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Regulating with social justice in mind: an experiment in re-imagining the state

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What might it mean to engage in reimagining the state? What different interests and experiences would be at stake? And what role might research play? In this chapter we use understandings developed in the course of a programme of research that drew on the experiences and expertise of communities at the margins in order to re-imagine regulatory systems and practices.

Regulation is a central role of states as they seek to protect citizens from the consequences of global markets and unfettered competition in activities such as securing food safety, ensuring institutional probity or improving air quality. However, regulation has now become a key target of the anti-statist, anti-expert political mobilisations that have been witnessed in, for example, the discourse around the UK exiting the European Union.

Whilst regulatory systems are encountered on a daily basis – in education, social-work, immigration, food safety, consumer protection or housing construction standards – regulatory systems are seen as remote, technocratic, run by 'experts'. Indeed, it is the technocratic nature of regulatory practices that is attractive to governmental bodies: the technocratic 'fixes' of regulatory practice appears non-ideological, and transportable across boundaries, whether they be system boundaries or national borders. Through deploying regulatory practices, acts of governing are portrayed as outside politics; yet they tend to be experienced as remote and exclusionary. It was this 'problem' that was the basis of a five-year programme of research: 'Productive Margins: regulating *for* engagement'[2], a collaboration between two universities (Bristol and Cardiff) and community organisations in Bristol and south Wales.[3] These included

[1] Academics at Bristol and Cardiff universities and the organisations in footnote 3

[2] ESRC Grant No: ES/K002716/1

[3] The community organisations in the partnership were: 3G's Development Trust, a social enterprise, established in 1995 at the head of a Welsh valley in the in Gurnos and Galon Uchaf, previously coal-mining and steel-making communities; Building the Bridge, which emerged out of the New Labour Government's Prevent agenda as a participatory mechanism that institutionalised a new relationship between Bristol City Council, the Police, various statutory agencies and Bristol's diverse Muslim community; Coexist, a Community Interest Company and umbrella organisation for grass-roots organisations and community groups which occupies a formerly derelict office building in Stokes Croft, Bristol; Knowle West Media Centre, a creative-media organisation and registered charity based in one of the most economically deprived areas of Bristol; Single Parents Action Network (SPAN), a Bristol-based organisation established to empower one parent families throughout the UK; Southville Community Development Association (SCDA), a social enterprise and charity running a community building, a

social enterprises, partnership bodies, creative media organisations, community development associations and a range of grassroots organisations. Our aim was to examine whether it was possible to reimagine regulatory practices through strategies of 'coproduction', bringing in the experience and expertise of communities at the margins to address the central question of how individuals and communities might engage with regulation in ways that promoted community-based understandings of social justice.

In setting out alternative imaginaries, we begin by exploring the current state of regulation scholarship and practice, discussing the move from hierarchical, command-and-control to decentred regulation, with its emphasis on risk-based regulation and self-regulation. We argue that the premise on which much regulation is brought into being, and the tools adopted tend to the creation of relatively closed circuits of regulators, companies and other technocratic intermediaries, their shared understandings and shared languages thereby excluding most citizens.

The following section interrogates four themes that emerged in attempting to generate 'progressive'/alternative strategies through forms of coproduction: expertise, experience, deliberation and creativity that arise. We outline the strategies used to foster a collaborative approach, and offer examples of how the creative practices deployed took different forms in relation to specific sites of regulation.

However, notions of coproduction have been criticised for not paying sufficient attention to disparities of knowledge and power. The final section, then, argues for the need to reimagine politics as an integral element of any attempt to 'reimagine the state'. We argue for a concern for the *infrastructure* that can support the emergence of expertise by experience, enable community-level understandings of social justice to come to the fore, and maintain space for difference.

1 Understandings of regulation

Theories and practices of regulation have developed over recent decades, with a shift from regulation as centralised and operating through mechanisms of 'command-and-control' to ideas of 'decentred' regulation (Black, 2001), 'regulatory space' (Hancher & Moran, 1989) and

café, a nursery, a pre-school and pre/afterschool club and older people's services; and South Riverside Community Development Centre (SRCDC), a charity and a company registered by guarantee, which had been funded through the Welsh Government's Communities First programme to support the most disadvantaged communities in the Butetown, Riverside and Grangetown areas of Cardiff.

‘regulation in many rooms’ (Nader & Nader, 1985). In all of these ways of thinking and talking about regulation, space plays an important role: the boundaries between regulator and regulated become elusive, shifting and highly context dependent.

A focus on the decentred nature of regulation, and the ‘regulatory space’ metaphor in particular, has focused regulation thinking away from hierarchical, top-down concepts of ‘command and control (CAC)’, onto the fragmentary and dispersed nature of regulatory power. In regulatory space, the resources of, and relations between, the various occupants of the space are critical in holding it together (Scott, 2001). We can think of these as ‘powers of association’ (Latour, 1986) which create interdependencies between the actors as human and nonhuman items are exchanged and bargained as part of the functioning of power (see McDermont, 2007).

