

Disciplining Difference – Introduction

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Addressing anti-social behaviour (ASB) has been a major policy priority of New Labour since it came to power in 1997. This is reflected in a series of legislative powers enabling a range of agencies to take legal action to tackle ASB (e.g. Crime and Disorder Act 1998; Police Reform Act 2002; Anti-Social Behaviour Act 2003; Serious Organised Crime and Police Act 2005) and in a number of national policy initiatives (e.g. the Home Office 'Together' Campaign, 2003; the Respect Action Plan, 2006; the Youth Task Force Action Plan, 2007). These developments are the subject of a growing body of academic analysis and critique, much of which has focused on the use of the ASB powers in the regulation of particular neighbourhoods and communities, especially social housing areas of predominantly White working-class residents (Burney, 2005; Flint, 2006), and of young people, again mostly White and working class (Squires and Stephen, 2005). Specific service or practice developments arising out of ASB policy have also been analysed, for example, Family Intervention Projects (Nixon *et al.*, 2006, 2008), Anti-Social Behaviour Teams (Prior *et al.*, 2006), and the use of ASBOs (Squires, 2006; Matthews *et al.*, 2007) and Dispersal Orders (Crawford and Lister, 2007).

A core theme in this literature is the expansion of the criminal justice system, via the ASB powers, to regulate non-criminal behaviours – what is referred to in a recent major collection as 'the criminalisation of nuisance' (Squires, 2008); in other words, a new form of social control (Cohen, 1985). These new politics of conduct reflect notions of self-regulation and responsible citizenship, with associated political rationalities saturated with a normalising moral discourse in which the law-abiding citizen is differentiated from the irresponsible (Flint, 2009). While a number of commentators have sought to understand and articulate the social and political consequences of these discursive practices (Jacobs *et al.*, 2003; Squires and Stephen, 2005; Squires, 2006; Flint, 2006; Prior, 2007; Nixon and Parr, 2006; Prior, 2009), to date, little attention has been paid to the potential wider implications of this development for social groups beyond the 'usual suspects' of ASB policy – youth and 'problem families' (but see Parr and Nixon, 2008; Prior and Spalek, 2008; Holt, 2008). In a society increasingly characterised by diversity and difference, and in which political and cultural issues of identity and recognition are to the fore, there are key questions to be addressed about the capacity for the ASB powers to be used to regulate and discipline behaviours associated with differences of gender, ethnicity, faith, disability and sexuality.

Thus, although in ASB discourses it has been recognised that the family is an important site of control, with an associated focus on individual pathologies, 'dysfunctional families' and bad parenting, there has been a failure by both policy makers and scholarly commentators to recognise the pivotal role played by gender in the construction of the anti-social subject (see Carr, 2007; Hunter and Nixon, 2001; Nixon and Hunter, 2009). There has also been little acknowledgement of the incoherence and complexity that

typify the enactment of policy on the ground where, for example, disabled people can simultaneously be constructed as both victims and perpetrators of anti-social acts. Further, in the context of post 7/7 anti-terrorism concerns, there is an urgent need to consider the interface between the policing of security and the control of conduct. Critical questions to be addressed include the extent to which anti-terrorist priorities influence the use of ASB interventions. Equally important is the issue of whether ASB powers are used to protect Black and Minority Ethnic people against racial abuse (Isal, 2006). More generally, how do perceptions and constructions of cultural difference shape ASB interventions and how do different groups respond to them? (Prior and Spalek, 2008).

This themed collection, based on papers originally presented as part of an ESRC Seminar Series on 'Governing through Anti-Social Behaviour' (www.law.leeds.ac.uk/esrcASB/), addresses such issues, both conceptually and through analysis of research-based evidence.

These papers should be read in the context of the dearth of official data about how ASB powers are being applied, to whom, and with what impact (Public Accounts Committee, 2007). It is a striking feature of the development and implementation of ASB policy, which has been given such high priority by the British government over the past decade, that substantial gaps exist in the knowledge base on which that policy rests (Prior, 2009). For example, there is no statistical information available at national level about the extent to which people from different ethnic minority groups are the recipients of ASBOs, nor indeed about the extent to which the ASB powers are being used to protect ethnic minorities against racial abuse and harassment (Isal, 2006). Similarly, there is no systematic collection and publication of data on the impact of ASBOs on people with mental health problems or other forms of disability. Perhaps even more surprisingly the clearly gendered nature of many ASB interventions is treated as unproblematic. While it is beyond the scope of this collection to fill such gaps, by foregrounding difference the papers highlight the need for more robust, empirically informed research into the differential use and impact of ASB powers and interventions, combined with improved and standardised data collection systems that allow for better monitoring and evaluation, in particular with regard to factors of age, gender, ethnicity, location of residence and tenure-type.

