thousand Plateaus*. 1987: 257)

Introduction

I have suggested elsewhere (Crewe 2009 a & c) that I take it that human behaviour is the product of constrained will. This is, I think, a fundamental shift for criminologists. Conventionally the aetiology of crime has been said to lie between two conceptions of the human: the determined and the free. The determined human is more or less a slave to things beyond his control such as his biology, his psychology, or his social environment. The free individual is said to be at liberty to follow his libidinal desires. It has been clear for some time that these conceptions of the human in their purest form are inadequate accounts of our condition. The champion of determinism, like Schopenhauer (1902), for example, who says that we can never do anything other than just exactly what we do, denies the experience and the reality of human choice – there is always at least one alternative, to do, or not to do, or at least to resist or not to resist – they further deny the possibility of the compatibility of freedom and determinism permitted by the notion of freedom as an *emergent* property of determined systems (Crewe 2009a). Most soft accounts of determinism – possibly compatibilist accounts – have at their heart an assumption that certain aspects of the world are fixed and no amount of human freedom can change these things. On the other hand, the classicist champion of free will and rationality denies there is any human action for which he is not ultimately responsible, and that social formations arise and become stable because there exist certain controls that limit the exercise of humans' freedoms. I have claimed elsewhere from Heidegger (Crewe 2009a) that human nature is neither of these dichotomous things: we are simultaneously determined and capable of choices, and our resultant behaviour is *emergent* (in the strong sense) from that nexus of conditions. Where the classicist's conception of freedom and choice is concerned, my claim is that these qualities do not manifest themselves in rationality but in phenomenal engagement with a past environment that we are not at liberty to change –

determinism – and a similar engagement with a future that we are capable of making choices about. This is the nature of will, and this is the condition that Marx referred to when he said "[m]en make their own history, but they do not make it as they please; they do not make it under circumstances of their own choosing, but under circumstances existing already, given and transmitted from the past" (1963). The classicist would say were he to concede this point, that social controls limit the expression of our will. However, 'social controls' have always been defined very narrowly, and in some cases perniciously in order to demonize certain lifestyles or practices – often associated with parenting (chosen and determined conditions), economic disadvantage, and sexuality, among other things. Criminologists have defined social controls as equating to certain limited kinds of bonds, to self-control, to the *conscience collective*, to panoptical surveillance, or to stochastic calculations of the odds of being caught for example. If for this reason alone, the notion of 'social control' as a fundamental concept in social theory is inadequate to describe human social behaviour because it limits the conception of its sphere of action to those arenas *defined as* being of fundamental interest by the control theorist in line with his agenda. Thus, controls evident in parenting are seen to be responsible in their absence for delinquent behaviour only if controls in the arena of parenting are (arbitrarily) taken to be of primary importance by the writer. A further problem becomes apparent when we consider non-social controls upon people. An obvious example concerns the prisoner locked in a cell for hours on end. This is not a social control – in the way that control theorists usually intend them at any rate – and yet it is clearly a control that is of significant importance not only to the prisoner, but also to the criminologist, the psychologist, and the sociologist: the *will* of the actor is *constrained*. When we read Paul Willis' (1977) important book, *Learning to Labour: How Working Class Kids Get Working Class Jobs*, we are made aware that certain attitudes, practices interactive features, social structures, etc. serves to

limit the "lads'" imagination concerning their processes of becoming. These things

serve to constrain the *formation* of the "lads'" future view of themselves. Their

will is *constrained*. Thus to speak of the constraint of will is not the same as to

speak of social controls. The notion of freedom in most criminological and

sociological theory is flawed, the notion of rationality is flawed and so is the

notion of social control. However, whilst we *have* will it is not free. I should like to

be lying on a beach in the Maldives with the warm zephyrs blowing through the

palms (or something else more prosaic), but I cannot be there: some thing or

things constrain me from being there – I have to write this, I haven't enough

money, an Icelandic volcano has closed all the airports. We have will and it is

constrained in certain ways, and if human behaviour is the product of constrained

will then it is appropriate that we as Criminologists or Sociologists should turn our

attention to empirical and theoretical examination of the nature of that

constraint: the nature of those capacities and the nature of the distribution of

those capacities in society. However, there is another issue and that is, if our will

is constrained, someone or something has *power* to constrain it – in whatever

way – they *can* (it can) constrain it. Thus, if we are to understand the nature of

constraint – the nature of the distribution of capacities in society – it is necessary

that we first turn to the nature of power, and that is the task of this paper.

Power

    As an undergraduate student of social theory, I vividly remember being

told that certain theoretical perspectives were deficient in that they lacked an

adequate account of power. Indeed Barnes contends that "it is tempting to say

that there is no account at all in the [social science] literature, accepted or not, of

the basic nature of power in society" (1986:181). In the realm of criminological

theory, this absence is particularly acute, albeit not in the way that my theory

teachers meant. What my theory teachers meant was that perspectives like

Symbolic Interactionism, rational choice or phenomenological models, were

lacking in an account of how powerful structures subjugate individual social actors, in other words, of the exercise of power, or of the normative critique of the distribution of power. They also meant that these perspectives were too consensual and failed to give an account of conflict. What I mean when I say that there is an absence of accounts of power in criminological theory, is that such accounts of the exercise of power, its distribution and role in conflict is *all* that there is in many cases where discussions of power are concerned. Criminological theories have largely failed to adopt an ontological view of what power *is* and where it comes from, but adopt views that are merely implicit in the writing of others. Views such as those of Scraton *et al* (1991:62) that "[l]ife in most British prisons is an unrelenting imposition of authority" are not uncommon and are located at one end of a continuum that represents a zero sum relationship between the 'imposition of authority' and individual freedom of some kind, as found in classical theory for example. In other words, power is represented in much criminological literature solely in terms of its manifestation, its assumed distribution, or the (assumed) normatively negative effect of its exercise, rather than any exploration of its ontology: the concept is used without ever stating what the concept is. Indeed, even in strain theories such as those of Agnew (1992) where social structures are supposed to have criminogenic effects, it is taken to be adequate to talk merely of the various vehicles of the power to affect these effects. Money brings power, being born to the right class brings power, making certain kinds of political decisions or 'non-decisions' brings power. Nowhere in the criminological literature is there an account of what power *is*. Moreover, even Marx speaks only of vehicles of power – the capitalist economy – and thus those criminological accounts that appear to speak most forcefully about power – particularly of its negative qualities and its abuses – take for granted what ever it might be that power *is*. Frequently, even in the most critical of criminology, power is confused with its exercise. So, for example, in Phil

Scraton's telling (1999) account of South Yorkshire Police's deliberate and false defamation of the victims of the Hillsborough disaster[1], their role in causing the atrocity, and subsequent criminally dishonest avoidance of any responsibility for the 96 people crushed to death, we are told merely what they have done; there is no account of the nature of the foundations of their capacity to behave so iniquitously (the nature of their power).

The concept "power" has proven to be amongst the most slippery concepts in the whole of the social sciences. Writers are conventionally concerned with the effects of the exercise of power by the powerful over the powerless and in some cases they are concerned to identify common attributes of phenomena that are to be observed when power is exercised justly, and when it is exercised unjustly. For example, in a recent paper entitled '*Symbolic interactionism and the concept of power*' Dennis and Martin (2005) state that interactionism has, in the past been taken to be lacking in a concept of power. They go on to say that they wish to correct this view by showing that "interactionist research … shows a fundamental concern with power *phenomena*   … [and] with the social *processes* through which power is *enacted* … in real situations" (p: 191 my emphases). In other words, Denis and Martin are not, as their title suggests, interested in what the concept power *is*, but in the effects or outcomes of the exercise of power, which effects are phenomena emergent from the processes of territorialisation of assemblages (see Crewe 2009b & c).

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[1] On 15th April 1989, 96 Liverpool Football Club fans were crushed to death at Hillsborough Stadium, the home ground of Sheffield Wednesday Football Club. The stampede that resulted in the fatalities was caused by police mismanagement of the crowds (Home Office 1989). The police set about blaming and defaming the Liverpool fans to the point of falsely accusing them of robbing and urinating on the corpses of fellow fans. The police did this in order to try and divert attention from their own culpability (see Scraton 1999).