However, if we move away from ideas of regulation as being ‘government commanding, others obeying’ then what is regulation? Perhaps the narrative that suggests a shift from ‘command-and control’ to decentred regulation is a myth; after all, governing has always taken place ‘beyond the state’ (Rose & Miller, 1992). However, in these narratives ‘decentred regulation’ is used both as a description of how regulation *is* operationalized in actuality, and as a normative set of prescriptions of how regulation *should* be operationalized. To decentre regulation is to recognise ‘issues of complexity, the fragmentation and construction of knowledge, the fragmentation of the exercise of power and control, autonomy, and interactions and interdependencies’ (Black, 2001: 123), but this tends to make the idea of regulation either elusive, or too all encompassing. To provide focus for the multi-disciplinary co-investigators in the research programme (on which more below), we suggested that regulation had five qualities: (i) It is process oriented (not defining outcomes, but governing how outcomes are to be achieved), (ii) it is codified (there are rules to the game, most are explicit, but they can be tacit), (iii) it seeks behaviour modification, (iv) it engages regulator and regulatee (i.e. both have agency) so regulation has a negotiated character, (v) it can be facilitative, enabling experimentation and allowing for innovation in how things get done.

However, the ways in which regulation has been operationalised, through practices of risk-based regulation and ‘self-regulation’, have contained very narrow understandings of who, or what, forms part of the regulatory system. The occupants of regulatory space are generally restricted to relatively powerful organisations; the regulatory bodies, the companies/organisations that are to be regulated and a myriad of advisers, consultants, financiers and others. In regulatory space there is little, if any, room for engagement from individuals and communities who also experience being regulated by, for example, the decisions of supermarkets as to where to locate and what to sell, or of housing associations as

to what to build and who to house. Engagement seldom moves beyond establishing a consumer advisory panel, or having a tenant on a housing association board (e.g. McDermont et al., 2009). So, although the tendency towards decentred regulation would appear to offer the possibility of opening up regulatory spaces, we would rather point to the closing down that occurs – regulatory space may include a broader conception of 'others' but by drawing boundaries it also excludes.

These exclusionary tendencies arise from a number of directions. First, the technocratic nature of regulation, which deploys specialised expertise makes it attractive for governments (and others). Regulation appears as non-ideological, as politically neutral. This allows regulations to travel globally as 'seemingly fluid and flexible instruments of rule' (Turem & Ballestero, 2014: 3). So, whilst regulation scholars recognise the fragmentary and constructed nature of regulatory knowledge with no single actor holding all the information necessary to solve them (Black, 2001: 107), the more inclusionary concept of regulation this generates only recognises the knowledge of *organisations* that are the subject of regulation (and their consultants and financiers) as relevant. The result is to make systems *more* internally referential. Second, the invention of regulatory systems and practices frequently arises not from a desire to prevent a social harm but rather as a response to demands from 'cohesively co-ordinated groups, typically industry or special interest groups' (Veljanovski, 2010: 25) protect a field from intrusion by 'outsiders'. The design of the regulatory system thus reflects the need of the actors inside the system to create authority and control. For example, UK housing associations in the 1970s worked with the government to set up a system of regulation with a centralised state regulator (McDermont, 2007); or the various measures, standards and certification procedures which are crucial to both the creation and partial stabilization of free trade space (Lewis et al., 2017). Third, the practices that have become vital in decentred regulation – 'risk-based' and 'self'-regulation – also work towards the narrowing down of the focus and attention of those operating in regulatory space. 'Risk-based' regulation has become a leading influence on the design of regulation, being seen as a way of reducing the 'burden' of regulation by targeting resources (e.g. in the UK, the Hampton Report (2005)). What risk-based mechanisms do is focus resources on inspection of those organisations that are judged to pose the greatest risk, so ignoring wider societal risks. They 'tend to focus on known and familiar risks [in doing so they] fail to pick up new or developing risks and will tend to be backward looking and can get 'locked in' to an established analytical framework (Baldwin & Black, 2008: 66).

Self-regulation, also in vogue because it seemingly saves state resources, leads to practices and procedures based on internal (organisational or sectoral) knowledge. The many meanings of

self-regulation all revolve around mechanisms of regulation that put the organisation – or the sector – as the centre of regulatory practice (Black, 2001). So self-regulation might mean passing the regulatory function down to the level of the firm, where organisations are required to establish their own departments that monitor and inspect, a sort of 'enforced self regulation' (Ayres & Braithwaite, 1992); or it might refer to a sector or industry carrying out its own regulatory functions with some oversight by government, sometimes termed 'coregulation' (Grabosky & Braithwaite, 1986: 83).

