

Resist the Punitive State

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Grassroots Struggles Across Welfare,
Housing, Education and Prisons

Edited by Emily Luise Hart,
Joe Greener and Rich Moth

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1

Resisting the Punitive State–Corporate Nexus

Activist Strategy and the Integrative Transitional Approach

Joe Greener, Emily Luise Hart and Rich Moth

INTRODUCTION

The case studies that will be presented in this book illustrate the extent to which a ‘punitive turn’ across a number of policy domains is a prominent and pervasive feature of neoliberalism in the UK. However, before the book turns to these examples of policy implementation, this first chapter will outline a broader understanding of this phenomenon and its implications for activist strategy. Consequently, the chapter has two main aims. The first is to locate these punitive tendencies as a feature of the ‘integral’ state under contemporary neoliberalism, which utilises increasingly draconian and divisive means to maintain a degree of legitimacy for this system. These threats to consent-making processes are an effect of neoliberal reconfigurations of the interrelated spheres of production and social reproduction that underpin harmful and detrimental processes, such as work intensification in the former and crises of care provision in the latter. However, neoliberal reforms have also resulted in demographic shifts both within labour markets and across society more widely that are engendering new patterns of contestation and resistance. Our second major aim in the chapter is, therefore, to explore the strategic implications of these shifting contexts and demographics for strategies of resistance and the development of oppositional currents and coalitions. In particular, and building on our analysis of these shifts, we propose a framework for activist strategy which we call the ‘integrative transitional’ approach (ITA). ITA takes account of these wider changes in social con-

ditions by incorporating political demands that span productive and reproductive concerns and in so doing, we argue, has the potential to enhance activist efforts to build and strengthen diverse and broad-based alliances of resistance to punitive state–corporate policy agendas.

CONTEMPORARY CAPITALISM AND THE ‘INTEGRAL’ POWER OF THE PUNITIVE STATE

The enactment by the state of an increasingly punitive approach to welfare and criminal justice policy is a core feature across the contributions in this book. In this chapter, we examine the strategic and practical implications of that policy shift for building oppositional currents and political resistance. However, before doing so, it is necessary to delineate the nature of the state and its relationship to the economy. We consider the state and economy (including its constituent capitals) to be structurally interdependent elements within the wider capitalist system (Jessop, 2008; Ashman and Callinicos, 2006). For us then, the state should be regarded as the *capitalist* state. Moreover, the latter institution, as Gramsci argued, is best understood as the ‘integral state’. This is because power and control in capitalist society is enacted and maintained through two integrated modalities: on the one hand, the deployment of *force* by institutions such as the police and army (‘political society’); and on the other, securing *consent* via complex mediating systems including those of education, the media, charities, NGOs and trade unions (‘civil society’). These civil society organisations play a significant formal and informal role through the creation and maintenance of a pervasive ‘common sense’ favourable to ruling social groups (Davies, 2014; Thomas, 2009). However, it is important that consent and coercion are not counterposed or understood in a dualistic way. Rather, these two elements are dialectically related and complementary, and it is by counterbalancing them that the state secures order and maintains the relative legitimacy (or *hegemony* in Gramscian terms) of the dominant class within capitalist democracies (Thomas, 2009:164).

The Transition from Keynesianism to Neoliberalism

The exact ‘mix’ of consent and force deployed by the integral capitalist state at any particular historical moment is contingent on situational

factors. Consequently, in order to understand the current ‘punitive turn,’ it is necessary to map the political and economic context that has shaped these policy shifts. In this section, we will therefore provide a brief account of the transition from Keynesian interventionism to neoliberalism, consider its implications for economic and social policy reform, and outline how this provided a basis for the emergence of a more punitive and coercive approach to public policy.

In the post-war period from 1945, the dominant political-economic theory was a Keynesian approach characterised by a mixed economy, nationalisation and state provision of welfare (Ferguson, Lavalette and Mooney, 2002). These policy agendas represented an attempt by the Keynesian state to secure hegemonic power by abrogating class conflict and generating popular consent through welfarism (Esping-Andersen, 1990). Social policies in areas such as education, housing and health care were oriented towards universalism and reduced dependency on markets, while criminal justice policy was characterised by comparatively lower levels of incarceration (Wacquant, 2009). However, this model was destabilised by the economic crises of the 1970s. At this juncture, a shifting balance of forces led to reorganisation of the state along neoliberal lines in an attempt to bolster the structural power of capital while reducing the state’s social protection functions.

