

Sanitizing a crisis: The three dimensions of an enhanced regime of accumulation

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Abstract

In many western countries the Covid crisis has evolved from a public health crisis toward an economic crisis. Spain was no exception. Crises are always key moments in the reconfiguration of the role of the state, as this takes on new domains and functions. Conceiving state's role as a triad helps us understanding its functioning. From the initial stage, state work has been intense in order to mitigate its effects. But the Spanish particularity is the specific articulation of state apparatuses. As in previous crises, Spain has deployed a significant activity to police the public order. The policing of public spaces was tailored to ensure the economic apparatuses remain unchallenged. A new mode of regulation has been established to allow an enhanced regime of capital accumulation through different financial instruments. Despite the frequent neglect of ideological state apparatuses, this paper exposes how relevant they are in moments of impasse to produce a new moral economy reassuring the hegemonic project of the elites.

1 | INTRODUCTION

Deep crises as the Covid-19 pandemic lead to periods of impasse and change. In times when terror hits and normality is suspended all what is assumed obvious and logic can be challenged and even long established constitutional orders can be turned upside down. Crises are at the same time opportunities and threats to the existing accumulation regimes and their power structures. For this reason, the ruling class in control of the state, manages and polices crises trying to reset the established order in its own favor.

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Indeed, crises can be used to reset the engines of accumulation, as they allow for the reconfiguration of the state, since it is in these moments that it can acquire new domains and functions (O'Connor, 1984). In addition, crises are also periods of capital restructuring and concentration, technological transformation and working class recomposing (Brancaccio et al., 2018). It is in these moments that one can glimpse through the paraphernalia and see the nature of the system, as some of its elementary functions become prominent. In the case of Spain, the early stages of the pandemic brought these most essential functions of the state to the surface.

In fact, in March 2020, the situation rapidly turned from a public health crisis into a possible global-scale economic and societal collapse. From this moment on, for most states of the center of the world system, striking a balance between despotic policies, and preventing the collapse of their regimes of accumulation, would become their main priority and also a challenge, and even more so, since policies to address the crisis in the short-term should ideally prepare the ground for a longer-term period of capital accumulation. Indeed, the enhancement of a regime of accumulation requires a great deal of state intervention, which in this case included different types of policies at local, regional, state, and transnational level.

This paper will analyze the different types of interventions by the Spanish national state in the early stages of what has been called the Great Lockdown. These interventions were aimed at, first, strongly coerce the population into obeying medical authorities and national state authorities more generally; and second, securing economic flows to avoid widespread economic collapse.

The paper will be divided in three sections. First, we will analyze the despotic securement of the social order by the Spanish national state. The authoritarian response consisting of shutdowns of the economy and society were generalized across the world. However, Spain has been among the most repressive national states with its portrayal of the crisis as a security crisis or even a war, relying heavily on its military and police during the period. This is not new, since as the Spanish state has often in the past deployed exaggerate and even despotic uses of violence to reassure public trust in the ordinary functioning of the state (Bernat & Whyte, 2021). The explicit authoritarianism exerted is directly related to the weak ideological hegemony of its core institutions, at least in many of the regions of the state, which runs in parallel to and interacts with the general weaknesses in accumulation.

Second, and less visible, but even more important, is related to the necessity to keep the economy alive. This involved massive state intervention at all levels including wide range of legislation and policies aimed at maintaining economic flows (credit guarantees to firms, debt moratoriums, subsidies to the self-employed, and temporary furloughs schemes for workers) and discerning the economic sectors that were allowed to operate during the lockdowns.

Third and final, we analyze the ideological apparatus of the state. This dimension is neglected from most of the accounts of state capacities. This paper will illuminate how ideological apparatuses crucially provide moral guidance at moments of impasse to comfort the population by means of different interventions ranging from the press conference and its tailored scenes with the police, military, and bio-medical personnel, a new rhetoric employed around the economic plans supported by the Next Generation European funds and rescue packages, with a renewed focus upon the nation as a community to be protected because it guarantees our continuity. During this period, the legitimating apparatus of the state has combined fearmongering and coercion with the peddling of hope in the nation, in this case, the imaginary community that was united against a common enemy, the virus. This imagery has often been attached to references to the place of Spain into the international community, especially as a member of the EU. This transnationalist pro-European rhetoric was often linked to the economic interventions of the EU, like the bond purchase and loan programmes of ECB, and later on, the NGEU joint-fiscal programme. This transnationalist narrative emphasized the safety provided by the international community in moments of crisis, allowing for global coordinated responses and

mutual protection from common perils. At the same time, throughout the ideological state apparatuses (ISA) a new moral economy is forged to stabilize the unequal social relations. A moral project is central to advance a hegemonic position to foster a new regime of accumulation (Whyte & Wiegatz, 2016). In the next section, the paper moves toward an explanation of the notion of regime of accumulation and its relation to the moment of impasse caused by the pandemic.

2 | RETHINKING THE REGIME OF ACCUMULATION IN A MOMENT OF IMPASSE

The notion of regime of accumulation has a long history in the studies of political economy. From Aglietta (1976) and Boyer (1979), this notion aims to understand how in particular moments of time, temporarily arrangements for capital accumulation are achieved. An accumulation regime refers to a particular pattern of production and consumption that can be reproduced temporarily despite its tendency to lead to crisis (Jessop, 1990).

The arrangements to establish a new regime of accumulation after every crisis must involve certain innovations in the labor processes which generate productivity increases. In parallel, a new pattern of consumption must allow for the realization of corporate profits within the limits of capital productive capacity (Davies, 1978).