In the more philosophically grounded work of Nusbaum (2006 *inter alia*)
and of Sen (1999 *inter alia*), for example, this tendency to speak of power in
terms of its normative status is also manifest. Both writers are interested in
international development, and whilst Nusbaum is keen to establish a set of core
capabilities of humans, she does this in order to establish a normative critique of
the unequal distribution of the possibility of, or constraint upon exercising those
capacities. Similarly, Sen's work on capabilities advocates deliberative democracy
as a productive space in which societies may strive for social justice and equality.
In both of these accounts, power – or capability – is examined in terms of its
exercise or application and in terms of the normative judgements that may be
made concerning the outcomes of that application. This is done in order to
establish that this group or that group is negatively constrained by the processes
of the exercise of power by another, and that this is a bad thing. Criminologists
frequently are concerned to show the inequitable imposition of power by the
"sedate engines of state" (as Auden puts it) over one group or another. However,
should we accept the social ubiquity of power as expressed in Foucault (1970,
1980, 1982, 1991, 1998, 2001, 2002 & *passim*) or in Weber (1964, 1968, 1978
inter alia), for example, a normative account will not do: any account that limits
power to its moments of exercise denies its temporal and situational ubiquity, or
suggests that power is exercised in some moments and not others, when, as will
become clear, power is not a thing to be exercised in discrete quanta, but *is an
expression of continuous and universal* (though unequal) *distribution of
capacities*. Should we wish to examine the role of power in structuring
interactions and in structuring institutions, or, indeed the structuring attributes *of*
interactions, then first, a non-normative account of the *concept* 'power' becomes
necessary.

The production of such an account, however, appears to have reached a
particular impasse. In 1982 Hindess published an important, much cited paper

entitled '*Power, interests and the outcome of struggles*' (Hindess 1982). In this paper, Hindess made plain that he believed that it was impossible for power to be a disposition since its bases were situationally contingent. In 1987 Morriss produced the book, '*Power: A philosophical analysis*' (Morriss 2002) that argued that power must be taken as a disposition. Both works are soundly argued and thus there appear to be two equally convincing, but aporic conceptions of power. They *appear* to be aporic because, to be situated a phenomenon must be founded in its temporal and topical circumstances – the situation; to be a disposition it must transcend both the topical and the temporal.

In the same year as Peter Morriss published '*Power*', Giles Deleuze and Felix Guattari (1987) published a work which, it is my belief, permits us to transcend this apparent aporia. 'A *Thousand Plateaus: Capitalism and Schizophrenia*' offers the seeds of a new ontology of social structures and processes, which, through the work of Manuel DeLanda (2006) is achieving some recognition as 'Assemblage Theory' in parts of the academy more used to the foundations of analytical philosophy, rather than the continental philosophical style of Deleuze & Guattari. I have outlined elsewhere (Crewe 2009 b & c) a way in which 'Assemblage Theory' permits a new social ontology of power that transcends the limits of situational or dispositional accounts, and allows us to conceive of power as a disposition of situated processes of territorialisation of assemblages.

The Contested Nature of 'Power' in the Social Sciences

If there is one single commonly accepted view, of the concept of power in the social sciences, it is taken to mean the bringing about of consequences. Attempts to be more rigorous have proven fraught with difficulties, and, we might ask, whether indeed, the bringing about of consequences is a necessary or sufficient aspect of power at all: power, after all, can be latent – the prime

minister does not cease to be powerful when he is doing nothing, he only ceases

to be powerful when he is no longer attached to the government – the policeman

does not cease to have the power of arrest when he sits down to a cup of tea, he

does however, loose that power when he ceases to belong to the police force, or

indeed goes home after work: these are historically contingent assemblages from

which power (capacities) emerges, and which coalesce and dissolve –

territorialize and de-territorialize – continually. Different disciplines within the

social sciences recognise different *bases* for power such as wealth, knowledge,

violence, or status for example[2]; they recognise different *forms* of power such as

dominance, influence, charisma, or control; they speak of different *vehicles* of

power such as discourse, money, or weapons; and they recognise different *uses*

of power such as political, economic, or community ends. Thus, different

branches of the social sciences locate and describe power differently according to

their own particular theoretical needs. Writers have questioned whether power is

for example, a zero-sum concept (Mills 1956, Parsons 1960); a potential or a

resource (Barry 1976, Wrong 1995); a *property* of systems or individuals, or a

property of the *relationship between* systems or individuals (Arendt 1970, Lukes

1974, Parsons 1963); whether it relies upon coercion (Cartwright 1959), or can

be expressed as a product of negotiation (Beetham 1991, Giddens 1986).

Dispute arises from the choice of unit or level of analysis: power as emergent

from the bourgeois economy (Marx *passim*) is conceived of very differently from

power emergent from The Situation (Blumer 1954). Thus, it is argued (Gray

1983, Lukes 1974, Morriss 2002) that the concept of power is frequently

theoretically contingent: it varies its nature according to what the theorist wishes

to do with the concept.

Sociologists have frequently been concerned with a core dispute between

two views represented by Weber (1968 [1922]) and Mills (1956) on the one

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[2] It is of interest that some of these are both bases and vehicles.

hand, and Parsons (1963) on the other. The former claim that power equates to domination of one group over another in the pursuit of disputed interests; the latter, Structural Functionalist view that power is a general property of societies that permits objectives to be achieved in the interest of *collective* goals. This latter, portrays power as a capacity of systems to achieve ends, whereas the former stresses the relationship where one group trumps another. Mills' account was also the subject of critique from pluralists (Dahl 1957 & 1961, Polsby 1980 [1963]) in that it represents the view that one group dominates a society, rather than the pluralist view that temporary alliances are formed by similarly interested persons creating a fluid, constantly restructuring pattern of power relations. Significantly, this view rejected any conception of power as resident in non-decisions, that is, the view of Bachrach and Baratz (1970) and Wolfinger (1971) that the powerful can affect the powerless by deliberately not making decisions where they are concerned, or as related to un-operationalizable concepts such as 'interests', or the 'mobilisation of bias' (Merelman 1968, Wolfinger 1971). Specifically, this requirement for observability in pluralist accounts was the focus for discontent among neo-elitists (*inter alia* Mills) and conflict theorists (*inter alia* Poulanzas 1979), who maintained that public decision making frequently masked the true operation of power. Such stratified theories have dominated considerations of power within political sciences; however, Barry's (1976) rational choice account, Foucault's (1970, 1980 & 1982, 1985, 1989, 1990, 1991, 1998) and Luhmann's (1979) neo-functionalist accounts have brought such stratified views under increasing scrutiny, a retreat from the tendency to assume that power is always exercised from the top down, and a retreat from entirely macroscopic analyses. This retreat from wholly macroscopic analyses of power brings into focus the effect of power upon the individual and of the individual's role in bringing about consequences. However, power is *ontologically* not constrained by notions of intention or outcome (as I shall show later), as it is not

normatively contingent, as White (1972) attempts to suggest. To limit talk of

power to its outcomes restricts the notion of power to its exercise, furthermore, it

is nonsense to suggest that all outcomes of the exercise of power are normatively

negative: it requires the exercise of significant power to mobilise a UN

peacekeeping force to enable the distribution of aid in the third world for

example. To speak only of intentional acts denies an account of the consequential

effects of recursive or "practically conscious" behaviour. What this broad spread

of conceptualizations of power brings to light is that it should be recognized that

there are several different questions that one can ask about power: What is

power – or what does it amount to? How is power distributed: that is two

questions; one, what are the mechanisms (vehicles) of its distribution and two,

where is it concentrated? What are the effects of its distribution? The evidence in

the extant literature is that the vast majority of writers on power seem to fail to

recognize this: they fail to take care what question concerning power they *are in

effect* answering.

