Streets of Terror : Marginalisation, Criminalisation and Authoritarian Renewal **Phil Scraton**

Introduction

> … the language of law and order is sustained by moralisms … where the great syntax of 'good' versus 'evil', of civilised and uncivilised standards, of the choice between anarchy and order constantly divides the world up and classifies it into its appointed stations.
>
> (Hall 1979:19)

At the moment Stuart Hall chronicled the 'drift' into a 'law and order society' Margaret Thatcher's first New Right administration was elected to power. By invoking "inherent" social values and an overarching moral imperative, law and order rhetoric appealed to a collective common sense, "welding people to that 'need for authority' … so significant for the Right in the construction of consent to its authoritarian programme". Authoritarian populism was not merely a "rhetorical device", it operated and exploited "genuine contradictions", reflecting a "rational and material core" (ibid:20).

The "drive" towards a "more disciplinary, authoritarian kind of society" was "no short-term affair". It embodied a "regression to a "stone-age morality" promoted by politicians alongside, in popular discourse, "a blind spasm of control: the feeling that the *only* remedy for a society which is declared to be 'ungovernable' is the imposition of order, through a disciplinary use of law by the state" (Hall 1980:3). The "shift 'from above' [was] pioneered by, harnessed to and, to some extent, legitimated by a popular groundswell below" (Hall 1985:116).

Hall, and his colleagues (Hall et al 1978), drew criticism for over-emphasizing the significance of ideology while subordinating the structural relations of political economy (see Jessop et al: 1988). Yet for Hall (1985:120) it was "impossible to conceptualise or achieve" hegemony without accepting the economy as the "decisive nucleus" around which civil society consolidated. As Poulantzas (1978:203-4) had argued previously, "authoritarian statism … intensified state control over every sphere of socio-economic life combined with radical decline of the institutions of political democracy and with draconian and multiform curtailment of so-called 'formal' liberties".

For Poulantzas the strength and effectiveness of authoritarian interventions within advanced democracies was not attained through the direct deployment of state-sanctioned force but by 'mechanisms of fear'. The New Right understood that if the free-market agenda was to succeed the battle for 'hearts and minds' had to be engaged and won. Today, over two decades later, the pillars on which the authoritarian mantle was laid are well-established and rarely contested: the 'power of the unions'; the 'over-indulgence' in welfare; the acceptance of 'permissiveness'; the 'lawlessness of the streets'; the 'leniency' of the courts; the 'softening' of punishment.

Thatcher's first administration set its sights: welfare claimants and benefit fraud; local government and public housing; young offenders and the 'short, sharp shock' of military-style detention centres; and so on. A second term was won on the battlefields of the Malvinas/Falklands; a third-term secured in the coalfields of Britain. These were resounding defeats for the 'enemy without' and the 'enemy within'. Each authoritarian intervention provided clear evidence of political-economic objectives realised through ideological endeavour (see Scraton 2002a).

As this unprecedented regulatory agenda rolled out, the New Right – without a hint of irony – espoused 'Victorian Values'. Later there followed a similar, representation of a mythical 'golden age' of social stability and moral purpose under the slogan 'Back to Basics'. As with most moral proclamations rhetoric dominated substance. While critical academics, including Stuart Hall, were keen to emphasise that authoritarianism generated resistance, that people were not mere 'dupes', the populist appeal for tough legislation, hard-line policing, heavy sentences and uncompromising punishment regimes was fulfilled.

The inevitable consequence of authoritarianism was, and remains, the net-widening process of criminalisation. In a variation on Howard Becker's assertion that the "act's deviant character lies in the way it is defined in the public mind" (Becker 1971:341), Nils Christie (1998:212) makes the point that crime "does not exist", it "is created". "First", he states, "there are acts. Then follows the long process of giving meaning to those acts." Central to the process are ideological constructions underpinning the 'meaning' of everyday life, "deeply institutionalised" and "provid[ing] the ready justification for the marginalisation, differential policing and punishment of identifiable groups" (Scraton and Chadwick 1987:213). In this context criminalisation occurs when a "criminal label" is applied "to a particular social category", its success "depend[ing] on how certain acts are labelled and on who is doing the labelling" (Hall and Scraton 1981:488).

The focus on violence, often exaggerated through sensationalist media reporting, "makes it easier to mobilize popular measures of support for containment". Consequently, but not necessarily consciously, criminalisation "can be employed to underpin the repressive or control functions of the state ..." (ibid:490). Christie's assertion is that criminalisation does not happen in a vacuum. Each definitional moment in the roll call of acts ascribed meaning as crimes has to be interpreted and analysed in its historical, social, political and economic context. Thus, criminalisation "is influenced by contemporary politics, economic conditions and dominant ideologies" reflecting and responding to "the determining contexts of social class, gender, sexuality, 'race' and age" (Chadwick and Scraton 2001:69).

Shackling the American Dream

> It is, of course, a tactical absolute of 'anti-terrorism' – whether practised in Belfast, Jerusalem or Los Angeles – to deny terrorism a public voice.
>
> (Davis 1990:300)

In his definitive analysis of structural and social inequality in contemporary Los Angeles, Mike Davis records the sequence of events preceding the institutionalisation of "Kafkaesque class justice" (ibid:288) through which the police "now have virtually unlimited discretion, day or night to target 'undesirables', especially youth" (ibid:286). While neither denying nor underestimating the extent of inter-gang violence Davis notes how gang leaders identify "jobs, housing, better schools, recreation facilities and community control of institutions" as being central to the marginalisation, disaffection and criminalisation of children and young people. "[H]owever trapped in their own delusionary spirals of vendetta and self-destruction" those responsible directly for inter-gang violence "clearly understood that they were the children of deferred dreams and defeated equality" (ibid:300).

Yet the proclaimed 'spiral of violence' within US inner-city working class neighbourhoods has been matched by a spiral of aggressive laws and their uncompromising enforcement. As Elliott Currie (1998:185) observes, in the late 1960s the US "stood at a crossroads" in its "response to urban violence". Two studies, the President's 1967 Crime Commission and the Kerner Commission on urban disorders, "reflected a remarkable degree of consensus about urban violence and its remedies". That consensus called for a "*balanced* approach to crime". While a well-resourced and effective criminal justice system was considered a priority both commissions "insisted that we could never imprison our way out of America's violent crime problem …". The key long-term issue – "attacking crime" – could only be achieved through "attacking social exclusion – reducing poverty, creating opportunities for sustaining work, supporting besieged families and the marginalized young".

According to Currie the alternative 'road' emphasised incarceration. Politicians and media commentators characterised the USA as being "insufficiently punitive". Its "rehabilitative efforts were useless" and "social conditions", portrayed as "breeding grounds for violence", were represented as being irrelevant to explaining the rise in violent crime (ibid:186). He continues:

> At the extreme it was argued that the rather timid programs launched in the 1960s against poverty, joblessness, and racial discrimination were part of the problem, not part of the solution. We had coddled criminals, weakened the resolve of the poor to better themselves, spawned a climate of permissiveness, and provided excuses for crime.
>
> (ibid:186)

And so the US chose the authoritarian road. Neither prophet nor criminologist was required to predict the outcome: "bursting prisons, devastated cities, and a violent crime rate … unmatched in the developed world". Social justice, the antidote to structural, determining inequalities, was sacrificed on the multi-billion increasingly privatised altar of criminal justice. In this vicious, fundamentalist and absolutist climate of crime as sin and punishment as retribution the complexity of context was lost to the simplicity of cause. The dominant rhetoric echoed and fuelled popular assumptions of individual and social pathology.