The transformations of the labor processes and of workers consumption are mediated by class struggle. It is in the context of class struggle in which the dynamics of capital accumulation are shaped. Past institutional formations constrain the intensity of class struggle (Jessop, 1995). Regulation is aimed to promote the reproduction of accumulation avoiding and channeling class antagonisms. When regulation occurs, we can affirm that a regime of accumulation has been established.

The forms of profit-making can adopt different possibilities, as extensive regimes respond to the “frontier principle,” that is, to the expansion of production and accumulation to new domains and terrains. Instead, intensive regimes are related to the obtention of higher surplus-value either absolute or relative from the same productive structure (Jessop, 1990).

A mode of regulation incorporates a complex institutional set-up and a framework of norms that can maintain capitalist reproduction despite the class conflict and its tendency to crisis (Aglietta, 1976). The transition from one mode of regulation to another takes the form of crisis (Davies, 1978). Regulation here means that all the constraints and limits to capital accumulation are shaped by the specific forces of class-struggle. These barriers to capital accumulation come in the form of different institutional and infrastructural manifestations. But also, they translate into norms, values, and ideological formations that are the condensation of class struggle at certain historical moments.

The mode of regulation approach is useful to understand the history of capitalism through detailed periodisation according to its inner logic and the emerging structural forms that consolidate a regime of accumulation (Boyer, 1986). Capital is subjected to stabilizing and corrective limitations towards the tendency to the crisis and destructions of nature and labor (Davies, 1978). Observing the social mode of economic regulation, we should contemplate the legal regulation of the wage relation and the labor market, the articulation of financial and industrial capital, the money form, the organizational structure of the corporate form, competition, the role of the state, modes of societalization, economic calculation or international arrangements, and settlements (Jessop, 1995). Governments, enterprises, unions, associations of different kinds are objects and subjects of regulation. These different institutions open and close limited options and prefigure pathways, possibilities of actions and alternative strategies within a geographical and temporal horizon (Jessop, 1990). Different political and institutional structures can establish several options within the capitalist system.

Regulation theory aims to analyze the capitalist development at particular moments and places. The forms throughout a regime of accumulation and a mode of regulation are adopted and mutually reinforced, but also the periods of crisis that transform the capitalist development. Every crisis leads toward a transformation of the structural forms, the mode of regulation, but the state apparatuses seek to orientate the collective and individual behavior that is useful to produce new institutional forms. It is in the period of crisis when social and economic reproduction cannot be guaranteed, but it is also when the state is more necessary to capital to ensure a new regime of accumulation throughout a mode of regulation.

The analysis of different kinds of regulation has usually been restricted to the space of the national state. However, this theoretical approach has become increasingly useful to study transnational regions with specific spatial arrangements (Jessop, 1990). This mode of economic development is built nationally or regionally, but always in a dialogue with an imperial order that imposes external constraints, to a larger or lesser degree depending on the regime of the hegemon. In the case of the European Union, the European Council and the European Commission along with the European Central Bank behave as the main regulatory institutions (Aglietta & Brandt, 2013).

Therefore, the nature of capital accumulation is driven by the changing modalities of integration into the international division of labor and the hierarchy of national economic spaces. Obviously, this affects national institutional structures and, among these, the space left to class struggle. However, regulation theory has been criticized for having done an insufficient analysis of the role of the state. That is, according to Aglietta and Boyer, capitalist development is endogenous but when the state is called into their analysis it is treated as a “*deus ex machina*” (Jessop, 1990). According to them, thus, there is no autonomy of the state at all to promote a regime of accumulation.

New concepts related to the mode of regulation emerged in the 90's trying to solve the analysis of the state. That period known as neoliberal globalization, goes from the 80's onward in western social formations, and involves fiscal austerity, liberalization, and a transfer of property from public to private hands (Harvey, 2010). This period has seen a major increase in state market-conforming legislation, regulations, and rules of different sorts. Thus, we have seen a change in the mode of regulation to facilitate a wider intervention of the state and a stronger state-corporate partnership to facilitate capital internationalization. This extensive regime of accumulation within and across national states has been key to facilitate a wider strategy for capital accumulation connected to globalization. In this context, in situations of crisis in neoliberal globalized social formations, we can observe a combination of sudden re-territorializations and internal centralization of some despotic and infrastructural functions of the state. Nationalism, imperialism, and militarism, but also racism and patriarchy are the best protectors of any capital exploitation. Capital, state and violence are always intertwined as the global imposition of neoliberalism reminded us (Lazzarato, 2021). However, other important state functions are de-territorialized and transferred to different transnational institutions in order to secure capital accumulation (e.g., in the case of Spain and other Euro Area member states money, finance, and fiscality has been transferred and constrained by European institutions).

Although the ideological claims demanding the freeing of the markets from state intervention and constraints, we have seen a major effort to restore market predominance through regulation (Harcourt, 2011). This has been a period of growing regulation (Miola & Picciotto, 2022) and regulatory bodies. These regulatory bodies are enabling and also protecting from the global risks of financial capitalism, and for that reason they are adopting an international scope (Braithwaite, 2000). Braithwaite has developed the notion of regulatory state and regulatory capitalism. This notion of regulation is more restricted than the Parisian Regulationist School of Aglietta and Boyer (Braithwaite, 1999). This new strand has a different understanding of regulation which is hierarchical and command-like (Moran, 2002). Regulation here is understood as a mix of policing and persuasion, but the consequence of regulation was the establishing of

big corporations through state-corporate partnerships (Braithwaite, 2011). These partnerships under the neoliberal rule have involved the creation of transnational regulatory bodies including public and private actors. But this model of state-corporate partnership are providers of different services that were previously developed under public monopoly. This model responds directly to financialized capitalism. However, under this regulatory framework the state is just a subject of regulation, but never an object regulated by the capitalist development. Moreover, this perspective cannot understand how capitalist forces penetrate within the state. That is, the state here has an absolute autonomy from capital. This perspective cannot capture that regulation and its enforcement depends upon the capital development and the current state of class struggle (Tombs, 2016). And for that reason, it is never completely achieved.