　　　All of the above modes of conceiving of power fail to tell us what power *is*;

they tell us what power can do, they tell how power can be used, how it can be

distributed, who might hold it and whether any of these things is normatively

positive or negative. In terms of asking (or answering), what power *is* it is rather

like asking: What is marmalade? And getting the answer, marmalade is spread on

toast. The reason why this is so is because writers are speaking of the description

of some of the effects, or patterns, or mechanisms, of the distribution of power

rather than speaking about its ontology. This is not to say that these accounts of

power are all *necessarily* wrong, it is just that writers have been careless in

identifying what question concerning power they are, in effect, answering.

The Concept 'Power'

It must be recognized that power is a concept and it is important to know what the concept 'concept' means before one can grapple with the concept 'power'. I was once severely berated by a senior academic at a presentation during the gestation of this paper, for suggesting that power was a concept: "tell that to the powerless and disenfranchised" he said, or something a little less temperate. For this academic, power was some kind of measurable, quantifiable, tangible stuff 'out there': some *res extensa,* some extended, physical thing that was being illicitly appropriated by the powerful and denied to the powerless, and presumably carried around in boxes or bags, and distributed or hoarded like fruit or meat in wartime. Such beliefs are harboured by people who would be quite prepared to ask who hoards foodstuffs and whether they did it because they were powerful, but not prepared to consider what it means to say that any one was powerful, or if it would be meaningful or what it might mean to say that anyone who hoarded food was powerless[3]. But of course power *is* a concept; it is an idea that brackets a range of other conceptual relations in such a way that it is shorthand for whatever relations it conveys – it is an intensive ordinate, not an extensive co-ordinate, it has thisness or *haecceity*, not aboutness – and it is this 'content' of the *concept* 'power' that we need to disentangle. What does it mean to say that someone is powerful, or that someone has power; we need to ask the question: To what does the *concept* power amount? And our expression must be universal and parsimonious.

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[3] It is commonplace for criminologists of a critical bent to suggest that people sometimes commit crimes because they are powerless. This raises the question of what it would mean to say that anyone is powerless to do whatever it is they do. This must not be taken to mean that I side with those who wish to eradicate the role of the inequitable distribution of capacities in accounts of the generation of virtually all crimes. It is simply to say that it is nonsense to suggest that one may be powerless to do what one does, even if one's actions are determined by things outside ones control.

Why we need an ontology of the concept 'power'

Concepts are made by thinking people – theoreticians, philosophers and so on – in order to produce theories that solve sense-making problems in the real world. (The concept is formed in the same crucible as the problem that the theory – that is made from the concept – is made to solve.[4]) Power is a concept in this way. We need to attempt to agree that the concept that any one thinker generates is useful to more than just him, or his theory won't be of any use to anyone but him. Hence, the concept that is made must be one that can be agreed upon because it more or less conforms to what others would agree constitutes a reasonably realistic and useful expression of the concept. So, my concept power is not only expressed in a way that helps make theories concerning the structuring of capacities in society coherent, but also in a way that I hope others will recognize as being coherent with the way they see the world and the place of the concept within it. If this is so, then readers are more likely to agree that it represents a good sense-making tool.

Examining the concept power.

It is appropriate at this stage that I make some comments about my intentions how to proceed with my discussion of power. It follows from what I have said immediately above concerning the nature of the manufacture of concepts that I take it that a concept should enable the production of coherent, effective theory and that it should be agreed upon in usage such that it clarifies and eradicates inconsistencies and unnecessary disputes: A usefully, parsimoniously expressed concept should stop us from talking at cross purposes. I intend to proceed by examining some of those disputes concerning power, and I shall examine them in the light of my claim that power merely equates to can. This may seem like a bold and even unjustified step since I have provided no

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[4] See Deleuze and Guattari *What is Philosophy*. 1994

grounds for this claim, however, I cannot illustrate the sense making capacities of my claim without stating it, and so I do this. *Power merely equates to can.*

My claim will, in effect, be tried alongside the other disputed claims concerning power. Whilst there is not room in this place for an exhaustive examination of the concept, it is my intention that the examination should be illustrative at least of the efficacy of my expression of the nature of power. In addition to the disputes in the sociological and political science literature I shall explore common usage of the concept. It is not that I take it that common sense use is necessarily accurate, true, or efficacious, but a concept generated for theory making that does not cohere with real world usage of the term is likely not to have much use in the real world.

Power Merely Equates to Can.

Can, capacity, and ability

Is 'can' "iffy"?

The proposition that I wish to advance is that power merely equates to can, or is merely the capacity to do something. Not only do I contend that this is so, but, as I have argued in these pages and elsewhere (Crewe 2009 a & b), we can have a pragmatic, sense-making picture of societies that corresponds to an account of the capacities of their elements rather than of the properties, allied to functions, of their constituent parts. To speak of power in this view is merely to speak of the distribution of capacities in society. Hence conceiving of power in this way has the fortuitous property that it contributes to an homogenous, parsimonious, and coherent theory of the structuring processes of societies, of which law, transgression, and crime are a part. The claim then is that power equates to can. It is appropriate that we examine what this means.

A particularly important dispute concerning the verb 'can' was highlighted

by the great philosopher J. L. Austin when he wrote that 'can' is "constitutionally

iffy" (1956:205). What Austin meant was not that 'can' is constitutionally 'dodgy',

but that the verb 'can' always needs to be associated with the word 'if'. There are

two ways in which this is so, claims Austin. The first is that whenever we use the

word can or could, we must either supply or imply an 'if' clause to complete the

sentence. The second is that if we don't need to use an 'if' to complete a sentence

we need to use an 'if' to analyse the nature of the 'can' that is being talked about.

These two views, says Austin, are incompatible with one another. Morriss (2002)

begs to differ. Both views, for him, are correct.

> '[I]fs' are related to 'cans' in many different ways, two of which are
> captured by Austin's distinction: *some* 'ifs' complete 'can'-sentences;
> *others* are part of the analysis; and it is to overlook the complexity of the
> conditional aspects of ability to force *all* 'ifs' into the one category or the
> other. (2002: 60-61)

It seems to me, however that both writers are wrong, they do not appear

to be using the same word 'can' as I am. Among the meanings of 'can' possibly

associated with power, none requires an 'if'. The first of these meanings is to be

able – to have the ability. If we append an 'if' to a claim concerning this meaning

of can it would look like this: 'I can drive my car *if* I put some petrol in it'. We can

legitimately rephrase this by saying 'I *could* … if I put some petrol in it'. What this

means is this: '*I can't* – I am powerless to – drive my car *because* I haven't put

any petrol in it.' Adding 'if' changes 'can' to 'can't'. The second aspect of this

meaning is to 'know how', that is, I 'know how' to drive my car. This can also be

expressed as the ability, or skill, to do something. This capacity is relatively

enduring and constitutes a dispositional claim – something to which we will turn

shortly. However, this claim, 'I can drive my car' expressed as 'I know how to

drive my car' most certainly does not require an 'if'. Furthermore if we try to

append some kind of 'if' the claim becomes 'I know how to drive my car if, and only if, such and such is true' (I can remember how, let's say). This means 'I *cannot* drive my car because I have forgotten how' (for example). 'If' turns 'can' into 'cannot' (until such and such is true, or we might say until the 'ifs' are satisfied). Morriss asks us to consider the capacity of sugar to dissolve in water. This, he says is an example of a disposition that has conditions – 'ifs' – attached to it: sugar does not dissolve in water in all circumstances he claims. Sugar will not dissolve in water when the water is already saturated with sugar he tells us, nor will it dissolve if it has been heated sufficiently to caramelise it into bonfire toffee. These are 'ifs' says Morriss, that attach to the 'can' of 'sugar can dissolve in water'. That is Sugar can dissolve in water *if* the water is not already saturated, or sugar can dissolve in water if it has not been caramelised. But clearly this is wrong. What Morriss is actually saying is 'sugar will not dissolve in *saturated sugar solution*' or that '*bonfire toffee* will not dissolve in water', not 'sugar will dissolve in water *if* …' Morriss goes on to say that there are "ordinary" ifs such as "if that is sugar, the water can dissolve it". However in the two cases immediately above, the 'if' of this claim is not satisfied, it is not sugar, or it is not water, it is toffee, or it is a saturated sugar solution. Furthermore, if this was to be a meaningful way of talking about power, it would be necessary to indicate *every possible* world in which something related to sugar did not dissolve in something related to water – Morriss' possible 'caramelized sugar won't dissolve in water *if* it is frozen' or 'water has the capacity to dissolve sugar if it is not frozen and the sugar is not caramelized', or 'sugar has the capacity to dissolve in water if it is not vaporized', becomes, more reasonably 'toffee won't dissolve in ice' or 'sugar won't dissolve in steam'.

