

# **SPACES OF NEW LABOUR YOUTH POLICY**

By

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## ABSTRACT

This thesis examines the issue of policy change by focussing on time and space as the conditions of possibility for change. Drawing on post-structuralist theory, it interrogates existing theories of policy change with special attention paid to how these theories construct time and space. This engagement with policy theory, time and space leads to the introduction of a new theoretical logic which is termed the *logic of demarcation*. The logic of demarcation is then deployed along with other concepts, rooted in the post-Marxist political theory of Ernesto Laclau and Chantal Mouffe, such as political, social and fantasmatic logics, to investigate changes in New Labour youth policy from 1998 to 2008. The thesis focuses on the related but separable policy areas of Anti-social Behaviour and Every Child Matters and aims to explain change and/or resistance to change with respect to these policies as well as their relationship to each other. The aim is to examine the how the demarcations and exclusions that constitute these policy areas change over time. This is achieved by examining a mixture of textual data and drawing on data gained from primary interviews with key actors.

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## **LIST OF ABBREVIATIONS**

|              |   |
|--------------|---|
| <b>ABC</b>   | Acceptable Behaviour Contract                                   |
| <b>ACPO</b>  | Association of Chief Police Officers                            |
| <b>ADSS</b>  | Association of Directors of Social Services                     |
| <b>ASB</b>   | Anti-social Behaviour   |
| <b>ASBO</b>  | Anti-social Behaviour Order                                     |
| <b>CAF</b>   | Common Assessment Framework                                     |
| <b>CRP</b>   | Crime Reduction Partnership                                     |
| <b>DCSF</b>  | Department of Children, Schools and Families                    |
| <b>DfEE</b>  | Department for Educations and Employment                        |
| <b>DfES</b>  | Department for Education and Skills                             |
| <b>ECM</b>   | Every Child Matters   |
| <b>ISSP</b>  | Intensive Supervision and Surveillance Programme                |
| <b>LEA</b>   | Local Education Authority                                       |
| <b>NACRO</b> | National Association for the Care and Resettlement of Offenders |
| <b>NEET</b>  | Not in Employment Education or Training                         |
| <b>NCB</b>   | National Children's Bureau                                      |
| <b>NCH</b>   | National Children's Homes (now known as Action for Children)    |
| <b>NSPCC</b> | National Society for the Prevention of Cruelty to Children      |
| <b>PAYP</b>  | Positive Activities for Young People                            |
| <b>UN</b>    | United Nations  |
| <b>YCAP</b>  | Youth Crime Action Plan   |
| <b>YJB</b>   | Youth Justice Board   |
| <b>YOT</b>   | Youth Offending Team  |





## INTRODUCTION

The thesis has two research problems that it seeks to address. The first theoretical and the second empirical, however there is an intrinsic link between them. The theoretical problem concerns policy change or rather, it seeks to find a new way of understanding the stability/ change dichotomy (or dualism) which exists in much of the literature on policy change (see Marsh, 2010). The empirical question the thesis addresses is: How can we understand (or explain) the changing relationship between the most important New Labour policies that affect young people (Every Child Matters and Respect)? As such the thesis can be summed up as an attempt to *describe, understand and (perhaps more ambitiously) explain changes in recent youth (justice) policy, in the UK.*

At the theoretical level it will be necessary to examine the literature on policy change. Policy change is a core concern of many researchers working in the area of policy studies and the thesis shall look at the work of policy researchers from both the ‘positivist’ and ‘interpretive’ schools of thought in terms of how well their conceptions of policy change are able to speak to the empirical research problem of change in UK youth policy. The lens through which these theories will be examined is through an engagement with the categories of time and space which will be conceptualised as the conditions of possibility for change.

The thesis will also draw on the discourse theory of Laclau and Mouffe (1985), which together with a sustained engagement with various theories of policy change and an overt focus on the categories of time and space, lead to a new theoretical category that will be brought to bear on the question of change in UK youth policy. This theoretical category will be termed *the logic of demarcation*. The logic of demarcation is arrived at via a critique of existing models of policy change and in particular drawing on the theoretical work of Laclau (1990), Howarth (2006) and Massey (1992; 2005) on space and time. The logic of demarcation focuses the analysis on the politics of change, by which is meant, the processes whereby actors and their demands are included or excluded from policy spaces. The logic of demarcation helps to clarify the

relationship between the policy areas being examined by analysing how they are demarcated from each other and how this demarcation shifts over time.

At the empirical level the thesis will look at two related but separable policy agendas. The first is Anti-social Behaviour policy, which can be understood as a crime and disorder/community safety policy; and the second is Every Child Matters, which can be understood as a child welfare policy, although both these policies exceed these hasty categorisations, as we shall see. These policies have been chosen as they both have profound implications for children and young people. These policies are also interesting in terms of how their relationship with each other has changed over time and how they can be seen as spaces which articulated very different demands about youth and also construct youth in different ways. It is therefore the construction of youth by New Labour policies which will be the lens through which the empirical research problem is delimited. Although it is perhaps somewhat of an oversimplification, one may argue that each of these policy agendas represent different sides of a long standing tension in youth policy – the tension between the vulnerable child in need of protection and the child as a problem, or differently put, youth as the ‘dangerous other’/ threat to society that must be controlled. However, as we shall see, these policies have not sat apart from one another, representing different understandings of youth; but rather have influenced and contaminated each other in complex ways. The thesis seeks to examine precisely this process of influence and cross contamination or (to use a category which will be often deployed in this analysis) the process of *articulation* between these policies. It is, therefore, an assumption behind this analysis that the way to understand changes in youth policy in the UK (under New Labour) is to examine the process whereby Every Child Matters and Anti-social Behaviour policies have been articulated with each other.

The thesis was written before the 2010 general election and the change of government that resulted. The 2010 election draws a line under the period of New Labour government which perhaps allows for research that is able to better contextualise the New Labour era as a whole. The thesis may well be able to speak to such a project as it takes two of New Labour’s most prominent (domestic) policy agendas as its object of study and explores the changing relationship between them. Such an examination has the potential to speak to the broader project of an assessment and evaluation of New Labour policy making in general. This was not, however, the

aim of the thesis, nor could it have been, written as it was in the midst of the New Labour administration. Rather the thesis is concerned with the changing relationship between the policy agendas of Every Child Matters and Anti-social Behaviour (or Respect) and how they construct youth. These policy agendas were both crucial aspects of New Labour domestic policy. New Labour often oscillated between structural causes of crime/ anti-social behaviour, social exclusion and poor outcomes for children and individualist ones. New Labour discourse, on many issues, can be seen as a complex weaving of individualist (sometimes almost Thatcherite) elements and more structural elements, as the Labour party defined and redefined its identity in a post-Thatcher era. This thesis highlights this tension with respect to these crucial policy agendas and as such may provide useful insights for other aspects of New Labour policymaking.

Methodologically, the thesis will aim to operate on two levels. First it will provide a ‘thick description’ of the policy areas under investigation. Second (in an attempt to move beyond mere description) the thesis will draw on the work of Glynos and Howarth (2007) concerning *Logics of Critical Explanation* to provide an explanation of policy change. Glynos and Howarth’s ‘logics’ will, however, be supplemented by the (aforementioned) logic of demarcation which has been designed to speak specifically to policy change. In addition, a methodological decision has also had to be made with regard to the delimitation of the time frame being examined. Thus the thesis is principally concerned with New Labour policy in the ten year period from 1998 until 2008 as this time period best captures the changing relationship between Every Child Matters and Anti-social Behaviour policy. However, in order to contextualise the arguments that will be presented, some references and appeals will be made to the context informing this policy that often falls outside this time-frame. For a more detailed discussion of a punitive shift in youth justice under the Conservative Government of the early 1990s (that can be seen as very much the political context for the New Labour policies discussed here) then the interested reader should refer to Smith (2007:22-41) and/or Goldson (1997).

