

# **RISK, RESPECTABILITY AND RESPONSIBILISATION:**

## *Unintended driver responses to speed limit enforcement*

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### Abstract

*A preoccupation with risk as a rationale for enforcement has led to significant changes in both the practice of control and the experience of being controlled. A concern with risk, howsoever caused, has led to whole new populations being drawn within the state's regulatory gaze and prosecuted under strict liability laws. The use of speed cameras to enforce speed limits has been one such development which has been the subject of intense public debate. This paper situates this controversy within a risk framework and explores the way in which drivers who describe themselves, in various ways, as 'respectable' have responded to this new role as a 'risky', rather than 'at risk', population. The negative consequences associated with being identified as a source of risk have, it is suggested, allowed drivers to re-conceptualise themselves as the victim, rather than cause, of risk on the roads. They have then been able to reject responsibility for risk while enthusiastically pursuing methods of responsabilisation which protect them from it.*

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*The 'risky' and the 'at risk'*

If we are to view society as being increasingly ordered around notions of risk, or even as a 'risk society', then we are encouraged to view the individual as inhabiting a more reflexive world. In this world, the individual is freed from 'inherited identity' (Bauman, 1997: 20) and instead has to construct and defend their own created version of the self:

Under the risk regime, rather than life trajectories being governed by the ties of family, class, ethnicity and gender, 'do-it-yourself' biographies become the prevalent form of cultural determination. (Mythen, 2005: 132)

Such 'do-it-yourself' identities require constant reflexive monitoring and must be continually defended and maintained in the face of challenges which otherwise result in 'cognitive and emotional disorientation' (Giddens, 1991: 37). One such challenge comes, it might be suggested, from the undermining of stable notions of who constitutes 'us' and 'them' - important distinctions which constitute 'ontological reference points' for the citizen of risk society (ibid: 48). Rather than historically stable distinctions between the respectable and the dangerous organised along the lines of class, race or gender, a concern with the prevention, avoidance and punishment of *risk* justifies new kinds of regulatory interventions, legitimises new types of problematisation and embroils whole new populations in systems of control. This work proposes that 'respectability' is one such do-it-yourself identity, with respectability being comprised of a variety of attributes including law-abidingness, morality, and membership of the majority, as well as a commitment to being a productive and active member of society. An exploration of the use of speed cameras to enforce speed limits, and the reaction of the subject population to this control, illuminates these issues by demonstrating how 'respectable' populations react to problematisation on 'risk' grounds.

Hunt has described the process whereby risks come to be regulated in terms of the *moralization* of *deviance* or *transgression* (Hunt, 2003: 178) and this process is considered below in terms of its potential to pose a challenge to the kinds of do-it-yourself identities necessitated by risk society. Such new methods of distinguishing the good from the bad, the safe from the dangerous, the non-risky from the risky, challenge aspects of the individual's identity which relied upon stable distinctions such as those between the criminal and the law-abiding individual. A preoccupation with risk as a rationale for enforcement also challenges the notion of a simple distinction between the moral and the immoral, the member of the respectable majority and the deviant minority. Such a 'respectable' identity is, it is proposed, under considerable challenge in a society where risk is increasingly being used as a justification for the problematisation of its citizens.

While risk does, according to Hunt, normally result from some kind of transgression, a commitment to avoiding transgressing rules is no guarantee of a life free of intervention from legal authorities in the risk society. The use of risk as the justifying logic for enforcement means that such an intention is no longer sufficient to protect an individual from being criminally problematised. Behaviour is rendered punishable if it is seen as risky *regardless of whether or not it was intentional* and the use of strict liability laws means that 'law-abiding' individuals who never intended to break laws can nonetheless be punished as law-breakers. The law-abiding individual can no longer rely upon laws to 'provide the necessary architecture in which people can plan and carry out good-faith social cooperation' (Luban, 2002: 296) with the result that an individual with a commitment to being law-abiding, who lives their life according to the law, is nonetheless liable to attempts at criminalisation on the grounds of their 'riskiness'.

Furthermore, should the individual's do-it-yourself identity be comprised of a commitment to make moral choices, they will nonetheless remain vulnerable to accusation of immorality through the use of strict

liability legal frameworks under the risk regime. Enforcement justified on the basis of risk thus also presents a challenge to this aspect of the identity. Regulations which are justified on the basis of risk assessments are, nonetheless, *moral* judgements given that they relate to judgements about desirable and undesirable outcomes (Ericson and Doyle, 2003: 2), and contain an image of 'how we want to live' (Beck, 1992: 58). Moral overtones are, additionally, especially strong where the chosen method of enforcement is the criminal law. Lea notes that 'criminalisation' should be seen as more than 'simply a tactic for dealing with groups of individuals who constitute obstructions' (Lea, 2002: 139). The police, so often turned to as the enforcing agent in questions of risk (Ericson and Haggerty, 1997), can be seen as carrying with them a symbolic meaning or 'aura' which renders the issues they touch upon moralised (Loader and Mulcahy, 2003: 33). To be assigned the identity 'risky' and to be subjected to attempts at criminalisation justified on those grounds is therefore also to experience a *moral* criticism.