Abilities, however, *are* "iffy".

I can, but I am not doing.

When we use the word 'can' in those circumstances associated with the power to do something or other, we frequently associate it with the word 'ability'. If you can do something, you are 'able' to do something. This is always true. However, it is not always true that if you are able to do something, you *can* do it. This is because there are two kinds of use of the word able. This is the distinction between capacities and abilities. Capacities are 'cans' that you can do, and they may be manifest or latent, but you can do them. Abilities can be things that you can't do, but could do in other circumstances. We could say, 'I have the ability to do this and I could do it if ...'.

Peter Morriss distinguishes between epistemic abilities, things that you know how to do, and non-epistemic abilities, things that you just can and do do without the need for specific knowledge. I take Morriss to be talking about what Giddens (1986) has called practical consciousness knowledge – our fundamental set of abilities that we use in our basic capacity to know how to 'go on' in day-to-day life. Morriss illustrates this with the following:

> We [are able to] say both 'He is so incompetent that he's unable to do it' and 'He's able to do it all right, but too incompetent to manage it'. These statements do not contradict each other; they simply use epistemic and non-epistemic senses of ability. (2002:52)

He goes on to say that he is unable to do *The Times* crossword, but that it is not because he lacks the strength to fill in the letters that he cannot do it, but that he lacks the required knowledge or skill. This, it seems to me, is to introduce a fundamental confusion. Clearly, Morriss, like me, cannot do *The Times* crossword, and his incompetent is incapable of doing whatever it is Morriss has in mind him doing. That is both are powerless to do the things in question. The question Morriss is trying to introduce lies not in their power or powerlessness since that is obvious, they are powerless in these respects, but in the *nature of the constraint* that is placed upon them. However, it is not necessary to

understand the *nature* of any particular constraint in order to comprehend the *nature* of power, or whether or not someone is powerful in any particular regard. The nature of constraints is much more of an empirical sociological problem rather than a philosophical one.

Morriss goes on to ask whether, when he plays loud music in his flat late at night, that keeps his neighbours awake, he can be considered powerful to keep them awake if it is merely an unforeseen consequence that he keeps them awake. "Is, in this case, what I am *doing* keeping them awake, or is this merely a *consequence* of what I am doing? Am I doing two things at once and, if so am I performing two different actions or one action with two descriptions?" Surely, this is an unnecessary distinction since, he does keep his neighbours awake – he can do it – and it makes no sense whatsoever to suggest that he (or anyone else for that matter) is powerless to do something that they do do. He *can* keep his neighbours awake: he has the power – the capacity – to keep his neighbours awake.

The key point here is that if you can do something you have the capacity – the power – to do it, whether that capacity *rests* on 'practical' – practical consciousness knowledge – or cognitive knowledge or abilities. However, when you have the *cognitive* ability or the skill to do something, it does not necessarily mean that you can do that thing, and that is because someone or something may have the power to *constrain* your actions in that regard. This is where the distinction between capacities and abilities becomes important; that is, in the *analysis* of the *mechanisms* of the *distribution* of power. We might bring to mind, for example, a clever junior hot-rod engineer whose abilities far outstrip those of his boss. However, because the young engineer is in the employ of his boss the poorer decisions of his boss concerning building the car prevail. The young engineer has the ability to build a fine hot-rod but he does not have the capacity. The capacities of his employer to fire him constrain his abilities such that he can't

– he is powerless to, he does not have power to – build the good car because his
employer can (ultimately) fire him if he doesn't do as he's told. Some would
undoubtedly say that his boss has 'power over' him in this regard, but, as we
shall see later, the locution 'power over' is at best unnecessary, and at worst a
damaging form of power talk. One's abilities can be constrained. Ones capacities
cannot. Since, if you have the capacity to do something you can do it, and if you
can do something you cannot be considered powerless in that regard.

Power and the bringing about of consequences: Dispositionals and the exercise fallacy.

As I mentioned above, power has been taken by many to equate to the
"bringing about of consequences" (Lukes 1979:634; Lukes 1986). Or in Dahl's
formulation "for the assertion 'C has the power over R', one can substitute the
assertion 'C's behaviour causes R's behaviour'" (Dahl 1968: 410). We might
rephrase Dahl's formulation further: "for the assertion 'C has the power over R',
one can substitute the assertion" 'C's behaviour *is causing* R's behaviour' or 'C's
Behaviour *is bringing about* R's behaviour. It is Dahl's use of the word "causes"
that permits us to substitute 'is causing'. Had he written, "may cause", the
meaning would have been different; indeed it would have meant "could cause *in
certain circumstances*". If this were the nature of Dahl's claim, then he would
have to specify those specific circumstances for *every possible* instance of C's
power over R. This notwithstanding, it is far from clear that this claim that power
equates to the bringing about of consequences is an adequate one. The problem
with this conception of power is that it denies the existence of latent power. We
may bring to mind a policeman, in whom we assume is vested the power of
arrest. Lukes' and Dahl's claim that power equates to the bringing about of
consequences makes it plain that the policeman's power *equates* only to his
actually arresting someone. Of course, the common use of the word 'vested' in
this circumstance, to mean 'having been given the *possession* of' suggests that

either the use of the word 'vested', or that Lukes' and Dahl's conception of power is wrong. However, there are far more serious problems that mean that Lukes' and Dahl's view is not compatible with the real world, and this is so because when we say that power *equates* to its exercise, the period of having that power and the period of its exercise must be *absolutely identical*. In this view, when the policeman is not arresting someone he is not bringing about that consequence and thus, according to this claim, when he is not actually arresting someone, he does not have power to do so. In this circumstance we would then have to ask where the power 'came from' when he was arresting someone, if he did not possess it latently – as a disposition. At what point, we might ask, did the power to arrest 'enter into him' (as it were) such that he could begin his arrest. Also we would have to ask when it was that the arrest actually began; was it when the policemen said "'ello, 'ello, 'ello, what's goin' on 'ere then?" Or was it when he snapped the handcuffs on? If, as Lukes, and Dahl, and others suggest, his power to arrest equates to his *actually arresting*, that 'power' cannot become available to him until he starts his arrest, but if this is so, until he has started his arrest he has no power to effect that arrest and thus would be powerless to start the arrest. Either that, or there would have to be a different power – the power to *start* an arrest. If this was the case then the policeman would only have the power to start the arrest when actually starting the arrest and not before and thus, he would need a new power – the power to start starting the arrest. Oh dear! Clearly this will not do. The problem arises because this conception of power denies the latent qualities or the dispositional nature of power. In the view of Dahl and Lukes and others, a person never can have power to do anything unless he is actually doing it and that simply cannot be true of the real world.

This problem is closely related to the dispute between writers who take power to be a disposition and those like Hindess (1982) who see power as being entirely situated. For Hindess, the bases of power and the vehicles of power in

each situation are so varied that it is nonsense to suggest that there is any enduring quality to power, or that power might be latent or possessed. The solution to this problem is the same as the solution to the dispute between those who take power to be a disposition and those who see power as the bringing about of consequences. It is commonplace in language to speak of events that we observe or have observed taking place, we can say for example that people are leaving the campus because it is 5 o'clock or the leaves on the trees are turning red or orange. But we can also speak of the potential for things to happen. We can say, for example, during the late summer, the leaves will be turning red or orange in a few weeks time. So to do is not to describe an event but to refer to a disposition. Thus, we may refer to temporally situated – historically contingent – events and we may refer to potentialities that are relatively temporally un-situated, they are relatively enduring capacities. Where the concept of power is concerned, some writers have been less than fully concerned to distinguish between the two. Kenny, cited at length in Morriss 2002 has this to say:

> Consider the capacity of whisky to intoxicate. The possession of this capacity is clearly distinct from its exercise: the whisky possesses the capacity while it is standing harmlessly in the bottle, but it only begins to exercise it after being imbibed. The vehicle of this capacity to intoxicate is the alcohol that the whisky contains: it is the ingredient in virtue of which the whisky has the power to intoxicate. The vehicle of a power need not be a substantial ingredient like alcohol which can be physically separated from the possessor of the power…. The connection between the power and its vehicle may be a necessary or a contingent one. It is a contingent matter, discovered by experiment, that alcohol is the vehicle of intoxication; but it is a conceptual truth that a bolt has the power to screw into a nut.

