Report on the Proceedings of the Fifth ESRC Research Seminar

The fifth seminar in an ESRC-sponsored series on **Governing Through Anti-social Behaviour** was held at the University of Leeds on 18 September 2008. The seminar brought together 40 academics, researchers, policy-makers and practitioners from across the UK and a number of mainland European countries to explore **'Governing Anti-Social Behaviour in Comparative Perspectives'**. There were representatives from Sweden, Finland, the Netherlands, Belgium, Germany, Spain, Portugal and France, as well as all parts of the UK.

Adam Crawford (*University of Leeds*) opened the meeting, by welcoming delegates and sketched out the aims of the seminar as follows:

- To situate the governance of anti-social behaviour in a wider comparative (European) frame of reference.
- To explore the external influences upon contemporary anti-social behaviour policy and the movement/diffusion of policies across nations and between cities.
- To compare and contrast policy and practice developments within the British Isles.
- To consider the meaning, relevance and experience of governing anti-social behaviour in other European counties.

He offered a few words of caution that in engaging in comparative analysis there is a danger of placing undue emphasis upon national comparisons – in taking the nation as the unit of analysis. Much policy innovation emanates from local or regional levels, which may or may not filter 'upwards'. Comparative lesson-learning is not restricted to *nation-to-nation* experiences or to the influence of supra-national institutions. He emphasised the existence of cross-national *city-to-city* and *region-to-region* connections, networks and policy transfer – evidenced in particular by city level organisations such as the European Forum for Urban Safety (which is represented at the meeting). Furthermore, national policies are differently implemented and interpreted, influenced by local cultures and traditions. Policies are often resisted, refashioned and played out in different ways, as a result of which the expectations

of Whitehall, Paris, Madrid or Brussels are modified and given positive and concrete form in different local contexts. He warned of the dangers of translation, both from one language to another and from one place to another – particularly with regard to contested terms such as 'anti-social behaviour', 'community safety', 'incivility' and 'zero tolerance'. Linguistic conversion expects the same term to carry the same meaning in each language, whilst contextual relocation assumes that the same term carries the same meaning in different social and cultural contexts. Learning *not to translate* – both literally and figuratively – is often an important starting point in comparative analyses.

Trevor Jones (*University of Cardiff*) picked up the theme of policy transfer by drawing on the work that he recently completed with Tim Newburn (published as *Policy Transfer and Criminal Justice* (2007)) into the role of policy transfer between the USA and UK in the field of criminal justice policy. He suggested that their research showed little evidence of wholesale imports of US-style policing policies and practices. However, there was evidence of 'soft' policy transfer – ideas, principles, symbols, rhetoric. He argued that their research stressed the importance of understanding the local politics of control and the possibilities for resistance.

Following Dolowitz and Marsh (2000) he defined policy transfer as 'the process by which knowledge of policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system'. Key questions in the study of policy transfer are:

- Who are the key actors?
- Why do they engage in policy transfer?
- What is transferred?
- From where are lessons learned?
- What are the different types of transfer?
- What facilitates or constrains transfer?

He then illustrated this by analysing the history of 'zero tolerance policing' tracing its origins in Wilson and Kelling's 'broken windows' thesis to its impacts on British policing and the anti-social behaviour agenda. He concluded stating that within the realm of policing, there was limited evidence of 'hard' policy transfer, albeit there was significant evidence of 'soft' transfer from USA in relation to policing developments and reform. However, he suggested that there was stronger evidence of hard transfer ("decisions" and "action") in government's

broader Anti-Social Behaviour (ASB) agenda. The potential importation of local elected police chiefs – which inform Conservative Party proposed policing reforms – may constitute the next example of policy transfer across the Atlantic. The implications of this were discussed in comments from delegates as was the role of Britain as an importer and exporter or policy.