Thirdly, Hunt's description also makes clear the assumption of a connection between risk-based control and *deviant* actions. He assumes that behaviour which causes an increased risk of harm, in whatever context, is that which deviates from the norm: that risky behaviour is deviant behaviour (presumably therefore engaged in by 'deviants'), and that safer behaviour is that engaged in by the majority. However, in reality, a preoccupation with risk howsoever caused means that any behaviour deemed to constitute a risk becomes liable to attempts at criminalisation. Behaviour engaged in by the majority is therefore just as liable to be problematised if it is believed to constitute a risk to others.

Respectability is, however, not just about a mental stance, but about a set of actions. A further significant component of the respectable identity presupposes that respectable citizens are also economically active, productive members of the community. Engaging in paid, legitimate, employment is therefore a further necessary attribute for membership of 'respectable' society. Mythen notes that changes in the experience of employment in risk society have been singled-out 'as a decisive factor in the development of uncertain and insecure forms of lived experience' (Mythen, 2005: 130). The increasingly flexible, temporary and insecure nature of employment poses a challenge to 'taken for granted assumptions' about the individual's place in society, which are undermined by the prospect of being without employment (ibid: 133). Total flexibility, adaptability, and mobility can therefore be seen as prerequisites for wage earning, and in turn for participation in consumer markets, for purchasing goods and services, for 'active citizenship' (Rose, 2000: 190).

In various ways, then, a concern to identify, prevent and punish risky behaviour poses significant challenges to the maintenance of a coherent identity such as respectability. The defence of such an identity is, however, made all the more necessary when the treatment reserved for those successfully labelled as risky is considered. Hudson notes that a preoccupation with identifying and punishing risky behaviour has overtaken a concern with ensuring that those accused of risky behaviour are ensured justice (Hudson, 2001: 144). Regardless of whether or not such problematisation is considered justified by those 'categorized as a risk' (ibid), defending oneself once the role of 'instigator' of risk (Beck, 1992: 29) has been accepted becomes difficult, if not impossible. Being labelled as a risk can, therefore, be seen as a considerable risk in itself. The adoption of the role of (actual or potential) 'injured party' (ibid), by contrast, offers the individual opportunities for self-defence. In fact, such action has been positively encouraged by the state. Individuals have been required to become active in securing their own protection from risks, knowledgeable about their own circumstances and prepared to act to self-govern in relation to them (Hunt, 2003: 169). Such 'responsibilisation' assumes that *the individual is protecting themselves from external risk sources* and is epitomised by Garland's description of what risk 'is'. He observes that '[t]he risks we run depend on the actions of others and the risks they take'. (Garland, 2003: 55). Individuals are 'encouraged, provoked, and incited to engage in taking care of themselves' (ibid: 181), to the extent that '[i]n late modernity *not* to engage in risk avoidance constitutes a failure to take care of the self' (ibid: 182).

Therefore, while risks are predominantly talked of, and thought of, as things which 'we' are exposed to by 'them' the citizen of risk society is increasingly faced with the prospect of being designated 'a risk' themselves, while simultaneously having to deal with the prospect of being 'at risk' from other people. In various ways, then, the use of risk as a justifying rationale for enforcement poses considerable challenges to those historically inclined to think of themselves victims of, rather than instigators of, risk. The police - always seemingly protecting the majority from a minority of deviants 'from the barbarian within', 'the enemy', 'the bad guys' (Kleinig, 1996: 24) - are likely to now be experienced by many in the role of *offender*. Adopting a 'risk' approach has resulted in previously moral, majority and law-abiding populations being drawn in to the systems of law enforcement. This research considered one such enthusiastically pursued attempt at the problematisation of a considerable proportion of the adult population which has been justified on the grounds of risk, namely the use of speed cameras to punish and attempt to criminalise the breaking of the speed limit. This can, it is suggested, be used as a lens through which the experience of control in a risk society can be usefully illuminated.

### *Methodology*

This research was conducted through the use of focus groups and the analysis of Internet-based discussion forums convened around the issue of speed limit enforcement - the latter viewed, in themselves, as a kind of 'marathon focussed discussion group' (Mann and Sutton, 1998:210). Pilot research, consisting of the analysis of Internet-based discussion forums was used to identify appropriate and relevant categories around which to convene focus groups. Rather than provide traditional demographic information, drivers who participated in Internet forums apparently preferred to identify themselves through references to their level and type of driving experience. Such volunteered identities included being a 'new' or 'experienced' driver, a 'professional' driver or a 'convicted speeder'. Focus groups were then conducted with drivers with these different 'driving biographies'. In addition to contributing to the pilot aspect of the research, Internet-based discussions were also used to supplement focus group research, with over one thousand separate postings from ten discussions analysed. The Internet was considered a particularly appropriate forum from which to gather empirical evidence, given its considerable advantages of accessibility and availability (ibid: 210). Furthermore, given the focus of the research, this arena of discussion offered the potential for individuals to avoid analysis on grounds that appeared irrelevant to the formulation of their posting. Instead, they were able to volunteer the aspects of their identity they considered important to their stance on speed limit enforcement - essentially to volunteer their own do-it-yourself identities. Of course, such a method essentially provides a self-referring pool of participants and is subject to biases of usage and accessibility (Bloor et al, 2001: 74-5), but in this sense the gathering of data from this source was concerned more with *representation* than it was with *representativeness*. Quotes sourced from these forums are followed by the reference 'BBC Have Your Say'. Full details of the discussions can be found in the References accompanying this article.