The thesis is structured as follows: Chapter 1 presents the reader with a Foucault (1991) inspired genealogy of the policy agendas under investigation. This serves to highlight various problematisations of youth and to provide the reader with the basic contours of the arguments which will be pursued in the rest of thesis. Chapter 2 is a review of the most promising literature

on policy change, in terms of a) their understandings of time and space and b) their usefulness in addressing the empirical issue of changes in UK youth policy under New Labour. Chapter 3 draws on post-structuralist discourse theory to advance a theory of policy as contested space and elaborates in detail what will be meant by the 'logic of demarcation'. Chapter 4 is a detailed discussion of the methods used in the thesis and how the thesis will aim to provide not only a description; but also an explanation of change with regard to youth policy in the UK. Chapter 5 presents the reader with a detailed description of Anti-social Behaviour Policy and Chapter 6 does the same with Every Child Matters, although Chapter 6 is principally concerned with Every Child Matters only to the extent to which it is articulated with Anti-social Behaviour. Chapter 7 explores the changing relationship between Every Child Matters and Anti-social Behaviour policy chronologically, over the time-frame being examined. Chapter 8 brings the thesis to a conclusion with a summary of the arguments presented and a discussion of the value added by the thesis to our understanding of policy change in general and of youth policy in UK in particular; and finishes with a brief discussion of the normative implications of New Labour youth policy.

## CHAPTER 1

### EVERY CHILD MATTERS AND ANTI-SOCIAL BEHAVIOUR: A GENEALOGY

*'[T]he phenomenon of the young is particularly interesting, and it is no cause for wonder that they should constitute a new axis for the emergence of antagonisms.'* Laclau and Mouffe [1985] p.164

#### 1.1: Problematisation

This chapter aims to present the reader with a genealogy of the policy agendas of Anti-social Behaviour<sup>1</sup> (sometimes known as the 'Respect' agenda) and Every Child Matters, in order to contextualise the rest of the thesis. This genealogy can be viewed as a brief 'history of the present' that will highlight key tensions, logics and discourses that will be explored in depth in subsequent chapters. The present will be the starting point from which we may trace the 'histories' of these policy areas. Section 1.1.1 will look at how youth and anti-social behaviour are articulated together, as it may not be immediately obvious why I consider Anti-social Behaviour to be a core component of contemporary *youth* policy. Then in keeping with the genealogical approach I shall look at the *contemporary* relationship between the two policy areas under investigation (Anti-social Behaviour and Every Child Matters). This will be achieved by looking at the recent Youth Crime Action Plan, which I will show is an attempt to articulate these policy areas together as part of a coherent 'whole'. Out of this discussion (of the Youth Crime Action Plan) the chapter will aim to draw out the separate 'histories' of Anti-social Behaviour and Every Child Matters.

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<sup>1</sup> In this thesis, when the word 'Anti-social Behaviour' is capitalised then it refers to the: discourse, policy agenda or policy space of Anti-Social Behaviour. When it is not capitalised, 'anti-social behaviour' refers to the phenomenon of anti-social behaviour. When 'anti-social behaviour' is put in quotation marks, it refers to anti-social behaviour as an empty signifier. The same conventions will also be applied to 'respect'.

We begin with the question of problematisation. One may ask how has anti-social behaviour emerged as a concept – what are its origins, when did it come to prominence in modern discourse? One may even ask how have questions of anti-social behaviour been posed (in the past)? There is undoubtedly a certain validity to such questions and they do strike a chord with the aims of this thesis and as such will not be ignored; however in order to address these questions I propose to begin with a different question.

Every examination should attempt to reflect on its own methodological decisions or at least attempt to make them explicit instead of leaving them dormant, lying beneath the surface to be dissected by further ‘second hand’ study. As such, following Foucault (1991 [Rabinow 1991]), I propose to oppose myself to a ‘search for origins’<sup>2</sup> (Foucault, 1991:77 [Rabinow 1991]). Instead I shall pose my initial question at the level of the present. How *is* anti-social behaviour problematised? How is anti-social behaviour constructed, criticised and examined *in the present* (or at least as close to the present as an examination of documents and recent utterances can allow)? What are the most recent controversies, understandings and articulations of the discourse of the anti-social? This will be the starting point from which I shall begin the history of recent New Labour youth policy that will make up this first chapter.

### ***1.1.1: Youth and Anti-Social Behaviour: A Snapshot of the Present***

The New Labour administration (1997-2010) no doubt treated the phenomenon of anti-social behaviour, as one of the biggest problems affecting UK society (see Squires, 2006). This is the case even despite the fact that serious questions may be raised about much of the (statistical) evidence used to assert that anti-social behaviour is as big a problem as is presented by its advocates in New Labour (see Prior, 2009 see also Bateman, 2006). Whether or not anti-social behaviour is an increasing problem affecting communities in the UK, it is constructed as such, by government and media discourse. Crucially, however, anti-social behaviour is also, in many cases, constructed as a problem of young people; or rather it is the (anti-social) behaviour of young people that is problematised in the discourse of anti-social behaviour. This is true to the

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<sup>2</sup>In the sense of *Ursprung* (see Foucault 1991: 77-80).

extent that one cannot easily separate the issue of anti-social behaviour from young people, children or indeed the notion of 'the family'. On the Home Office's 'Respect' website, directly underneath the question 'What is antisocial behaviour?', one can see an image of young people in hooded tops drinking alcohol on a street somewhere in the UK (Home Office, 2009 [online]). This is without question a common characterisation of the problem. Young people are at the heart of the problematisation of anti-social behaviour, one need only point to the fact that 52% of all Anti-social Behaviour Orders (ASBOs) issued in England between June 2000 and December 2003 were issued to people aged between 10 and 17 years (calculation taken from Home Office figures quoted in Burney, 2005:174-177). Even if we accept that young people are not the sole perpetrators of anti-social behaviour, they are, at the very least, emblematic of it. The causes of anti-social behaviour (according to the 'Respect' website) are portrayed as 'parenting', 'the school', 'community life' and 'individual factors'. It is striking that the top two factors listed on the 'Respect' website (parenting and school) can only be directly relevant to the anti-social behaviour of children or young people. However, as Burney (2005), among others (for example Squires and Stephen 2005), has noted, the term 'anti-social behaviour is used to cover any number of different troubles and annoyances' (Burney, 2005:165) such as nuisance neighbours, drug dealing and abandoned cars, for example; and of course not all of these annoyances/criminal activities can be entirely attributed to youth. Despite this it is a core premise of my argument that young people have come to occupy a central and symbolic role with regard to the *discourse* of anti-social behaviour, regardless of whether they are responsible for all the activities that one could label as 'anti-social behaviour'. Anti-social behaviour thus may signify a great number of issues, not all of which can be attributed to young people, however it is young people and their behaviour that function as a symbol for anti-social behaviour, in general. Indeed according to Bland and Read's (2000) research into the policing of anti-social behaviour, 'the category [of anti social behaviour] is synonymous with youth' (Burney, 2005: 64). The media too, tend to focus on the behaviour of young people or 'feral youths' in their discussions of anti-social behaviour. The government's enforcement measures enacted under the 1998 Crime and Disorder Act and the 2003 Anti-social Behaviour Act are very often aimed at children and young people (and their parents). These ( arguably draconian) measures, such as ASBOs and other pre-court measures, often rest on civil standards of proof and yet may result (in the final instance) in punishments including custodial sentences. So whether seen through the eyes of the police, media, government



or indeed the ‘public’ it is young people that have come to symbolise the perceived threat to communities that is captured by the term ‘anti-social behaviour’ and in many cases face severe punitive measures as part of New Labour’s drive against the ‘anti-social’.