The emergence of neoliberalism was marked by significant developments in relation to both the economy and social provision. In relation to the former, neoliberalism instigated the subordination of economic and social policy to markets (Fine, 2012) and capital’s shift away from more productive areas of the economy towards financialisation (Harman, 2009). Recent broader changes in the structure of the economy have also intensified the sense of precarity for workers, with an increased prevalence of mechanisms such as zero-hour contracts and the growth of the ‘gig’ economy reinforcing material and employment insecurity (Doogan, 2009). In terms of social policy, neoliberalism has accelerated retrenchment and market reconfigurations of formal welfare institutions such as the NHS, social care and benefits systems, thereby further privatising ‘care’ tasks either to the private sector or individual households (we will characterise this in terms of social reproduction later in the chapter).¹ Furthermore, social and economic policies have been developed in ways that support the interests of financialised capital, for instance, the reconfiguration of social housing as primarily a market for investors rather

than provision to meet social needs and the involvement of large corporations in many aspects of government service delivery from social care to prison expansion.

From Social Protection to Disciplinary Proletarianisation

The process of transition from Keynesian to neoliberal political economy and its consolidation represented an attempt to transform the background conditions of capitalism (Fraser and Jaeggi, 2018) by increasing the structural power of capital at the expense of labour. A central feature of this transition is a shift from *social protection* to *disciplinary proletarianisation* within the arenas of welfare and criminal justice policy. This change is, we contend, central to an analysis of the punitive tendencies foregrounded by the contemporary capitalist state. The neoliberal era has seen an increasing integration (and subsumption) of welfarist agendas for the management of poverty and inequality within the structures of criminal justice policy. This is driven by a significant re-orientation of these policy agendas towards an overarching aim of managing economic insecurity by enforcing participation in deregulated labour markets. This punitive dynamic of coerced labour market engagement spanning welfare and criminal justice policy constitutes what we call disciplinary proletarianisation. This describes a shift in emphasis from consent-based forms of domination to more directly violent and coercive practices in order to manage various crisis tendencies within contemporary capitalism, with the aim of driving down wages, weakening the political position of the working class more generally and creating favourable conditions for financialised accumulation. In order to realize this outcome, both policy domains are increasingly oriented to a ‘behaviourist philosophy relying on deterrence, surveillance, stigma, and graduated sanctions to modify conduct’ (Wacquant, 2009: 288). Accordingly, the rehabilitative goals of welfare and penal policy have been eroded and more punitive orientations have taken centre stage. While the exercise of coercive measures by the state to engender labour market participation is nothing new, the austerity phase of neoliberalism has heralded a concerted effort to enforce such compliance across much wider populations, simultaneously rolling back levels of welfare support to those groups previously regarded as exempt from the labour market (Roulstone, 2015).

Processes of disciplinary proletarianisation are buttressed by the deployment of stigmatisation. Mainstream political narratives under neoliberalism are grounded in a position that emphasises citizens' obligation to be economically productive and reframes profoundly socially structured experiences, such as poverty and unemployment, as personal and moral failures. This ideology then legitimises the utilisation by politicians and the mainstream media of denigrating frames of reference (for instance, 'strivers and skivers' rhetoric) to stigmatise and demonise particular marginalised groups including migrants, benefit claimants, the urban poor, black/minority ethnic youth and disabled people. The 'weaponisation' of stigma and social blame in relation to marginalised and excluded groups (Scambler, 2018), who are constructed as the source of social ills (itself an act of institutional violence [Cooper and Whyte, 2017]), is integral to the crafting of 'technologies of consent' under neoliberalism (Jensen and Tyler, 2015).

The restructuring of welfare and criminal justice systems to achieve convergence around the principles of disciplinary proletarianisation has intensified in the wake of the Financial Crisis of 2008 and is visible in a range of policy areas. For instance, within the benefits system, enforcement of labour market engagement has intensified since the 2012 Welfare Reform Act through mechanisms such as conditionality, sanctioning and disentanglement, that aim to disincentivise claiming support and thereby engender re-entry into paid employment (Fletcher and Wright, 2018). Another arena of disciplinary proletarianisation is prison expansion, with enlargement of this system utilised as an alternative means for managing rising levels of inequality (Corporate Watch, 2018). There has also been a recent related increase in the use of detention centres for managing migrant populations (Silverman and Griffiths, 2018). Moreover, the expansion of punitive modes for managing marginalised populations across these sectors is transparently geared towards the creation of opportunities for corporate profit maximisation through outsourcing of state provision (Tombs and Whyte, 2015).