A round table discussion and debate (chaired by Gordon Hughes) saw contributions from representatives of Scotland (Lesley McAra and Liz Levy), Wales (Adam Edwards and Steven Carr), Northern Ireland and Ireland (Kevin Brown) and England (Elizabeth Burney). Lesley McAra (*University of Edinburgh*) began by outlining what she described as the key lessons from the Scottish experience. These prompt three types of questions: political, methodological and normative. The political question concerns the political risks of 'governing through crime and anti-social behaviour. The methodological question highlights the need for scholars to look beyond policy documents to practice: what she called a 'critical pluralist approach'. The normative questions highlight the moral vacuum at the heart of punitive and exclusionary approaches. The Scottish position is marked by a very distinct approach to youth justice – through the Children's Hearing system – and a divergent civic culture. Nevertheless, recent years have seen strong similarities in legislative development around ASB – notably through the 2004 Anti-Social Behaviour etc. (Scotland) Act – despite devolution. Lesley McAra showed how, despite much policy rhetoric, there had been an implementation gap in Scotland, where the new ASB powers have been little used. By March 2008 there had been no parenting orders; 14 ASBOs for under 16s; 18 dispersal orders; 93 electronic taggings of under 16s (only 0.2% of children referred on offence grounds).

Liz Levy (*Justice Analytical Services, Scottish Government*) explained the importance of prevention and early intervention work in Scotland which has resulted in less reliance on enforcement measures. This involved multi-agency information sharing and the use of mediation, warnings, ABCs and other problem-solving interventions. She highlighted the recent decline in resort to civil ASBOs granted in relation to over 16 year olds. She concluded noting the Scottish Government's current review of ASB and outlined the key *National Outcomes*:
  ➢ We will live our lives safe from crime, disorder and danger
  ➢ We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
These are supported by the following *National Indicators*:

- ➢ Reduced reconviction rates
- ➢ Reduced crime victimisation rates
- ➢ Increase in the proportion of adults who rate their neighbourhoods as a good place to live
- ➢ Increased positive public perception of local crime rates.

Adam Edwards (*Cardiff University*) and Steven Carr (*Cardiff City Council*) outlined and assessed the Welsh approach to ASB. Under the concept of 'Dragonisation' the outlined the different approach to policy in Wales as contrasted to the English position. Unlike Scotland, in Wales Westminster retains control over policing and criminal justice. However, the Welsh Assembly Government has legal responsibility for social justice, social services, health and education. In the post-devolution context, at least at the level of policy rhetoric, there has been a somewhat different emphasis on rights and entitlements (rather than risk containment), building a high-trust polity and the use of ASBOs only as a last resort. However, it was questioned to what extent the policy rhetoric has delivered a significantly different experience of governing ASB in Wales, given the difficulties of realising genuine problem-solving partnerships and diverting resources into prevention.

Kevin Brown (*University of Manchester*) reported on the situation in both Northern Ireland and Ireland. In Northern Ireland crime and criminal justice issues are retained in the Northern Ireland Office although it is anticipated that they will be transferred to the government in Northern Ireland. He noted that ASBOs were introduced to Northern Ireland in 2004, and first used in the following year, with a very similar procedure to that in England. Neither Parenting Orders nor Child Curfews are currently available. He outlined the patchy implementation and use of ASBOs. So far 82 ASBOs in 4 years (21 on application; 48 on conviction, 13 non-classified). Some 73 have been police instigated, 7 local authority, 2 Housing Executive. Only 4 local authorities out of 26 have successfully applied for an order, including only 1 ASBO for Belfast City Council. In Ireland, by contrast, ASBOs were only introduced in 2007. Their introduction was fiercely opposed by many including leading NGOs working with children; the probation and social services; the Children's Commissioner and the Catholic Church. Kevin presented the ASBO statistics to the end of January 2008 in Ireland: 3 applications made; no ASBOs granted by the courts. By contrast there have been 443 behaviour warnings to adults; 132 behaviour warnings to children; 4 Good Behaviour Contracts. There is considerable variation by region, with the more

deprived areas over-represented. In both jurisdictions the ASB agenda has been police led. The role of local authorities is very much weaker and in Northern Ireland does not include social housing in the same way as in mainland Britain. As a consequence, housing management has featured less in promoting the ASB agenda there. In Ireland despite having housing stock, local authorities have not taken on the extensive community safety role that has been seen in Britain.

Elizabeth Burney (*Cambridge University*) noted the significant regional and local variations in approach to ASB within England. She also emphasised the uneven and varied use by YOTs of parenting orders throughout England. She also highlighted the manner in which the use of ASBOs varies over time in some countries and areas. She underscored the importance of locality and understanding local traditions, cultures and working practices.