According to Jessop (1995), there are resemblances between the notions of regulation and governance. Governance is seen as an alternative from a political point of view to regulation in order to conceptualize how the institutional forms are adapted to different political needs (Jessop, 1995). The notion of governance echoes the Foucauldian concept of governmentality to explore how institutional and actors' networks operate in an efficient economy of power to regulate the ongoing conflicts that shape political instability (Rose et al., 2006). However, it lacks a direct connection between the economy and its relation to the capitalist development. Here the economy is restricted to the minimization of efforts to ensure minimal drag from institutional functioning. Governmentality refers to the economy of the institutional and political effort, but not to the capitalist development and its mode of production and how the terrain and the possibilities to be governed are shaped by the capitalist development itself. Therefore, it is a notion of political economy without economy.

Trying to rediscover the state within the regulation approach and trying to rediscover the economy within the governance and regulatory approaches a neomarxist perspective is still necessary. That is the contribution of the critical sociology of regulation.

3 | THE CRITICAL SOCIOLOGY OF REGULATION

The critical sociology of regulation has evolved from the criminological concept of state-corporate crime. The state corporate crime concept emerged to explain the ongoing relationship between the state and the corporation assuming that both institutions are central to the reproduction of the capitalist mode of production (Kramer, 1992; Kramer et al., 2002). A key element in this growing body of literature is to expose how in criminal contexts in which both institutions are involved. In order to show that complicity the notions of state-initiated or state-facilitated emerged as explanatory categories to understand the role of the state in corporate predatory practices. That is, both institutions collaborate instead of competing. Policing functions were disabled to allow profit-making by corporations. The point made by this approach then is that the state is not behaving as a policeman, but it is colluding with the corporation. The assumption is that state-corporate crime arises from this lack of intervention in the moment of rupture (Bernat & Whyte, 2017). This collusion can have different explanations, including those which assume that both institutions increase their actual power with such collusion or those which assume that the state has been captured by corporate interests avoiding to perform its *in vigilando* role. Indeed, they do not act as antagonistic forces fighting one against the other as in a zero-sum game.

This state-corporate nexus has been criticized for reducing the role of the state to its policing functions. That is, from this perspective the notion of the state is reduced to its despotic capacities or its power to seizure (Whyte, 2022). Critical socio-legal scholars have signaled the limitation that represents the fixation with the punitive dimensions of the state in a Poulantzas fashion (1974). The understanding of the state and its critique is related to the capacity or will to act to stop corporate power. Even when the state acts as a policeman in many dimensions

and it certainly has a repressive apparatus related to the police, the army, the courts and so on (Poulantzas, 1974), it cannot be reduced to that only function. Crucially, Tombs and Whyte have addressed this issue incorporating into the analysis of the regulatory process the infrastructural and economic contributions of the state to the process. The critical sociology of regulation led by Whyte (2004, 2007, 2014, 2022) and Tombs (2012, 2016) has pointed that the analysis of the political economy in this initial tradition is limited as it is understood as something already given, something in which state capacities have little influence in its development and in the making of a regime of accumulation. Actually, there is no political economy in such a limited interpretation. The economy exists beyond the state action, we do not really understand the enabling capacity of the state in the criminological approach. Instead, the critical sociology of regulation captures the symbiotic relationships between states and corporations (Tombs, 2012). The state activity aims to create the social conditions for capital accumulation, the legally “autonomous” corporation and freed markets (Tombs, 2016). The economic dimension of the state capacities is central to ensure the infrastructural aspects of accumulation. It is crucial to contemplate the infrastructural role of the state to understand the mode of regulation. That is, how the states enable capital to produce, how the right to produce is secured through state capacities in which the necessary conditions are guaranteed by the state in order to enforce the right to produce. Indeed, the state protects the right to “appropriate” by corporations (Davies, 1978).

The notion of regime of accumulation has been used by Tombs and Whyte (2015) to describe an ongoing effort by the state to secure capital accumulation in periods of crisis, not necessarily economic crisis but also ecological crisis, safety crisis or criminal crisis. With this notion both authors are trying to highlight that the state-corporate crime literature was unable to understand the infrastructural role played by the state setting down the conditions for profit-making by corporate players. Thus, following Gramsci (1971), these authors are signaling that the role of the state needs to be conceptualized as much more compound than simply with its policing and despotic functions. Thus, beyond the power to seizure given to the state institutions to control, we need to locate the right to produce guaranteed by the economic or infrastructural apparatuses of the state (Whyte, 2022). When observed from this perspective, there is no real antagonism between the state and the corporation. Therefore, the representation of the crisis or crime as a moment of rupture or collusion is fallacious (Bernat & Whyte, 2017). It is far more complex the relationship between the state and the corporation which can involve opposition at specific moments, but there is an ongoing symbiotic and collaborative relationship through which the private is incorporated within the state.