The lens of the integral state, introduced above, enables contextualisation of this shift from social protection to disciplinary proletarianisation as an instance of the recalibration of the balance between force and consent. We have highlighted a small number of these strategies through which this is implemented from *administrative domination* (Davies, 2014: 3222), that is, the deployment of force through an array of coercive

techniques to inculcate behavioural compliance (e.g. welfare-to-work reforms) (see Peter Beresford's Chapter 5, in this volume; also Moth and McKeown, 2016), to the divisive and stigmatising rhetoric deployed in government and media discourses to stoke popular fears and resentments towards marginalised groups (the weaponisation of stigma noted above). These responses represent an attempt to resolve economic crises in favour of capital and shore up weakening systemic legitimacy through repressive policy measures. This lens enables an understanding of the possibilities for flexible implementation by the integral state of different modalities of power along the force/consent continuum as political exigencies demand.

CRISES OF SOCIAL REPRODUCTION UNDER NEOLIBERALISM

In the chapter so far, our focus has been the transition from Keynesianism to neoliberalism as a political strategy from above by the integral state to resolve recurrent crises of capitalism since the 1970s. However, core elements of this neoliberal reform agenda, such as the retrenchment of the welfare state, involve not only reconfiguration of the background conditions for capital accumulation but also, by extension, an assault on the very conditions of social reproduction that enable wider human needs to be met. This has significant implications for modes and levels of class struggle because these social, political and economic transformations generate particular crisis tendencies. As Fraser notes, such crises are not simply economic or financial but multidimensional involving a host of harmful social consequences which encompass “non-economic” phenomena [such] as global warming, “care deficits” and the hollowing out of public power’ (Fraser, 2014: 56). Moreover, many of the activist campaigns and social movements that will be described in the subsequent chapters of this book have their genesis in the punitive restructuring of systems of reproduction in areas such as housing, health care, mental distress or disability. We argue, therefore, that crises of social reproduction have become increasingly significant, both as an important driving force for resistance and a terrain of political struggle. This section will therefore begin with an overview of production and social reproduction and an exploration of crises of reproduction and their implications for contemporary political contestation in the current period.

Marx's *Capital* rigorously conceptualises the circuits of capitalist production. However, while Marx does note the background conditions vital for the system's ongoing reproduction, these are relatively underdeveloped in his work. Later theorists, in particular Marxist-feminists, have therefore built upon Marx's insights in order to expand our understanding of the processes through which the 'front story' of exploitation under capitalism (private ownership, free labour markets and accumulation) rests upon a 'back story of expropriation' constituted by (mostly) unpaid reproductive labour (Fraser and Jaeggi, 2018: 28–9). These processes of social reproduction² serve three main functions: the maintenance and renewal of the current workforce; the sustenance and regeneration of those outside the labour force such as children, older people, (some) people who are disabled or experiencing mental distress and individuals with health conditions; and the replenishing of populations of workers to replace those who leave the labour force due to old age, illness and disability (Barker, 2017; Bhattacharya, 2017a).

This back story of reproductive labour enables important light to be shed on both the historical development of capitalism and its operation as an organic totality. However, in doing so, it also reveals deep contradictions between the capitalist mode of production and the conditions for the reproduction of social and personal life under this system. For instance, in its current form, capitalism is dependent on the family unit as the primary site of the reproduction of labour power through processes of care which are unpaid and primarily carried out by women, though boundary struggles have also led to the emergence of reproductive welfare institutions such as health and welfare systems (Fraser and Jaeggi, 2018: 174). However, crises of social reproduction are further precipitated and intensified by contemporary reforms, that externalise 'care' responsibilities onto families while simultaneously recruiting women into the workforce and thereby reducing their capacities to perform such labour (Fraser, 2017). Moreover, the supply of productive and reproductive labour has been replenished and regenerated not only by processes of expropriation in the domestic sphere but also, at a global level, through slavery (in capitalism's early stages of development) and more recently through immigration. Indeed, sources of racialised labour from Africa, South America and Asia have become a key means for addressing labour shortages in reproductive sectors such as nursing and domestic work in the Global North. However, as this discussion suggests, though the

various forms of unwaged and now increasingly waged labour within the circuit of reproduction play an essential role as a foundation for capital accumulation, their historical trajectories mean they are deeply gendered and raced. Consequently, labour in both its productive and reproductive forms is fundamentally entwined with experiences of oppression which are conditioned by the structures of capitalism. By demonstrating how production and reproduction are parts of a unified process, social reproduction theory (SRT) offers a basis for an *integrative* analysis of both exploitation in the workplace and the production of forms of oppression. Furthermore, SRT facilitates a form of contemporary class analysis that reflects diverse socio-political realities and thereby enables a clearer understanding of strategic potentials for oppositional politics in the current conjuncture.