In the subsequent discussion the following question was raised: To what extent should the voice of victims/community play a part in policy on ASBOs? It was also suggested that there is a need to address underlying causes of offending rather than more enforcement. Some people expressed the optimistic belief that the policy debate appeared to be moving away from enforcement towards prevention and early intervention, although there was some concern voiced that early intervention could lead to counterproductive tendencies towards early surveillance and ultimately criminalistation.

The afternoon sessions focused on some comparative experiences of governing ASB across mainland Europe. It began by questioning (i) how the debate in the UK look from the perspective of other European countries? And (ii) how well the term ASB travels to, and what it means in, other European countries? To commence debate Adam Crawford (*University of Leeds*) presented some limited findings from a survey of 6 European countries (ADT Research *Anti-Social Behaviour Across Europe* (2006) which appeared to show that ASB is a growing concern across Europe, although its precise meaning differs between jurisdictions. Whilst Britain came highest in terms of the perceived severity of the problem rated by all respondents in each country (including Spain, Italy, Germany, France and the Netherlands) it was interesting to note that respondents in all countries thought that anti-social behaviour was more of a problem in their country than elsewhere in Europe.

René van Swaaningen (*Erasmus University of Rotterdam*) presented a paper on 'the 'Governance of crime and insecurity in Amsterdam and Rotterdam', contrasting the different policy developments in the two cities. This reinforced the importance of local differences and policy trajectories, particularly at the city level. It was noted that in the Netherlands the debate has focused on 'incivilities' rather than anti-social behaviour. The two cities have contrasting traditions, with Amsterdam perceived as a more tolerant city in which diversity is accepted – notably with regard to soft drug use and the sex industry, whereas Rotterdam has been the home of policy innovations with regard to the policing of incivilities, notably forms of 'zero tolerance' or quality of life policing. Yet despite the apparent policy divergences there has also been a considerable level of similarity in practices. In conclusion it was suggested that the history of countries and socio-economic factors (rather than crime) have tended to determine the approach to ASB in Netherlands – one example give was the use of 'shooting up' galleries.

Sirpa Virta (*University of Tampere*) in a paper entitled, 'Internal Security in Finland: Challenges for Policing', provided an overview of recent developments in Finland, where debates about anti-social behaviour have collided and fused with debates about security threats posed by terrorism. The policy debate in this regard has been strongly influenced by the European Commission. By contrast, the term ASB translated literally in Finnish, does not necessarily have negative connotations. It does not refer to bad behaviour but rather to social isolation, referring to people who are not very social in the sense that they do not have a talkative personality. In Finland this is seen as a good attribute as "small talk" is a nightmare situation to the Finns. Problematic behaviours are connected to social exclusion and public order issues notably alcohol-related, in relation to middle-age, males and wider violence issues. In Finland children and young people have problems (in relation to family, health, mental health, school drop outs, etc) but they are not perceived as 'the problem'. Finland is generally a safe country, but the debate is being transformed by concerns over 'internal security' – with perceived threats from abroad and threats from within – which is prompting a securitisation of everyday life, but in a different way to the British ASB agenda.

In the final session of the day there was a round table discussion of different European experiences (chaired by David Prior), which benefited from presentations by Magnus Hörnqvist, Sophie Body-Gendrot, Helmut Kury, Anabel Rodriguez and Elizabeth Johnston. Magnus Hornqvist (*Stockholm University*) drew parallels between the experience in Finland and

that in Sweden. Sophie Body-Gendrot (*Sorbonne, Université Paris IV*) offered an assessment of the connections between increased intolerance of incivilities and the more general shift to penal populism experienced differently across Europe. Whilst European societies have become more emancipated and more individualistic, they have also become more concerned by their safety. There is also an overabundance of information concerning safety risks, which has fostered lowering of toleration. She suggested that political elites in some countries (particularly in multi-party systems) are more able to keep their distance from populist opinions despite media campaigns for victims. She went on to argue that except for the UK (a common law country) there are significant of commonalities in Europe. Conservative corporate states such as France and Germany betray a commitment to welfare policies to buy social peace (through "carrots"). Inclusive societies debate about the causes of marginality and the issue of youths without futures and try to fill the moral vacuum caused by a punitive trend. Social policies attempt to integrate excluded categories via universal benefits and measures of reinsertion. However this becoming less evident in Italy and the Netherlands but more evident in Scandinavian social-democratic states with generous social security policies.