Pinpointing the precise political and ideological moments that contextualised and shaped increasingly draconian laws and criminal justice policies throughout the USA, Parenti (1999) exposes the punitive and corrupt practices of policing and incarceration and the overt targeting of 'problem populations', specifically Black and Hispanic communities. As authoritarian policing expanded – in both reach and severity – the military-corporate model alone could not deliver a politics of obedience within communities. In imposing the harsh regulatory functions of law enforcement against black and working class youth the processes of managerialism, training and police-community relations were 'spun' politically through public relations exercises directed to winning not just 'heart and minds' but votes and budgets.

The strength and persuasiveness of Parenti's argument lies in his detailed examination of the consequences of profound economic crises on the social fabric of communities and on the inadequacy of health, education and welfare provision. Three decades of capital reconstruction led to deepening poverty in the face of unprecedented wealth. Against this backdrop Reagan invested heavily in the 'war on crime'. He initiated a repressive, marginalizing domestic budget alongside increased, pervasive powers of law enforcement, border controls and prosecution. As with Thatcherism, economic libertarianism could not be delivered without social authoritarianism. The federal judiciary was stacked with, "mean spirited, anti-crime, anti-drug zealots" (Parenti 1999:48). Gaining momentum, the right-wing political and religious backlash provided a solid foundation for the ideological construction of the 'underclass'. The soft targets were the 'idlers', 'loafers', 'scroungers', beggars and 'squeegee merchants'. They were represented collectively as opting for a dysfunctional life-style – marginals by choice rather than circumstance.

Parenti (ibid:64-65) shows how in 1994 the Clinton administration, driving a "steamroller of fear and disoriented vengeance", passed the Violent Crime Control and Law Enforcement Act. It was hailed as an "unprecedented federal venture into crime-fighting" delivering support for tough, local interventions through a $30 billion Crime Trust Fund. The legislation brought sweeping changes: $8.8 billion policing grants to hire 100,000 new officers, buy equipment and develop community policing initiatives; $7.9 billion in state prison building grants; increased mandatory sentences and parole eligibility withdrawal for drug-related offences; the expansion of federal capital punishment to 16 new crimes and the enactment and

enhancement of 'three strikes' provision; the selective trying of juveniles as adults; $1.2 billion to hire 4,000 extra border patrol agents and provide new surveillance equipment; the streamlining of the asylum and deportation process.

The important critiques of the authoritarian road made by Currie and Parenti do not underestimate the seriousness of the issues faced within US cities and towns. As Christie (1994:198) states, the inner cities are "filled with deplorable acts – wife abuse, selling sex, selling crack, killings. Crimes. Targets for war." Yet each act could be perceived differently, "be given alternative meaning". He continues:

> They might, first and foremost, have been seen as indicators of misery, asking for economic, educational and treatment facilities on a scale comparable to what is invested in wars outside the national border. The fascinating question, seen from an outsider's perspective, is why the inner cities of the USA are seen as targets for war rather than targets for drastic social reform. (ibid)

Christie's fascination, over two decades on, echoes the main concerns expressed by the Commissions of the late 1960s: to address the underlying context while supporting the emiserated. Yet as he published his definitive work on the political economy of crime control, US federal state laws, policies and interventions expanded the 'war on crime', broadened the scope of 'legitimate targets' and, predictably, widened the net of criminalisation. The concern was no longer restricted to serious or persistent offending but directed towards 'petty', small-scale offences and behaviours regarded as 'antisocial'. As with the assumption that 'soft drugs' lead to 'hard drugs' so it was with offending behaviour. If low-level offences against property and 'the community' were tolerated, if intimidatory or offensive behaviour went unpoliced, the seedbed of more serious crime had been sown.

Much has been written about Wilson and Kelling's (1982) 'broken windows' thesis. Rarely has such a brief article, derived in a poorly theorised yet highly plausible commonsense thesis, had such an impact. The terrain is familiar. They propose a direct connection between minor misdemeanours, small-scale disorders in communities or run down neighbourhoods and crime. Litter, loitering, begging, prostitution and alcohol consumption in public, if unchallenged, represent a community's lack of civic pride and the foundation for accepting more serious crime. By fixing broken windows, removing graffiti, challenging abusive conduct, banishing predators and gating against intruders, communities establish an alternative framework based around collective responsibility, shared ideals and positive neighbourhood identity. This position has much in common with recent writings on social capital. It establishes an agenda derived in active participation at a superficial level while failing to address the structural determinants and manifestations of social exclusion, political disillusionment and economic marginalisation. It reinforces the assumption

that if people fail to 'opt in', they *choose* outsider status. In this perverse logic of pathologisation being 'other' is self-inflicted.

This opens the door to crime prevention policing and interventionist strategies through targeting identifiable individuals, groups and families. It is geared to severing the assumed link between antisocial behaviour at an early stage – and age – and serious crime. By securing public space, neighbourhoods can be made safe and the fear of crime addressed. Community-based policing, multi-agency co-operation and surveillance provide the means to cleanse the streets, the subways, the parks, and so on. Graffiti artists, the homeless, the beggars, the fare evaders and the kids on the block can be tracked, moved on or prosecuted. As with the global war on terror, in the local war on 'terror' agencies and their workers are expected to sign up and participate or endure the public criticism of being apologists for crime and antisocial behaviour.

Wilson and Kelling (1982:29) exude political certainty conjoined with moral absolutism. Should the power and influence of labelling, its denial of social and material context, be doubted a brief recitation of their litany of the deviants is apt: "panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, and mentally disturbed". Their thesis, however, is curiously equivocal and qualified. Describing the tenuous link between community 'disorder' and crime as a "*kind* of developmental sequence" they assert that they are "*usually* inextricably linked" (ibid:31, emphases added). Despite lacking analytical rigour Wilson and Kelling's thesis found a champion in William Bratton, the New York City Police Commissioner. A military police veteran, Bratton arrived in New York via the Boston Transport Police, serving under the outspoken, reactionary mayor, Rudolph Giuliani. Bratton's initial view was that New York City "had lost control":

> Graffiti, burned out cars and trash seemed to be everywhere … as you enter Manhattan, you meet the unofficial greeter for the City of New York, the squeegee pest … This guy had a dirty rag and would wash your window with some dirty liquid and ask for or demand money. Proceeding down Fifth Avenue, the mile of designer stores and famous buildings, unlicensed street peddlers and beggars everywhere. Then down into the subway where everyday over 200,000 fare evaders jumped over or under turnstiles while shakedown artists vandalised turnstiles and demanded that paying passengers hand over their tokens … Beggars were on every train. Every platform seemed to have a cardboard city where the homeless had taken up residence. [New York] was a city that had stopped caring about itself … a permissive society allowing certain things that would not have been permitted many years ago.
>
> (Bratton 1997:33-34)

As Parenti (1999:72) comments, Bratton's "implementation of zero tolerance/quality of life policing" can be "compelling". In terms of the organisation and management of the New York Police Department "reason won out over indifference, habit and corruption". The key elements of Bratton's reorganisation have been well documented. He gained support for increasing the numbers of police officers on the grounds that effective law enforcement required high visibility through beat patrols. The Police Department was 'strategically re-engineered' towards defined goals and crime reduction targets. Decentralisation dismantled the centralised hierarchical bureaucracy with emphasis on precincts working to meet crime prevention and disorder reduction performance targets. 'Problem-solving' was delegated to precincts in collaboration with other agencies.