This critical sociology of regulation assumes the critique that civil society is not independent from the state and vice versa. This regime of accumulation is established over state intervention in the economy to produce a particular social arrangement in which capital reproduction is guaranteed (Whyte, 2014). The state establishes the infrastructural conditions cementing the pathway toward accumulation through different institutional forms in a Gramscian sense (1971). The right to produce is the outcome of tremendous state work. The state obeys capital capacities to develop a mode of regulation. The labor market, the human capital, the industry, trade, finance, production, distribution, and consumption are not separated from state capacities which are related to capital rhythms of accumulation (Lasslett, 2015). Regulation, thus, is not about reducing the level of harm caused by corporate players, but it is about enabling a sustainable pace of capital reproduction, particularly in moments of crises. Regulation mediates between the material base and the hegemonical bloc (Jessop, 1990). State capacities operate as shock absorbers of “the unstable social processes through which capital accumulates” (Lasslett, 2015, p. 647).

If Whyte and Tombs’ sociology of regulation of understands state functioning in its despotic-controlling and infrastructural-enabling dimensions, this paper shifts toward a third dimension into the analysis of the state: an ethical or ideological dimension of the state using Gramscian or Althusserian terminologies. Gramsci criticized the linear relation between material development and the formation of class consciousness. To explain this apparent

contradiction, he theorized the concept of hegemony according to which the bourgeoisie dominated the subaltern not only through the control of the repressive apparatus of the state but also through ideology, by imposing its bourgeois values, which he called “common sense.”

In a similar manner, Althusser would discuss the ISA, as methods other than physical violence to achieve the same objectives as the repressive apparatuses. They may include educational institutions, the media, religious institutions, social and sports clubs, and the family (Althusser, 2014). These formations are ostensibly apolitical and part of civil society, rather than a formal part of the state (i.e., as is the case in an RSA). In Althusser’s view, a social class cannot hold state power unless, and until, it simultaneously exercises hegemony (domination) over and through ISA.

All the above-mentioned perspectives conflate to a larger or lesser extent the infrastructural and superstructural dimensions of the state through the civil society (family, schools, sports, clubs, culture, etc). Gramsci, in fact, claimed that there is no clear division between the state and civil society. Private enterprises and interest groups and networks have a leading role in building hegemony and consent through their actions, which are carried out by the most powerful and influential groups among them (Gramsci, 1971). However, Gramsci conceived the state as educator insofar as it aims to impart a consensus. The educator-state ceaselessly wishes to establish a new historical bloc (Tosel, 1995). The production of consent for the integration of the subaltern into an expanding project, “with all the intellectual and moral forces necessary” (Thomas, 2009, p. 142), is a core element of the integral state. The universal claims of this historical project transform the institutional form of the state. The Gramscian approach emphasizing ideological domination helps us to understand how morality and common sense arise in “normal” times, but this paper will focus upon moments of crisis during the pandemic.

This paper is interested in the ideological conditioning implemented by the Spanish state, with the support of the civil society dominated by the ruling class (especially the media and biomedical sectors), in the moment of the sudden shock that was the early phase of the Covid-19 pandemic, which generated the conditions among the population which allowed to enforce capitalist interests in a moment of impasse, especially in favor of the pharmaceutical, energy, and big tech industries.

We should conceive the state role in regulatory processes as a triad. In moments of extreme uncertainty the moral fabric, understood as the set of customs, beliefs, and identities shared by the majority, can collapse. Thus, the state needs to provide the ideological elements that cement social cohesion in these times of crisis. This is particularly important in social formations that require a significant use of despotic powers, in which capital accumulation by itself is not able to provide the necessary gluing. In these social formations, we can observe a more direct role of the ISA attempting to generate consent through emotional claims.

The right to envisage a collective meaning that cements the social fabric in most delicate moments of crisis. It is necessary to include into the analysis the ideological and ethical guidelines provided by the state and its power to convince when it signals the priorities of state action and it allows to conform an hegemonical bloc. The state capacity is deployed to assert and to frame ideologically the path towards an ideal recovery of the economy. Thus, the new regime of accumulation in the pandemic needs to secure three dimensions: first, the power to seizure; second, the power to produce, and third and last, the power to convince. The response given by the state to these questions exposes an ongoing regulatory system assembled through complex rules that enable markets to survive and to thrive in moments of crisis. It is toward its specific forms adopted in the Spanish context that the paper turns now.

4 | SECURING THE PUBLIC ORDER: A GUARDIAN STATE

The despotic functions of the Spanish state and its central role were manifest since the earliest stages of the pandemic crisis. The state of alert was declared the 14th of March of 2020 in

Spain, when centrality was given to four ministries: interior, defense, mobility, and health. Beyond the obvious priority given to the health dimensions, the rest of the ministries were tasked to the control of the different dimensions of public order. The defense and interior ministries, led by two former judges, responded in a manner related to the judiciary: with authority and hierarchy. On the other hand, the areas related with social reproduction of the subaltern classes like housing, basic consumption provision, and labor were set aside as secondary in the initial governmental agenda.

The state response to the crisis exposed an ongoing peculiarity of the Spanish political order. This is a political order driven by the notion of public order as something that needs to be secured. Controlling the public order, even when it has no constitutional legal cover, is seen as a basic dimension for the functioning of the Spanish political order (Selmini & Salellas, 2022). The legal institutions consider that this public order needs to be protected as a guarantee to the normal functioning of the state. Thus, the public order is a pre-requisite to the ordinary institutional functioning.

In the initial moments of impasse, the press conferences given by the Spanish government were a clear expression of this understanding of the role of the state in its despotic and repressive dimensions. In these conferences, the presence of top-rank police and army officials, all of them men, showing medals and using an authoritarian language, even before any health authority appeared, would expose the essential functions of the state apparatuses. Instead of using health law and policies, a more authoritarian approach was developed. In fact, there is an organic law from 1986 of special measures in relation to health thought for these contexts, and there is a law of public health that has its own sanctioning procedure passed in 2011. These laws would allow to focus on the health crisis primarily. Instead, utilizing the penal code and the citizen security law displaced the focus from the collective health concerns to the protection of the exercise of authority by the police and the military. It, thus, framed the public discussion in relation to the disobedience to authority instead of the concern for public health. Thus, within the state of alarm public order was about securing the normal functioning of state institutions.