However young people were not always seen as the principal perpetrators of anti-social behaviour. We must here, at least, attempt to answer the question ‘when did young people become so central to anti-social behaviour discourse’ even if we don’t have the space, in this chapter, to address the ‘why’. When asked about if anti-social behaviour measures apply more to young people than to other sectors of the community, there was a great deal of consensus among those interviewed for this research that young people seem to be a key target of anti-social behaviour measures. However two respondents highlighted the *draft* guidance to the 1998 Crime and Disorder Act and suggested that young people were not originally conceived of as the principal targets of anti-social behaviour legislation.

I think it was really interesting to look at the progress of that we were very concerned always about the use of anti-social behaviour measures against children and it’s very interesting if you look at original guidance ...the draft... the original draft guidance in 1999 which is when the first anti-social behaviour legislation came in the original draft guidance which never got published ...they talk about anti-social behaviour measures not being used routinely for children ...but by 2006 we’ve got to the stage where almost half of all ASBOs were made on children and young people under 18 so I think for us there’s been something about the way the focus on anti-social behaviour has become about children and children that behave in a troublesome manner (Research Interview 1).

This ‘shift’ in emphasis to young people is something which this thesis will be examining in detail in later chapters. Here, however, we shall merely note this as a shift in policy and also note that it is a significant one which appears to occur right at the start of the timeframe under investigation (1998/1999). We should also note that this linking up of ‘youth’ and ‘anti-social behaviour’ was a contingent articulation; but one that is now so naturalised in discourse that it is now, as aforementioned, impossible to separate contemporary discourse about ‘youth’ and that of ‘anti-social behaviour’. It is however the contingency of this articulation of youth and anti-social behaviour that shall be exposed and investigated in this thesis.

However children, young people and their families, also find themselves at the centre of another policy agenda, namely Every Child Matters and the resultant 2004 Children’s Act. As such it has

become increasingly difficult, in current debates surrounding young people and anti-social behaviour, to exclude from discussion, issues that arise from their construction within the Every Child Matters framework. There is perhaps less of a case than ever to separate these policy areas. The Youth Crime Action Plan published in July 2008 signals a significant shift from Home Office/ Department of Justice dominance of youth crime/anti-social behaviour issues to an increased involvement of the Department<sup>3</sup> that is responsible for delivery of Every Child Matters in issues of crime and anti-social behaviour. In fact the signals were there even earlier. The Anti-Social Behaviour Unit (located in the Home Office) was disbanded and re-launched as the Youth Taskforce (directed by the DCSF) in 2007. The contradictions, or at least the perceived contradictions between the legislative agendas of Anti-social Behaviour or 'Respect' and Every Child Matters will be examined closely below. It is however necessary that we look at this from the moment of the publication of the Youth Crime Action Plan which should be seen as the first coherent attempt to put them together. Of course Every Child Matters did not ever ignore 'Changes for Children in the youth justice system' (See DfES, 2004); however, as we shall go on to examine, the Anti-social Behaviour and Every Child Matters policies have quite separate genealogies. Hence the Youth Crime Action Plan is of such key concern as it is the most overt attempt from government, to date, to combine them, in a coherent statement.

The relationship between these two legislative agendas is rarely highlighted in youth justice literature. A number of works focus on the policy of Anti-Social Behaviour, often from a criminological perspective (For example, Burney, 2005; Hughes and Follett, 2006; Squires and Stephen, 2005; Squires, 2008 and Waiton, 2008). Many of these works (Squires and Stephen, 2005, Hughes and Follett, 2006 and Burney, 2005, in particular) take a critical stance on Anti-Social Behaviour policy. Squires and Stephen (2005), for example, draw on Cohen's 'moral panic' thesis to develop a sophisticated and nuanced argument around the 'irresistible rise' of anti-social behaviour. Despite the wealth of literature on Anti-social Behaviour policy, the tensions between this crime and disorder policy with the more welfare orientated policy of Every Child Matters, are rarely highlighted. One example where these tensions are addressed is in a very short, yet insightful piece by Goldson and Muncie (2006). This analysis traces New

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<sup>3</sup> The Department of Children Schools and Families (DCSF).

Labour's drive against child poverty, through the construction of a child as a 'victim' in the discourse of Every Child Matters; and contrast this to the construction of a child as a 'threat' in the discourse of 'Respect'. In the following quote Goldson and Muncie draw our attention to an important tension between Every Child Matters and Anti-social Behaviour policies, in terms of how they construct young people.

[...] when the constructivist gaze shifts from the child as 'victim' to the child as 'threat', inclusionary welfarism is starkly displaced by exclusionary punitivism...Such crude dichotomies are located within a context whereby major strategic policy documents comprise platforms upon which the most senior government ministers distinguish between 'decent law abiding citizens' and 'offenders'...The 'child in need' construct, which is so evident in respect of the 'Every Child Matters' agenda, is substituted within youth justice discourse by a 'responsibilised' and 'adulterised' 'young offender'...The fact that troubled and troublesome children are invariably one in the same is disregarded' (Goldson and Muncie, 2006:214).

It is surprising that this contradiction (at least in its contemporary articulation) has seen such little critical reflection in academic circles when it has been evident to children's advocates and even the Local Government Association for quite some time, as the following quote shows:

We have particular concerns regarding the Home Office and its emphasis on anti-social behaviour and youth crime which seems to be developing separately to the Every Child Matters agenda (House of Commons, 2005a: Ev.51, Memorandum submitted by the LGA ).

One could also point to the problem as it is posed by Kathy Evans of the Children's Society: 'Mixed Messages: Can anti-social behaviour measures and Every Child Matters match up?' (Evans, 2004 [online]). The key question of the present, for policy makers as well as front line practitioners, *is how can these seemingly separate government agendas for young people and their families be coherently married together?* Indeed this was a concern that was often raised by respondents interviewed for this research who represented organisations with a significant service delivery component, relating to children or young people. The Youth Crime Action Plan (2008), published jointly by the DCSF (the department also most directly responsible for the delivery of the Every Child Matters agenda), The Home Office and the Ministry of Justice may be viewed as a significant attempt from the New Labour administration to tackle this question of the relationship between these two policy agendas.

With this in mind I intend to now look at the Youth Crime Action Plan in more detail and try to pick out which sections are drawn from Every Child Matters and which are taken from the 'Respect' discourse in order to see how they are articulated together in current Government discourse. Then I must proceed to uncover the complex discursive interventions that have taken place leading up to its publication. This move is necessary in order to contextualise this thesis as well as providing us with a key snapshot of contemporary discourse on youth in the UK.