Priorities for a 'strategic crime fighting' programme were drugs, guns, youth crime, auto theft, corruption, traffic, domestic violence and 'quality of life' crime. Using geographical 'mapping' a system of comprehensive computer statistics (COMSTAT) was introduced to establish and track performance targets. The COMSTAT process brought together intelligence data, rapid response, effective intervention, persistent checking and follow-up within a framework of twice-weekly precinct-level meetings. These meetings were held in a designated 'war room'. At one level Bratton's zero tolerance policing perfectly matched public fears with a militarised response. Being 'at war' with crime, 'retaking the subway' and 'taking back the streets' repackaged the vocabulary and rhetoric of authoritarianism through a softer, liberal presentation of crime prevention, community policing, civic responsibility and community ownership.

Yet, as Parenti (1999:72) demonstrates, what the Bratton-Giuliani strategy ushered in was "rapidly and insidiously escalating police power; the opening of a new stage in the development of an American-style, democratic police state". And the "victims" of this strategy, pursued relentlessly on the street, in public places and in their homes, were "people of color, youth and the poor". The initial, highly visible targets were the 'squeegee merchants' and the 'cardboard city' dwellers driving the poor off Manhattan's streets and out to the less visible suburbs. It was as if years of criminological analysis of 'displacement' had never been researched or published. This was followed by a "city-wide round-up of truants: refugee youth escaping New York's hyper-violent and dilapidated public schools" (ibid:77) The clampdown on truancy was highly publicised. With "family courts braced for a wave of new cases" it represented a "masterful orchestration of disparate social forces into a single law-and-order crackdown; multiple layers of public and private social control – from press to jails – acting in concert to form a totalising net of surveillance, enforcement and intimidation". Parenti concludes:

> Perhaps archeologists of a future world will read the records of such campaigns as the deranged youth initiation ceremonies they are. What do kids learn from such treatment? How to be cuffed; how to shield one's face when paraded before the press; in short, how to act like a criminal. But in 1990s New York turning police power against children made perfect sense.

"Tough on Crime ..."

> By the mid 1990s crime was rising, there was escalating family breakdown and drug abuse, and social inequalities had widened. Many neighbourhoods had become marked by vandalism, violent crime and the loss of civility. The basic recognition of the mutuality of duty and reciprocity of respect on which civil society depends appeared lost ... the moral fabric of community was unravelling.
>
> (Blair 2002:26)

These were the words with which the Prime Minister formally introduced the 2002 Queen's Speech outlining the Government's agenda for the 2002-2003 Parliamentary session. The language was familiar: "crime and social breakdown"; diminished "quality of life"; "social disintegration", and so on. The "new opportunities" in health, welfare and education claimed by Blair could not be experienced "if people walk out of their doors and are confronted by abuse, vandalism, anti-social behaviour". A "new, simpler and tougher approach to anti-social behaviour" would be a priority for Government in the new term. He continued, "It is petty crime and public nuisance that causes so much distress ... vandalism, graffiti, low-level aggression and violence ... Families have a right to be housed. But they have no right to terrorise those around them." As the 'war on terror' was being mobilised globally so the war on terror at home would be pursued relentlessly. In Blair's analysis the issues are primarily moral and social rather than political and structural (see: Scraton 2002b).

Blair's explanation regarding the upsurge in petty crime, antisocial behaviour and public nuisance is predictable but more in keeping with successive Home Secretaries' utterances throughout the Thatcher and Major years. He attacks the criminal justice system as outmoded and over-indulgent of offenders. Courts are slow in processing cases and out of touch with the needs and demands of justice administered in the 21st Century. Welfare approaches continue to dominate proceedings, bending to accommodate defendants in their pleas of mitigation and in lenient sentences. In this skewed process consideration for perpetrators is repeatedly prioritised above the needs of victims. Hard core, persistent offenders, presented by Blair as responsible for the majority of crimes committed, are tolerated and even excused. In high risk neighbourhoods police are thin on the ground, over-burdened with other – often peripheral – duties. Thus low level crime and antisocial behaviour goes unpoliced. Despite the emphasis in recent legislation on multi-agency strategies, inter-agency initiatives are neither efficient nor effective. For those who are taken to court, the public perception – accepted as reality by Blair, is that the punishments meted out do not reflect the severity of the offences committed. Only by remedying these issues and imbalances, by addressing low-level crime and by broadening the definitional scope of antisocial behaviour, will "social cohesion" be restored to "fragmented communities" (ibid). The message is not new.

Just a decade earlier, as Shadow Home Secretary, Blair deplored the "moral vacuum" prevalent throughout British society. Instructing children and their disaffected communities in "the value of what is right and what is wrong" offered the only salvation from the sure descent into "moral chaos". A future Labour government, he promised, would be "tough on crime and tough on the causes of crime" (*The Guardian*, 20 February 1993). He was speaking in the immediate aftermath of the abduction and killing of 2-year-old James Bulger by two 10-year-olds, Jon Venables and Robert Thompson. Taking an exceptional situation, however serious, out of its specific context displayed political opportunism rather than analytical awareness. Recent events, he continued, were "hammer blows against the sleeping conscience of the nation". The distasteful metaphor was not lost in a media caught up in the 'crime of the decade'.

The killing of James Bulger occurred within the context of "a fermenting body of opinion that juvenile justice in particular, and penal liberalism in general, had gone too far" (Goldson 1997:129). During the early 1990s a series of unrelated disturbances in towns throughout England and Wales raised the profile of youth offending. Media coverage focused on 'joyriding', 'ram-raiding', 'bail bandits' and 'persistent young offenders'. Senior police officers directed sustained pressure at Government to address the 'issue' of repeat offending. As Goldson (ibid:130) states:

> A crude, reductionist assimilation of disparate behaviours was assembled and, in virtually no time, the consensus which had bound together over a decade of policy and practice developments began to crack. The conditions which would legitimise a complete repudiation of the principles of diversion, decriminalisation and decarceration and an explicit rejection of what had been the Government's position emerged at a furious pace.

It was within this manufactured and manipulated climate that Blair responded to James Bulger's death. His high moral tone fed off and into that climate. Among senior politicians, however, he was not alone.

As discussed in depth elsewhere (Scraton 1997; Haydon and Scraton 2000), the elevation of James Bulger's tragic death as the ultimate expression of a 'crisis' in childhood offered an unprecedented opportunity for leading politicians to out-tough each other. Home Secretary, Kenneth Clarke, railed against "persistent, nasty, little juvenile offenders" whose behaviour demonstrated a "loss of values and a loss of sense of purpose". As social institutions had weakened, social workers "mouthed political rhetoric … about why children in their care are so delinquent" (*The World this Weekend*, BBC Radio 4, 21 February 1993). Shadow Health Minister, David Blunkett took direction from Clarke in condemning the "paternalistic and well-meaning indulgence of the sub-culture of thuggery, noise, nuisance and antisocial behaviour often linked to drug abuse" (Submission to Labour's Commission on Social Justice).