So, decentred regulation, and the tools and techniques that this gives rise to, results in spaces open only to regulatory institutions (with a variety of attachments to, or detachments from, the state) working alongside relatively powerful actors: companies, consultants and other intermediaries. This 'decentring' of regulation may have produced more efficient and effective regulation from the perspective of regulators and regulated organisation. However, these multiple, discrete systems that have evolved technocratic fixes to regulatory problems allow little, if any, reference to the lived experience of those who themselves are regulated: the person seeking asylum, living in poor housing, or wanting to buy healthy, affordable food. Regulatory systems as discrete, technocratic solutions seem to have little relation to values of 'social justice' as they might be expressed by people and communities, who come to feel they are 'at the margins'. As some regulation theorists have noted:

> the globalization of law has decentred law-making from nation-states to various sectors of society: contracting parties, technical committees, epistemic communities ... not the 'warm communal bonds' of rural or traditional communities, but in the 'cold technical processes' of specialist networks (Black, 2001, 144; referencing Teubner, 1997).

Teubner, Black and others have argued for some time that regulatory systems need to become more reflexive through 'proceduralisation', a 'democratisation of administration' (Black 2000, 614). For Teubner, each regulatory system is autonomous, with its own set of normative vales and associated practices. He argues for a 'reflexive law' that can 'foster mechanisms that systematically further the development of reflexion structures within other social systems' (1983: 275).

Most recently, however, Black (2013) has suggested that calls for the democratisation of administration have achieved little. If regulators are to regulate in a 'really responsive' way they need is to 'develop socially enriched mechanisms for seeing and knowing' that move away from regulatory knowledge dominated by economics-thinking, to encompass socio-political and anthropological perspectives.

2 Contesting regulation: expertise, experience, deliberation and creativity

These were the problems of regulation that inspired the creation of a programme of research which attempted to re-think the theory and practice regulation. 'Productive Margins: regulating *for* engagement' was a collaboration between community organisations and higher education researchers to examine whether it is possible to reimagine regulatory practices through strategies of *co-production*.[4] The *co*-(llaborative) *production* of a programme of research, we hoped, would foreground the experience and expertise of communities at the margins. This would enable us to address the central question of how to promote understandings of social justice developed by communities.[5] The programme sought to explore both the tensions around systems of regulation *and* the tensions that arose when trying to rethink regulatory systems through the mechanisms and perspectives of co-production. As a programme we therefore wanted to challenge assumptions of 'expertise', both within the regulatory systems we were exploring, and within the research process. We came to see that these two aspects were inextricably linked. If regulatory systems were to become more responsive to the needs and demands of regulated *citizens* (as opposed to companies and organisations), they need to both develop different ways of seeing and knowing the practices and impact of their regulation, and ways in which communities at the margins could become engaged in designing those regulatory systems. We hoped that the processes and practices of co-production, as put into practice in our programme, including working with artists and creative practices, could open up such new ways of seeing, knowing and redesigning. Therefore, our insights from experimenting with co-production (in research) were directly relevant to the coproduction of regulatory systems. In the remainder of this section we interrogate some of the questions of expertise, experience, deliberation and creativity that arose in attempting to generate 'progressive'/alternative strategies through forms of coproduction.

Our methodology of co-production began with two principles: academics and community organisations are equal partners in the design and delivery of the research programme; and that new understandings arise when we reflect what we think we know against others who bring to the field different perspectives. In this model of collaborative working, expertise is viewed as 'embodied ensembles of political, institutional and relational knowledge' (Newman, 2017: 94).

[4] There is a growing literature on theories and practices of co-production. For overview of co-production in research see e.g Facer & Enright, 2016; in public services see e.g. Boyle et al. 2010.

[5] 'Community' is a problematic term, and over-used. There are many levels of 'community' involved in this research project – we have tried, in our practices and writing, to remain open to this multiplicity, but this is difficult and we recognise that we frequently do not succeed.

The programme partnership between researchers in two universities and practitioners in seven community organisations embodied a multiplicity of expertises.

The community organisations were all sites of expertise: they were multiply-placed organisations often representing and advocating for several constituencies. They were well able to reinvent and reposition themselves. They provided services – nurseries for local children, drop-in advice sessions, clubs for older residents – as well as galvanising local campaigns: for example, challenging poverty and disadvantage at local and national levels.

Some of the community-based co-investigators had come to their work through the professional route of community development and, in discussions, often pointed to the similarities in the principles behind co-production and of community development. However, their expertise was also heavily grounded in the 'institutional knowledge' of their organisations: in the knowledge, expertise and experience of staff, of those who took part in their organisation's activities and services, and of trustees or others involved in governance. A key role played by these community organisations was intermediating, brokering and advocating for the communities they were embedded within. The community organisation workers brought these many forms of knowledge and expertise to the collaboration, along with their organisation's skills in summoning disenfranchised populations into new participatory projects.