## **1.2: The Discourse of the Youth Crime Action Plan**

The Youth Crime Action Plan is a cross departmental document produced jointly by the DCSF, Home Office and Ministry of Justice and as such should be seen as an attempt to marry up the approaches to young people taken by these departments. Let us begin by noting two things. First, the Youth Crime Action Plan (2008) is intended to deal with youth *crime* which may not be the same thing as anti-social behaviour; but due to the broad definition of the latter (which no doubts includes some crime), this document will have to be considered as part of the anti-social behaviour agenda. Second, it is presented as an 'Action Plan' rather than as a statement of policy. However it is evident, as should become clear from the analysis that follows, that it is perhaps better conceived as a statement of policy. Policy in the singular, as although it brings together two policies, that were the responsibility of separate government departments, it nevertheless presents them as a single policy, and perhaps signals a genuine and concerted effort to join up these policies. However I will show that it actually serves only to mask a complex play of demarcation (a concept that we shall be returning to many times in the course of this thesis) between these policy areas.

We should also note that the very first words of the executive summary serve to support my premise thus far, that youth occupies a position of centrality in government discourse surrounding anti-social behaviour:

Tackling youth crime has been at the heart of the government's approach to making our streets safer and to dealing with anti-social behaviour (HM Government, 2008:4).

The action plan then proceeds to introduce the duality that is constantly re-iterated throughout the document.

We have made it clear that those who offend will face tough, effective penalties (HM Government, 2008: 4).

This signals the anti-social behaviour legislation of 1998 and 2003, which emphasises tough enforcement measures. Immediately following, without pause for metaphorical breath, the action plan goes on to say:

and at the same time we have focused greater effort than ever before on preventing young people going astray (HM Government, 2008:4).

Here enforcement and prevention are presented as separate; but not contradictory elements of policy. The Youth Crime Action Plan continually oscillates from emphasising the role of prevention to emphasising the importance of tough enforcement; however another key word has entered the equation. ‘Enforcement’ and ‘prevention’ are both long standing elements of law and order discourse; now, however, the word ‘support’, a key element of Every Child Matters discourse, occurs within the context of the plan’s discussion of enforcement.

The emphasis we have placed on enforcement – on being tough on crime – is obviously important. But equally crucial is a focus on both prevention and non-negotiable support (HM Government, 2008:4).

This is done by constantly linking enforcement, and with it the compulsory/‘non-negotiable’ aspects of support, with a persistent minority of young people who ‘blight their communities by breaking the law and behaving in an anti-social way’ (HM Government, 2008:4) and contrasting this with a ‘law abiding majority’ who are suffering from their behaviour.

We owe it to communities and the vast majority of law abiding young people to keep the streets safe and....to do all we can to stop young people wasting their lives and their talents on crime (HM Government, 2008:8).

General support measures are, of course, available to all young people. However enforcement and ‘*non negotiable*’ support is the realm of the ‘persistent minority’ who are ‘wasting their lives’ on crime.

Let us pause for just one moment to consider why New Labour needed to make this distinction between the majority and the minority over and over again. The DCSF is a government department primarily responsible for the welfare of children. The welfare of children is precisely what is of concern to many people who contest the anti-social behaviour legislation and yet (although not completely uncritically) support the DCSF in implementing Every Child Matters (examples would include children’s charities). One may argue that to make the argument for tough enforcement measures, an argument embedded in a liberal notion of free choice, New Labour cannot escape the ghost or spectre (my thinking here is, of course, inspired by Jacques Derrida’s seminal 1993 discussion of the *Spectres of Marx*) of structural causes of youth crime, such as poverty (or social exclusion) and poor educational/ employment/ training opportunities. This spectre ‘haunts’ a Labour government to a far greater extent than a Conservative government, as Labour has long been associated with a focus on poverty. It is the spectre of an old Labour that New Labour cannot fully exorcise, it exists at the margins of their discourse, occasionally given a central place only to be quickly pushed back (exorcised) to the fringes of explanations of anti-social behaviour or crime; often replaced by causes such as ‘a lack of respect’. Indeed, New Labour makes the case that ‘fundamentally, anti social behaviour is caused by a lack of respect’ (Home Office, 2003:7) and is a matter of *individual* responsibility. As much as New Labour wish to dismiss the old 1960s consensus about the causes of crime, they, being a party that was long associated with this line of thinking, can only do so by emphasising what they have done to tackle these structural causes. The ‘spectre’ of structural and in particular economic causes of crime/anti-social behaviour is often alluded to in the Youth Crime Action Plan; but is never confronted fully (hence why I refer to it as a ‘spectre’). The Action Plan makes numerous references to what New Labour have done to address social exclusion and poverty, with regard to young people.

Since 1997 we have transformed outcomes for young people. Standards in schools have risen...More young people than ever before go to university. We have also made a substantial investment in support for children, young people and families at risk (HM Government, 2008:4).

By emphasising the work New Labour has done to tackle structural issues such as educational provision for young people, it allows them to focus on the case that crime and anti-social behaviour is predominately the fault of the individual that lacks 'respect'. Despite claim that New Labour 'transformed outcomes for young people', many children in the UK still live in poverty; indeed if social exclusion and poverty were not still very real problems affecting large numbers of young people, why would there be a need for the government to 'set out our *ambition*' (my emphasis) in the Children's Plan to make this country 'the best place in the world for children and young people to grow up'? Indeed, The Commission on Social Justice once commented that 'Britain is not a good place in which to be a child' (see Piachaud, 2001: 446). Goldson and Muncie (2006) explain that the percentage of all children in the UK living in poverty rose by 34% from 1979 to 2000, according to The Department of Social Security's 2001 figures (Goldson and Muncie, 2006: 221). These statistics are entirely absent from the Youth Crime Action Plan.

The DCSF, being a department that promotes the welfare of young people, is keen that the tough enforcement measures (aimed at children and young people) are not seen as an attempt to demonise them.

The vast majority of young people make a positive contribution to society. Their success should be recognised and praised (HM Government, 2008:4).

The distinction between majority and minority helps to prevent charges that the government is demonising young people and helps to demarcate between the Respect policies and the Every Child Matters policies. By introducing a concept of 'non-negotiable' support the government is alluding to the overlap, or the specific site where this demarcation appears to be blurred. It is likely that many young people who need the most intensive support are also part of the 'persistent minority'. For example, although putting many of these young people in secure custody is apparently 'the right approach for offenders and the right approach for the community' (HM Government, 2008:6), it is also vital that 'while children are in custody the focus must be to change their behaviour and improve their educational attainment' (HM Government, 2008:6).

This thinking is not limited to children in custody, which was just an illustrative example of just how compulsory some support is intended to be. The case for non-negotiable support, in particular the ISSPs (the Intensive Supervision and Surveillance Programmes) is made alongside use of ASBOs and other pre-court measures. Here we can see the signifier ‘support’, which is strongly associated with the ‘ethos’ of Every Child Matters, articulated with the enforcement drive of Respect. These seemingly contradictory elements have their contradictory nature masked over (or there is, at least, an attempt to mask it) by this articulation. The process of articulation affects the content of each of these elements – they change their identity (Torfing, 1999: 298). In this case, the idea of enforcement encroaches into the very meaning of the signifier ‘support’. Support, itself, becomes something to be enforced. It becomes part of the enforcement process – likewise enforcement is seen as a form of support (much more will be said about this in Chapter 7). This discursive move of articulating support with enforcement can be traced back at least as far as the comments from the Home Affairs Select Committee on Anti-Social Behaviour in 2005 on prevention (rather than support) and enforcement, but certainly find their most complete expression in the Youth Crime Action Plan. However, with regard to the ‘minority’ that ‘blight’ the lives of the ‘law abiding majority’, we can have little doubt that support is part of ‘enforcement’ and not vice versa – in other words enforcement is the privileged notion.