Sir Ivan Lawrence QC, then Chairman of the Home Affairs Select Committee on Juvenile Crime, typified the "reactionary spirit of the moment" (Scraton 1997:169). "There is" he argued, "a hard-core of persistent young offenders, and too many of them are simply laughing at authority and thumbing their noses to the courts" (*The Guardian*, 22 February 1993). Imprisonment in regimes committed to "discipline and respect for authority" was, according to Lawrence, the priority. At the moment when a calm response was required from political leaders, Prime Minister John Major produced a succession of quick-fire sound-bites. A "crusade against crime" was required heralding a "change from being forgiving of crime to being considerate to the victim" (*Mail on Sunday*, 21 February 1993). As for dealing with the complexities of such a serious case Major opted for the simplistic mantra: "condemn a little more, understand a little less".

As Jon Venables and Robert Thompson were locked away, virtually isolated in secure units for nine months until their trial for murder in an adult court, the new Home Secretary, Michael Howard, launched into the Conservative Party conference to reveal his 27 steps to 'crack crime'. The atmosphere, within and outside the conference hall, was astonishing. Conference delegates rose to their feet to support one speaker's demand for execution, castration and flogging. This hit the headlines as "Hang 'Em High, Hang 'Em Often" (*Today*, 7 October 1993). Howard revisited the earlier, censored speech of his under-minister, David McLean: "we are sick and tired of these young hooligans … we must take the thugs off the streets" (*The Sun*, 7 October 1993). The die was now cast and there would be no going back. James Bulger's death was exploited to the full, "a catalyst for the consolidation of an authoritarian shift in youth justice … a shift which, in legal and policy initiatives, was replicated throughout all institutional responses to children and young people" (Scraton 1997:170).

As the public debate rapidly degenerated into ill-informed commentaries, which assumed a direct line of progression from low-level disruptive behaviour through to serious crime, a curious alliance between 'reactionary' and 'liberal' academics emerged. Focusing on 'problem populations' living in poor neighbourhoods or 'sink estates' the issue was about how boy children and young men grow into a life of crime. Charles Murray (1990), respected and often quoted by the New Right, argued that illegitimacy, violent crime and rejection of work opportunities provide the structural foundations for the consolidation of an 'underclass' throughout British cities and towns. It constituted a rapidly expanding population "stuck at the bottom of society because of its own self-destructive behaviour, lured on by well-intentioned reforms gone bad" (Murray 1994a:10).

In Murray's portrayal the "core phenomenon" in which all social problems are rooted is "the continuing increase in births to single women" with the family destined "to deteriorate among what the Victorians called the lower classes". Using statistics compiled by British sociologist, Patricia Morgan, he claims a definitive link between 'illegitimacy' and a benefit system that 'rewards' unmarried parents and acts as a disincentive to paid work. In this scenario, promoted by the right-wing press and reactionary politicians, the

underclass expands and its members choose neither to marry nor work. These social arrangements then become the learned behaviour of the next generation.

Children living in communities where 'absent fathers' are the norm, "run wild" and become "inordinately physical and aggressive in their relationship with other children" (Murray 1990:12). Murray views young men as "essentially barbarians" (1990:23); a reality that "has become all too literal in the American inner-city". They "retaliate against anyone who shows the slightest disrespect … sleep with and impregnate as many girls as possible" and promote "violence as a sign of strength". Their code is simple and frightening: "To worry about tomorrow is a weakness. To die young is glorious … inner-city boys articulate [these] as principles" (Murray 1994b:12). The failure to take "responsibility for a wife and children" amounts to a conscious rejection of society's "indispensable civilising force" (Murray 1990:23).

Murray (1994b:12) questions what might be expected of daily life in "lower-class Britain". His reply, based on his "observations and knowledge of the US underclass", is absolute:

> The New Rabble will be characterised by high levels of criminality, child neglect and abuse, and drug use. The New Rabble will exploit social benefit programmes imaginatively and comprehensively, and be impervious to social benefit programmes that seek to change their behaviour. They will not enter the legitimate labour force when economic times are good and will recruit more working-class young people to their way of life when economic times are bad. The children of the New Rabble will come to the school system undeveloped intellectually and unsocialised in the norms of considerate behaviour … The New Rabble will provide a large and lucrative market for violent and pornographic film, television and music. Their housing blocks will be characterised by graffiti and vandalism, their parks will be venues for drugs and prostitution. They will not contribute their labour to local good works, and will not be good neighbours to each other … the New Rabble will dominate, which will be enough to make life miserable for everyone else.

The end product, Murray predicts, is a more segregated society in which sink estates become no-go areas, welfare benefits 'sky-rocket', more girls become unmarried mothers, and the young male criminal population burgeons. He warns, "British civility … the original home of Western liberty … is doomed" (ibid:13).

Self-styled 'ethical socialists', Norman Dennis, George Erdos and A H Halsey, develop Murray's themes beyond his analysis of 'underclass'. For them social breakdown is broader yet its components remain consistent: 'illegitimacy', 'dismembered families', rejection of the work ethic and spiralling crime. Starting from the premise that the traditional family

established a "coherent strategy for the ordering of social relations … to equip children for their own eventual adult responsibilities", the "breakdown" in family life has resulted in "the emergence of a new type of young male … weakly socialised and weakly socially controlled so far as the responsibilities of spousehood and fatherhood are concerned" (Halsey 1992:xiii). Thus the patriarchal pressure "to be a responsible adult in a functioning community" has been lost.

Dennis and Erdos (1992:27) consider the demise of "responsible fathers" to be crucial. Young men, they argue, "no longer take it for granted that they will be responsible" for children. According to Dennis (1993:69) "cumulative evidence from common experience and statistical evidence" affirms "beyond doubt the superiority, for the children and for the rest of society, of the family with two publicly and successfully committed natural parents". Quoting directly Barbara Defoe Whitehead's words in *The Atlantic Monthly* Dennis continues, "family diversity in the form of single-parent and step-parent families does not strengthen the social fabric but … dramatically weakens and undermines society" (ibid:70).

The connection between Murray's under-researched yet assertive social commentary and the observations of the 'ethical socialists' is not a crude assumption formulated by critical reviewers. In his 1994 retrospective on the 'underclass', recast as the 'New Rabble', Murray lauds his new-found allies as "courageous social scientists" prepared to speak their "empirical" minds over "illegitimacy". He feigns disbelief that their critics – "academics with professional reputations to worry about" – can possibly dispute that "the two-parent family is a superior environment for the nurturing of children" (Murray 1994b:12).

For Dennis and Erdos (1992:107) a "new generation of feminists", in association with Marxist intellectuals, had embarked on "a long march through the institutions" arriving at "the family, altruistic anarchism, hedonistic nihilism". This subversive process "weaken[ed] the link between sex, procreation, childcare, child-rearing and loyalty in the lifelong provision on a non-commercial basis of mutual care within a common place of residence". The right-wing *Institute of Economic Affairs* published Murray, Dennis, Erdos and Halsey. Its Director, David Green (1992:viii) called for the "correction of fundamentals" through the restoration of "the ideal two-parent family, supported by … the extended family". Taken together with the journalism of Melanie Phillips and Norman Macrae, this body of under-researched yet influential writing maintains that 'family life', as described by Green, "is the primary 'civilising force' within society" and "'dismembered' or 'dysfunctional' families have prevailed because of voluntaristic and avoidable choices made by post-1960s nihilists and hedonists … the affirmation of moral absolutes [being] its most prevalent feature" (Scraton 1997:178).