Helmut Kury (*Freiberg University*) provided insights into the German situation which varies considerably across the different regions (Lander). He suggested that anti-social behaviour is not a term in German; rather reference is made to 'difficult behaviour'. Anabel Rodriguez (*Centre of Security Studies Association, Barcelona*) explained how concerns in Barcelona have been tied closely to issues relating to tourism in the city centre and the development of the night-time economy. In 2007, 12.5 million people visited Barcelona on holidays. They were 1.5 million more (14%) than in 2005. The *fiesta* is one of the main appeals for tourists: the so-called "get-drunk tourism" has fostered problems of urban disorder. As a consequence, there has been a shift in policy responses from the construction of incivilities as educational problem to the police control of social groups.

Elizabeth Johnston (*European Forum for Urban Safety*) explained the vital role that cities play in developing responses to urban safety problems and the manner in which city-to-city policy transfer occurs. Municipal governments have become increasingly concerned about urban safety and perceptions of places as unsafe. Visible disorders and the question of civil encounters in public spaces have become key concerns. The nature of ASB problems differs across different cities although youth groups in public spaces is a common focus of concern

and in some places is leading to the evacuation of public space by older people. Differences in urban planning have an impact on community safety. Importantly, Elizabeth noted the privatisation of public space and regulation of behaviours in that space and the role of private businesses more generally.

Some of the key themes that emerged from the debate include the role of the UK as an exporter of policies (such as ASB) and as a staging post for American influenced developments. Many of these trends, however, are resisted and reinterpreted in a European context. European countries do not use the language of anti-social behaviour but refer to 'incivilities' (Netherlands/Finland/Spain), 'difficult behaviour' (Germany), 'public nuisance' (Belgium). However, the Dutch appear to have a closer affinity to Anglo-American policies. One common link in ASB across Europe (the world?) is the preoccupation with the use of public space by 'diverse groups' and associated levels of tolerance. There appears to be a growing emphasis on targeting offender groups before ASB/crime occurs. This pre-emption and preventive intervention takes diverse forms and includes, for example, finger-printing of Romas in Italy. This prompts the wider question: how do we foster rules of civility that bind together loosely connected strangers in an insecure and uncertain world?

List of Delegates:

Anna Barker	University of Leeds
Sarah Blandy	University of Leeds
Sophie Body-Gendrot	Center for Urban Studies, Sorbonne, Paris
Kevin Brown	Manchester University
Donna Brown	University of Dundee
Elizabeth Burney	Cambridge University
Stephen Carr	Cardiff City Council
Carla Cardoso	University Porto
Adam Crawford	University of Leeds
Emma Davidson	University of Edinburgh
Adam Edwards	Cardiff University
John Flint	Sheffield Hallam University
Deborah Garnett	West Yorkshire Police
Axel Groenemeyer	University of Dortmund
Magnus Hornqvist	Stockholm University
Gordon Hughes	Cardiff University
Caroline Hunter	University of Manchester
Peter Jackson	Social Landlords Crime and Nuisance Group
Elizabeth Johnston	European Forum for Urban Safety
Trevor Jones	Cardiff University
Helmut Kury	Freiberg University
André Lemaître	University of Liege
Liz Levy	Scottish Government

Gillian Mayfield	Leeds City Council
Lesley Mcara	University of Edinburgh
Andrew Millie	Loughborough University
Andy Mills	Safer Leeds
Stephen Moore	Anglia University
Sadie Parr	Sheffield Hallam University
Alison Parsons	Birmingham City Council
David Prior	University of Birmingham
Anabel Rodriguez	Centre of Security Studies Association, Barcelona
Basia Spalek	University of Birmingham
Peter Squires	University of Brighton
Matthew Sutton	West Yorkshire Police
Peter Traynor	University of Leeds
Rene Van Swaaningen	Erasmus University of Rotterdam
Sirpa Virta	University of Tampere
Neil Wain	Greater Manchester Police
John Whittington	Wandsworth Council/National Community Safety Network

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