### *Speeding, risk, and the respectable driver*

Driving, road use and road death are often given as an example of types of risk and sources of harm that are routinely tolerated (for example Beck, 1992: 46, Giddens, 1991: 40, Garland, 1996: 446, Simon, 1987: 75). Recently, however, attempts have been made at a policy level to problematise this issue through a singling out of 'speed' in particular as a source of risk and as a cause of road death and injury (DETR, 2000). The presumption underpinning these recent policy developments in this area is that faster speeds (interpreted as those in excess of the speed limit) bring about an increased risk of road death and injury and that, as such, speed cameras that encourage compliance with speed limits will bring about reductions in the number and severity of road crashes. The speeding driver thus becomes a viable target

for enforcement and punishment on the grounds that s/he causes risk and must be prevented from doing so.

Although the deployment of speed cameras can be understood in terms of the reduction of risk, the subsequent reaction to the use of speed cameras can also be understood in risk terms. This paper considers the responses of many self-styled 'respectable' drivers to speed limit enforcement from the perspective of changes in the experience of living within a risk society. Here, the use of risk as a rationale for the problematisation of individuals has resulted in challenges to the viability of the 'respectable' identity. A desire to protect this identity against such challenges has, in turn, led to the enthusiastic adoption of methods of responsabilisation which, although encouraged by the state when they are used against traditional crimes and criminals, are now deployed as a defence against the state's attempts to criminalise the 'respectable' population.

This research deliberately used methodologies which allowed participants to construct their own do-it-yourself identities rather than assigning them to more traditional categories based around class, gender or race. One such do-it-yourself identity encountered during this research has been that of the 'respectable' individual – something which apparently existed independently of any particular class, race or gender. This identity was seen to comprise further psychological and physical attributes which reflect the concerns with transgression, moralisation, deviance and productivity considered above. The respectable individual identified in this research was both law-abiding and moral, a member of the decent majority and an active contributor to society. Each of these aspects of 'respectability' are considered in turn, below. In each case, the justification of enforcement on the grounds of risk can be seen to challenge the presumptions of respectability held by those who now fall within the regulatory gaze. The controversial nature of this type of problematisation is, it is suggested, partly explained by the challenges it poses to the identities of those it seeks to problematise.

Despite the demonstrably transgressive nature of their actions, a key element of the respectable identity claimed by many drivers was a commitment to law-abiding behaviour:

The police would be far better off devoting themselves to real crime and not alienating law abiding, sensible and responsible citizens. (Male driver, Bedford, BBC Three Counties 'Have Your Say' discussion forum, 2004)

[Cameras] are nothing short of an extremely easy way of generating revenue by trapping the innocent using an outdated area of the law. People caught are usually law abiding good honest citizens simply wanting to get where they are going (Male driver, Portsmouth, BBC Wales 'Have Your Say' discussion forum, 2003)

It seems that the speed camera is the lazy authority's way to crime detection with the unwitting, and generally law abiding taking the hit. Once again the silent majority are the easy victims. (Male driver, Maidstone, BBC Kent 'Have Your Say' discussion forum, 2003)

This aspect of the respectable identity is, clearly, based on assessments of position which pre-date a concern with risk as a justifying rationale for enforcement. This is indicated by the repeated use of the past-tense in the following quote:

I honestly think, speaking honestly, that until now I'd never feared prosecution. Seriously, because of what I do, I don't engage in criminal behaviour. I'd always felt, I suppose, untouchable because I'd never thought the police would have any interest in me as a respectable bloke, you know? I don't willingly behave in a criminal way, and because of my awareness of what's right and wrong and not needing to do anything wrong to improve my life, I honestly wouldn't ever have thought

about it. (Male, late 20s, experienced driver focus group)

The shift to enforcement priorities determined by risk, however, means that such individuals are no longer insulated from police attention by their compliant attitude to the law. The ‘suddenness’ that the following drivers refer to demonstrates their shock at the irrelevance of this kind of respectable and law-abiding self-identity to new enforcement priorities:

Law-abiding citizens are expected to watch their speedometer and the road, and this is regarded as road safety, and if they exceed just over 30mph they suddenly become criminals (Male driver, Flintshire, BBC Wales ‘Have Your Say’ discussion forum, 2003)

I have never been in trouble with the police in my life but now suddenly I’m a criminal? I am not. I am a hard-working, respectable citizen and a very responsible person (Female, mid 50s, convicted driver focus group)

