

LONDON
SCHOOL of
HYGIENE
& TROPICAL
MEDICINE



LSHTM Research Online

Allen, P; (2007) The new public contracting: Regulation, responsiveness, relationality. *Journal of social policy*, 36. pp. 513-515. ISSN 0047-2794 DOI: <https://doi.org/10.1017/s0047279407311021>

Downloaded from: <http://researchonline.lshtm.ac.uk/8467/>

DOI: <https://doi.org/10.1017/s0047279407311021>

Usage Guidelines:

Please refer to usage guidelines at <https://researchonline.lshtm.ac.uk/policies.html> or alternatively contact researchonline@lshtm.ac.uk.

Available under license: <http://creativecommons.org/licenses/by-nc-nd/2.5/>

<https://researchonline.lshtm.ac.uk>

Journal of Social Policy

<http://journals.cambridge.org/JSP>

Additional services for *Journal of Social Policy*:

Email alerts: [Click here](#)

Subscriptions: [Click here](#)

Commercial reprints: [Click here](#)

Terms of use : [Click here](#)



Vincent-Jones, P. (2006) The New Public Contracting: Regulation, responsiveness, relationality. Oxford: Oxford University Press. pp. 406, £60.00, hbk

PAULINE ALLEN

Journal of Social Policy / Volume 36 / Issue 03 / July 2007, pp 513 - 515

DOI: 10.1017/S0047279407311021, Published online: 07 June 2007

Link to this article: http://journals.cambridge.org/abstract_S0047279407311021

How to cite this article:

PAULINE ALLEN (2007). Journal of Social Policy, 36, pp 513-515 doi:10.1017/S0047279407311021

Request Permissions : [Click here](#)

sociology of science, because they attempt to explain how *people* (i.e. the scientists) interact and try to make sense of the physical world (generally, they were not concerned directly with the social, except as a source for examples of 'non-science' like the works of Marx and Freud).

The reason why the falsificationism of Popper was debunked was that it was shown through well-known historical examples to be an 'ideal typification' of science and not how it worked in practice. Some argue that falsificationism was the last 'objective' theory of science and that most since have struggled to show they are not subjective and relative (some, like Feyerabend's, have gleefully accepted it!). A key aspect added by Kuhn and adopted by Lakatos was that bodies of 'good' science are resilient to attack – it is not often that a single exception brings the downfall of a research programme as these can be explained away by sacrificing secondary parts of the theory rather than the 'core' principles. Only after repeated errors does a research programme decline to be replaced by a different one (Lakatos and others would argue too a 'superior' one but this is impossible to prove).

The authors of this book are aware that they could be accused of chasing the label of 'science' for its own sake and in a footnote exclaim that it is not used as a "rhetorical device designed to foreclose argument and prove the 'truth' and 'superiority' of our results. It simply means that the measurement and theory of poverty used in the PSE Survey conform to the requirements of the philosophy of science." (p. 54). I would argue that such requirements do not even exist, so conforming to them is neither here nor there! If the power of the word 'science' is not meaning to be invoked, then why use it at all? There are other less value-laden terms that could be applied – what's wrong with logical and sensible?!

References

- Kuhn, T. (1962), *The Structure of Scientific Revolutions*. Chicago: University of Chicago Press.
 Feyerabend, P. (1975), *Against Method: Outline of an Anarchistic Theory of Knowledge*. Humanities Press.
 Lakatos, I. (1976), *Proofs and Refutations*. Cambridge: Cambridge University Press.

CHRIS GOULDEN

Joseph Rowntree Foundation

Vincent-Jones, P. (2006) *The New Public Contracting: Regulation, responsiveness, relationality*. Oxford: Oxford University Press. pp. 406, £60.00, hbk.
 doi:10.1017/S004729407311021

Over the past two decades the public sector in Britain, in common with other developed countries, has been increasing its use of contractual mechanisms to achieve a range of policy objectives. While this trend and its effects have been studied by many authors (e.g. Allen 1995, Davies 2001, Hood 1997, Walsh 1995), Peter Vincent-Jones' book is the first to provide a comprehensive discussion of the legal, regulatory, institutional and, indeed, democratic issues at stake when contracts are used extensively by the public sector. It is a closely argued and learned work drawing intelligently on existing work and making a significant scholarly contribution itself. In addition to the social policy and socio-legal aspects of the book, which this review focuses on, there is in chapter 10 a substantial contribution to legal scholarship providing a very useful account of the 'black letter' law issues for public contracting.

The book examines the use of contract as a regulatory mechanism in a disparate set of government activities from the provision of public services, such as health and housing, to the social control of unemployed people and children through mechanisms such as the job seeker's agreement and youth offender contracts. Vincent-Jones argues that in these varied sectors there

is a distinctive mode of governance which he calls 'New Public Contract'. This consists of government devolving powers and responsibilities to public agencies in various contracting arrangements preserving central government controls and powers of intervention. The book discusses the practical problems and deficiencies in legal accountability and control inherent in many of these strategies for the delivery of public services.

Rather than using the usual classification of government contracts into external, legally enforceable contracts and internal, non enforceable contracts, Vincent-Jones divides public contracting into three main types: administrative contracts, economic contracts and social control contracts. This novel classificatory system allows him to examine in some depth a very wide range of government relationships, some of which resemble the more common market based notion of contract more closely than others. Administrative contracts deal with behaviour within government and are a form of hierarchical regulation, he argues. Economic contracts deal with the economic organisation of public services (and most closely resemble market based contracts – indeed they may even be such). Social control contracts are an attempt by the state to structure the behaviour of citizens.