The community organisations were attracted to the research process for several reasons. It could aid their constant search for new funding for their work; being associated with a university could provide legitimacy to their claims; and through an interest (personal and organisational) in research in its own right (several of the community-based co-investigators had previous attachments to higher education, as Masters or PhD students, or researchers).

The academic research team similarly embodied multiple expertises and disciplines, acknowledging, for example, that methods from drama, literature and the other creative arts are as relevant and important as those from social science. The academics involved in the programme were also multiply facing actors. They were not 'simply' academics; they were also activists, artists and trustees of civil society organisations. Much of the work they did as academics involved working with, and/or for, non-academic organisations.

The structure of the programme was also a recognition that academics and community organisation practitioners, whilst having equal claims to expertise, embody different *forms* of expertise. This difference mattered: in our programme it was not the intention that academics should take on the role or work of community workers. However, the Productive Margins collaboration was very deliberately constructed as a partnership between organisations, as well

as a partnership of co-investigators located in organisations. The principal innovation in the approach to research, as we saw it, was the co-production of the research programme itself. Rather than the academics starting with a list of the fields for inquiry and prescribed research projects, the approach of Productive Margins was for this to be a *collaborative* enterprise.

3 Problems of deliberation

Our principal site of co-production was the Productive Communities Research Forum, which was intended to be:

> An innovative mechanism where academics and communities together will identify research projects that develop regulatory regimes for engaging communities, projects that arise out of everyday lives rather than the bureaucratic needs of mainstream institutions. (McDermont et al., 2012).

The Research Forum, which would co-produce the content of the research programme, was an attempt to create alternative spaces in which to think, theorise, gather data and analyse, a site in which the academic and community organisation workers were all 'co-investigators'. This was an attempt to use co-production as a way of moving on from flawed governmental models of consultation that left no space for issues to emerge and local concerns to be addressed. However, it was not without its tensions as we discuss below.

Research Forum meetings, which were day-long events held every two to three months, were our principal site of co-production in the first phase of the programme. Recognising that knowledge and expertise is situational, Forum meetings moved around between the partner organisations in the programme. The first time we met in a partner's 'home', our day began with a site visit around the organisation's facilities and local spaces and places that were important in making up the local community. We experimented with format and design, with the host organisation for each Forum having a role in designing the shape of the day and methods used. At the first Forum, everyone brought an object which represented their understanding of 'regulation'; at the second we worked with maps; at the third some of us did bread-making; at the fourth we brought in an external facilitator.

Having spent four meetings coming to understand the issues and concerns of each of the partners we then moved on to identifying themes and devising research questions using flipcharts and post-its. Three subject areas emerged from discussions over the previous year, each of which brought together concerns of two or more of the partner organisations: (i) isolation and loneliness in older people; (ii) poverty; and (iii) the regulation of food. At this point the Research Forum format evolved: working groups were set up around each of these

themes, comprising academics and community organisations which then, at different paces, developed ideas.

Despite intentions that all should be 'equal partners' in the research process, inequalities of power were ever present. The fact that the funding came from a *research council* and hence was all channelled through the lead university dictated both financial procedures and management structures. So, although the Research Forum was placed as the principal site of co-production, the concern (of our university systems and the ESRC review panel) that the grant needed 'robust' management meant we established several layers of management, which were then perceived as excluding most of the non-academic partners. This was a constant tension in the programme, leading some to say we were not doing 'true co-production'.

Co-production requires time (see e.g. Theodore, 2015). If we were to gain new understandings by putting unfamiliar perspectives together, there had to be time for trust to develop. Here, we benefited from five-year research funding, but the *slowing down* of working practices was something that many of the co-investigators, from the universities and community organisations alike, found difficult. Many participated in the Forum meetings simultaneously worrying about the deadlines waiting for them outside this space that we had carved out for collaboration.

Our principal mechanism for involving community members was as 'peer researchers', supported by a training programme. This approach to co-producing research raised important questions of critique, which are discussed more fully elsewhere (Thomas-Hughes, 2018). Here, we discuss two issues related to expertise and experience. First, the reasons to become engaged in the programme as peer-researchers were various: for some this was a way of using skills developed throughout a working life, enabling (for example) continued commitment and engagement in retirement. One group, who were the peer researchers for the 'Isolation and Loneliness' project (see below), tended to challenge of the notion of 'training', being relatively sure of the value of their own expertise and experience.