Throughout the history of philosophy there has been a tendency

for philosophers – especially scientifically-minded philosophers – to

reduce potentialities to actualities. But there have been two different

forms of reductionism, often combined and often confused, depending on

whether the attempt was to reduce a power to its exercise or to its

vehicle. Hume when he said that the distinction between a power and its

exercise was wholly frivolous wanted to reduce powers to their exercises.

Descartes when he attempted to identify all the powers of bodies within

their geometrical properties, wanted to reduce powers to their vehicles

(Kenny 1975:10)

To attempt these two reductions is to commit respectively the exercise

and the vehicle fallacies. The first involves the suggestion that talking of having

power is merely a metaphysically illegitimate way of saying that you are

exercising that power (Morriss 2002). We may call to mind Polsby, when he

states that we have no reason to presuppose that a person or an object

possesses a particular attribute unless we have firsthand experience of an event

that demonstrates the exercise of that attribute. To illustrate the point, Morriss

paraphrases Polsby. Where Polsby speaks of powerful actors, Morriss substitutes

sugar, thus -

> How can one tell after all, whether or not a sugar lump is soluble unless
>
> some sequence of events competently observed, attests to its solubility?
>
> If these events take place, then the solubility of the sugar lump is not
>
> "potential" but actual [i.e., presumably, the sugar dissolves]. If these
>
> events do not occur, then what grounds have we to suppose that the
>
> sugar is soluble? (Morriss 2002:16)

When sugar is substituted for Polsby's powerful actors in this way, so to

speak becomes plainly fallacious. Of course we have many grounds to suggest

that the sugar is soluble, not least the common knowledge that sugar is soluble,

accompanied by knowledge of other attributes of sugar molecules (from chemistry) that attest to the permanent, abiding disposition of sugar to dissolve in water. Dispositions can remain unmanifest. The glass in our windows we hope will remain intact despite the fact that we know it to be fragile – I know, and trust the fact, that Professor Lippens can speak Flemish without ever having heard him speak the language: to say that he has the capacity to speak Flemish is not the same as saying he *is speaking* Flemish. Some, like Dahl (1984) have argued that we cannot know where power lies if we cannot see it exercised. However, there is a significant difference between admitting that we can only experience or observe power through its exercise and arguing that power is in and of itself *no more* than its exercise. The police officer continues to have the power of arrest even when he is not exercising that power. Thus, says Morriss – "power [is] a dispositional concept [it] is neither a *thing* (a resource or vehicle) nor an *event* (an exercise of power): it is a *capacity.*" (2002:19). It represents a relative disposition belonging to social relationships.

If we return again to our policeman. Clearly, when he is sitting down to have his cup of tea he *can* effect an arrest should a man attempt to rob the till of the café in which he is sat, even though he is not, at this time doing it. It makes no sense whatsoever to say that he is powerless to do something that he can do, hence, if he can do it he has power to do it[5] – if he can arrest the man (to all intents and purposes) whilst sitting down having a cup of tea he has the power to do so. It is also the case that should the police officer have been handcuffed to the chair by the gang robbing the café, he cannot effect an arrest. It makes no sense whatsoever to suggest that he has the power to do something he cannot do, since if he cannot do something, then he is powerless to do it (he is powerless

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[5] This is true unless it can be shown that the use of the word powerlessness does not constitute the opposite of powerfulness, or having power with respect to, or being powerful.

with respect to that thing) and it makes no sense whatsoever to suggest that someone has the power to do something that they are powerless to do. The perspicacious might aver that the policeman can't arrest the man if the man is not committing the robbery, that is, he can't arrest the man until he starts his robbery and then the policeman will arrest him. This looks a bit like not having the power *until* the burglary takes place, or only having the power when exercising it. This would mean that his power was situated, not dispositional. What this shows us is that whilst power is dispositional, such dispositions are variably durable: our capacities are not fixed but always in a state of flux. We can do things until we can't. It is never legitimate to say that someone has power with respect to any thing he cannot do, for whatever reason, and it is never legitimate to say that someone is powerless to do something that they can do – for whatever reason. Thus, when the policemen *can* effect an arrest he has power in that regard, when he cannot, then he is powerless to effect an arrest. This does not mean that these capacities may not be dispositional, but if someone cannot do something, they cannot legitimately be described as being powerful in that regard – capacities are dispositional and situated, they are relatively durable, historically contingent properties emergent from the territorializing processes of assemblages[6]. Morriss and Hindess were both right. So, it is true that my brother can ride a motorcycle, he has the power to ride that motorcycle. He does not have the power to ride his motorcycle if he has sold it. He doesn't have power to ride the motorcycle even if he possesses one but his wife won't let him ride it because it is icy, *even though* he doesn't lose the skill or the ability to ride it: he still is powerless with regard to riding the motorcycle. Power is a disposition, but it is a disposition that is always situated, each situation brings the capacities of others with which that capacity may be in conflict, and in each new situation new

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[6] See in general Deleuze and Guattari (1987) and Wise (2005), for an application of these ideas in a social context, De Landa (2006), and for an application of these ideas in criminology Crewe (2009 b & c)

capacities emerge and some 'cans' (capacities) that may have been relatively durable become 'can'ts'. We may be interested in the effects of power – who has criminalized whom, who produces economic circumstances that weaken the informal social functions of families and encourage violent crime (Currie 1997), who successfully lobbies government to ratchet up surveillance, securitization, imprisonment. But we are also interested in who *might* have the power to do these things and that power, existent and unexercised is latent, dispositional, and un-situated. Sometimes 'can' means exactly 'could' if the 'ifs' of 'could' are satisfied ('could do if … '), but *only* if the 'ifs' are satisfied. But 'could do' does not equate in any way to 'is doing' – in fact they are mutually exclusive – therefore 'is doing' cannot *equate* to 'can', but is merely a possible subset (or, indeed, evidence) of can.

Power and influence.

In addition to the conflation or identification of power with its exercise, power is also commonly identified with other terms. In Machiavelli (2007), for example *imperio, forza, potente,* and *autorità* are used interchangeably without clarification or definition; in Foucault (*passim*), *puissance* and *pouvoir*. A further wrongful identification is commonplace, and that is the identification of power with influence. Above, we examined the claim that power equates to the *effecting* of consequences. The conflation of power with influence concerns the claim that power equates to *affecting* things or people. It is worthwhile settling the difference between these two frequently confused words. They are confusing because the noun that relates to affect is effect: we can affect someone such that it causes an effect. In its most common meaning the verb affect means to have an impact on or to make a difference to or to influence. To effect something is to bring it about. Many writers have insisted that power and influence are indistinguishable. Napel and Widgrén (2004) use the terms interchangeably when they argue that power is less interesting a concept than influence. This may well

be so for Napel and Widgrén, but it does not mean that the concepts can be

substituted for one another, as they appear to do. Dahl has this to say: "A has

power over B to the extent that he can get B to do something that B would not

otherwise do" (1957: 80). He also says "A influences B to the extent that he gets

B to do something that B would not otherwise do" (Dahl, 1963: 40). This, of

course would mean that power and influence are identical because $\rightarrow X = Z$ & $Y=$

$Z \quad X = Y$. Indeed in his 1957 he argues that any perceived difference between

the two words is merely a quirk of the English language. The question must be

asked: Is this claimed identity true?