An important implication of the SRT framework is that the reproductive sphere, like the productive sphere, should be understood as a site of class struggle (Bhattacharya, 2017b). This is based on SRT's analysis of the way in which class relations articulate with various forms of oppression. This is not an argument for the reduction of race or gender to class, but is instead a framework for understanding capitalism as a concrete totality, in other words a unity comprised of many diverse determinations and relations (including gender and ethnicity) which are co-constitutive within an organic whole (Bhattacharya, 2017a). For instance, under neoliberalism in its most recent austerity phase, a multiplicity of processes of subjugation (including gendered, racialised and disablist forms of oppression) are deeply implicated in the creation of a specific classed social order (i.e. bolstering the power of capital). This understanding of the interrelationship between class dynamics and other relations of domination underpins a more expansive definition of class struggle that incorporates those engaged in productive *and* reproductive labour, both formal and informal. Consequently, the terrain of such struggle should be understood as not only within the workplace but also beyond it in spaces of contestation that include everyday life, welfare services and 'civil society'. In this way, SRT facilitates recognition of, and more effective political responses to, the twin assault on rights and conditions in the workplace and the wider social reproductive needs of the working class in areas such as housing, education and health care during the neoliberal period (Bhattacharya, 2017b: 92).

Contesting Exploitation in Shifting Sites of Class Struggle

In this section, we highlight the changing locus of workplace contestation with some of the most visible and militant disputes taking place within reproductive sectors such as education and health care. This also draws attention to the shifting class structure in terms of its occupational dimensions, gender and racial characteristics and the organisation of reproductive work. We conclude this section by considering the political implications and potentialities of these recomposition trends for processes of resistance.

In the USA, one of the most militant sections of the working class over the last decade has been in the education sector, with a high-profile strike wave by teachers' unions against the privatisation, cuts and closures of state schools across the country including Chicago and more recently Los Angeles (Henwood, 2019). The most significant features of these struggles have been on the one hand democratisation, with frontline teachers prising a leadership role from conservative trade union bureaucracies by means of teacher–activist caucuses, and on the other, the development of ongoing alliances and campaigns alongside parents, students and wider communities. These alliances were particularly successful in building bridges between the teachers' struggle and the needs of marginalised minority ethnic groups in poorer neighbourhoods whose children were set to lose most as a result of these school closures and reforms. As a result, strong support and solidarity for the strikes was forthcoming from these communities, a factor which has underpinned the relative success of these disputes (McAlevy, 2016; Bhattacharya, 2017b: 93). This broader approach to workplace struggle has been described as 'social justice trade unionism' (Weiner, 2012). In a similar vein, two of the most significant industrial disputes of recent years in the UK have been the junior doctors' and lecturers' strikes. In terms of scale, the NHS junior doctors' strike was the biggest dispute of 2016, accounting for 40 per cent of the total strike days during that year (Clegg, 2017). While the dispute was nominally concerned with changes to doctors' contracts and conditions, it attracted widespread popular support in part as a result of framing of the strike in terms of maintaining access to universal health care against a backdrop of austerity-related retrenchment and marketisation of NHS services and, within this, the evocation of shared interests between medical professionals, patients,

activists and wider publics in resisting these developments (Pushkar, 2019). Similarly, the 2018 strike by university workers, the longest ever sustained strike action in UK higher education (HE), arose as a result of proposed cuts to one of the sector's pension schemes. While the dispute acted as a channel for a number of grievances over job insecurity and work intensification, it soon came to represent wider political significance in the context of HE marketisation. One symbol of this was the emergence of a student movement in support of the strike. Students organised a wave of university occupations in solidarity with lecturers, but in doing so, they also articulated wider concerns and needs in the form of demands for the reinstatement of free education and student grants as part of a wider critique of consumerist education reforms (Bergfeld, 2018; see also Tombs and Whyte, Chapter 3 in this volume). These developments illustrate the extent to which institutions of social reproduction now constitute an increasingly vital arena of class struggle both for the workers delivering them and those utilising their services.