Because of this apparent challenge to the law-abiding self image so valued by many drivers, many were quick to differentiate between *types* of law breaking. ‘Crime’ was therefore reconceptualised as offences for which *mens rea* was necessary, allowing a law-abiding identity to be preserved intact despite evidence of law breaking. ‘Real’ crimes could therefore be re-defined as those for which conscious intent was required, with *mala prohibita* offences such as exceeding the speed limit reclassified and thus rendered consistent with a law-abiding self. The following exchange between two drivers evidences this important distinction:

Just a couple of quotes on some of the posts on this site. Firstly many people talk about cameras as catching law abiding citizens – you’ll find that the strict definition of ‘law abiding’ means abiding by the law. Going over the speed limits is breaking the law – you cannot pick and choose which laws suit you, regardless of how you feel about those laws. (Male convicted speeder, Faversham, BBC Kent ‘Have Your Say’ discussion forum, 2003)

OK, firstly, anyone needing to give a sermon on the definition of ‘law abiding’ is obviously missing the point. For the purpose of the discussion here (and for the painfully pedantic) please take ‘law abiding’ as meaning ‘not of a criminal bent’. (Male driver with three speeding convictions, Portsmouth, BBC Kent ‘Have Your Say’ discussion forum, 2003)

Being ‘not of a criminal bent’ serves as a description of individuals who would not intentionally commit illegal acts. This allows for a distinction to be maintained between the type of ‘law-abiding offenders’ created by risk assessments and strict liability legal practices, and genuinely intentionally criminal individuals. The latter group is considered to lack the inclination to be law-abiding and as such is reassuringly different to those who live their lives according to this stance. In this respect, the second driver quoted above *can* pick and choose which laws ‘suit him’ as he considers that only those laws which require intent, or for which he considers the offender to be culpable, count as real laws. ‘Real’ laws, it would seem, are those that identify ‘real’ criminals, they do not catch out people who consider themselves to be law-abiding as a cornerstone of their identity. Strict liability laws which allow for the punishment of respectable individuals are, therefore, controversial and unpopular.

The increasing regulation of road use based around risk premises (Gaventa, 2005) has also seen its increasing moralisation. Actions alleged to result in risk are re-conceptualised as *bad* rather than unfortunate, leading to reductions in the use of the word ‘accident’ with its implications of bad luck and unhappy chance (Ericson and Doyle, 2003: 7-8). The moralisation of traffic offending within a strict liability framework means that many people will be morally judged for offences which did not in themselves represent bad moral choices. Given that offending can be unintended *and* result from an

intention to act morally, a moral stance is no longer sufficient to insulate a respectable individual from moral criticism, nor from criminalisation.

Furthermore, research shows that speeding is a *majority* activity (Corbett, 2003: 111; Stradling et al, 2003). This presents an interesting context for regulatory interventions usually deployed, as Hunt suggests, against a minority of both morally and statistically perceived *deviant* people:

I find myself asking if the moral majority has any kind of influence any more. You know? Does it matter what decent people think? Isn't that what living in a democracy is all about? (Male, late 20s, experienced driver focus group)

As such, thinking and policing in risk terms also challenges the elements of identity based around being part of a respectable, law-abiding *majority* as these elements of the identity are direct contradictions in the case of speed enforcement. The statistical norm, according to speed limit regulation, is deviant, and it is risk, rather than the 'moral majority', that gets to dictate enforcement priorities.

In a further sense, the enforcement of speed limits has also posed threats to the more physical aspects of the respectable identity. Participants in this research were virtually unanimous in agreeing that it was the 'penalty points' aspect of the punishment that was viewed as the most serious consequence of speeding. The accumulation of twelve or more penalty points on the driving licence within three years results in a short-term driving ban, and concerns about the risk of 'getting points' generally preceded, and in some cases displaced entirely, any mention of an increased risk of a collision associated with speeding:

Sue            The first thing that comes to mind is the 'points', undoubtedly. The money I can always come up with, but the points have a real impact

Dave           I know what you mean. That's the bit that really scares me. Four times and you're banned. No questions.

(Convicted speeders focus group)

The money is a pain but it's not half as serious as the points that you get. The fine is like a tax which you pay and get on with it. But I think what most people are afraid of is getting points and being banned (Female, late 30s, experienced driver focus group)

The increased attention being paid to speeding offences therefore means that the likelihood of being banned from driving is increasing at the same time as changes in employment markets are also seen to be occurring (Mythen, 2005). Many drivers felt that the ability to obtain and retain paid employment was increasingly dependent on the possession of the driving licence, and the flexibility, reliability and competitiveness that it made possible:

The first thing that came to my mind was the 'licence' situation! Losing my licence and not being able to get to work so losing my job. Especially when I was on nine points, I could lose it at any time and that would be that. Then it would be the accidents, or the chance of getting injured, but the first thing would definitely be my licence. (Female, late 20s, convicted speeder focus group)

For me it's the loss of licence, yeah, loss of licence, because I need my licence to work basically. I mean if I didn't have my licence there would be ways round it but I don't know. Presumably I'd be reported to the GMC [General Medical Council] as well I imagine, for losing my licence. But there again you've only got to fart and you get reported to the GMC these days. Any excuse. It's ridiculous, but anyway, the licence is the first thing. (Male, late 40's, convicted speeder focus group)