Thus the demarcation between majority and minority echoes the one between Every Child Matters and Respect. The majority of young people can expect an agenda that privileges support, in the Every Child Matters sense of the word, while the minority of young people are still subject to the enforcement measures of the Respect agenda, as well as ‘support’ that is forced upon them. The line between Every Child Matters and Respect is still there; but it is continually masked over in the Youth Crime Action Plan. However the line between them constitutes each in terms of the other and the attempt to blur or mask over this line helps to blur the identity of each of the agendas, to the extent where the Youth Crime Action plan can portray them as parts of a coherent and complementary system or agenda (the constitutive nature of demarcation will be discussed in depth in the following two chapters). All the while the spectre of social exclusion or poverty as a root cause of crime and anti-social behaviour haunts New Labour’s discourse; but, as child poverty and social exclusion still form such a huge part of the Every Child Matters agenda (where the social exclusion of children is recognised a very real problem and has a prominent role), it is a



spectre that will have to be continually exorcised. The final exorcism – the day when the spectre of poverty as a cause of crime no longer haunts New Labour remains (perhaps forever) still to come (*a venir*).

### ***1.2.1: The Background to the Youth Crime Action Plan: Every Child Matters and Respect***

In the years leading to the Youth Crime Action Plan many discursive interventions took place by multiple actors, either in form of responding to consultations, giving evidence, contesting policy through lobbying or the media or driving the policy in terms of its formulation or implementation. Despite this, it may be a fair characterisation to say that Anti-social Behaviour policy was driven from the centre, in particular by former UK Prime Minister Tony Blair (Squires, 2006); however numerous other actors also played very important roles. Jack Straw as both Home Secretary (1997 -2001) and Secretary of State for Justice (June 2007 – 2008) played key roles such as being heavily involved in the formation of the Crime and Disorder Act 1998 and (as Secretary of State for Justice) heading up the department responsible for the sponsorship of the Youth Justice Board. David Blunkett (Home Secretary from 2001 to 2004) played a substantial part in the articulation of the government's position toward anti-social behaviour and oversaw the introduction of the Anti-Social Behaviour Act 2003 as well as being publically outspoken over the issue along with the highly influential government advisor Louise Casey. Casey also played a crucial part in the Anti-social Behaviour Unit, set up in January 2003 (later renamed the Respect Taskforce, later still the Youth Taskforce), which was also made up of members of the public, police service and local authorities and which aimed to share and spread 'good practice' in tackling anti-social behaviour. However in Casey's own words the 'main job' of the unit,

[...]is to make sure that not only across Whitehall anti-social behaviour is a priority but we actually go and promote action to tackle anti-social behaviour in every area of the country where it is needed (Casey, 2004 [online]).

This seems to suggest that the policy was very much driven from the centre (Whitehall). Numerous other actors contested Anti-social Behaviour Policy. These ranged from former Chair of the Youth Justice Board and criminologist Rod Morgan to civil liberties organisations such as Liberty and Justice as well as children's charities, in particular The Children's Society,

Barnardo's, and the NSPCC (National Society for the Prevention of Cruelty to Children). The crime reduction charity NACRO has also been critical of this policy. Many of these actors banded together to form a lobbying organisation known as the Standing Committee for Youth Justice (SCYJ) and I shall be focusing on their arguments in later chapters.

Every Child Matters, as we shall examine in more depth in Chapter 6, arose from a report by Lord Laming and the department most responsible was the Department for Education and Employment (DfEE) / Department for Education and Skills (DfES) which later became the DCSF; however Social Services and Children's Charities also played key roles in the formulation and implementation of this policy.

As such, both policies were constructed by the discursive interventions of actors and organisations too numerous to list. These discursive interventions differed in both content and form. For example, some took the form of an overt challenge of the logic of trying to implement separate agendas for young people that seem to contradict each other, as in the aforementioned case made by Kathy Evans of the Children's Society, for example. However, 'political discourses can tolerate high levels of logical inconsistency in terms of their...conceptual morphology' (Reyes, 2005:232; see also Laclau, 1977:104) and so it is equally possible for such inconsistencies to be masked over and the discourses presented as parts of a unified logical whole.

The other thing that we are doing in the city that I think is very exciting, is the link between the crime and disorder agenda and the Every Child Matters agenda. Every Child Matters is Respect in another disguise, because it is about working with parents and families to help them have the best start in life and to give them the services they need when they need them (Mycio, 2006 [online]).

We shall return to this quote and the idea that Every Child Matters and Anti-Social Behaviour Policy are the same or at least obviously linked, later in the thesis. However for now, suffice it to say that despite Steve Mycio's assertion implying the contrary and the Youth Crime Action Plan's overt attempt to marry the two agendas, the Every Child Matters and Respect agendas find their roots in separate discourses and demands; and so demarcate boundaries in different ways so as to include and exclude different actors. As such, for analytical purposes (and foregrounding some terminology that will be explained in depth in Chapter 3), they can be characterised as

differing policy ‘spaces’; even if these spaces are not held apart as entirely separate, they do however differ in terms of their genealogy.

Every Child Matters can be characterised as a space of prominence for actors in Social Services and other agencies involved in child protection and is less concerned with youth justice related agencies such as Youth Offending Teams or YOTs (although they do of course play their role but it is less prominent than Connexions or Child Services, for example). Anti-social behaviour discourse, however, often excludes actors from Child Protection and Social Service areas (especially where they are critical of the legislation) or allows them to participate in debate only for the policy space to be swiftly closed off to them again (as will evidenced in Chapter 7). Thus for our purposes we can view Every Child Matters and anti-social behaviour discourses as demarcating separate spaces in which different actors can act. Therefore the interaction between these discourses requires boundaries to be re-drawn and, in so doing, allows for the potential for actors to operate in new spaces from which they were previously excluded or, indeed, vice versa.

This has led to a number of very significant changes in the language used in discussing anti-social behaviour. Whereas at one time there was no shame at all in singling out young people as a group that is particularly responsible for anti-social behaviour later the emphasis was more on a ‘persistent minority’ of young people, as opposed to young people in general. The shift mentioned at the beginning of this chapter, whereby young people came to be seen as central to anti-social behaviour discourse, is epitomised in the following statement by Tony Blair:

Five years ago we began a series of measures designed to curb what is probably the single biggest issue affecting the quality of life in many British communities: anti-social behaviour. By this, I mean the vandalism, graffiti, street crime – not done by big criminals, but by youngsters, often very young, who just think they can get away with it (Blair, 2002a, [online]).

Blair was tapping into a populist discourse of moral panics about youth that has a very long history (see Cohen, 1972). He ostensibly links youth with anti-social behaviour. There is no doubt that somewhere between 1999 and 2002 a shift occurred where anti-social behaviour was linked to older moral panics around youth. And this thesis will aim to examine this shift in more detail in Chapter 7.