The notion of public order was already behind the idea of the 2015 Citizen's Security Law, popularly known as the "Gag Law." This law gave discretionary power to the police after austerity policies were imposed to stop public demonstrations by giving disproportionate fines to participants in social protests. The same year the criminal code addressing the public disorders' offenses and attacks to the police was amended. These new reforms were passed by the conservative government of Mariano Rajoy. However, the coalition government of PSOE and Unidas Podemos have kept these reforms intact. Furthermore, the government has recently approved an initiative to reform the Law 36/2015 of National Security, with the intention of concentrating state power in the hands of the executive branch of the state in times of crisis, granting it the ability to seize property, intervening the economy, recruiting the civil population, and restricting civil liberties through the application of exceptional measures without the need to approve the state of alert, siege and/or exception, softening thus the democratic guarantees and balances that accompany these legal figures. This process would turn a page onto the modern state that has a separation of powers and even onto the Westphalian concept of the sovereign national state. Similarly, although not in the same level of importance, the government has passed a ministerial order against disinformation and "fake news," classifying critical and dissenting voices to the status quo, as in relation to the Covid-19 response, as a threat to the national security.

The perils to the public order have been repressed by the Spanish legal apparatuses in similar ways in different moments of crisis. This has been clear since the criminalization of anarchism and working-class movements in the nineteenth century to the recent constitutional crisis led by the pro-independence movement (Bernat & Whyte, 2021) and it is the same public order that was behind the Francoist repression. The name of the court created in 1959 that was in charge of suppressing the political opposition was the *Public Order Court*. From this authoritarian conceptualization, centrality is given to the functioning of public institutions beyond any other consideration.

However, the actualization of fundamental rights is never integrated within this institutional functioning (Selmini & Salellas, 2022), something that has been proven in a wholesale way during the pandemic lockdowns, no matter civil, political, or social rights. From this interpretation, the normal functioning of the institutions means institutions should not be disrupted, and there should be an absence of social conflict and compliance with the law, something that gets concretized in a pacified notion of public order (Vehí et al., 2021).

Unsurprisingly, the “Gag Law” was used systematically during the Covid-19 to sanction those that violated the mandates of the initial lockdown and the rest of the restrictions. During the first state of alarm that lasted from March to May, the number of people arrested was 9,085, and the number of fines reached the impressive number of 1.14 million in the first state of alarm and 220 thousand in the second, with amounts that could move between a minimum of 601 euros for not collaborating with the authorities to 600,000 euros or a year of prison for putting public health at risk. This was a massive exercise of police surveillance and coercion that clearly impacted on the most vulnerable collectives. Working-class areas and racialized people were those harshly sanctioned under class and racist bias (OSPDH, 2021). In fact, during the state of alarm, the state intensified control strategies through intimidation and punishment, through proposals for sanctions and even arrests under the legal framework of the “Gag Law,” applying the assumption that breaking the rules imposed during the state of alarm was an act of “disobedience to authority.” One of its articles of this law was drafted to sanction the disobedience of a “direct order” from police officers, but was instead applied in the event of noncompliance with a Covid-19 restrictions. In addition, according to collectives *Papeles y Derechos Denontzat*, *Iruñea Harrera Hirial/Ciudad de Acogida*, *Karabana Mugak Zabalduz*, *Salhaketa Nafarroa* y *SOS Racismo Nafarroa* the police did thousands of identifications by ethnic profile, many of them ending in a fine, even in cases in which the persons sanctioned were in an irregular administrative situation and thus without any income and had to leave the house earn a living. These collectives have denounced for this reason that “the violation of rights and freedoms is also crossed by structural racism.”

However, the Spanish Constitutional Court found that the two states of alarm declared in the first months of the pandemic were unconstitutional, since they suspended basic rights guaranteed by the Constitution, rights can only be suspended if a stage of siege or exception has been declared, as stipulated by the article 55.1 of the Spanish Constitution and lacked control mechanisms that must be exercised the parliament. The decisions by the Constitutional Court to declare the two states of alarm illegal meant that these fines have also been declared illegal and have been returned. The Constitutional Court also annulled the legal reform that enabled the Superior Tribunals of Justice (regional tribunals) to ratify the restrictions imposed by the regional governments of Spain, clarifying that with such legal reform, the government violated the principle of separation of powers, transferring responsibilities belonging to the executive powers of the state to the judiciary powers.

Interestingly, however, the centers for migrant detention did not stop to work even in the moments in which borders were closed, just as a reminder of the state racist antimigration commitment. Also, courts of justice did not modify the penitentiary regimes or the preventive prison (30% of prison population in Spain) because of the pandemic. Thus, the state disproportionate use of force through its police response to the crisis has impacted directly on those who chose to be out in the streets for social reproduction or political reasons, whatever informal or formal. The state disproportionate use of force has been justified on the basis of national security controlling the movement of people and goods (Ossome, 2021). Thus, the state of alarm has constituted a new moral geography where violent and even racist police abuse has been normalized to control the public space.

5 | PROMOTING A NEW CYCLE OF ACCUMULATION: THE CORPORATE EUROPEAN STATE

The pandemic policy responses generated a serious economic crisis. The Covid-19 restrictions altered the processes of capital accumulation across the world as they disrupted production,

circulation and consumption, affecting global value chains across the globe. As Brancaccio et al. (2018) explain, crisis recurrently lead to processes of capital reconfiguration, concentration, and also to major state intervention (O'Connor, 1984). The Covid-19 crisis has not been an exception.