For others, involvement in the research programme was viewed as a route through to the university: education as a means of escaping existing restrictions, of improving life/life chances. Here, the role of research participant was more as a participant in learning one, which was at times in contradiction with the aims of creating *community* researchers. So, for example, one group of (mainly Somali) women went through a ten-week programme of learning about research interview techniques and co-designing an interview schedule. However, when it came to the final workshop where peer researchers were to interview each other using this schedule no one wanted to be interviewed. What followed was an impromptu conversation where peer

researchers discussed personal and 'community' experiences of being interviewed by the Home Office, Social Services or the Police and reflected that there were negative associations which came forth at the prospect of 'actual' interviewing which had not been experienced during role-play activities (for more detail see Thomas-Hughes in review).

One result of the two-stage approach to co-producing knowledge – the first in the Research Forum, around what issues should be the subject of investigation, the second in working groups at project design and data collection stage – was a challenge from the peer researchers that the community organisation workers 'knew' about the concerns of the community. Three of the community organisations grouped together around issues of the regulation of food under a project title 'Who Decides What's in My Fridge' (see below). However, when women from the Somali community in Bristol were brought together as the community researchers on this project, some questioned why they were talking about food at all: access to food was not the problem. As the community and university researchers unpicked the issues around perceptions of an over-supply of fast food takeaways serving poor quality food it became clear that concerns centred not only around the health impact of fast food, but also around issues of space and its use. In this inner-city area there was a perceived lack of alternative spaces in the community for children, young people and women. With few other options in the area, the fast food takeaway queue had become the congregating point for the Somali youth, providing an arena for anti-social behaviour and gangs. So, whilst the project raised issues of the licensing of fast food takeaways which have since been taken on by local councillors, limited time and resources for the research project meant this element could not be further developed. This raises important questions about the *infrastructure* required for community engagement in decision-making to be sustained, discussed in the concluding section.

4 Questions of creativity

The research programme asked, 'How can the regulatory architecture of spaces of participation support community engagement?' One important dimension to the programme was our commitment to working with arts and humanities mixed-mode practices to produce different modes of regulating spaces of engagement? (McDermont et al., 2012: 2). The programme was intended to elicit experiments that might show how regulatory practices could be re-configured to accommodate and encourage perspectives that dissent from the mainstream. Each of the project working groups took up the idea of using arts practices enthusiastically – in part encouraged by the separate pot of money available for each project to commission artists – but in different ways. Here, we briefly highlight work in three of the seven projects.

'Life chances': co-producing sociological fiction[6]

The process of collaborative production took us not to specific issues of regulation, but rather to broad areas of common concern. 'Poverty', recognised by the all in the Research Forum as a key concern for regulatory practices, specifically resonated with two of the community organisations that had been set up to challenge poverty and disadvantage in multi-cultural areas of Bristol and Cardiff respectively. The working group's initial research question was around 'what would regulatory systems look like if children were put at the centre?'. In narrowing this down the working group focused on 'low-income families in modern urban settings: poverty, austerity and participatory research'. This arose in part from a desire to subvert the UK Coalition Government's 'Big Society' discourse, with its attack on the welfare state as a driver for social and moral decline (McKee, 2015), and its institutionalisation of participatory engagement to control resistance (Cohen et al., 2017).

A turning point for poverty working group was commissioning artists Close and Remote. The artists wanted to move away from the needs-based model of 'poverty' to a focus on community assets. Having stumbled upon the UK Coalition Government's twitter account for its 'Life Chances' programme (#LifeChances) they sought to disrupt its images of hetero-normative, mono-racial and largely fictionalised family type and re-appropriate the term.

The artists developed a set of practices which was to result in a co-produced novel, a work of 'sociological fiction' (Poulter et al., 2016). In workshops with volunteers, community workers, researchers and artists, fictional characters were created, loosely based on individuals' lives. The novel uses factual material to create fictional storylines that explore the different 'life chances' of families with children as their lives are affected by regulatory systems. The storylines interweave encounters with the welfare benefits system, housing officers, child protection and the immigration and asylum system, with the regulatory relationships created by employment, schooling and encounters with social workers, illustrating how regulatory systems often fail to match the reality of the lives of people who use them. However, the approach was not just to document oppression by looking at situations now; it also sought to explore different futures, highlighting different utopias than envisaged by government policy. As a mechanism for involving through doing, the artists got participants making jewellery. In the novel, a Life Chances Jewellery Community Interest Company (CIC) is set up. The CIC

[6] More can be found on other projects on the programme website www.productive-margins.ac.uk, including links to papers, books and performances discussed here

offers space for mutual support and learning, especially for women. As well as being creative, people use existing skills and develop new ones, and establish a network and knowledge of regulatory systems that affect them. People can work in the CIC whilst also receiving Unconditional Credit (a form of Basic Income); they hear about exciting new developments in Children's Services, such as parent advocates (to help avoid children being taken into care) and citizen involvement on local council committees. Recent entrants to the UK can access language and skills support so that they can contribute quickly to the local economy. [7]

Following the formal completion of 'Life Chances' as a research project, some of the community members set up a Community Interest Company of their own. The research also produced the 'Game of Life Chances', played with facilitators on a carpet. The game has the potential for use in communities and workplaces, opening up discussion between 'players' about the various regulatory 'blockages' experienced by the actors because of their differing 'life chances', particularly about immigration status and education background.