This notion of active citizenship, however, does not just involve *purchasing* goods and services. It also allows individuals to claim the status of the productive, active *contributor to society*. This contributory aspect of the role of active citizen is often phrased in terms of the role of 'tax payer':

Maybe Kent County Constabulary and the court service will take heed & start investigating real crime instead of persecuting those who work excessively hard and are taxed accordingly. Don't bite the hand that feeds you. (Initials only, Ashford, BBC Kent 'Have Your Say' discussion forum, 2003)

North Wales police being given a special dispensation to use covert methods to catch even more responsible taxpaying citizens for trivial speeding offences is simply feeding a greedy monster that is totally out of hand. (Male driver, Buckley, BBC Wales 'Have Your Say' discussion forum, 2003)

Do the police really expect to get the respect of the taxpayer who are paying their wages by ignoring true crimes such as robbery, murder, mugging etc, just to go bounty hunting and collecting revenue? (Male convicted driver, Wales, BBC Wales 'Have Your Say' discussion forum, 2003)

What seems to be the mechanism in Britain [is that] whinging zealots get to put traps on roads near their houses. I'm sure this is to enable them to enjoy the spectacle of watching from behind their twitching curtains the anguish and discomfort of people trying to get to work to pay their taxes to pay the people behind the twitching curtains their pension or dole. (Male driver, Staffordshire, BBC Stoke and Staffordshire 'Have Your Say' discussion forum, 2004)

As in the final example, this tax-paying role could be juxtaposed with those without employment who were constructed as somehow less worthy, less viable and less entitled to comment on society, even expendable (Ericson and Haggerty, 1997: 44).

Paying taxes was also, crucially, thought to entitle the contributing individual to have some element of control over the way in which those taxes were spent. As the above drivers make clear, this bargain did not include the authorities using those taxes to criminalise the same individuals who supplied them with funds and paid their wages. The paying of taxes which fund the police is, seemingly, part of the deal that 'should' insulate drivers from becoming part of the police's enforcement focus. The sense of 'ownership' to which Girling et al have referred (Girling et al, 2000: 137) should perhaps not, therefore, be understood solely in a protective sense. It also provides the opportunity to exercise control. This view of the police as 'belong[ing] to "us", to be directed at "them"' (ibid: 137) is threatened by policies which shift the focus of attention onto those not used to it. The use of risk as a justification for reconfiguring these populations as offenders can therefore be experienced as a risk in itself. It is just such concerns that are considered below in the context of the driver who resists *responsibility* for causing risk, but enthusiastically adopts opportunities for *responsibilisation* which offer protection from it.

#### *The responsibilised driver*

A common and recurring theme of drivers' complaints about speed limit enforcement has been their description of themselves as *victims*:

I just don't feel in the least bit naughty about it. I feel I've just been, I'm just a victim of the system. (Banned male driver, mid 50's, convicted driver focus group)

It's totally unfair. They are conducting a war against drivers and we are just letting them victimise us. If it's not speed cameras its tax on petrol, congestion charges, toll roads. It's just never-ending.



(Female, late 30s, experienced driver focus group)

Every time I see a camera flash I think 'oh, there's another victim'. It's never on an occasion where it seems like the car was travelling dangerously fast or anything. It's just flash - sixty quid - three points. (Female, late 20s, experienced driver focus group)

In describing their experiences in these terms, such drivers have apparently successfully neutralised their own responsibility for *causing* harm on the roads. The increasingly negative consequences of being defined as 'risky' have enabled drivers to view *speed limit enforcement* as a more significant 'risk' than *speed itself*. Drivers have, as a result, been able to reject official messages about speed and to re-conceptualise themselves as the *victim*, rather than *cause*, of risk on the roads. This risk is, it is proposed, primarily conceptualised in terms of a threat to a variously understood sense of 'respectability' possessed by many drivers and deployed as part of their efforts to resist problematisation on the grounds of their own 'riskiness'. As a result drivers have been seen to deploy various methods which demonstrate that while *responsibility* is rejected, methods of *responsibilisation* are enthusiastically adopted.

One approach to responsibilisation in the face of risks (however perceived) is to resist being made responsible for them in the first place. Such an approach is seemingly encouraged by the emphasis on risks to which we are exposed at the expense of risks which we pose to others. Hunt calls this shifting of blame 'deresponsibilisation', noting that 'people both seek responsibilities and just as strenuously refuse to accept responsibilities, processes that are the result of viewing life through the lens of risk discourses' (Hunt, 2003: 186). Responsibilisation is thus achieved through the shifting of blame for risk into other sources, and the individual is protected from the harmful consequences – or 'risks' – of being identified as risky.

Attempts at obtaining protection from the negative consequences of being implicated as 'a risk' are, in a first sense, made via a strategy that *emphasises* the risk-producing behaviour of others in an attempt to *de-emphasise* the risk posed by speeding drivers. As 'they strike out blindly at anything that gives off the scent of deviationism' (Beck, 1992: 12) drivers can then relocate their own behaviour lower down a list of problematic behaviours, less 'bad' and less 'risky' than that engaged in by others.