Since the 1980s crises, either caused externally or due to internal contradictions of capitalist accumulation, have offered the opportunity to neoliberal reformist to push for public sector austerity, privatization and markets liberalization, especially in labor markets. This has been facilitated by the international liberalization of capital and trade since the 1980s, which has acted as an anti-Keynesian constraint against governments favoring redistributive policies, presenting governments with the dilemma of implementing neoliberal policies or face financial crisis.

Very often in this period, crisis have unfolded rapidly in shocking and frightening chains of events for the populations, which has diffculted any articulate popular resistance. In this context of fear and confusion, neoliberal prescriptions have been more easily translated into policies. The occurrence of disastrous events used as pretext to ruthlessly advance neoliberal policies was conceptualized as “shock doctrine” by Klein (2007). The Covid-19 crisis has had many elements of a shock doctrine, with new forms of state-corporate cooperation to impose antisocial digital and welfare policies (Klein, 2020). These policies have worsened the conditions of social reproduction, as they negatively affect social provisions (O'Connor, 1984) and workers' conditions.

Since the 1980s, when crisis hit economies, large-scale state intervention in favor of capital has become a recurring event, as risk of collapse has required that states reassure the system through provision of emergency liquidity, socialization of losses and de-risking of future investment. The Covid-19 response crisis has been the most recent example of states intervening to bail-out large corporations, especially financial ones. Since the 2007–2008 states have moved into a new discretionary policy paradigm in which states have done “whatever it takes” to stabilize the system as its own authority is dependent on it (Pistor, 2019), which if unabated could evolve towards a crisis of hegemony (O'Connor, 1973).

Financial fragility produced by the Covid-19 response required stabilization measures, with central bank liquidity provision and fiscal expansion. At a European level this took the form of a program of bond purchases, provision of credit to banks, the pausing of austerity rules and a joint fiscal response with major political relevance under the name of Next Generation EU (NGEU from now on). The amount of credit guarantees provided by the Bank of Spain and the ECB amounted to 12% of GDP, furlough expenditure destined to all employees whose activity was put on-hold was about 2.5% of GDP in 2020 and 1% in 2021, and subsidies to firms and self-employed weighted 0.2% in 2020 and 0.7% in 2021 (Hernández de Cos, 2021).

The NGEU program deserves closer attention as it represents well the neoliberal model prevalent in the EU, in which the state acts as guarantor and de-risker that socializes losses while leaving all profits to the private sector. This fiscal program has a total funding capacity of 750 bn euro and is divided into 360 bn of loans and 390 bn of grants mostly directed towards the peripheries of the EU to be made available preferably to public–private partnerships aiming at a “green,” “digitized,” and “inclusive” transformation of their economies (Lapavitsas & Cutillas, 2022).

Although the European Commission has stated that the Next Generation should be directed to SMEs, these are having important difficulties to access the funding due to the administrative and financial risks attached to it. Instead, large corporate actors with lobbying power and capacity to hire top consultant companies (often the same hired by the government to design the programs) to successfully apply for the funding are in a better position to obtain the funds.¹

In fact, according to execution evaluation data as of February 28, 2022 (Hidalgo, 2022), published public tenders amounted to almost 5000 million euros. Administrations that have tendered the fastest have been public law entities (public companies, in essence) assuming more than 50% of the tenders with more than 2.7 billion euros, which could be a sample of their greater administrative capacity to manage public funds. They are followed by the General State Administration (AGE) with approximately half the investment of public law entities and the

CCAA with just over 800 million. Finally, local entities currently have a token presence in the execution of funds, which could be explained by the cascading distribution of said funds from the AGE to the rest of the administrations, a chain in which local administrations are the last link.

Among the public entities, the one that has acquired the leading role to date has been Adif, which has tendered close to 2500 million euros, around half of the total European funds tendered to date. The main focus of the tenders has been in construction of infrastructures, as also shown by the data of the main companies awarded the contract and the main goods and services contracted under the rubric “land transport services” and “construction.” Regarding the tenders already awarded, we find that they have been resolved in approximately the same period of time as similar tenders financed by other funds and that these have fallen mainly to Temporary Business Unions (UTES in Spanish) and public limited companies, mostly civil engineering companies. Tenders by economic activity are concentrated in infrastructure and construction, with 1.2 billion euros in contracts awarded, 70% of the total amount.

In the ranking of Autonomous Communities, Castilla-La Mancha and Galicia lead the way in terms of tenders with more than 200 million, and Catalonia, La Rioja, Melilla, and Navarra trail behind, all with less than 5 million activated. As far as ministries are concerned, the Ministry of Health concentrates more than 70%. Regarding the place of execution, taking into account that the investments have been located geographically both by the location explicitly described in the calls and by the postal code of the headquarters of the winning companies, we can affirm that a large part has fallen around the capital, Madrid (around 10% of the tenders as of February 2022 located in the municipal area: almost 500 million euros of the almost 5000 tendered), and other provincial capitals. However, the speed of some public administrations, particularly the regional ones, manages to attract aid to other geographical areas, dispersing it.

In addition, the objectives of the NGEU are not based on the needs of peripheral countries. The technical analysis accompanying the programme makes clear that the sectors that would absorb most of the funds have largely been chosen by their export potential for core countries as well as to support the presence of the EU in the world market (European Commission, 2020). In fact, NGEU has involved a process of centralization of power has been exacerbated, as states and the European Commission have alienated local and regional institutions and communities from deliberating and deciding on the needs of their territorial systems. With this process the EU continues to drain the democratic processes by concentrating information and decision-making power in a set of institutions that lack transparency and representation.