... tough on Liberties

> Property owners, residents, retailers, manufacturers, town planners, school authorities, transport managers, employers, parents and individual citizens – all of these must be made to recognize that they to have a responsibility [for preventing and controlling crime], and must be persuaded to change their practices in order to reduce criminal opportunities and increase informal controls.
>
> (Garland 1996:445)

However clumsy the term, 'responsibilisation' carries a simple message. According to David Garland the state alone cannot, nor should it be expected to, deliver safe communities in which levels of crime and fear of crime are significantly reduced and potential victims are afforded protection. While private organisations, public services and property owners take measures to tackle opportunistic crime, thus turning the private security provision into one of the most lucrative contemporary service industries, in addressing prevention the 'buck stops' with parents and individual citizens. Civil rights, including rights of access to state support, intervention and benefits, are presented as the flip-side of civic responsibilities. Being responsible for challenging intimidatory behaviour, small-scale disorder and criminal activity is part of a network of 'informal controls' contributing towards safer and more cohesive communities. At the hub of this idealised notion of 'community' is the relationship between families and inter-agency partnerships working towards common, agreed social objectives. The live connection between a new form of communitarianism and the liberal tradition of shared responsibility underpins the much-vaunted 'Third Way' politics (see Giddens 1998) of Clinton's Democrats and Blair's 'New' Labour.

New Labour's reclamation of 'community' was evident in Blair's remoralisation thesis first surfacing in his speech following James Bulger's tragic death. "Community", he stated, "defines the relationship not only between us as individuals, but also between people and the society in which they live, one that is based on responsibilities as well as entitlements" (quoted in Gould 1998:234). For Blair, rewards to individuals are earned through altruism, whether meeting family obligations or community responsibilities. Core values and principles are derived, therefore, in the mutually beneficial and benevolent social transactions between the 'self' and others; 'others' being the mirror in which self-respect is reflected, an image made tangible through 'communitarianism'.

Within this process of reclamation - itself a form of moral renewal – crime at once represents a betrayal of the self and a betrayal of the immediate social relations of family and community. The corrective for crime, however petty, and for disruptive or disorderly behaviours, is two-dimensional. First, affirming culpability and responsibility through the due (and fair) process of criminal justice – from apprehension to punishment incorporating the expectations of retribution and remorse. Second, the reconstruction of and support for the proven values of positive families and strong communities.

In 1994, a year after his moral renewal speech, Tony Blair was elected Leader of the Opposition and Jack Straw succeeded him as Shadow Home Secretary. Straw's nervousness and hesitancy at the Dispatch Box and his occasional verbal mauling by the Conservative Home Secretary, Michael Howard, belied his behind-the-scenes role in the development and direction of criminal justice policy. Two decades of Thatcherism were condemned as an imposition of naked self-interest over social and interpersonal responsibility. How could the poor, the powerless, the disaffected be expected to value their families, their neighbours, their communities, if the doctrine preached by government was one of self-advancement regardless of social consequences? In New Labour's portrayal, crime was selfishness at its worst. Crime prevention should be a priority within *all* public agencies and the social objective had to be early intervention: the targeting of *potentially* criminal behaviour by children and young people in a context of appropriate parenting.

Jack Straw returned the popular debate to familiar territory. "Today's young offenders" he argued "can too easily become tomorrow's hardened criminals" supported by "an excuse culture [which] has developed within the youth justice system" (*The Guardian*, 28 November 1997). A youth justice system that was inefficient and "often excuses young offenders who come before it, allowing them to go on wasting their own and wrecking other people's lives". Meanwhile parents "are not confronted with their responsibilities" and "offenders are rarely asked to account for themselves" (ibid). Straw's message was unambiguous: victims are disregarded, the public is excluded.

The new Home Secretary, exultant after comprehensively winning office, reiterated four key elements held dear by his Conservative predecessors. First, when tolerated or indulged, the disruptive and offensive behaviour of children leads inevitably to their eventual participation in serious and repetitive crimes. Second, that within the community, the primary responsibility for regulating and policing such behaviour (what Garland refers to as 'informal controls') rests with parents. Third, that professionals entrusted on 'society's behalf' with initiating purposeful, correctional interventions had betrayed that trust, excusing unacceptable levels of behaviour and their own lack of effectiveness. Fourth, that existing processes and procedures over-represent the needs and rights of perpetrators while under-representing victims.

Few political commentators were surprised that Straw shouldered the well-worn authoritarian mantle. A year earlier, while unfolding a vote-catching law and order strategy Straw had promised an increase in secure accommodation for young offenders and "curfews for 10-year-olds" (*Sunday Times* 18 August 1996). *Observer* journalist, Nick Cohen, recalls telephoning Straw: " 'Now, Jack, obviously you don't hold with teen curfews and all of that', I said with unwarranted confidence". Straw hesitated for a few seconds and replied that curfews were "a sensible way to deal with the issue" of "youngsters on the streets". Cohen was taken aback by Straw's response and the newspaper cleared the front page for the scoop. Within

minutes Straw rang back. He "had not been authorised to talk off the top of his head about curfews. Would I mind forgetting our conversation? I most certainly would" (Cohen 2000:2-3). Cohen wryly observes that in publishing "Straw's ramblings" Labour's "majestic policy-making machine" was impelled into the "grave and careful task of constructing a legal framework for the arrest of children who had committed no crime". However extraordinary at the time, Straw's comment eventually came to fruition.

Straw's broadside against the youth justice system and its workers drew support from other sources. Just eight months before the 1997 election the Audit Commission (1996) also attacked the youth justice system as expensive, inefficient, inconsistent and ineffective. Its controller, Andrew Foster, considered that the "cycle of antisocial behaviour that has become a day-to-day activity" could be broken only through a "systematic overhaul" of youth justice (*The Guardian*, 21 November 1996). The objectives for attention were clear: "inadequate parenting; aggressive and hyperactive behaviour in early childhood; truancy and exclusion from school; peer group pressure; unstable living conditions; lack of training and employment; drug and alcohol abuse" (Audit Commission 1996:3).

From within the prevailing political rhetoric, now endorsed by the independent Audit Commission, emerged the ubiquitous and conveniently elastic term 'antisocial behaviour'. Its new-found status quickly consolidated as *the* key issue. As journalists, academics and practitioners sought a more precise definition the newly elected Government obliged with a less than precise definition via a rushed consultation document ahead of a Crime and Disorder Bill. Antisocial behaviour, states the document, is that which "causes harassment to a community; amounts to antisocial criminal conduct, or is otherwise antisocial; disrupts the peaceful and quiet enjoyment of a neighbourhood by others; intimidates a community or section of it" (Local Government Information Unit, 1997). It was a triumph for 'definition by committee'. The slide between 'criminal conduct' and 'antisocial behaviour' is calculated and reflected in the ambiguity of 'otherwise'. It is a definition open to broad interpretation and subject to conveniently wide discretion in its enforcement; a definition in the mind's eye of the beholder.