Through this strategy, drivers are able to revert to the role of victim through the implication that respectable citizens are put at an increased risk of victimisation from traditional criminals. This increased risk is brought about by the authorities' perceived neglect of these more 'worthy' enforcement targets in favour of motoring offenders. The authorities' distraction from their 'proper objects' of control (Fiske, 1993: 235, quoted in Coleman, 2004: 8) means that they contribute to the victimisation which those proper objects can thus bring about. The goal of the strategy is to force a rethinking of police priorities which re-instates the implicated instigator into the role of potential victim, *protected by* and not *at risk of* the actions of law enforcement agencies. By attempting to influence the enforcers' priorities in another direction, drivers are therefore intending to bring about their own protection from the risk of speed limit enforcement. Effectively, therefore, those who use this tactic can be seen to have become *so* responsibilised that they use this tactic to protect themselves from external risks to their respectability. Deresponsibilisation is therefore a responsibilisation strategy which protects individuals from being labelled as risky.

This deresponsibilisation strategy involves suggesting alternative behaviours which are seen as producing more harm and thus being more worthy of enforcement attention. Such 'proper' targets are all, crucially, offences which are perceived to be immoral, require intent, and which are statistically deviant:

Lets start a list of crimes we worry about and see how long it is before we get to doing 35 mph in a 30 mph limit...We have 1) Gang inspired gunfights 2) Protecting children from paedophiles...

(Male driver, Bedford, BBC Three Counties, 'Have Your Say' discussion forum, 2004)

At the moment it seems that all [police] forces are after the motorist as we've all said and will keep on saying 'what about real crime', the burglar, the mugger, the rapist etc. etc. etc. (Convicted speeder, Flintshire, BBC Wales 'Have Your Say' discussion forum, 2003)

I just wish they [the authorities] would get a bit of perspective, you know? Speeding on an empty street versus knifings, old ladies getting burgled and raped, and all sorts. I know which I wish the police would concentrate on. (Female, mid 20s, new driver focus group)

The roads are over-policed when the resources would be better spent fighting crime. Victims of burglars, muggers and thieves see little help from the police and the real criminals are given extremely low sentences. (Anonymous driver, Staffordshire, BBC Stoke and Staffordshire 'Have Your Say' discussion forum, 2004)

Such responses to speed limit enforcement suggest that these accused drivers not only sense that traditional criminality is left to grow unhindered, but feel more keenly the loss of the police as a protective agency, something exacerbated by their new role as aggressors. There remains, however, a stubborn belief in the police as *the* solution to social problems which makes their refocused attention onto their previous supporters all the more unsettling. They are simultaneously a reminder of the threat posed by traditional criminals and a visible indicator of the changed priorities underpinning enforcement in risk society (Loader and Mulcahy, 2003).

A second approach to responsabilisation, however, *accepts* that the harm of road death and injury is a viable and legitimate enforcement target. What it disputes, however, is the way in which this harm is brought about, suggesting that it is other road-user behaviours that pose a risk and are responsible for the undeniable reality of road crashes. In constructing *other* road-users as a source of this harm, the respectable speeding driver can once again adopt the role of potential victim and view themselves as under-protected by roads-policing policies which place disproportionate emphasis on the enforcement of speed limits.

Drivers keen to stress their own law-abidingness and respectability were clearly eager to point to other types of driving behaviour as being demonstrably worse, and potentially causing risk to themselves:

How many [accidents] were actually caused by speed in excess of the posted limit and not by tailgating, reading maps or books, shaving, doing hair, using a phone, changing lanes without indicating, swerving from lane 3 to the slip road just in time to make an exit? These cameras will not work (as usual) and the most dangerous drivers will carry on unpunished. (Male driver, Basingstoke, BBC National 'Have Your Say' discussion forum, 2003)

There are far too many people on the road that should not be there. These include: poor/incompetent drivers, those with poor eyesight, others under the influence of alcohol/drugs, drivers with poor/no appreciation of other drivers, and who don't understand lane discipline/signalling. I could go and on...Put the argument about speed to one side. Campaign to rid our overcrowded roads of dangerous drivers. (Male driver, Norwich, BBC Kent 'Have Your Say' discussion forum, 2003)

It would be much better to have police on the [road] fining dangerous and reckless drivers - including those who don't move out of the middle or fast lane on motorways - and those who drive too slowly! (Female driver, Staffordshire, BBC Stoke and Staffordshire 'Have Your Say' discussion forum, 2004)

A wide variety of alternative behaviours can therefore be put forward as more deserving of police attention, including poorly-sighted drivers, 'dangerous' drivers, uninsured drivers and even (in a complete inversion of the causal logic underpinning the policy) *slow* drivers. All are seen as demonstrating deliberate recklessness on the part of the driver, making them culpable risk-producers and viable enforcement targets. As such, any other deviating behaviour is advocated as a more suitable enforcement target if this helps the accused driver to deflect responsibility and to render risks 'external' again (Hacking, 2003: 25). The alternative suggested behaviours which underpin this deresponsibilisation are, again, seen to be ones for which *intent* is required and as such are not behaviours which can be accidentally committed by the respectable driver. They are, furthermore, offences which are seen to be both morally and statistically *deviant*, restoring the speeding driver to a position within the moral majority.