If we look at the linguistic question first, influence is both a verb and a

noun whilst power is primarily a noun. A verb 'to power', meaning to *provide*

power exists for some material objects like some machines, but it doesn't really

make much sense socially. However, we cannot say 'to influence', meaning to

provide influence. It is not uncommon for nouns (like power) to be transformed

into verbs – the noun 'stain' becomes the verb 'to stain', the noun 'regiment'

becomes 'to regiment' – whilst we can do this with 'influence' (the noun

'influence' becomes the verb, 'to influence') we cannot do it to 'power'. The two

are not the same grammatically and it would be an odd word if the two concepts

were identical but one had a grammatical form that the other lacked. The reason

that they are grammatically different would be explained if power did not refer to

something that could be expressed as a verb, and indeed, this is true. There is no

verb 'to can' or 'to capacity'. We can see how this grammatical difference shows

the non-identity of these concepts when we try to substitute one for another in

various sentences. Take for example the possible "Tony Blair influenced George

Bush to go to war". We cannot substitute power for influence in this sentence

legitimately and say "Tony Blair powered George Bush to go to war". Even if we

took poetic licence with the grammatical form it would not mean the same as

"Tony Blair *influenced …*". "Tony Blair *powered…*" if used legitimately could only

mean "Tony Blair *provided* the power for George Bush" and this clearly is not the same as saying "Tony Blair provided the influence …"

Similar problems arise again in Dahl:

When one says the president has more power to influence foreign policy than I have, then I think that one means that the president can cause behaviour in the State Department or Congress or in Germany or elsewhere that I cannot cause. (Dahl 1965: 93).

This may be true, however we can rephrase what Dahl says thus: "When one says the president *can* influence foreign policy more than I can …" This is a legitimate substitution, however, substituting the claimed identical power for influence thus: "When one says the president has more influence to influence foreign policy than I have …" or "When one says the president has more power to power foreign policy than I have …" results in nonsense.

Having looked at some of the linguistic problems associated with the misidentification of power with influence, we may now turn to some other problems that an assumed identity might pose. An immediate problem comes to mind where certain areas of criminological study are concerned. It is contended by writers such as Ron Clarke, or Gotfredson and Hirschi among others that the absence of certain controls leads to the commission of crime. Where the misidentification of power with influence is concerned this would mean that the victim of a burglary at a house without a burglar alarm (absent control) had power over the burglar. We do not feel that this is right. This is probably because we feel that the powerful must be powerful with respect to something he *intends* to do, and frequently that that intended thing is normatively negative. However, we will see shortly, that intention is not axiomatically associated with acts of power. The real reason that this is problematic is that power *merely* equates to can. What we must do is ask in what regard is the victim powerful – what is it

they can, or in this case, have done? What they can do (have done) is influence the burglar, they have power to influence the burglar (through their choice to leave the window unlocked or not to fit a burglar alarm). If power and influence were the same thing there would be no necessity to use the same idea twice in the sentence as we saw above "the victim has influence to influence the burglar" or "power to power the burglar". However, if power equates to can the two words, power and can, should be interchangeable: "the victim can influence the burglar", "the victim has the capacity to influence the burglar" or "the victim has the power to influence the burglar". These three propositions have meaning for criminologists in a way that suggestions that the victim is powerless do not. Wormuth (1967) suggests that it is problematic to consider that a person who fails adequately to hide his wallet exercises power over the wallet thief. He most certainly does influence the wallet thief, and therefore it is illegitimate to suggest that he is powerless to influence him. Young (1978) suggests that it is problematic to consider that a person who crashes their car and thus gives the insurance company a bill has exercised power over the insurance company. He most certainly does influence the insurance company's behaviour and therefore it is illegitimate to suggest that he is powerless to influence them. Benn (1967) suggests that it is problematic to assume that the bankrupt financier whose dealings ruin the investments of thousands exercises power over them. The financier most certainly does influence the investors and it is therefore illegitimate to suggest that he is powerless to influence them. Each of these writers use their examples to attempt to argue that influencing people is not identical to what we mean by power. They do this by suggesting that the thief, the driver, and the financier are not powerful with respect to these cases, but this is clearly not so. Nonetheless, it is also clear that they are right to suggest that power and influence are not the same thing. Power equates to can. I can influence people, and I can influence things, I have power in that regard: it is nonsense to suggest

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that I am powerless to influence those things I actually do influence. However, I *also* have power to effect things, and unless to effect and to affect are identical then power and affecting cannot be identical, since if power and affecting were identical, it is a logical necessity that the identity must mean that power is no more and no less than affecting and thus, unless effecting were identical with affecting, it could have no part in power as identical to affecting. Affecting and effecting are (different) things you can do, like walking or painting or thinking or believing. I can walk somewhere, I can paint something I can think something or I can believe something. I cannot 'can' something: I cannot power something. Power is can – capacity: effecting, affecting, walking, painting, thinking, believing, are things that I *can do* that I have the capacity to do. They are not the capacity itself: that is what power is.

A further problem with power and influence is that I clearly can have the capacity to affect something without doing it – this is in the nature of latency or disposition that we discussed above, and if I can have power to influence whilst *not actually* influencing (not effecting the affecting), it is impossible for power and influencing to be the same thing. I have the capacity to influence the practices of my colleagues in the criminology team at my university, but I am not currently doing so because I am at home in my study writing this. Thus, my actual influencing and my capacity to influence are two separate things. It is impossible for power and influence to be identical to one another.

'Power over' and 'power to'.

One of the major reasons that the above error of misidentifying power with influence has had such a hold in the power literature is because it is strongly associated with the notion of power as 'power over'. When we re-read each of the statements concerning the claimed influence over burglars, wallet thieves, insurance companies etc, it becomes apparent that the phrase, 'power over' is

used every time. That is, power is talked about as though to be power it must

constitute power *over* someone or something. One aspect of having power over

someone that is frequently cited as a requisite is that it must involve getting

someone to do something that they do not want to do. What this means is that, if

this claim is true, if a person does something that you want them to do but they

do it wilfully and of their own volition, you do not have power to get them to do

what it is they do – you are powerless to do this. But this is a mistake in that it is

not *necessarily* so. Here we can legitimately use the word 'could' to examine this

proposition. We might legitimately say (if it were true) that the person *X could*

have power to get *Y* to do that something *p* in the circumstance that he (*Y*)

doesn't want to do *p*, and we can still say this even in the circumstance that *Y*

does want to do *p*. This is because 'power' refers merely to the capacity to do

something (and such a capacity may be a relatively durable disposition), in this

case to get *Y* to do that something *p* in the circumstance that he (*Y*) doesn't want

to do *p.* Such a capacity *could* still exist in the circumstance that *Y does* want to

do *p*. If this were untrue, we would be able to say that when *Y* doesn't want to do

p, *X* is powerful to make him do it. We should then say that if *Y* wants to do *p*,

then *X*'s capacity to get him to do *p* suddenly evaporates even if there is no

change in *X*'s capacities, or that *Y*'s wanting somehow changes *X*'s capacities.

This, it seems to me, is nonsense. I cannot imagine how *Y*'s wanting could affect

X's capacities, and if *X*'s capacities remain unchanged, it matters not whether *Y*

wants to do *p* or not, what *X* can do he can do. What that thing is, is to get *Y* to

perform *p*, not to get *Y* to do something – any thing – that is against his will: it

matters not whether *p* is or is not against *Y*'s will, if *X* can do it he has the

capacity to do it, it makes no sense to suggest that he is powerless to do it

regardless of *Y*'s intention. As a practical example, we might say that a judge or

senior police officer *could* cause a policeman to police by the rules even if that

officer wants to police by the rules, because they could even in the circumstance

that he doesn't want to: they *can* in either circumstance, and what they *can* do, is get the police officer to abide by the rules, not get him to do something – anything – that is against his will. This is true, because, as we have seen above, it is 'could' that is 'constitutionally iffy', not 'can'. The senior police officer 'can', because he 'could if', and when the police officer doesn't want to police by the rules, the 'if' of the 'could if' is satisfied.