What both the novel and the game allow for are modes of seeing and knowing regulation through different senses, a 'feeling' of regulatory systems, or perhaps an 'aesthetics' of regulation (Evans & Piccini, 2017). The novel demonstrates very vividly the ways in which the myriad of practices and relationships that regulatory systems generate come to feel impenetrable, that the successive layering of regulation on people's lives becomes *laminated* into one strong, oppressive 'system'. Insights like this, which can emerge in more 'playful' means of engagement (c.f. Cooper, 2016), are not visible if the focus of study is simply on a specific regulatory system.

Who Decides What's In My Fridge?

Food is a site of regulation on multiple levels, whether this be standards of product safety and food hygiene, the licensing of food outlets, or the ways in which supermarkets regulate what we buy through their decisions about what they purchase, from whom, under what conditions, and the siting and accessibility of stores. The food working group, a collaboration between three community organisations and academics working on food related research, came together around a desire to explore 'how people experience the regulation of their food habits in their community' (Webster et al., 2016: 3). Each organisation had separately worked on issues

[7] Watson et al, 'Life Chances: re-imagining regulatory systems for low-income families in modern urban settings' (2016) http://www.bristol.ac.uk/media-library/sites/policybristol/documents/Policy_Report_Life_Chances_Final_v6_for_web.pdf

around food: one working with residents of Knowle West, the other with residents of Easton, the third through a community kitchen. But there was little feeling of similarity between the concerns of the three groups; each was a strong organisation with its own history and strong personalities. The intention was to enable dialogue between the two communities as

> together the groups were all interested in further exploring the spatial regulation of food habits; how local environments and neighbourhoods work to influence the decisions that we make about food, and how to create change (ibid.).

Food, we hoped, would perform the function of a 'boundary object', able to create communication because it is both adaptable to different viewpoints whilst being robust enough to maintain identity across them (Star & Geiesemer, 1989). Sharing different foods together became a useful way to initiate conversations about food habits, and enabled deeper discussions about cultural identity and experiences of migration. However, background tensions arising from the different socio-economic circumstances in the two communities were felt throughout the life of the project.

For this working group, the commissioning of an artist was also a critical turning point in being able to take the project 'into the world'. The artist repurposed an old milk float as a Somali Kitchen, which was set up outside the local library, sharing Somali food cooked by members of the Women's Group. They shared their vision for the local community through a leaflet, 'They put magic in it' (the 'magic' came from a quote from one of the research participants 'Why do our children love takeaways so much? What do they put in it? They put magic in it').

> We want to work together with others in the community to improve the health of our community and provide a cleaner, healthier environment for our families. We want to promote fresh, nutritious food and a thriving, affordable local food culture in Easton.[8]

Some of the peer researchers, formalised as a Somali Women's Group, became interested in actively campaigning on the issue of fast food in the area, and eventually presented their case to local City Councillors members at a local neighbourhood forum. At the end of the project, some members registered the Somali Kitchen as a CIC. As in the Life Chances project, one response to regulation was to turn to social enterprise as a route for creating new possibilities, initially, at least, framed within the possibility that 'enterprise' could encompass political action.

However, one of the difficulties with the research project as a mechanism for challenging regulatory systems is the short, project-focused timescale. For the outer city residents, the

[8] <https://www.facebook.com/SomaliKitchen/>

problem was not too easy access to food, but too little: closed down shops, no local supermarket or shops that sold fresh food at affordable prices, issues that they had campaigned on for many years. There was a feeling that the problems of the two areas, only separated by a few miles, were worlds apart: 'Their [problem] was junk food, mainly, shops; with us, we don't have shops' (Webster et al., 2017: 22). The food research project achieved a high profile for local initiatives in growing food and foraging (including on BBC radio) but was unable to take get near the regulatory problem of markets' inability to provide affordable food in local shops. The project surfaced at the gap between conventional approaches to food regulation (through health and safety etc.) and the regulatory effects of markets which fail to make healthy, affordable food available in particular localities. Such highly local concerns are invisible through general systems of state regulation, demonstrating that 'really responsive' systems of food regulation need community knowledge and expertise.

Isolation and Loneliness in Older People

The issue of isolation and loneliness experienced by older people was identified as a matter of concern at one of the early Research Forum meetings. The aim of this project was to explore how regulation both produces loneliness but can be a means of tackling it. Two of the organisations had significant elderly populations in their neighbourhoods; however, in other respects they were very different areas. Gurnos is situated at the head of a south Wales valley with high levels of unemployment; the Southville area of Bristol had been the site of gentrification over the last few decades and so had a very mixed population. The community association in Southville was involved in the Bristol Aging Better partnership (led by Age Concern) to develop services for older people in the city. These spatial and demographic differences led to the two groups developing in very different ways.