Vincent-Jones argues that the idea of a contract as a mechanism by which both parties' welfare is maximised and through which the parties can adjust their relationship to mutual benefit comes from the market based notion of contract, and that this model is not appropriate to much of public contracting. There is a lack of responsiveness in new public contracting, he argues. His definition of responsiveness requires both effectiveness (in the sense of "efficient deployment of means to given ends") and legitimacy (in the sense of both public deliberation in the determination of policy goals and the nurturing of institutional morality and values of good administration in public service organisations).

Vincent-Jones draws on the theory of relational contracting expounded by Ian Macneil (1983) to argue that there are ten essential contract norms present in various combinations in contractual relations. These include norms (such as reciprocity) which support co-operation and trust in contractual relationships, factors which are vital to the effective operation of the contract. The fact that some of these norms are missing in the new public contractual relationships he analyses goes some way to explaining the failure of those relationships to achieve the purposes for which they were constructed, he argues. For example, in the case of social control contracts, the function is more or less overtly disciplinary and thus power is concentrated in the hands of the state. The norm of consent (or voluntariness) is mainly missing. The norm of reciprocity is not always apparent either: often the resources needed for the state to carry out its side of the bargain by, for example, actually helping job seekers find work are not adequate.

The book presents a lucid discussion of much complex theoretical material, and relates this well to the realities of New Public Contracting in England today. The failure of government to procure responsiveness to citizens is a major strand of the argument. The book would have therefore benefited from a fuller discussion of the extensive literature about the conceptualisation and the difficulties of involving citizens in decision making about public services (Baggott et al. 2005, Davies et al. 2006, Lupton et al. 1998). This would demonstrate that, while it may well be desirable, it is very difficult to achieve the kind of legitimacy Vincent-Jones specifies.

References

- Allen, P. (1995), 'Contracts in the NHS internal market', *Modern Law Review*, 58: 321.
 Baggott R, Allsop and Jones, K. (2005), *Speaking for Patients and Carers: Health Consumer Groups and the Policy Process*, Palgrave Macmillan.
 Davies, A. (2001), *A Public Law Analysis of Government by Contract*, Oxford University Press.

- Davies, C., Wetherel, M. and Barnett, E. (2006), *Citizens at the Centre: Deliberative Participation in Healthcare Decisions*, Policy Press.
- Hood, C. (1997), 'Which contract state? Four perspectives on over-outsourcing for public services', *Australian Journal of Public Administration*, 56: 120.
- Lupton, C., Peckham, S. and Taylor, P. (1998), *Managing Public Involvement in Healthcare Purchasing*, Open University Press.
- Macneil, I. (1983), 'Values in contract: internal and external', *Northwestern University Law Review*, 78: 340.
- Walsh, K. (1995), *Public Services and Market Mechanisms: Competition, Contracting and the New Public Management*, Open University Press.

PAULINE ALLEN

London School of Hygiene and Tropical Medicine

Coleman, R. (2004) *Reclaiming the Streets: Surveillance, social control and the city*. Cullompton: Willan Publishing. pp. 278, £30.00, hbk.
doi:10.1017/S0047279407321028

In the years since the UK's first public space closed circuit television (CCTV) surveillance system was established in 1985 in the seaside town of Bournemouth, there has been a rapid diffusion of CCTV networks to other UK towns and cities, prompting claims that the UK now has the densest network of CCTV surveillance anywhere in the world. As these camera networks have spread, so too research into CCTV surveillance has also rapidly developed, prompting an increasingly polarized debate about the impacts and implications of these camera networks. On the one hand, there are several studies claiming that this technology has brought considerable benefits to the city. Crime rates, it is argued, have fallen, public support for CCTV is high, and people feel reassured. On the other hand, there is research which is not only highly critical of this rosy picture but goes further by claiming the CCTV surveillance contributes to social exclusion and erodes any sense of public space. Within this debate, Roy Coleman's contribution is located firmly towards the more critical end of the spectrum. The introduction of CCTV surveillance is, he declares, 'a symbol of political and economic power and a component in an ideological offensive to reclaim the streets in the name of a desired socio-spatial order' (p. 2). Yet, unlike many of those critical of CCTV surveillance, Coleman's analysis doesn't descend into a dystopian discourse about totalitarian social control. Rather, it offers an impressive blend of theoretical sophistication, cogent argument, and empirical detail to provide important insights into how CCTV surveillance is part of a much broader agenda of neo-liberal urban restructuring.

The book is divided into two parts. The first half of the book examines a range of literatures concerned with the state, social control and urban development. Chapter 2, for example, reviews neo-Marxist and neo-Foucauldian perspectives on the state and social control. This material is crucial in clarifying Coleman's critical criminological perspective on CCTV surveillance because the state has a central theoretical and substantive position within his material analysis of social control. The following two chapters develop this analytical position a little further. In Chapter 3, Coleman explores the importance of contemporary processes of state restructuring and in particular the rise of public-private partnerships as one of the hallmarks of neo-liberal urban governance. Chapter 4 adds a further key contextual element to Coleman's study by examining the character of neo-liberal urban restructuring and how this has underpinned the emergence of an entrepreneurial urbanism. The second half of the book then draws on these theoretical materials to inform a study of surveillance and social control in Liverpool. Chapter 5 offers employs a range of historical and contemporary perspectives to show how a concern with 'civilizing the streets' as been a feature of the city's historical development since