



UNIVERSITY OF
BIRMINGHAM

Report on the Proceedings of the Fourth ESRC Research Seminar

The fourth seminar in an ESRC-sponsored series on **Governing Through Anti-Social Behaviour** was held at the University of Birmingham on 5 June 2008. The seminar focused on the theme of **'Diversity and Anti-Social Behaviour'** and brought together 25 researchers, policy-makers and practitioners from all over the United Kingdom.

The seminar was introduced by David Prior (*University of Birmingham*). Welcoming delegates to the seminar and to the university, he suggested that the theme for today's seminar was extremely important given that we live in a society that is becoming increasingly diverse in terms of the range of values, beliefs, aspirations and expectations espoused by individuals and groups representing distinct social and cultural identities. He suggested that there were broad issues to be explored in the relationship between addressing anti-social behaviour (ASB) as a national policy priority and developing appropriate governance arrangements in a context of social diversity. Linked to this, and bearing in mind the open and subjective nature of ASB as a policy concept, there was an important set of questions for research concerning the cultural meanings of ASB and disorder that were generated in different social settings, how different groups responded to these and the differential impact of formal interventions on diverse social, ethnic and faith groups. There were several strands of inquiry and analysis following on from this that would be considered during the seminar. One such strand was the policy context relating to post 7/7 anti-terrorism concerns and to issues of immigration and asylum – issues concerning the policing of security both 'on the borders' of the nation state and 'in the mainstream' of community life in many parts of Britain. Another strand of analysis involved examining the extent to which ASB policies could be viewed as 'gendered' in their use as a means of addressing specific issues such as street sex work. A further issue was the relatively under-researched question of the place of mental health problems in the experience of both victims and alleged perpetrators of ASB. Finally, there were important links to be made with the government's social cohesion and citizenship agendas in terms of their implications for theory, policy and practice in relation to ASB, in particular the tensions between the multi-cultural commitment to a 'tolerance of difference' and the increasingly prominent calls for diverse social groups to 'sign up to British values'.

The opening session of the seminar was led by Professor Gordon Hughes (*University of Cardiff*), addressing the topic **'Governing the social: community cohesion, asylum seeking and the question of the stranger'**. He set out to challenge the prevailing dystopian and pessimistic

orientation of much critical criminology which, taking discursive power as its core analytical concept, emphasises the ever increasing control capabilities of neo-Liberal governance. Against this, Hughes made the case for research to examine more closely what actually happened in different localities and in different geo-historical contexts; to explore, in other words, the ‘materially real and messy’ social situations in which both community safety/ASB practitioners and the individuals and groups with whom they deal are practically engaged. One arena of engagement is the governance of the stranger through, on the one hand, strategies for the management of immigration and asylum and, on the other, processes of criminalization and securitization, both of which can lead social scientists to somewhat bleak assessments of control and repression. However, more nuanced and realistic research that examines how these strategies and processes are played out on the ground identifies the potential for countervailing forces or ‘resistances’ to develop, leading to the opening up of new political spaces in which alternative – and more progressive – strategies can evolve. For Hughes, evidence of this more optimistic scenario is apparent in accounts of the work of peacemaking alliances and of the collective ‘pursuit of decency’ in particular localities. Such research highlights the significance of difference and diversity in the constitution of ‘the social’, as opposed to the more consensual assumptions of earlier social policy analysis. It therefore points to the contested or agonistic processes and practices through which the social is governed, the struggles over belonging and identity that characterise current policy in relation both to asylum seeking and anti-social behaviour. Key challenges for future research include: understanding processes of community governance and the overlapping relationships of rule and resistance; examining empirically different geo-historical contexts and the ways in which national governmental strategies are translated in them; identifying new tendencies emerging from the encounters between the imperatives of cohesion and diversity, and of order and change; and defining and justifying the claims to expertise of social scientific analysis.

The second session of the morning comprised two papers that focused on specific issues in the relationship between ASB and ethnic minority communities. In the first, Sarah Isal (*Runnymede Trust*) in a presentation entitled **Equal Respect? ASBOs and Ethnic Minorities**, reported on research that attempted to answer two key questions about the use of ASBOs: to what extent are ASBOs used, and are they useful, in tackling racial harassment? and are ASBOs issued disproportionately to members of ethnic minorities? Isal reported that it had not been possible to provide quantitative answers to either of the two research questions because relevant data was not collected by central government and was collected and analyzed inconsistently, if at all, at a local level. In relation to the use of ASBOs to combat instances of racial harassment, the main problem in data collection by agencies was the difficulty in identifying the racist element in the behaviour that led to the ASBO. However, the ASBO tended to be seen as a viable alternative to criminal prosecution which often failed to deal effectively with racist behaviour, although it was apparent that support for using ASBOs for this purpose generally came from those practitioners who advocated ASBOs as a response to a wide range of behaviours. In relation to the impact of ASBOs on ethnic minority perpetrators of ASB, local agencies reported that data on the ethnicity of recipients was not collected systematically because, firstly, the information was not required of them by central government and, secondly, there were technical barriers to collecting data on ethnicity of individuals in that the process of working with perpetrators was not always amenable to such questions being asked. As a result of the research, Runnymede Trust had recommended

that a general review of ASBO usage be undertaken and that clear guidance on ethnic monitoring be issued to local authorities. However, the Home Office ASB Unit had proven reluctant to act on the recommendations.