However the Every Child Matters agenda and DfES/ DCSF have been at pains to paint children in a positive light. This is the point where the intervention of The Youth Crime Action Plan and its attempt to reconcile these images of the young must be located. Post 2002 we see the proliferation of a terminology less specific to young people such as ‘perpetrator’ as well as numerous references to the (now) accepted ‘fact’ that young people are ‘more often the victims of anti social behaviour than the perpetrators’ (Home Office, 2003: 22). October 2007 saw the launch of the ‘Youth Taskforce’ that replaced the ‘Respect Taskforce’ (traditionally associated with zero tolerance of anti-social behaviour) we can also see increasing emphasis put on the ‘positive’ government actions for young people such as Youth Opportunity and Youth Capital funds (see Hughes, 2007). However the idea of positive measures for young people as preventative of anti-social behaviour cannot be entirely categorised in terms of ‘the new’. It has always been present within the discourse of anti-social behaviour; however the weight attached to it has shifted over time and it is not incorrect to suggest that it has gained a more prominent place within anti-social behaviour discourse now than in the past.

If we go back to the *Respect and Responsibility* White Paper of 2003 we can see the beginnings of the justification of anti-social behaviour measures that *takes the form* of a type of contractual arrangement (‘something for something’; see Squires, 2006:78-79) with youngsters, that suggests that government investment in young people’s services obliges young people to behave in a certain (non anti-social) way (whether or not such investment has in fact been provided in specific areas)<sup>4</sup>. The government is of course keen to point out all the positive measures for young people that it has introduced and to juxtapose these with their enforcement measures. The idea of providing better provision for young people is connected to the Every Child Matters discourse in a more indirect way (than with anti-social behaviour discourse) via the reports from the Social Exclusion Unit. Its articulation in anti-social behaviour discourse is connected to government responses to the charge that they are less concerned with causes of anti-social behaviour than in enforcing tough sanctions on the perpetrators, and so is often presented as a

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<sup>4</sup> This is also neatly expressed in the Respect Action Plan (Home Office, 2006:8): “We need to strike the right balance between rights and responsibilities, appreciating the enormous contribution that young people make while expecting them in return to appreciate and respect the opportunities available to them”.

prevention element with regard to anti-social behaviour. The theme of the prevention of anti-social behaviour and the 'something for something' rationale have been increasingly drawn upon both to respond to criticisms of unfair treatment and demonisation of youth; but also (more interestingly for the purpose of this discussion) as the basis for a re-articulation of anti-social behaviour discourse in light of the Every Child Matters framework.

### **1.3: Every Child Matters and Children's Rights**

I do not intend to present a thorough or complete history of a legislative framework as complex as Every Child Matters here. My aim is to present the reader with a short summary background to the key events that informed what would later become known as the Every Child Matters framework with its focus on inter-agency working and tackling social exclusion.

In 2003, the Government published a green paper called Every Child Matters. This was published alongside the formal response to the report into the death of Victoria Climbié, the young girl who was horrifically abused and tortured, and eventually killed by her great aunt and the man with whom they lived (DCFS, 2009 [last updated] [online]).

The 'Every Child Matters' framework finds its roots in the tragic case of the death of Victoria Climbié in February 2000. This case was seen as an exemplar for the failure of The Police, Children's and Social Services to prevent extreme abuse of a vulnerable child despite being aware that abuse was taking place. The details of this case are horrific by anybody's standards and captured the imagination of the press and public as many felt that it should be impossible for such a tragedy to occur in a modern developed country such as the UK.

This case led to an inquiry by Lord Laming whose recommendations came to form the basis for the Every Child Matters framework (much more will be said about this in Chapter 6). The reason for the failure of agencies involved in the Climbié case are portrayed as systemic rather than as a result of a combination of failures by individuals in the agencies concerned. A key component of Laming's report as well as the Every Child Matters framework is the concept of 'inter-agency working'. The idea is that all agencies involved in working with children and young people should develop a 'common language', collect, store and (crucially) share data on young people, the principal purpose being that a case such as Victoria Climbié's should not be allowed to

happen again. However one should not search for a single unified origin when conducting genealogical research and this case is no exception. Without wishing to downplay the significance of Lord Laming's report and the Climbié tragedy one should not look to locate the origin of something as complex as Every Child Matters in a singular event. Another key strand that feeds directly into the Every Child Matters Framework is the research conducted by the Social Exclusion Unit.

*Every Child Matters* is published alongside a detailed response to Lord Laming's Report into the death of Victoria Climbié, and a report produced by the Social Exclusion Unit on raising the educational attainment of children in care (DfES, 2003:3).

As such, Every Child Matters was never entirely about child abuse and came to signify far more than an agenda aimed to protect children from abusive situations, and expanded into many other issues affecting children and young people. Therefore Every Child Matters encompasses a wide range of issues related to children as can be demonstrated by the broad aims (of the Every Child Matters) as stated on DCSF, 2009a [last updated] [online]:

The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being.

The Every Child Matters 'outcomes' are pitched at a high level of abstraction. They are part of a statement of ethos. Thus the outcomes contain largely empty, vague and potentially contested terms such as 'healthy' and 'safe'. These terms can be empty enough to allow them to encompass diverse demands. As such they are hard to contest, for example very few (if any) people would want children to be unsafe or not to make a positive contribution. This broad range of issues affecting young people, that Every Child Matters aims to capture with its abstract outcomes, no doubt played a role in allowing it to expand from the DfES (later the DCSF) into numerous other government departments (more will be said about this in Chapter 6). For now let us focus on the discourse of Every Child Matters and how it interacts with the Respect agenda.

Every Child Matters arose from concerns about children's welfare and their rights. It is a discourse that emphasises the rights of *every* child. It should also be linked with ideas of social exclusion and child poverty which are key areas that should be addressed and are crucial to this agenda. As well as preventing child abuse, the 'ethos' surrounding Every Child Matters is one of supporting and helping the most vulnerable children and young people. It is a discourse that puts children at the centre and seeks to protect vulnerable children. This ethos of *support* and protection for the most vulnerable is often what is seen to be at odds with the Respect agenda which emphasise legislative sanctions and enforcement measures against young offenders or perpetrators of anti-social behaviour (see Goldson and Muncie, 2006). Many would argue that these young people are also very vulnerable and in need of support and protection themselves. Young people are painted in a positive light; they may need help and support but are never demonised in any document related to Every Child Matters. They are constructed as the 'future of the nation' and as often encountering complex problems. They are also portrayed as having a right to a 'say in what affects them'. This contrasts starkly with the image of young people as they are portrayed in the Respect agenda. The way these contradictions and demarcations are played out, and as such, how we got to where we are today (the Youth Crime Action Plan) is the subject of Chapter 7.

Every Child Matters thus articulates demands around child welfare and children's rights. It also takes social exclusion (especially child poverty) as a real and serious problem. Social exclusion is often seen as a cause of many problems with young people. Social exclusion has also been seen as a cause of anti-social behaviour (however here it is far more contested) and as such we should now turn to look at how social exclusion has operated in the 'Respect' discourse.

#### **1.4: Excuses, Social Exclusion and Anti-Social Behaviour**

The Social Exclusion Unit's first report into neighbourhood renewal led to the setting up of 'Policy Action Teams'. Policy Team number 8 (concerned with anti-social behaviour) published a report in 2000 which clearly links anti-social behaviour to 'wider social exclusion problems such as: poverty, family stress, truancy and school exclusion, drug dependency and community disorganization.' (Office of the Deputy Prime Minister, Policy Action Team 8, 2000:36 [online])

The report also points out that young people are often victims of anti-social behaviour; prevention and early interventions are vital to tackling anti-social behaviour. Nowhere in this document can you find the signifier 'respect'. It paints a picture of anti-social behaviour as occurring in a broader societal context of social exclusion, deprivation and child poverty. At this juncture it would appear that anti-social behaviour fits into a wider 'social inclusion' government agenda (Goldson and Munice, 2006:212).