The locution 'power over' is frequently taken to mean something normatively negative. For example, white supremacists represented the phrase 'Black Power' to mean 'black power over white people' when the phrase actually meant black empowerment. They used the association of power with 'power over' to misrepresent the legitimate aims of black people. To speak of power merely as 'power over' is to reduce power solely to those instances when one person's objective is to subjugate another to his own ends or to get someone to do something they do not want to do. This, of course, as is evident in Foucault, ignores any positive power such as the power to mobilize food aid in Ethiopia for example.

One reason that 'power over' has been championed by some is that it is claimed (Oppenheim 1981) that 'power to' fails to represent the relational nature of power between people: the truth that power exists in relational quantities between people. A has greater power than B: A is more powerful than B. Lukes, for example avers that 'power to' "indicates a 'capacity', a 'facility', an 'ability' not a relationship. Accordingly, the conflictual aspect of power – the fact that it is exercised *over* people – disappears altogether from view" (1974:31). Once again, this is mistaken. What Lukes wants to say is that power is frequently exercised in ways that are normatively negative – people's capacity to govern their lives is restricted, their chances for personal development constrained. He also wants to say that powerful people have more power than powerless people. Following from these two statements, he sees powerful people as bad people. However, to say

that someone has 'power to' in no way hides what they can do, even if what they

can do is in conflict with the desires of others and that what they do is bad. This

normative question is an ethical one, whether or not what this person does is bad

has nothing to do with whether or not this person can do what he does – if he

does it, he *can* do it. That a government can tax the poor inequitably can be

legitimately expressed by saying the government has 'power to' tax poor people

more harshly than the rich. We may also express this relationally by saying that

the government has more 'power to' keep your money than you do. Whether this

state of affairs is the result of the power of bad people, whether it is normatively

negative is a question for us when we think ethically, it is not of concern when

examining the essential qualities of power. We do not need to use the

normatively laden 'power over' to express exactly what we mean about our

inequitable tax system and the role of powerful people in its application.

When we use the word power, we always use it in conjunction with

something else. If we say 'Algernon has power' the statement is meaningless

unless we say what it is Algernon has power to do, and the locution 'power over'

frequently is seen as legitimate in these terms: Algernon has power over Ichabod.

However, it is always the case that we can express any kind of 'power over' in

terms of 'power to'. Morriss says that "[t]he only way that the English language

allows 'power' to be followed by a word for a person is by talking of power being

over the person. Ergo, it seems, all social power becomes power over someone"

(2002:32). However, even though what Morriss says is true of the language in

the specific terms of this rule, it is not the case that this is the only way that the

relationship between power and people can be expressed. We can say Algernon

has power over his wife, and this is meaningless unless we say what Algernon can

do: Algernon has power over his wife's choice of car. Note that this has changed

from power over his wife – which on its own is meaningless, to power over her

choices, which is not the same thing as power over her *per se*. We can express

this perfectly legitimately by saying that Algernon has power to affect his wife's choice of car, or power to direct his wife's choice of car. We do not have to use 'power over' at all, indeed, 'power over' in itself is meaningless unless we say what it is 'power to' do, and if we are explicit and say *what* it is power to do, we do not need the locution power over at all.

Power and intention.

A further dispute concerning the nature of power becomes visible when we take Bertrand Russell's definition of power: power is "the production of intended effects" (Russell 1938:25). This theme is adopted by Wrong in 1979 "power is the capacity of some persons to produce intended and foreseen effects on others" (Wrong 1995:2). The key word here is not "effects", we have discussed the reliance of a conception of power on "effects" above. The word in contention here is "intended". The claim of these two definitions is that one is only powerful when one intends to do things: that one only has power with respect to something when one intends to do that thing and in consequence, one cannot be taken to be powerful with respect to something if the doing of it was unintentional. Once again, the claim that power equates merely to can suggests that this conception is wrong.

Wrong (1995 [1979]) is of the opinion that power can only refer to intentional acts. He opens his discussion of this point by saying that all social interaction consists in various controls, but that not all of those controls are intentional. Many controls are internalized by socializing processes such as parenting for example, and, in these circumstances, says Wrong, the controls act without the intention of the others in the situation. Here, he says, it makes no sense to suggest that power is evident in effecting those controls. However, this is mistaken. Because all social controls are situated as well as being relatively durable and dispositional, it is the actors in any situation that bring those controls

to bare on the controlled, by whatever means (and it is to the study of those means – vehicles and bases – that criminologists and sociologists should direct their studies). This is true even if the control that is at work has been internalized. The actors in a situation are taken to have the capacity, more or less, to bring another to behave to the norms and typifications of that situation as defined by the participants in the situation (see in particular Blumer 1969; Hewitt 1997; Goffman 1952, 1961, 1968,1974, & *passim*; Collins 2004; *inter alia*). Actors do not do this intentionally, but they do it. It would make no sense whatsoever to suggest that those in the situation who do this were powerless to do it.

What Wrong goes on to say is that there are many social outcomes that are unintended by the actors that may have brought them about. He also tells us that people are not held responsible for unintended consequences if they could have not foreseen these consequences. Moreover, we know that sociologists from Merton (1968[1949]) to Giddens (1976, 1979, 1986 & *passim*) and beyond have encouraged us to make a study of the unintended consequences of intended action. However, it is a long way from saying that people are or are not morally responsible for their actions to saying that they are powerful or powerless[7]. Whilst the two often go together, they do not equate to one another, and I will explore this issue a little more later. (Indeed Wrong himself points out that there are grey areas.)

The claim that I support here, that power is not *necessarily* to be *equated* to intentional acts is sometimes undermined by its own supporters. Oppenheim (1981), for example points to the unintended outcomes involved in certain reporting of electoral politics. He brings our attention to the pollsters who predicted Truman would lose the presidential election in 1948 and who, in so

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[7] Indeed, it is conventionally taken to be the case that it is powerfulness that is indicative of moral responsibility, not moral responsibility that is indicative of power.

doing spurred previously apathetic voters to turn out and vote for him. Oppenheim claims that this is a case of unintentional power to *effect* Truman's election. This however, is a case of influence (indeed, Oppenheim uses the word himself) and we have seen above that influence and power are not identical to one another. What the case really shows is that the pollsters have the power to *affect* the actions of the voters, not *effect* the election of Truman.

There are, however, two kinds of defence of the non-identity of power and intention that I take to be of great significance. The first has to do with unintentional bodily functions. Danto (1973) points out that some of our bodily functions occur without our intention. We might consider the involuntary, unintended consequence of our appearance or behaviour (or other intangible) to the opposite sex. We clearly have power in that regard: we attract them (if we are lucky); we have the power to do that. It is nonsense to suggest that we are powerless to attract the opposite sex if and when we do it, whether we do it intentionally or not. What is of importance here is that this capacity of humans to attract the opposite sex unintentionally is socially of great consequence, and just because it is ubiquitous or even universal, this does not mean that it is equally distributed. Indeed the means of its distribution have significant ramifications, especially when it appears that certain social patterns and inequalities are reproduced in our (possibly, partially unintended) choice of mate. This reproduction of patterns of choice of mate has considerable influence on the reproduction of inequalities of the distribution of capacities in our society. The unintended powers imbued by the capacity to send a young man to an expensive school, such as a bearing and manner, of confidence and suavity, perhaps, may have important effects in the reproduction of the capacity to continue to send offspring of that family to expensive educational establishments and then to the best universities. These are capacities – powers – that are very much of interest to both sociologists and criminologists and they can be utterly unintended.

The second important claim supporting the assertion that power is not identical to intention alerts us to that assertion's consequent denial of the importance of materialities, or inanimate objects that plainly do not possess the capacity for intention. Morriss suggests that to introduce inanimate objects into the equation is to confuse social power with natural power. Whilst he may be right that it introduces natural power into consideration of powers he is wrong to say that this is confusion. What this introduction does is to point out that the assumption of a natural distinction between natural power and social power is problematic. This is an area that has received much attention from scholars studying hybridity such as Marilyn Strathern (1991 *inter alia*), Donna Haraway (1991), and writers such as Callon (1986 a & b, 1991), Law (1991), and Latour (1986, 1988) among others, in the school known as Actor Network Theory. Callon, for example, in his account of Electricité de France's attempts to promote an electric car, (1986b) shows how the company assembles individual, social, expressive, and inanimate-material capacities to bring about the emergence of new capacities in its attempts to get the car to the market-place.