However, these examples highlight not only the changing terrain of twenty-first-century class struggle, but also shifting dynamics within it. One aspect of this is the 'proletarianisation' of professionals engaged in social reproduction such as teachers and lecturers who might once have been considered middle class (Mooney and Law, 2007). Far from underlining the end of the working class, as some theorists have argued, this underlines instead its recomposition due to changing capital-labour relations (Mathers, Upchurch and Taylor, 2019). Consequently, such professional groups represent an increasingly large proportion of the total workforce in the UK, with their numbers doubling over two decades to become the largest single occupational category. Another important and related dimension is the changing gender and racial composition of this workforce. For example, the second and third largest professional groups within the UK labour force are now teaching and medicine and, in both cases, women constitute over 60 per cent of the total (Office for National Statistics, 2018). This reflects a wider and continual growth in the proportion of UK women in employment over the last 40 years from 57 per cent to 78 per cent in 2017 (Roantree and Vira, 2018). The working class in countries such as the USA and the UK has also become more ethnically diverse, with BME groups constituting one-third of the US population (Moody, 2017) and 13 per cent in the UK (Office for National Statistics, 2013). This increasingly diverse workforce composition, and

the attendant racial diversification and feminisation of labour, means that struggles to address racial and gender inequalities have become a central aspect not only in developing wider political consciousness but also in the more immediate tasks of building unity and solidarity within workplace struggles (Moody, 2017; Molyneux, 2019). These inequalities are shaped by historical divisions of labour and the relations of exploitation that structure production and reproduction in capitalist society. Under such conditions, various forms of sexual and racial violence have become institutionalised. However, recent years have seen the emergence of significant challenges to these forms of oppression from campaigns such as #MeToo and Black Lives Matter. The tactic of women's strikes against gender violence in places such as Argentina and Spain has also garnered widespread support, and demonstrated the potential of radicalising impulses emerging from social movements against oppression to spill over into and cross-fertilise with struggles in the workplace (Garcia, Alabao and Perez, 2018).

In all these examples, we see the development of politics which bridge issues around reproduction and production. Demands which start as narrow workplace-based concerns can quickly become explicitly about the systems of welfare on which whole sections of society are dependent, such as education and health care. Contemporary struggles against exploitation are also often concerned with gendered and racialised oppression, especially depending on which group of workers or 'service users' in question are affected. Both the funding of 'welfare' services (i.e. in its broadest term, inclusive of education, housing, health care or pensions), and the rights and entitlements of those who work in these services are increasingly important issues of class struggle.

OPPOSITIONAL CURRENTS AND RESISTANCE

We have so far examined economic crises of capitalism and repressive political interventions, as well as the political challenges and opportunities arising from crises of reproduction, and the changing composition, terrain and dynamics of working-class struggles from below. These emergent crises and possibilities have prompted a number of recent theoretical contributions from the Left, which seeks to assess the current conjuncture and offer recommendations for political strategy. In this section, we will offer a brief overview and critique of a selection of these.

As we noted above, a number of neoliberal trends and associated punitive policy agendas and narratives intensified following the 2008 Financial Crisis. Consequently, the last decade has seen a slew of theoretical contributions by activists and critical theorists who have sought to understand how neoliberalism has managed to survive and stabilise following this economic shock. Our focus in this section will be on two widely read texts which have offered diagnoses of the purported failures of the Left and progressive movements to capitalise on this crisis situation and/or develop alternative proposals for building oppositional activities with the aim of securing systemic transformations. We will offer an overview and evaluation of these interventions before turning in the following section to an outline of our own strategic perspectives and proposals.

One prominent contribution to the debate has been by ultra-realist criminologists Winlow and colleagues (2015). The main focus of their argument is the capacity of liberal capitalism to appropriate and domesticate oppositional currents because of the tendency of contemporary protest movements to frame their political interventions *reactively* on the failures of global capitalism. Instead, these authors propose a *reconstructive* approach based on the articulation of ‘realistic’ utopian alternatives. In order to achieve the latter, they recommend withdrawal from immediate events (Winlow *et al.*, 2015: 5) and ‘the pseudo-activity of campaigning’ (Winlow *et al.*, 2015: 197) to enable political contemplation, ‘critical reflection’ and ‘deep thinking’ that facilitates the design and elaboration of models for a realist utopia. They diagnose flaws in the politics of the contemporary Left arising from excessive attention to micro-resistance (i.e. prefigurative politics) and cultural insubordination rather than addressing the real locus of power at the level of global political economy. Though they coruscate the failures of this somewhat ill-defined ‘Left’, they do not outline an alternative political practice nor offer detailed strategic proposals that articulate their realist utopia beyond arguing for a shift from ‘identity politics’ towards policies underpinned by a philosophy of universalism (Winlow *et al.*, 2015: 197), and commending the building of pragmatic³ leftist electoral coalitions (using the example of Syriza in Greece) oriented to taking state power. This suggests their utopian vision is effectively a more radical iteration of social democracy though they assert that their transformative horizon exceeds this.