In response to the consultation several established academics collectively attacked the conceptualisation of antisocial behaviour as, "neither sensible nor carefully targeted". Ashworth et al (1998:7) condemned the proposed legislation for taking "sweepingly defined conduct within its ambit", granting "local agencies virtually unlimited discretion to seek highly restrictive orders", jettisoning "fundamental legal protections for the granting of these orders", while authorising "potentially draconian and wholly disproportionate penalties for violations ". Rather than providing effective interventions to tackle "those who terrorise their neighbours", the "actual reach is far broader", covering "a wide spectrum of conduct deemed; antisocial', whether criminal or not" (ibid). The early warnings, exposing the implicit authoritarianism within the Bill, went unheeded. The consultation

period was too brief to develop an inclusive practitioner-informed debate. Politically, it is fair to assume, that was the intention.

Consequently the Crime and Disorder Act (CDA) became law within a year, its wide-ranging content rolled out over three years. Generically it aims to reduce crime, improve community safety, promote more effective multi-agency approaches and increase public confidence in the criminal justice system. To these ends it obliges local authorities to present a crime strategy derived in a crime and disorder audit involving consultation with local communities, 'hard to reach' groups and all public sector agencies. It places a responsibility on statutory agencies to participate in the operational planning, realisation and evaluation of local strategies.

More specifically the CDA established a framework for the much trailed 'overhaul' of youth justice. With the principal aim of youth justice stated as the prevention of offending, including repeat offending, the CDA places a duty on local authorities to ensure availability of 'appropriate' youth justice services. These include provision of 'appropriate adults', assessment and rehabilitation, bail support, remand placements, reports and community sentence and post-custody supervisions. Institutionally the CDA introduced a national Youth Justice Board, obliging local authorities to establish multi-agency Youth Offending Teams (YOTs) which work to annually reviewed Youth Justice Plans. The CDA also initiated Reparation Orders, Action Plan Orders, improved Supervision Orders, Detention and Training Orders and Juvenile Secure Remands; each directed towards children and young people.

In addition to the reconstruction of youth justice, the CDA abolished the presumption of *doli incapax* and allowed courts to draw inferences from the failure of an accused child to give evidence or refusal to answer questions at trial. Parenting Orders, Child Safety Orders and local Child Curfew Schemes were also significant new developments. Parenting Orders provide "help and support … in addressing a child's offending behaviour" through the restoration of "a *proper relationship* between the child and its parent or guardian" (UK Government 1999:181). In this process counselling sessions instruct parents on "how to set and enforce acceptance standards and behaviour" (ibid). Child Safety Orders, directed at children under 10, are "early intervention measure[s] designed to prevent children being drawn into crime" through offering "an early opportunity to intervene positively in an appropriate and proportionate way to protect the welfare of the child" (ibid). Child Curfews target, "unsupervised children gathered in public places at night" considered "too young to be out alone" who "cause alarm or misery to local communities and encourage each other into antisocial and criminal habits" (ibid:182).

Perhaps the most immediately contentious initiative, however, was the introduction of Antisocial Behaviour Orders (ASBOs). These community-based civil injunctions, applied for by the police or the local authority – each in consultation with the other, can be taken against an individual or a group of individuals (eg families) whose behaviour is considered 'antisocial'. Applications are made to the magistrates' court, acting in its adult

jurisdiction and in its civil function, and provision is made for the employment of professional witnesses. ASBOs are considered, in principle, to be preventative measures targeting 'persistent and serious' antisocial behaviour. Guidelines state that "prohibitions in the order must be such as are necessary to protect people from further antisocial acts by the defendant in the locality", targeting "criminal or sub-criminal behaviour, nor minor disputes …" (CDA Introductory Guide, Section 1). A criminal offence is committed only on breach of the order without a 'reasonable excuse'. Instructively, given the pattern of events since the CDA's introduction, the guidelines state that ASBOs "will be used mainly against adults" (ibid). This commitment is affirmed by the UK Government's (1999) submission to the UN Committee on the Rights of the Child in which it sets out current changes in legislation regarding children. While all other CDA orders are discussed, the ASBO is omitted.

Given that the CDA concentrates heavily on the criminal and disorderly behaviour of 10 to 18 year olds, and is the vehicle through which youth justice has been structurally reconfigured, it is unsurprising that it has come to be viewed as legislation concerned primarily with the regulation and criminalisation of children and young people. The UK Government's submission to the UN Committee states that "it is not unjust or unreasonable to assume that a child aged 10 or older can understand the difference between serious wrong and simple naughtiness". But, it proposes, for children lacking "this most basic moral understanding, it is all the more imperative that appropriate intervention and rehabilitation should begin as soon as possible" (ibid:180).

'Serious wrong' and 'simple naughtiness' are presented as opposite ends of a spectrum yet no acknowledgement is made regarding the complexities of understanding, experience, and interpretation that lie between. Also significant are issues of premeditation, intent and spontaneity. As stated elsewhere "[r]educing these complexities, difficult to disentangle at any age, to simple opposites in the minds of young children amounts to incredible naivety or purposeful misrepresentation" (Haydon and Scraton 2000:429). Further, the courts are proposed as "the site most appropriate to intervene and rehabilitate …" (ibid). Yet, the UK Government (1999:180) states that "emphasis is firmly placed not on criminalizing children, but on helping them to recognise and accept responsibility for their actions and enabling them to receive help to change their offending behaviour".

The combination of major institutional change in youth justice, new civil injunctions – particularly ASBOs, the removal of *doli incapax* and the right to silence and an expansion in secure units sealed the Labour Government's intent to 'out-tough' its predecessors. As Johnston and Bottomley (1998:177) state, while "the Conservatives talked tough, it is Labour that introduced stringent measures such as child curfews, antisocial behaviour orders and parenting orders". The result is a "regulatory-disciplinary approach to crime prevention, combined with 'welfarist' assistance to help people meet its standards". What the CDA exemplifies is the tangible outcome of New Labour's law and order rhetoric; "an amalgam of 'get tough'

authoritarian measures with elements of paternalism, pragmatism, communitarianism, responsibilization and remoralization" (Muncie 1999:169). It is delivered, using the language and theory of 'risk', through a "burgeoning new managerialism whose new depth and legal powers might best be described as 'coercive corporatism' " (ibid).

Writing as the CDA was being implemented, Allen (1999:22) registered his concern regarding the net-widening potential of targeting antisocial behaviour alongside the increasingly "coercive approach of zero-tolerance policing" interventions leading to the promotion rather than eradication of "social exclusion". Thus the "promise of speedier trials, new teams and panels to monitor action plans, 'restorative justice' and the inadequacies of the pre-1998 system" was the justification for the CDA but the fast-emerging concerns voiced by academics and practitioners are "its potential for net-widening, over control, lack of safeguards and what one can only call 'joined-up labelling'" (Downes 2001:9). Goldson (2000:52) puts this position more strongly: "Early intervention, the erosion of legal safeguards and concomitant criminalisation, is packaged as a courtesy to the child." Yet it is "an interventionism which 'promotes prosecution' … violates rights and, in the final analysis will serve only to criminalise the most structurally vulnerable children" (ibid).