The observation that the boundary between natural power and social power is indistinct or non-existent is nowhere more apparent than it is in criminology. The carrying of a gun or a knife causes a significant quantity of new capacities to emerge that would not be present in the absence of a weapon, and these capacities are of the utmost interest to criminologists. No one has the power to stab another person if he is not in possession of a knife: a man only has the power to shoot someone if he is in possession of a gun. The material object has a considerable role in the *emergent* capacities of any social situation but particularly where weapons are concerned, and weapons can effect injuries and death even when the carrier has no intention to do so, as, for example in the case of boys carrying knives purely for show and status. The criminal or moral responsibility in such cases is a separate matter for moral philosophers: it is not

an issue in identifying the *nature* of power. Moreover, to suggest that the boy-knife assemblage is powerless to do harm unless harm is intended is clearly nonsense.

It is appropriate when considering this issue that the nature of the origin of such capacities should be explored. Where the boy-knife assemblage is concerned, neither the boy nor the knife alone has the capacity to stab someone. Indeed even though we might think that the knife has the capacity to harm in other ways on its own – placing your hand on it accidentally when it is on the chopping board for example – it is the case that this contact with the knife on the board constitutes an assemblage of the knife and the harmed from which the capacity to harm emerges: the knife cannot harm anyone if it is not in an assemblage with someone whom it can harm. It is only when the two are in *agencement* with a person that the new capacity to stab emerges. Novel capacities emerge from the processes of assemblage. These processes are situated and all situations are new. Nonetheless, all assemblages vary in durability as well as scale (though the two are often correlated), and this makes these capacities *more or less* dispositional. We should note however, in our discussion of intent, that it is the boy's capacity to mobilize the knife that brings about the assemblage's capacity to stab, not his will or intention, since he clearly can stab someone by accident, and if he can do it, in the circumstance where he has no intention, then it is nonsense to say that he is powerless to do it even if he has no intention so to do. Hence, it is not legitimate to equate power and intention.

Power and responsibility.

Above, it was noted that Wrong made use of a supposed relationship between power and moral responsibility in support of his claim that power must be intentional. I suggested that to use this supposed relationship as a support for

this claim was mistaken because the relationship is not as straightforward as is conventionally assumed. Whilst it is conventional to *assume* that power and moral responsibility equate to one another, this assumption is problematic. This is so because moral responsibility is primarily related to freedom and not to power; it is the freedom of an actor that is in question not necessarily their powerfulness or powerlessness with respect to some act that determines their moral responsibility. That is, moral responsibility relates to what is termed the Principle of Alternative Possibilities (PAP): we are held to be morally responsible for actions when we could have done otherwise than we did. The problem with equating power to moral responsibility is illustrated by what are known as Frankfurt-type examples.

In a paper of 1969 Frankfurt presents a conundrum concerning moral responsibility and freedom[8]. The premise in such cases is that an actor acts with freedom and intention to do something while it is simultaneously true that he is powerless to do otherwise (PAP). We are encouraged to imagine an all powerful ruler who can prevent any and all actions that he chooses and permit, similarly, only those that are his will. This power is exercised over a man such that he can only do exactly x. However, the man over whom the power is exercised *wishes* to do x, and he *does* x. We are aware from our discussion thus far of power that the man cannot be described as being powerless to do what he does, although we know (and he doesn't) that he is powerless to do anything *other* than what he does. So, the man is powerful with respect to x, the question arises whether he

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[8] This idea has its origins in Locke (1975 [1690]), where Locke envisages a man being carried whilst asleep to a room where there is a person whom he wishes to see. When he awakes, he is glad to stay in the company of the person and does so willingly, even though, unbeknownst to him, the captor who brought him there asleep has locked the room against his escape. The question arises whether the man's is free and morally responsible for his staying in the room.

has moral responsibility with respect to x (whatever x is, although we may choose to assume that it is a normatively negative act). These cases are usually advanced as evidence of an actor's moral responsibility in the face of the absence of alternate possibilities and this is so because he wills freely what he does. However an argument has been advanced relatively recently by Widerker (1991) Copp (1997) and Haji (1993) that supports the opposing view, that is, that the absence of possibilities even in Frankfurt style cases removes moral responsibility, and would thus sever the automatic link between moral responsibility and power.

Let us suppose that someone does something that we would recognize and agree was bad. Let's suggest lying about the condition of a dangerous car when selling it. If this act is, as we agree, wrong, then it is the case that the seller *should* not (ought not to) have done it: he should have done something else instead – and this could mean simply not doing what he did. But "ought implies can", that is, whenever we use the word ought (or should) it can only be used legitimately if the actor *can* do what we say they *ought* to do: it is relatively straight forward to say that we would be wrong to assert that someone ought to do something when it is not possible for them to do it. This is a maxim that is generally accepted to be true from Kant (1993). In this circumstance that would mean that the seller of the car must be capable of not selling it or not lying about it if we are to be able to say legitimately that he *ought* not to lie about the car. However, if this were a Frankfurt-style case our all-powerful being would prevent him from doing anything other than exactly what he does and thus he would be powerless to do otherwise. In this circumstance therefore the "ought implies can" maxim and the car salesman's consequent powerlessness to do otherwise absolve him of moral responsibility even though he clearly is willing to lie to sell the dodgy car and even though he does lie to sell the car and therefore is powerful to do it.

Whilst this is only the most simple look at the problems associated with Frankfurt-style cases (and indeed many writers conclude that Frankfurt-style cases provide reason to abandon the Principle of Alternative Possibilities test for moral responsibility), and even though Frankfurt style 'all powerful beings' don't exist in the real world, it opens up to us the possibility that the assumed correlation between powerfulness and moral responsibility is far from straightforward.

Conclusion

Each of these engagements with disputes concerning the nature of power leaves us with the strong suggestion that power equates merely to 'can' or 'capacity', indeed, whilst this conception limits what we can say about power, it resolves a range of disputes that have arisen when writers have tried to say more. What one is powerful *with respect to* is a very different question to what power amounts to: what it is. What mechanisms distribute power is another question again. These are the empirical questions of criminological and sociological enquiry. If our capacities are what we can do, then everything that we do can be expressed in terms of our capacity to do that thing. Thus, all elements of the processes of societies are capacities of someone or other, or something or other. In this circumstance any analysis of the structure of societies becomes an analysis of the distribution of capacities. That is, power is not a *property* of powerful people as seems to be the contention of many writers, where the *property* 'powerfulness' gives rise to the function 'exercising certain kinds of power in certain kinds of roles', but power merely relates to their capacities, and therefore any analysis of social 'structures' requires an analysis of the distribution of and the mechanisms of the distribution of capacities: institutions are what they *can* do, not merely what they do do. This means that they are greater than the apparent sum of their parts: indeed they are greater

than the real sum of their parts because capacities *emerge* (in the strong sense)

from their assemblage – from their territorialisation or deterritorialization – their

processes of *becoming*-molar or *becoming*-molecular. This undermines the

functional whole in two ways. It shows that the elements of a structure need not

equate to their function because they can be greater than what they *do* do – they

must be aligned with their capacities not their properties. Moreover, inasmuch as

they are greater than the sum of their parts, they, as elements of other

structures, assemble to create entities that are greater than the sum of their

parts too – this is the nature of large institutions and, thus, of the vast repertoire

and magnitude of capacities (power) that emerge from them. It is necessary

therefore, if we are to generate a theory of how crime, deviance, transgression

and law emerge from complex social structures, we must adopt a view of those

structures that is consistent with relations between them being relations of

exteriority: that is, relations of their capacities, not of their properties, functions,

or roles. We must turn to a theory where certain capacities emerge from the

territorializing processes of assemblages – their processes of *becoming*-molar,

and where schizophrenic capacities of freedom emerge from the deterritorializing

processes of disassembling – the processes of *becoming*-molecular.

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