As mentioned before, the model chosen to develop the projects is that of public-private partnerships. According to the Royal Decree Law (36/2020) passed to establish the framework for the reception and implementation of the projects and to the Law of Public Contracts (9/2017) the Spanish government has ample powers to adjudicate contracts directly without need of competitive procurement processes, in which case, the state will have to own at least 51% stake. Also, the decree creates new legal forms that degrade the public standards for contracting, for instance, by allowing the adjudication through emergency procedures exempting contractors of their otherwise legal obligation to make an environmental impact assessment of the project, something deeply contradictory when one considers that the NGEU is part of the European Green Deal. In fact, the idea that the NGEU will contribute to averting environmental concerns while leaving the neoliberal model mostly untouched is only justifiable with the dubious wishful thinking that technology, especially digitalization, will solve the ecological problems in Europe. In this regard, it is worth noting that the three companies with the largest presence in the Spanish energy market, which highly invested in the fossil fuels industry, have presented more than 300 projects worth more than 30 billion euros. In essence, the NGEU do not alter the neoliberal model of state-corporate synergy, in which big capital plays the leading role and the public plays an auxiliary and passive one in terms of management, leaving no space for different models that would involve grassroots communities or institutions. In this model the state acts as guarantor and de-risker for corporate capital.

In the case of loans made available to peripheral states, the process of repayment will start no later than 2028 and be completed by the end of 2058 (European Parliament, 2021). Also, they will have a lower rate of interest than for sovereign debt in the open markets, given the top credit rating of the European Commission. Peripheral countries will then save a modest part of the annual interest, something that reduces the costs of current fiscal expansion but unlikely to be decisive for their economies. Yet, peripheral countries that decide to request loans would likely face demands for neoliberal reforms from EU as it has been the case during the Eurozone crisis. These demands are straightforward: labour and pension laws must remain on the path of liberalization and privatization and deficits, although currently under no formal constraint, must be kept at a moderate level.

We will examine how the money is allocated and distributed. But also, what mechanisms the EU holds to make Spain accountable and what duties and burdens Spain incorporates to their economic system. Throughout a detailed observation of these economic instruments and their implementation we will discuss the options for economic and social transformation and the perils for the reproduction of the peripheral economic specialization of Spain. The same peripheral position is maintained even the massive flow of money. The entrepreneur state becomes subjugated to European power relations.

6 | BEYOND THE AMORAL STATE: AN EDUCATOR STATE

In the earliest moment of the crisis when uncertainty become paramount, the state portrayed an image of protector and carer. The state presented itself as protective which also helped to give meaning in the harsh moments of impasse when a social reproduction crisis was becoming evident. Therefore, the State guaranteed the continuity of the community, and regulated the panic emerging from the initial shock, thus becoming a moral leader through the deployment of its ideological apparatuses. This was a task mostly hidden or unchallenged during most of neoliberal crises, which does not mean that they did not exist. Indeed, they also require a great deal of work.

The state deployed a discourse of self-protection as the best way to protect others and those who rejected to obey were presented as selfish, irrational and even dangerous, thus neutralizing any possible criticism to the measures taken. The universal claims of the project of the leading social group accompanied the production of consent of the educator state (Thomas, 2009). The spread of the virus worsened the conditions for capital accumulation as production (where physical proximity among workers usually facilitates the spreading), distribution (where mobility increases the possibilities of the virus to go from one geographical area to another) and consumption (where different people meet in the public space), since from the initial zero-covid approach applied by health authorities were processes that needed to be totally stopped. These interventions that were intended to control the virus were impossible without an extensive amount of surveillance and control, which supposedly was attempting to restore normality as quickly as possible and restart capital accumulation.

In the moment of impasse, when the disease altered ordinary life, the state became a moral guideline. The state provided a moral content to the social relationships to reassure the population: the elder, the ill and the vulnerable had to be protected at all cost.² The social reproduction was to be defended in appearance but with a real bias that would neglect mental and other important dimensions of health and society. Thus, the state here was not a welfare or a caring state, but a protector state requiring emergency powers to provide safety through security. The need for economic safety is enforced by a tight security approach while itself is presented as a protective-state.

This protector state that emerges from the pandemic is not a welfare state but an extreme version of the neoliberal state, with no aim to redistribute wealth, or to advance social and economic rights. It does not facilitate any conquest for citizens as it is proved in the discussion about a universal basic income. This discussion emerged to the surface during the early days

after the state of alarm. However, it was immediately discarded even when lots of people in social media, newspapers, television and important people from a wide range of positions from economists to trade unionists were defending it. The government decision was to implement subsidized shutdowns for firms and furloughs employees (ERTO in Spanish). The latter measure acted as a double protection for companies and employees, with the state assuming 80% of the salary of employees without any cost to the firms, but with the only obligation of not closing the company or firing the employee in furlough until a certain period of time has passed. These ERTOs have functioned for 2 years. It was a social shield by the government as it was an attempt to mitigate the negative effects of the pandemic. On the other hand, workers that had to continue working, such as workers in essential positions (medical & health, transport, distribution, etc.) were offered particular welfare protections or compensations either in terms of health or economic.

Others measures such as a minimum life earning were introduced. The banning of evictions that captured lot of attention as the government, supposed to be the most progressive ever, proclaimed that they were a radical shift in our recent history. The state intervention was proven in many different dimensions. However, there was also a massive work of propaganda as the measures had limited impact. People was continued to be evicted during the pandemic under the circumstances that were forbidden. At the same time, the minimum vital income reached a very small amount of population and half of the funds available to this policy were never allocated. There were no nationalizations or new rights achieved. Instead, a state of corporate welfare was promoted. The amount of effort dedicated to bailout the corporate sector was massive. The pharmaceutical industry is maybe the best example.