Introduced without any convincing evidence of the 'graduation' of 'at risk' children and young people into crime, ASBOs have received "a degree of political backing out of all proportion to their potential to reduce crime and disorder" while the 'demonisation' of parents through Parenting Orders "will exacerbate a situation" that "is already complex and strained" (Hester 2000:166/171). Hester goes on to predict that ASBOs will be used primarily in 'poor communities' and "by definition they will thus be disproportionately deployed" (ibid:172). More problematic still, the policing and regulation of children and parents within the most politically and economically marginal neighbourhoods effectively expects people to take responsibility for all aspects of their lives in social and material contexts where they are least able to cope. As Pitts (2001:140) reflects, the "managerial annexation of youth justice social work … effectively transformed [social workers] into agents of the legal system, preoccupied with questions of 'risk', 'evidence' and 'proof', rather than 'motivation', 'need' and suffering'." In interpreting the Labour Government's swift delivery of the CDA and its concentration on ASBOs Gardner et al (1998:25) note the contradiction in "tackling social exclusion" while passing legislation "destined to create a whole new breed of outcasts".

Within a year Jack Straw strongly criticised local authorities for failing to implement child curfews and ASBOs. His widely reported comments intensified pressure on local authorities to establish antisocial behaviour initiatives. Newly appointed or seconded staff, often under-trained and poorly managed, were impelled into using ASBOs without having the time or opportunity to plan appropriately for their administration or consequences. ASBOs soon became a classic example of net-widening through which children and young people in particular, who previously would have been

cautioned, became elevated to the first rung of criminalisation's ladder. The vindictiveness of local media, alongside the triumphalism of local councillors and their officers, provide dramatic illustrations of the public humiliation associated with authoritarian policies conveyed through sensationalist reporting.

Liverpool's first ASBO was served on a disruptive 13-year-old. On 5 June 2002 the *Liverpool Echo* dedicated its entire front page to the case. A large photograph of the child's face was placed alongside a banner headline: 'THUG AT 13'. Within a month he was sentenced to eight months for his third breach of the ASBO. West Lancashire's first ASBO, served on a 16-year-old, received similar coverage by the *Advertiser* group of local newspapers. The photograph was accompanied by the headline 'FIRST YOBBO TO BE BARRED'. In Skelmersdale New Town a local hypermarket filled a prominent window with multiple copies of the front page. Within months he was imprisoned for breach of his order. A subsequent case, involving the banning of a brother and sister from a specified neighbourhood, was headlined 'GET OUT AND STAY OUT'. Such cases are not exceptions. Children, neither charged with nor convicted of any criminal offence, have been named and shamed ruthlessly. As they are not covered by youth court regulations reporting restrictions have to be requested. In each case communities were invited to note the conditions attached to the ASBOs and report any breach to the authorities. As the academic debate regarding 'responsibilisation' and 'communitarianism' continues, it has become clear that in the public domain the 'responsible community' is mobilised as a blunt instrument to regulate, marginalise and punish children and young people whose behaviour has been labelled in some way antisocial. Far from selective and exceptional use, the popular and much publicised assumption is that ASBOs apply primarily to the behaviour of children and young people.

While local authorities have been inconsistent in their implementation of the new legislation, new interventionist initiatives continue to develop. The Government's Social Exclusion Unit, through its National Strategy for Neighbourhood Renewal, prioritises target-setting for measurable reductions in antisocial behaviour. Central to this process is the adoption, by the Youth Justice Board, of a Risk Factors Screening Tool as "suggested by research" (YJB/CYPU, 2002:15-16). Local authority, multi-agency specialist teams are expected to identify 'hard core' perpetrators and those 'at risk', the objective being to assess, track and monitor children and young people 0 to 16 years. 29 risk factors are specified. They include: holding negative beliefs and attitude (supportive of crime and other antisocial acts – not supportive of education and work); involved in offending or antisocial behaviour at a young age; family members involved in offending; poor family relationships; friends involved in antisocial behaviour; hangs about with others involved in antisocial behaviour; underachievement at school; non-attendance or lack of attachment to school. Further examples of the breadth of assessment criteria are lack of participation in structured, supervised activities and 'lack of concentration'. Youth Justice Board approved schemes such as the unfortunately named GRIP (Group

Intervention Panel) in Lancashire have adopted, apparently without question, previously discredited forms of classification such as Criminogenic Risk Factors.

National policies for tackling antisocial behaviour are presented as thought-through, coherent and comprehensive, protecting those 'at risk', processing effectively a 'hard core' of repeat offenders and challenging 'deep-seated' problems within the most vulnerable and 'deprived' areas. Yet, as far as children and young people are concerned, early indications are that antisocial behaviour units, and those recruited to them, are engaged in a targeting process which selectively employs a range of risk factors, each open to interpretation. These are new, broad discretionary powers implemented by teams more informed by an ideology of policing than one of support. For example, the opening sentence of Liverpool Anti-Social Behaviour Unit's draft strategy for 2003-2006 states that the Unit enjoys "notable success as a reactive punitive service" (Liverpool ASBU 2003:1).

Despite concerns being raised regarding the administration, use and consequences of the 'first wave' of ASBOs the Home Office launched new guidance in November 2002. Home Office Minister John Denham renewed the call for a "crackdown on antisocial behaviour" through maximising the use of ASBOs. Between April 1999 and November 2002 over 650 Orders were processed through the courts and changes were made to extend and strengthen their powers through the 2002 Police Reform Act. These include: the issuing of Interim ASBOs; the widening of their geographical scope up to and including England and Wales; the extension of orders against people convicted of a criminal offence. In April 2003 Acceptable Behaviour Contracts (ABCs) were introduced. These are voluntary agreements through which those 'involved in' antisocial behaviour commit to acceptable behaviour.

Denham reaffirmed the Government's unswerving commitment to ASBOs and ABCs. They constitute "key tools in tackling low level crime and disorder" while increasing "the community's confidence in the ability of the local authority and the police to deal with the problem" (Home Office Press Release, 12 November 2002). Children and young people "must be dealt with in a way that ensures they fully appreciate the consequences of their actions on the community". He reinforced the demand for "all areas of the community" to accept their professional and personal responsibilities in "effectively tackl[ing] this problem that is such a blight on people's lives".

Two days later the Home Secretary, David Blunkett, announced the appointment of the Director of the newly established Home Office Anti-Social Behaviour Unit. The Unit is intended as a "centre of excellence on anti-social behaviour, with experts from across Government and local agencies" (Home Office Press Release, 14 November 2002). Blunkett stated the Unit's "support" for "local delivery" of policy and practice to lead the "culture change that we need to rebalance rights and responsibilities". The announcements, made by the Home Secretary and his Minister, John Denham, coincided with the Queen's Speech prior to the new parliamentary

session. Her Government would "rebalance the criminal justice system to deliver justice for all" while "safeguard[ing] the interests of victims, witnesses and communities" (*The Guardian* 13 November 2003). A White Paper on antisocial behaviour was announced.

In March 2003 the White Paper, *Respect and Responsibility – Taking a Stand Against Anti-Social Behaviour*, was published. David Blunkett introduces the document with a challenge to parents, neighbours and local communities to take: "a stand against what is unacceptable… vandalism, litter and yobbish behaviour" (Home Office, 2003: Foreword). He continues; "We have seen the way communities spiral downwards once windows are broken and not fixed, streets get grimier and dirtier, youths hang around street corners intimidating the elderly… crime goes up and people feel trapped" (ibid). The script could have been written by Giuliani/Bratton, inspired by Wilson/Kelling. Blunkett's agenda includes: more police officers, the consolidation of community support officers, neighbourhood warden schemes, crime and disorder partnerships, increased use of ASBOs, fixed penalty notices for disorder offences and new street crime initiatives.