The Social Exclusion Unit was also concerned with (the lack of) opportunities (especially in terms of education and employment) for young people from disadvantaged backgrounds. The *Bridging the Gap* report (Social Exclusion Unit, 1999) serves as an excellent example. Interestingly, nowhere in this document can one find a single reference to anti-social behaviour, which could lend some weight to the argument that it was not until more recently that Every Child Matters and Anti-social Behaviour were intended to be articulated as part of the same strategy. However the report does identify a connection between 'offending' and lack of educational qualifications and/or employment.

Offending and non-participation are strongly associated. Seventy-five per cent of males aged 16–17 who are charged and appear before the Youth Court are not in education, employment or training (Social Exclusion Unit, 1999:58).

The report is concerned with increasing opportunities for young people and expresses the need to engage with the NEET (not in employment, education or training) group. Connexions are the main agency<sup>5</sup> charged with the responsibility for tracking and supporting the NEET group. One must not forget that the Social Exclusion Unit is a government department and so has a vested interest in playing up work done by the government as well as playing down its failures in respect to addressing problems of exclusion (including offending and anti-social behaviour). However we know that, by 2003, there is a distinct shift in terms of anti-social behaviour discourse. Social

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<sup>5</sup> It is perhaps wrong to think of Connexions as a singular agency, it is rather a brand name that is used by different partnerships in different areas. These are sometimes part of local authorities and sometimes more or less independent, although they came under local authority control in all areas after the implementation of the 'Youth Matters' agenda by 2007/8. However all Connexions partnerships are concerned with addressing issues of social exclusion especially with regard to engaging the NEET group. Connexions partnerships are also often divided within themselves into Information and Advice (IA) and Information Advice and Guidance (IAG) support and also often split in terms of Targeted (sometimes called Intensive) Support Teams and more general Personal Advisers.



exclusion is no longer seen as a primary cause for anti-social behaviour and is certainly no excuse for a perceived 'lack of respect'; instead it becomes a contributing factor and one that is downplayed.

Family problems, poor educational attainment, unemployment, and alcohol and drug misuse can all contribute to anti-social behaviour. But none of these problems can be used as an excuse for ruining other people's lives. Fundamentally, anti-social behaviour is caused by a lack of respect for other people (Home Office, 2003:7).

So social exclusion cannot be a justification for anti-social behaviour; yet the government's work done in tackling social exclusion (namely the publication of reports, creation of taskforces etc.) is a justification for zero tolerance of anti-social behaviour and tough sanctions that arguably infringe the aims and objectives of Every Child Matters. The government's 'work' on social exclusion and Connexions NEET strategies are a vital component of the 'something for something' rationale whether or not they actually change anything or produce positive results for young people. Social exclusion has not been wiped out of existence and it (presumably) still operates as a cause of youth offending. However there appears to have been a rather large shift in emphasis from Policy Team 8's report in 2000, where the emphasis is on social exclusion as a cause of anti-social behaviour, to the *Respect and Responsibility* White Paper in 2003, which sees a fundamental 'lack of respect' as the primary cause of anti-social behaviour. However in terms of Every Child Matters the needs of the (socially excluded) young person remains paramount, whereas in the anti-social behaviour discourse we see that this is not the case. The needs of the law abiding majority are paramount; the community must be put ahead of the needs of a minority engaged in anti social behaviour and whether or not they are part of the NEET (or otherwise 'socially excluded') group is irrelevant.

The behaviour of a persistent minority can sometimes ruin whole communities. No one should have to put up with behaviour that causes misery and distress. It is time to support the majority against this minority. People need to believe that authorities will help them reclaim their parks from drug dealers, their streets from litter and graffiti.[...] (Home Office, 2003:14).

Unpicking the above quote tells us a number of things. First, it draws on populist language by identifying 'the persistent minority' as a threat to communities at the same time as declaring to be on the side of the majority. The battle lines are clearly drawn, the 'us' is the law abiding majority

and the ‘them’ is the ‘persistent minority’. This is populist for the obvious reason that it claims not only to know the minds of the majority; but also to be able to speak and act for them. It has identified (an albeit vague) notion of the minority as the enemy; however one just has to look at the picture mentioned above of young people ‘hanging out’ on the streets and drinking alcohol to get a good idea who the minority may be. It is clear that by the time of this White Paper (Home Office 2003), government language that vilifies youth in general appears to have shifted more towards specific examples of young people’s behaviour and instead of discussing ‘youngsters...who think they can get away with it’ (Blair, 2002a) the emphasis is far more on a ‘persistent minority’. The category of the ‘persistent minority’ is further fleshed out at the end of the quote, by alluding to ‘drug dealers, graffiti and litter’. The minority here are constructed as causing such a urgent threat – ‘misery and distress’ – that immediate action is required and, as such, the possibility of long term plans to tackle social exclusion as a cause of the behaviour of ‘the minority’ is somewhat downplayed as a possibility, even if social/economic factors do get a fleeting mention under the heading of ‘Causes’. This shift away from generalised association with young people with anti-social behaviour towards the use of the ‘persistent minority’ (as opposed to the ‘law abiding majority’) is another theme to which we return in Chapters 5 and 7.

Later, the ‘social exclusion’ agenda, as we have seen, takes the form of a ‘spectre’ (social exclusion/poverty) that needs to be exorcised in the Youth Crime Action Plan. This ‘spectre’ may even be viewed as a certain spirit of socialism, or at least ‘Old Labour’ - who’s haunting -, New Labour cannot fully escape. I do not wish to assert that this has only been done through the sort of discursive ‘play’ identified in the Youth Crime Action Plan, nor do I suggest that poverty and social exclusion do not signify very real phenomena. As such I agree with Glodson and Munice’s assessment of the ‘social inclusion’ agenda when they say:

In addressing the challenges faced by the ‘anti -child poverty’ strategy and the wider ‘social inclusion’ agenda with regard to children and in addition to increasing child benefits and enhancing tax credits, an extraordinary wide-ranging sequence of cross-government initiatives, policy developments and modernising’ service re-configurations have been introduced [by New Labour]. Such reforms cover the full range of health, social care education and employment services, alongside regeneration and ‘neighborhood renewal’ programs (Goldson and Munice, 2006:212).

So poverty and social exclusion had a very real existence, as far as New Labour were concerned, at least from 1997 – 2000, where it was a key issue to be addressed; tackled head on, so to speak.

The government has not, by any means, lost all interest in social exclusion, however it is at pains to de-couple it from what we might call a ‘causes of crime’ discourse. Government efforts to tackle this issue have, no doubt, helped many people on the poverty line; however the problem has not gone away. Child poverty is still a huge problem. It seems unlikely that any government can keep the commitment to ‘halving child poverty by 2010, and eradicating it by 2020’ (DfES, 2003:25).