The position of speeding as the least 'bad' of a set of traffic offences which are the least 'bad' of all crimes (Corbett and Simon, 1991) means that there is a ready stock of other offences which can be highlighted in the attempt to point out more deserving recipients of police attention. Drivers are able to see themselves as potential victims of these other types of neglected driving behaviour and of 'real' crime because the police are perceived to be only interested in detecting speed limit infringements. Seemingly the only person de-implicated in the *causing* of risk (and yet perceiving themselves to be *exposed* to risk from all directions) is the speeding driver. Deresponsibilisation is thus very effectively achieved and the accused driver can re-define themselves as victim, vulnerable once more to the risks posed to them by others.

In a second sense, however, the responsabilised victim of speed limit enforcement is able to take a series of more practical steps to prevent their victimisation. In doing so they are being entirely consistent with the approach to self-protection encouraged in relation to conventional crimes. As well as being knowledgeable about the risks we face, we are also increasingly required to take action to protect *ourselves* against them, through purchasing goods and services (Haggerty, 2003: 194). Home owners are encouraged to install burglar alarms, car owners to get alarms and locks, computer users to protect themselves against viruses, and pedestrians to be aware of their own personal safety as part of their 'private, defensive routines' (Garland and Sparks, 2000: 16). However, the above examples all relate to situations in which the state and the individual agree as to the harm that needs to be protected against. In the speed limit enforcement context, it is the state's own actions which are viewed as the risk by many individuals; individuals who have previously been encouraged to adopt a proactive role in relation to their self-preservation and protection from risk. Having provided this encouragement, the state now finds itself on the receiving-end of its own logic, with individuals adopting the identity of 'victim' with the state recast as the aggressor, offender, or instigator of risk. As a result, responsibility can be declined, risk can be rendered external again, and methods of responsabilisation can be enthusiastically adopted. Four methods of achieving this kind of responsabilised protection from risk are considered, briefly, below.

#### *Strategy 1: Camera deflectors and detectors*

Parallel to the proliferation of speed cameras has been the development of a range of devices which offer to prevent detection by them. Such devices effectively render their owners less vulnerable to detection for speeding by interfering with the radar beam which is used to detect offences. The market for such devices is thought to have grown at a rapid rate, although its unregulated nature makes this hard to quantify (DfT, 2005a: 22). The Internet was a key source of information about ways to purchase such equipment, with comments about the availability and effectiveness of different technologies often given in both the 'real' and 'virtual' discussions observed as part of this research. Furthermore, a standard 'google' search for any term connected to speed cameras, safety cameras, speed traps or similar produces, first and foremost, an

array of advertisements for products ranging from the borderline, to the completely illegal.

In a different context, individuals who purchased such protection from risk would be viewed as acting responsibly, *accepting* responsibility for their own protection and for the protection of their homes, jobs and families. However, the fact that the risk to which they are responding originates with the authorities means that the purchasing of such protection becomes illegal (DfT, 2005b: 22). The availability of such technologies can be seen, however, as a logical response of the market to an emerging threat which targets many of the individuals who have similarly taken the same 'responsibilised' attitude to the protection of their homes, cars, computers and families. In terms of protection from a threat which is experienced not just as inconvenient but as personally incapacitating, the purchase of a speed camera detector and a "crook-lock" are motivated by the same concerns. They differ only in the source of the perceived threat.

From the state's perspective, however, operating with the causal logic that it does, the purchasing of such technologies allows the driver to behave in a more risk-producing fashion by enabling the driver to speed with impunity. The prohibiting of such technologies in the Road Safety Act 2005, is therefore motivated by the desire to maintain the effectiveness of its own protective technologies (the speed camera), and thereby reduce risk. The legislation is itself a crime-prevention intervention in that it is designed to prevent offences of speeding taking place, and targets technologies that it believes make offending more likely. As such, the responsibilised driver who opts to protect him or herself from the risks that they experience is rendered *even more* vulnerable by taking these actions. As well as being denied the right to protect themselves, they become subject to further laws which threaten to punish them again for their 'responsibilised' actions and, as such, the sense of 'victimisation' is reinforced.

#### *Strategy 2: Insurance*

Insurance technologies represent one of the powerful regulatory technologies which underpin the managing of potential negative outcomes in risk society (Ericson and Haggerty, 1997; Ericson and Doyle, 2003; Heimer, 2003). As if to further reinforce the idea that speed cameras are risks like any other to be protected against, the responsibilised driver is even offered insurance against losing their driving licence. Such policies provide for alternative transport for drivers who receive short-term disqualifications for speeding, either by offering to repay the costs of taxis used during the lifetime of the ban or providing a chauffeur. As such, although the initial detection and prosecution is not prevented, such responsibilisation strategies allow the victimised motorist to reduce the negative consequences of their offending/victimisation.