Chapter Two of the White Paper focuses on families, children and young people with particular reference to the prevention of antisocial behaviour. Its premise is that "healthy communities are built on strong families" in which parents "set limits" and "ensure their children understand the difference between right and wrong" (ibid: 21). On the justification that children and young people are 'at risk', a "new Identification, Referral and Tracking system (IRT)" will be universally adopted "to enable all agencies to share information" (ibid: 22). Information on antisocial behaviour given to the police will be "shared with schools, social services, the youth service and other agencies…".

Families that are "described as 'dysfunctional'" or "chaotic" will be targeted. Parenting classes are regarded as "critical in supporting parents to feel confident in establishing and maintaining a sense of responsibility, decency and respect in their children, and in helping parents manage them" (ibid : 23). The White Paper quotes the Youth Justice Board's evaluation that Parenting Orders issued under the 1998 CDA "contributed to a 50% reduction in reconviction rates in children whose parents take up classes" (ibid: 25). Parenting Orders will be extended with schools and local education authorities given powers to initiate parenting contracts. Refusal by parents to sign contracts will constitute a criminal offence. Intensive fostering will be imposed on families unwilling or unable to provide support.

YOTs will also be given powers to initiate Parenting Orders "related to anti-social or criminal type behaviour in the community where the parent is not taking active steps to prevent the child's behaviour …" (ibid:34). The issuing of children under 16 with ASBOs will oblige courts to serve a concurrent Parenting Order. Based on 2001 figures, which number persistent young offenders in England and Wales at 23,393, Intensive Supervision and Surveillance Programmes (ISSPs) will be initiated, "combin(ing) community based surveillance with a comprehensive and sustained focus on tackling

the factors that contribute to a person's offending behaviour" (ibid). Individual Support Orders will be used to ensure that children aged 10 to 17, against whom more than half all ASBOs are issued, address their antisocial behaviour.

Fixed Penalty Notices (FPNs) will be administered by police officers, school and local education authority staff to parents who 'condone' or 'ignore' truancy. FPNs might also be issued to parents of children "where the children's behaviour would have warranted action … were they to be 16 or over" (ibid : 9). The White Paper states that sanctions directed towards children and families "involved in anti-social activity" are "strong" but the "principle" remains "consistent" – "the protection of the local community must come first" (ibid : 35). This brief excursion into the White Paper's proposals demonstrates that harsh measures and unprecedented discretionary powers are central to essentially authoritarian cross-agency interventions.

Under the auspices of inter-agency cooperation and the promotion of 'collective responsibility' the veneer of risk, protection and prevention coats a deepening, almost evangelical, commitment to discipline, regulation and punishment. As the grip tightens on the behaviour of children and young people no attention has been paid to social, political and economic context. The reality of early 21st Century Britain is one in which authoritarian ideology has been mobilised locally and nationally to criminalise through the back door of civil injunctions. In-depth, case-based research already indicates that the problems faced by children and families are exacerbated by the stigma, rumour and reprisals fed by the very public process of naming and shaming. While some supportive projects based on sound principles of family group conferencing, parent support and interactive reparation have the potential to impact positively on the daily lives of children in trouble, they are incompatible with the draconian measures that constitute the armoury of the ever-expanding punishment industry.

Act of Betrayal

> The passing off of market fundamentalism as the new common sense has helped to drive home the critical lesson which underpins the 'reform' of the welfare state: the role of the state 'nowadays' is not to support the less fortunate or powerful but to help individuals themselves to provide for all their social needs. Those who can must. The rest must be targeted, means-tested and kept to a minimum of provision lest the burden threatens 'wealth creation'.
>
> (Hall 2003:20)

The theme of Stuart Hall's commentary on New Labour's second term is its adaptation to the 'Thatcherite neo-liberal terrain'. He notes that within weeks of the 1997 election the "basic direction" was clear: "the fatal decision to follow Conservative spending commitments, the sneering renunciation of redistribution…, the demonisation of its critics…, the new ethos of

authoritarian managerialism, the quasi-religious air of righteous conviction, the reversal of the historical commitment to equality, universality and collective social provision" (ibid).

Central to New Labour's version of neo-liberalism is "entrepreneurial governance" prioritising market mechanisms over the socially responsible objectives of a public sector committed to a careful and caring identification of needs rather than driven by "economic efficiency and value-for-money". In modifying the anti-statist stance of American neo-liberalism" New Labour 'modernisers' created a "silent revolution in 'governance'" that "seamlessly connects Thatcherism to New Labour". But in releasing the corporate economy from the 'hindrance' of social responsibility the "linguistic operation" of "Third Way waffle, double-talk, evasions and spin" has been "critical to the whole venture" (ibid).

Over two decades on from his searing attack on the birth of Thatcherism, its cementing of the two-thirds society and its cynical promotion of authoritarianism to police and regulate the excluded, Hall notes how under New Labour "those who can must". Put another way, living on or below the breadline, being poor in one of the world's most advanced economies, condemns entire neighbourhoods to getting by in silence. Being destitute, living without basic necessities and resorting to desperate measures are portrayed as personal choices rather than twists of fate. It is 'responsible' to accept what is on offer, whatever the terms and conditions of employment, however dangerous, intimidating or degrading the workplace, regardless of the dilapidated condition of rented accommodation and no matter how demoralising the 'future'.

New Labour's persistent refusal to accept a direct relationship between impoverished material circumstances and social, health and welfare problems endured in 'deprived' communities is indefensible. To portray deep and long-term suffering as self-inflicted takes the individual and social pathologisation underpinning Thatcherite ideology to a new level. These are the neighbourhoods in which 'terror' stalks the streets, where today's abuse and intimidation is tomorrow's serious crime. It is the meeting ground where Murray and the 'ethical socialists' rendevous. Little wonder they find themselves amidst broken windows and graffiti-ed walls, happy to buy the *Big Issue* (responsible self-help) but affronted by the squeegee and the beggar (irresponsible self-interest).

As Mike Davis observes in his account of Los Angeles gang violence, children and young people are clued in. They are under no illusions about the contextual realities of their marginalisation. Their involvement with the not-so-hidden economy of drugs and street trade is the predictable consequence of the structural inequalities of class, 'race', gender and sexuality. Hard-line, differential policing leading to severe sentencing and penal warehousing has taken authoritarianism to new extremes. Yet within the hearts and minds of many US citizens such extremes are viewed as acceptable.

In Britain the determination to use prison more readily and for longer sentences, committing prisoners to ever-more restricted and harsh regimes, proceeds apace. Despite assurances that the 1998 Crime and Disorder Act, and subsequent legislation, is preventative, it is increasingly evident that the use of civil injunctions, particularly ASBOs, is criminalising and punitive. Children and young people have been, and continue to be, targeted by teams of 'soft cops' using permissive powers in neighbourhoods blighted by structural unemployment, endemic poverty and depleted public services. In these sites of exclusion New Labour's appeal to 'communitarianism' and 'responsibilisation' is one without reason. Expecting, as does Tony Blair, "recognition of the mutuality of duty and reciprocity of respect" from a 21st century relative surplus population is a naïve demonstration of adapted neo liberal ideology. Demanding active civic participation from people whose life experiences revolve around the personal management of social exclusion and economic marginalisation invites reproach and resistance.

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