In Southville, the local residents who became the group of community researchers had all been professionals before retiring and very much took the lead. They worked with a range of methods to try to contact 'isolated' older people, including a tea trolley that was taken around shopping centres and other places used by older people and a worker sitting on the community transport bus engaging passengers in conversation. They conducted interviews with older people and then worked with a dramaturge to make them into a series of monologues. At this point, they became actors (with the support of a professional director). The resulting performance, 'Alonely', contained a series of frequently emotional scenes depicting feelings of isolation experienced following retirement, when a partner dies, and other life-changing events.

With this project, political action has given it a life beyond the research programme. The peer researchers formed themselves into the Local Isolation and Loneliness Action Committee (LILAC). The community organisation successfully bid for funding for a worker to work alongside them to develop issues that arose from the research. One of the monologues begins with a male actor exclaiming 'Skype! What a wonderful thing' followed by his story of how Skype has enabled him to keep in touch with his children and grandchildren. This led LILAC to set up 'Tech&Talk' sessions in a local cafe (with the help of a Big Lottery grant) to provide informal learning opportunities for older people to use of their digital devises with support being provided by younger people, providing for intergenerational/multigenerational interactions as well as a way for people of all ages to get to know one-another in informal, non-threatening and common-purpose way. The interviews also identified the point of retirement as a pivotal time that shifted their possibilities for social contact, particularly for men. LILAC is now seeking funding for 'Hyper-local retirement courses', locally-based workshops in which participants could both explore what retirement would mean for them, and make contact with others from the area who were in a similar situation to them, enabling the development of contacts and local social networks. Currently, LILAC is applying for Arts Council funding to take the Alonely monologues on tour.

Political re-imaginings were critical to enabling this much wider engagement. The local residents who became the peer researchers were clear that what was needed was an *action* committee; in putting into action their voluntary effort they did not want to become burdened with administration and legal technicalities. This was made possible because the community organisation could provide the administrative support, and enabled their existence (and being able to benefit from grants) without having to become a legally incorporated entity. The community organisation in effect provided important *infrastructure* that enabled the action committee to focus on political action. However, it also demonstrates the inequalities perpetuated by demographics: the possibilities for similar action happening in the area covered by the 3Gs association is less optimistic as the organisation, and many other community associations throughout Wales, struggle to continue following the Welsh government's decision to withdraw the funding for the Communities First programme.[9]

[9] This is the subject of another research project under the Productive Margins programme, 'Weathering the Storm'. See www.productive-margins.ac.uk.

These research projects demonstrate the value of co-productive and creative practices in opening up spaces for seeing and knowing regulation differently, providing space for a regulatory aesthetics. But co-production also regulates, creating new exclusions at the same time as new ways of working (see Innes et al., forthcoming; McDermont, 2018). The creative re-imaginings showed that thinking regulation differently means opening spaces for *political* re-imaginings, for ways that can provide an infrastructure for engaging expertise and experience in new ways.

5 Political re-imaginings of regulation

We have argued in this paper for the need to find different ways of seeing and knowing regulatory systems; ways that engage the expertise and experience of communities at the margins of regulatory decision-making. We have traced how the mechanisms of co-production, and the practices of creative artists, provide possibilities of doing so. We have outlined experimental forms that aimed to enable such expertise and experience to become part of the reshaping of regulatory processes, practices, values and principles. However, in calling upon regulatory systems to recognise that people are 'experts-by-experience' (Noorani, 2013) are we in danger of setting up a false opposition between 'ordinary people' and 'experts' (Clarke, 2010; Newman & Clarke, 2009)? Of suggesting that 'ordinary people' are above the 'sordid, dirty business' of party politics, with 'everyday preoccupations [that] are local and particular, operating 'beneath the radar' of political organization, mobilization, and institutional structures' (Clarke, 2014: 212)? In this final section, we discuss the ways in which a re-imagining of regulation must be coupled with a re-imagination of politics: a re-imagining that views 'ordinary people' not as individualised citizen-consumers but [also] as members of collectivities. In this political re-imagining, we need to consider new forms of *intermediation* or *brokering* might open up regulatory spaces to those living and or working in communities at the margins. This suggests a focus on the importance of the *infrastructure* that is required to maintain projects and initiatives. Such infrastructure can support the *emergence* of forms of expertise by experience and community-level understandings of social justice whilst allowing space for difference.