Interestingly, the Spanish government has presented the Next Generation (NGEU), the EU's strategy of the economic recovery, as a great success. The Spanish government, the self-proclaimed most leftist government ever, has explained the funds as the result of the new international diplomatic position and influence Spain has nowadays. The funds represent a triumph of this new, liberal, and modern Spain in contrast with the previous old-fashioned and conservative one. The Next Generation plan has been portrayed by the government as a renewed version of the Marshall Plan to reconstruct Europe again, after a catastrophe. Obviously, this narrative plays with the emotional charge that the Marshall Plan had for those countries who benefited from it and for those who did not. The Plan represented the European reconstruction effort after WWII with American financial help. This Plan is seen as setting the foundations for the golden 30 years of the post-war period that led to the welfare state in western Europe, with the arrival of neoliberalism wrecking this good model. In fact, under this neoliberal period many have romanticized that previous period, something that can be appreciated clearly in the documentary "The Spirit of 45," by Ken Loach. According to this, the Spirit is supposed to allow for a fairer deal between capital and labour with the state mediation through economic distribution. Those conditions were supposed to promote the welfare model in western Europe. This idealized representation of the past, forgets the geopolitical conditions with the existence of a soviet bloc that forced an amelioration of the class conflict are also forgotten after the WWII with the significant role of the red army and the partisan resistance. But there were many social conflicts unsolved during this period such as the gender divide, the ecological destruction, the rampant alienation, the racial division, and the colonial exploitation. These same conflicts are still waiting for resolution.

For Spain, a country that was not able to benefit from the Marshall Plan as it was still under fascist rule, the symbolic violence of the Plan came altogether with an historical underdevelopment. The welfare model was never well implemented in Spain. Thus, the government's narrative about the Next Generation funds presents them as a crucial opportunity to become part of the European first-class countries. However, to become part of first-class Europe something else than a moderate fiscal plan is needed, requiring the change of the relations in the EU in which Spain has a subordinated peripheral position.

7 | CONCLUSIONS

It is still early to decipher all what the global pandemic has meant, to capture all the transformations that will evolve from it. However, in the short-term politics and its war of positions everyone tries to get the maximum from it. Thus, for some, the pandemic is seen as a brief interruption before returning to a new normal that is supposed to be an enhanced form of normality to overcome the conditions interrupted by the pandemic. For others, it is about another normality negotiating the pandemic conditions to go beyond the moment of rupture represented by the global virus. Conditions that we do not know how long will remain with us. Nevertheless, everyday it seems more obvious the search for renewed conditions to start a new cycle for capital accumulation in the new normal. A new regime of capital accumulation that should lead to a new economic prosperity for all the population in the ordinary trickle-down model. To develop this cycle all state capacities are mobilized. First, the power to seizure to secure a public order pacified that allows the normal functioning of institutions without the interruptions of social conflicts. But those involved in social reproduction matters, whether formal or informal, are overpoliced regarding class and racial lines. Second, the power to produce to ensure corporate welfare and its mode of regulation are established. This has concentrated most of state intervention to establish a new regime of accumulation to guarantee the continuity of the capitalist social order. Finally, the power to convince creating a new moral economy forged with the adherence to national claims that underpin the new normality. The educational role of the state is based on the promotion of protection and self-protection to encourage raising circuits of capital.

Understanding the intertwined nature of state apparatuses has been the goal of this paper. The distinctive focus has been upon the ISA and its capacity to build a new moral economy. The state action in the name of social protection, occupational, and health safety is seen as a guarantee of the protection of the general interests. But the paper has exposed that the political economy of the recovery is far from being neutral. It responds to the interests and project of the financial capital and corporate power. The social construction of a moral economy in the pandemic is related to the capital demands of protection and self-protection. Along with occupational and health safety there is a severe command of self-discipline. This is the outcome of a massive effort of the ideological apparatuses of the state. These are the pre-requisites of capital reproduction in the Covid pandemic.

The victory for the state is the hegemonical position obtained from this situation. The state increases its hegemonical position in a context of crisis. It is a potential aspect of the ethical dimension of the state which clearly favors the material gains of the state-corporate power and the elites that are benefited from that situation. And it is certainly a material loss, and it can create division within the working class. The social construction of the protective state masks class antagonisms. It is the ethical dimension of the state which clearly favors the material gains of the state-corporate project and the elites that are benefited from that endeavor. But there is a side effect of this project, the crisis of social reproduction and the material loss of the working class. The moral economy of the pandemic has created a new kind of morality which has serious material effects.

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ENDNOTES

- ¹ Actually, the main business association in Spain (CEOE) and the 'big four' auditing companies have played an important role in designing the projects to be supported by the state in front of the European Commission. The model proposed by the government for the implementation of the Recovery Plan in the Royal Decree 36/2020 allows for the incorporation of private actors in the committee that plans the projects of strategic interest.
- ² This narrative of protection was contradictory to the actual measures taken in elder care homes, where old people were locked, often unnecessarily medicated with tranquilizers and denied medical assistance. Many old people died in terrible conditions, without water and food, alone and locked in their rooms. See, for instance, the report "Spain: Older people in care homes abandoned during COVID19 pandemic," by Amnesty International. Dec-2020. <https://www.amnesty.org/en/latest/news/2020/12/spain-older-people-in-care-homes-abandoned-during-covid19-pandemic/>

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