A central theme reflected in a number of the papers is a call for critical attention to be paid to the ways in which blame and culpability are apportioned in ASB discourses. Helen Carr's contribution to this collection begins to address this issue. Reflecting on the limitations of both governmentality approaches and the liberal critique emerging from criminology and law, Carr draws on empirical data reflecting the lived material realities of ASB to highlight the paradoxical ways in which ASB practices both respond to and target women. Her work serves to illustrate how a focus on gender provides a valuable lens through which to track the genealogy of ASB, whilst at the same time raising important questions about the enduring contradictions and complexities inherent in contemporary third-way governance. These are also issues addressed in Amanda Holt's account of how 'problem parents', subject to Parenting Orders (the majority of whom are mothers), perform identity. Through an exploration of the impact of Parenting Orders, Holt highlights the contradictions inherent in this form of regulation; at an individual level Parenting Orders may serve to open up spaces for contestation and resistance, but the exercise of collective agency is constrained by the centrality of gendered and classed 'parent blame' discourses in which parents are constructed as both the cause of and solution to youth offending.

Another core theme in this collection is the consideration of the broader social and cultural contexts in which the ASB powers operate, with particular reference both to the ways in which ‘difference’ is constructed and to the role such constructions perform in shaping the dynamics of exclusion and inclusion. Practitioners and policy makers are urged to be more alert to the potential uses and abuses of ASB powers, particularly when the acceptability or otherwise of distinctive practices arising from differences of ethnicity, sexuality and disability are hotly contested. This issue is central to Sadie Parr’s analysis of the care and control of people with mental health conditions. Parr draws attention to the central paradox faced by housing professionals in carrying out their dual roles as providers of care in the community to people with mental health conditions and as custodians of the safety of the wider community. Reflecting these competing policy agendas, she points out how tenants may be simultaneously constructed as ‘vulnerable’ and in need of support and equally viewed as a threat and danger to others.

The potentially exclusionary impacts of ASB powers are clearly illustrated in Tracey Sagar’s paper on the use of these powers to regulate street sex workers; measures which, despite a rhetoric of ‘rehabilitation’ and ‘treatment’, retain a distinctly disciplining flavour. As in Holt’s analysis the inconsistencies and contradictions inherent in such enforced responsabilisation measures are foregrounded with a call for greater recognition to be given to the gendered nature of sex work from the perspective of women’s lived experiences.

The papers by Basia Spalek and Laura Zhara McDonald and by David Prior both focus on ethnic and religious difference, and both, in quite different empirical contexts, highlight the significance of the current policy discourse of ‘shared values’ in providing the criteria for determining who qualifies as responsible citizens – with the implication that those who do not are legitimate subjects of disciplinary actions. Spalek and McDonald analyse police processes of engaging Muslim groups in terrorism prevention, showing how the dominant discourse leads to groups which could make genuine contributions to preventing extremism being perceived as ‘anti-social’ and therefore excluded from participation. Prior looks at how local practitioners view the use of the ASB powers in areas with large ethnic minority populations and suggests that, over and above their explicit purpose in ‘tackling anti-social behaviour’, the powers have an important role in supporting policies of responsible citizenship and community cohesion based on the assertion of ‘shared values’. Finally, Gary Manders provides an overview of recent research on the impact of ASB policies on certain vulnerable groups, highlighting significant gaps in current knowledge.

What unifies this collection of papers is a shared focus on the ‘unspoken’ in ASB discourses and a consideration of the way in which ASB interventions are used to ‘discipline difference’. More specifically the contributions to this collection:

- highlight how, through official ASB discourse, aspects of ‘difference’ can become problematised and rendered as legitimate objects of intervention using the ASB powers;
- examine the implications for the changing roles and responsibilities of agencies charged with addressing ASB;
- explore the effects of ASB interventions on those who are its targets;
- raise the profile of gender assumptions, dynamics and implications for ASB policy enactment;
- explore links between the government’s ASB and diversity agendas for theory, policy and practice

Put more simply the collection of papers draws attention to some of the enduring contradictions inherent in the formation of the anti-social subject and begins to address the urgent need for scholars to develop and apply a more nuanced analysis in this emerging field of study.

A note on sources: There is now an extensive interdisciplinary literature on anti-social behaviour and associated concerns with community safety, much of which has been drawn on and referenced in the contributions to this special edition. We would however like to draw readers' attention to three recent collections which add to the wealth of material on anti-social behaviour:

Squires, P. (ed.) (2008), *ASBO Nation: The Criminalisation of Nuisance*, Bristol: Policy Press.

Barnes, M. and Prior, D. (eds.) (2009), *Subversive Citizens: Power, Agency and Resistance in Public Policy*, Bristol: Policy Press.

Millie, A. (ed.) (2009), *Securing Respect: Behavioural Expectations and Anti-Social Behaviour in the UK*, Bristol: Policy Press.

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