#### *Strategy 3: Guides to avoiding fines and/or points*

The purchasing of guidebooks that promise to help drivers exploit legal loopholes within the Safety Camera scheme can also be understood as a responsibilised response to exposure to risk. Such guides offer 'excuses that work' (Carroll, 2002), sources for protective equipment, legal 'get-outs' and tips for recognising different types of cameras with different capabilities: in short, all the necessary information for rendering oneself less vulnerable to successful prosecution for exceeding a speed limit.

Haggerty has noted that the individual 'as the rational manager of his or her risk portfolio' is required to be both 'knowledgeable' and 'calculative' in relation to the risks that they face (Haggerty, 2003: 193). But again, being 'calculative' and 'knowledgeable' is only permitted in relation to state defined risks, and is illegitimate when it applies to the state *as a source of risk*.

*Strategy 4: Nominating other drivers*

Given that the majority of speed cameras currently in use take a picture of the rear of an offending vehicle, an opportunity has been created for the responsabilised victim of speed enforcement to further minimise the impact of their victimisation. It is considered common knowledge within the speed enforcement debate that some drivers have nominated other individuals as the driver of their vehicle when they have been caught speeding (and see Cambridgeshire Safety Camera Partnership, 2003). In doing so they have ensured that the other driver receives the fine and penalty points on *their* licence. Potential recipients of such points have been elderly relatives (with 'clean' licences they no longer use), spouses or partners who are less reliant on their licences (for example the spouses or partners of professional drivers), foreign acquaintances (on the assumption that the authorities will not pursue such cases) or fiscally-challenged students (for example within clean licences but no car and no chance of getting one in the three years 'life' of the points). Although illegal, such a response was discussed openly, and often with some pride, by 'respectable', 'law-abiding' drivers. The following driver freely admitted to having transferred his points, much to the delight of the other members of his focus group:

Chris Well I should have been banned a long time before I was, but I drive for my job and I got the wife to accept a few for me. She had six off me altogether but refused to have the last time so I'm banned.

Anne Really? You did that?! That's amazing

Martin How on earth did you get her to do it?

Chris Well she's not happy now because after my ban I'll have a clean licence again, but she's got my six for another two-and-a-half years!

Martin My wife would say 'tough shit' if it was me. There's not a chance she'd have them off of me. Still, all kudos to you for doing it.

(Convicted speeders focus group)

It is impossible to calculate the likely take-up of this responsabilisation strategy on a national scale, but awareness of the potential for 'risky' drivers to evade disqualification in this manner has apparently encouraged the development of cameras which provide an identifiable picture of the offending driver (BBC News Online, 2006). As such, the enforcing technology is further developed to ward off attempts to render it ineffectual by responsabilised implicated risk-instigators.

### Conclusion

An increasing tendency to justify problematisation on the grounds of risk has resulted in whole new populations of 'respectable' people being drawn into contact with enforcing authorities and mechanisms of control. Significantly, these new justifications have also resulted in the use of particular methods, such as the use of strict liability laws, which challenge many people's traditional beliefs about the nature and form of 'real' crime and criminals.

The perceived attack on one's moral, as well as social and economic, identity resulting from the enforcement of the criminal law against a mass activity such as speeding has led to a reassertion of the problematised individual's essential law-abidingness and respectability. Such elements of the identity have been rendered more vulnerable but simultaneously more important by the risk context which both motivates the enforcement and in which that enforcement then takes place.

Therefore, although the speed camera is initially deployed as a method of risk-reduction, this research has suggested that the controversy surrounding their use can itself also be usefully understood in 'risk' terms. The adverse consequences of being defined as a cause of risk provide ample motive for seeking out and subscribing to more palatable interpretations which instead allow drivers to adopt the role of 'victim' in relation to the risks of speed limit enforcement. This functions as an attempt to deflect responsibility and blame for the harm of road death and injury. This deresponsibilisation takes place to the extent that individuals are able to re-conceptualise the most pertinent risk as coming not from their own actions in respect of the speed limit, but the authorities' attempts to enforce those limits. In response to this perceived victimisation, individuals are seen to have resisted *responsibility* by instead becoming *responsibilised* into taking action to reduce the consequences of this experienced risk.

While the speed enforcement context has been used here to demonstrate the challenges faced by both controllers and the controlled within a society problematising its citizens on risk grounds, other similar contexts pose similar challenges. The use of risk as a justification for control means that a variety of 'risky' behaviours become enforcement targets, regardless of the 'respectability' (or otherwise) of those that engage in them. Other driving behaviours such as the use of mobile telephones while driving, as well as smoking, eating, or drinking at the wheel, have all recently been conceptualised as 'risk' issues. In all cases, proposals to ban the offending activity have met with similar protests from respectable phone users/smokers/eaters/drinkers (see for example BBC National News, 2007). The introduction of a ban on smoking in public places (on the grounds of the health risks such behaviour causes) also holds the potential for similar responses from a public simultaneously construed as both 'at risk' and 'risky'. As such, an increasing tendency to conceptualise harms in terms of the risky behaviours that produce them may result in further controversies of the nature of the speed camera debate. This is in part because of the serious consequences associated with accepting that one's behaviour poses a risk to others, but also a consequence of the shift in focus towards whole new problem populations which the policing of risk brings about.

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