Regulatory governance has long recognised the role of 'intermediaries'. However, these are generally understood as intermediating between governments/regulators and regulated *organisations*, as in the Regulator-Intermediary-Target (RIT) model of regulation:

> Regulation is frequently viewed as a two-party relationship between a regulator (R) and the targets of its regulation (T). This volume conceives of regulation as a three-party system, in which intermediaries (I)

> provide assistance to regulators and/or targets, drawing on their own capabilities, authority, and legitimacy. (Abbott, Levi-Faur & Snidal, 2017: 6).

This somewhat linear model of regulatory systems is one, which frequently appears in the regulation and governance literature. It is one that largely ignores citizens; it sometimes acknowledges 'ordinary people' as the beneficiaries of regulation. What this linear model misses is that the companies who are the 'targets' of regulation are themselves frequently also its beneficiaries (also see Koenig-Archibugi & Macdonald, 2017). The Productive Margins programme has shown a more complex and mesh-like view of regulatory systems, with the many layers of regulation (from social-workers and the asylum and immigration system to employers, supermarkets and digital platforms) experienced as being *laminated* and impenetrable. In this world of regulatory systems, there is an evident need for intermediation, translation and brokering for communities at the margins.

In the RIT literature, regulatory intermediaries 'often enter the system through contract, delegated authority or other formal arrangement' (Abbot et al., 2017: 7). The partners in this research programme spoke of themselves as brokers and intermediaries, as 'in between' (or 'umbrella') organisations that could support the work of smaller, focused groups or enterprises, 'curating' others. In one Forum meeting, some spoke of themselves as 'experts in nothing very much'; but it looks more like experts in everything, running community centres and calling on other experts as needed. They translated between local communities and citizens and regulators (knowing, for example, who to ask, or able to pick up the phone and talk to the right person in the local authority).[10] Elsewhere, we have highlighted the brokering role played by advice organisations in supporting people in employment disputes (McDermont & Kirk, 2017) and other instances involving engagement in legalised spaces (e.g. Kirwan, 2016).

Larner and Craig discuss community organisations as 'strategic brokers' who

> spend a great deal of time building and maintaining relationships ... the domain of their expertise [is] explicitly geared to process issues, they can facilitate, mediate and negotiate, nurture networks, and deploy cultural knowledge and local knowledge in ways that enable traditionally "silent" voices to be heard along with the articulate, persistent and powerful (2005: 417-8).

The focus on the role as *strategic* is important. Community organisations as intermediaries need to be understood as part of an infrastructure that supports engaged regulatory systems, in much the same way as co-operative development agencies and secondary housing co-operatives provided an important infrastructure that supported the development and

[10] From notes of a Research Forum meeting in April 2017

sustainability of the UK co-operative sector in the 1970s and 80s. These organisations provided legal, financial and management support that enabled embryonic co-operatives to both get off the ground and to have a sustained existence. In a similar way, a number of the partners in Productive Margins provided support, for example, to local actions groups, providing administrative support so that their members could get on with the 'doing', and enabling them to operate under their umbrella so avoiding the legal complications of becoming incorporated bodies. Others provided flexible workspaces and acted as intermediary with the local authority on issues such as the payment of business rates.

We need, however, to avoid romanticising 'community'. Newman describes the complex and difficult terrain negotiated by intermediares. This work is political (Newman, 2012: 134) taking place both inside and outside of organised, institutional structures of local and central government. The position of 'bridging the borders between policymakers and 'ordinary people' – the communities and citizens on whom policy was likely to have an impact' (ibid.: 133) was precarious, involving multiple identities. In our programme, one organisation spoke of having to be '*not too radical'* (in its relations with the local authority and the landlord of the building they occupied), despite its counter-culture, radical roots.

Often, it is the regulatory impact of funding regimes that shape an organisation's capacity to make political interventions. Brokers and intermediaries, such as such as Citizens Advice,[11] can shape social policy from the margins, and can also be watchdogs, highlighting breaches of regulations (or lack of regulation). But this work can be compromised because of their reliance on funding from government and from the industries they challenge (for example, the financial services industry through Money Advice contracts). So political re-imaging is not just a focus on process, on using co-production and creative methods to open up ways of seeing. It is about tackling the precarity of organisations that can be effective intermediaries – difficult in a climate of austerity governing and cuts in public funding.

Earlier in this chapter, we highlighted Black's argument that regulatory systems needed to be able to see and know differently if they were to be 'really responsive'. However, our frustration with the regulation and governance literature is that it never seems to deliver ways of seeing and knowing differently. This chapter has shown how empirical research through mechanisms of co-production is one way of recognising other forms of expertise and experience that do not currently exist in regulatory space. But coproduction can only ever be part of the answer: political infrastructure matters. Without an infrastructure that can support communities at the

[11] See www.citizensadvice.org.uk

margins co-production is likely to be ineffective. And co-production itself is not unproblematic. We have shown in this paper how questions of what counts as representation, and expertise and experience, remain unresolved. Inequalities of power and expertise cannot be altered through co-production; politics matter too.

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