The final paper of the morning was on **‘Preventing Violent Extremism: ASB in relation to the policing of security’** by Basia Spalek (*University of Birmingham*), describing a current research project under the AHRC/ESRC Religion and Society programme that is investigating Metropolitan police processes for engaging Muslim community organizations. These processes, located within the Government’s ‘Prevent’ strategy designed to halt the spread of violent extremism, had developed as part of what Spalek referred to as the growing industry concerned with the response to the fear and risk of terrorism. The research focused on the activities of the Met police’s Muslim Contact Unit and the Muslim Safety Forum, a group of Muslim organizations, which could be seen as aimed at the ‘responsibilization’ of Muslim citizens and communities. The research is generating a number of methodological difficulties, including how to maintain objectivity in a highly contentious context and how to determine the legitimacy of competing knowledge claims. Whilst the research is still in process and substantive findings have not yet emerged, Spalek posed a number of questions about the relationship between the preventing violent extremism agenda and ASB, in particular the way the open-ended definition of ASB enabled individuals and organizations who did not accept the official ‘terms of engagement’ for anti-terror consultation and partnership working to be labelled as anti-social and so excluded from the process.

The afternoon session began with a paper from Tracey Sagar (*Swansea University*) on **‘Gender, ASB Powers and Sex Workers’**. This suggested that it is possible to identify a process involving the gendered construction of an anti-social subject, in that it is frequently women, as mothers, who are held to bear the responsibility for anti-social behaviour committed by other family members. This is exacerbated by the concentration of ASB concerns in deprived areas where there are high number of single mothers in poor financial circumstances, who tend to be blamed for their own poverty and are therefore legitimate targets for penalizing sanctions. There is a direct link to the situation of sex workers, of whom a majority are believed to be single mothers experiencing multiple deprivation. Whilst New Labour’s policies on prostitution initially appeared progressive, with a concern to address root causes, the use of the ASBO as a means of controlling the problem has emphasized displacement as a temporary solution and taken attention away from exit strategies that focus on the range of women’s needs and the importance of adequate support services. As an alternative to the ASBO, an attempt was made in Birmingham to use Public Nuisance Injunctions as a means of preventing prostitution but this was also found to be unsuccessful in providing lasting solutions, suggesting that legal remedies on their own are inadequate. Current policy recognises the need to link legal action to support services but such support is very variable in practice and there remains a failure to address the reasons why women are forced into selling sex as a means of survival.

The second session of the afternoon featured Guy Wishart (*University of Birmingham*) discussing **‘Anti-social behaviour and people with mental health problems’**. Although practitioners are highly aware that mental health problems are a prominent characteristic of many of the alleged perpetrators of ASB, very little research has been conducted into the issue. Such evidence that

does exist raises significant concerns that the use of ASB powers may be generating or exacerbating mental health problems and not contributing to their treatment. One source of advice and guidance is a 2007 report on *ASBOs and Mental Health* by the Sainsbury Centre for Mental Health which recommends that individuals be screened for mental health problems and learning disabilities before applying for an ASBO, the development of alternatives to criminalising sanctions and the consideration of individual capacities before action in response to breach is taken. Wishart suggested that further progress could be made by the adoption of a social (as opposed to medical) model of mental health and an understanding of the social causes of vulnerability. This, linked to a definition of outcomes in terms of a ‘recovery’ approach to people with mental health problems accused of ASB, offers a more constructive way forward – although there remains a need for more research to examine and evaluate these possibilities.

In the final session of the day, David Prior (*University of Birmingham*) presented a paper titled **‘Safety in diversity: responding to anti-social behaviour in areas with large minority ethnic populations’**. This reported preliminary findings from a small-scale research project involving interviews with practitioners in Haringey, Leicester and Birmingham. The research identified three main distinctions in practitioners’ perceptions of cohesion and difference in relation to ASB, between the settled minority ethnic communities, the new migrant communities and the different generations within both the settled and new communities. Key issues emerging were the belief that different ethnic groups displayed different levels of tolerance in relation to ASB and substantial differences in willingness or capacity to make formal complaints about ASB. Asian communities, in particular, were constructed by practitioners as having the capacity to deal with problems internally, although little appeared to be known about what kinds of problems were dealt with or how. Relations between settled and new communities were perceived as a key site of cultural clashes leading to complaints about ASB, although this generated uncertainty for practitioners as regards the appropriate form of response. Generational differences were largely constructed in terms of younger people breaking away from ‘traditional’ cultural norms. The research is pointing to a number of dilemmas for practitioners in using the ASB powers in the context of large ethnic minority communities, whilst practice is increasingly being shaped by the development of new forms of knowledge and new networks of communication with these communities.