So although the government may not have given up on ‘social inclusion’, it would seem to no longer be as big a priority as in the late 1990s. For the purposes of this research it is of greater interest to us that at some point after the Policy Action Team’s (number 8) report in 2000, social exclusion began to be decoupled from crime or anti-social behaviour. Poverty and /or social exclusion are no longer seen as a fundamental cause of crime and anti-social behaviour<sup>6</sup> (which is now seen as a ‘lack of respect’); however, despite all these ‘programs’ and ‘initiatives’ and the research of the ‘social exclusion unit/ taskforce’, the spectre still haunts the anti-social behaviour/‘Respect’ agenda, as we have noted earlier in the chapter.

### **1.5: A Return to Community, Broken Windows and Respect: The Anti-Social Behaviour Story**

There is no doubt that anti-social behaviour discourse responds to (in most cases) very different demands to Every Child Matters discourse. This does not mean, however, that anti-social behaviour discourse emerged fully formed in 1998 (the time of the Crime and Disorder Act) nor does it mean that the demands it seeks to address have always been the same. Instead, I shall go on to argue that the concept of anti-social behaviour itself is vague enough to articulate a number of different and changing demands. It has in many ways functioned as an *empty signifier* in the

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<sup>6</sup> In fact others have argued (Squires, 2006; Brown, 2004) that anti social behaviour is rather contained within its own ‘circular’ discourse in a way that does not really require causes to be understood. “ASB is purely about behaviour. Motivation and intention are largely irrelevant [which] explains why ASB control is unconcerned about mental health problems, learning difficulties, addictions, domestic violence and other potential problems that are common features of ASB cases’ (Brown, 2004: 207, cited in Squires 2006). Squires states, that ASB is seen as ‘simply the manifest behaviour of those who do this sort of thing’ (Squires, 2006: 157) Although this argument does not seem to capture the complexity of ‘youth discourse’ in general especially if one considers Every Child Matters and the social exclusion agenda together with anti-social behaviour, it does neatly sum up how causes are masked within ASB discourse when considered in isolation.

sense meant by Ernesto Laclau<sup>7</sup> (Laclau, 1996) and this emptiness has allowed it to form equivalences between multiple (sometimes competing) demands. Before doing so it would be useful to briefly note an example of the way anti-social behaviour has been interpreted and problematised elsewhere. For example, one compelling argument (Squires and Stephen, 2005; Squires, 2006) is that anti-social behaviour has been problematised in terms of a perceived ‘enforcement deficit’, whereby anti-social behaviour is seen as falling through a ‘justice gap’, as it is ‘below’ the level of crime usually seen as a priority by enforcement agencies<sup>8</sup>. This interpretation places anti-social behaviour discourse well inside the remit of criminal justice as opposed to youth policy and so already signals that anti social behaviour discourse emerged in a very different context to Every Child Matters, and as such is well worth mentioning (albeit briefly).

When anti-social behaviour first appeared in New Labour ‘crime and disorder’ rhetoric it was inscribed within what we could call a ‘communitarian’ discourse. The signifier “community” (as has been mentioned elsewhere: Laclau, 1996; Howarth *et al.*, 2000) often represents an ‘absent fullness’ within the discourse. In other words it alludes to something that is absent; this is often combined with a need to return to a past (which may or may not have existed) where ‘community’ was not absent – in other words it calls for a return to community. In his 1988 article<sup>9</sup>, Tony Blair links many demands together around the ‘need’ to return to community. He blames Thatcherism for the decline in traditional community values (which are portrayed as absent from modern society). Hooliganism and ‘yobbish behaviour’ are (for Blair) the principal phenomena that are explained through the ‘loss’ of community. Blair portrays a Britain where behaviour that which was deemed ‘unacceptable’ in the past has become tolerated by society, due to the absence of community/community values. The term ‘anti-social behaviour’ was ostensibly linked, in Blair’s article, to violent acts. By using graphic examples of violent behaviour Blair conflates violent, criminal acts with behaviour that is tolerated by modern Britain but was not

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<sup>7</sup> This will be explained in more depth in Chapter 5.

<sup>8</sup> For further elaboration on this point I refer the interested reader to Squires and Stephen, 2005 and as such I will not be rehearsing their arguments here.

<sup>9</sup> This article should also be seen in the context of Tony Blair’s (2004) speech on ‘A new consensus on law and order’ where he recalls mentioning anti social behaviour in the 1988 article, thus giving the impression that it is something he has been concerned with for a long time (see Squires, 2006:148).

(according to him) tolerated in the past. His solution for this is a return to community values – the return of the absent fullness. Now, if we look at this discourse from a post-Marxist perspective, there are a couple of things that are worthy of consideration.

First is the linking together of demands in an equivalential chain. These demands can be seen as quite separate. There is no reason why a demand for an end to football hooliganism, street violence and ‘bad behaviour’ (or indeed anti-social behaviour) should be seen as part of the same problem. Blair, however, links these demands together by asserting that they are all a result of a decline in community values. Thus as well as being an absent fullness in the discourse, community also represents that which is under threat from a number of phenomena. The community are linked together by a demand for an end to the threat. However at this time Blair has no clear subject to hold up as the perpetrator of these behaviours/crimes; as an enemy to community. In his article he oscillates between talking about ‘yobs’, ‘hooligans’ and ‘youths’.

Second, due to the equivalential logic operating to link diverse demands, there is a dichotomisation of the social space. Therefore the social space is split into two antagonistic camps; in this case, between community and the threats to community or the reasons for its absence. We have an outside and an inside. Outside are the ‘hooligans’ and ‘yobs’ and inside are the law abiding majority. We have a clear line of demarcation between inside and outside that takes the form of a frontier, and, although Blair establishes a clear threat around which the space can be dichotomised, he still lacks a tangible enemy or target for any proposed new crime and disorder measures.

Thus the policy space in which anti-social behaviour makes its first notable appearance (in New Labour discourse) is one that can be characterised as ‘communitarian’. The demands here are centred on a return to the absent fullness of community – a return to older values. There is, inherent in this, a demand to be less tolerant of bad behaviour and it is this element of behaviour

that comes to later be coupled with young people and other perpetrators of anti-social behaviour<sup>10</sup>.

By the time of the 1998 Crime and Disorder Act there has been a slight shifting in the discourse, but this dichotomisation of the space between community and its threat(s) still structures the debate. However there is now a greater emphasis on behaviour as opposed to violent and criminal acts, as well as virtually no mention of football related violence that played such a large part in Blair's 1988 article. There has also been the linking of behaviour and 'low level crime' to more serious crimes through an appeal to the 'broken windows theory' (Wilson, J.Q. and Kelling, G.L. 1982). The signifier 'anti social behaviour' has also taken on much greater significance than in the 1988 article (where it was only mentioned once) and forms a large part of the 1998 Act. There is still little evidence of overt attempts to link young people to anti-social behaviour. However there is much discussion of youth justice and parenting orders in the act. Concerns around the welfare of young people were dealt with by claims that the use of ASBOs against children would be exceptional (see, for example, Alun Michael's remarks in a Standing Committee during the passage of the Crime and Disorder Bill. House of Lords, 1998).

However young people took on greater and greater significance as the perpetrators of anti-social behaviour from 1998 onwards. It is also prudent to note how the term anti-social behaviour, itself, in this period, rocketed into the public consciousness. It seemed an ideal signifier with which to signify the threat to the community. The lack of a clear definition of 'anti-social behaviour' allowed it to function so as to link together all demands for a return to the 'absent fullness' of community. Almost anything that was a threat to the community could be inscribed into the emptiness of the signifier 'anti-social behaviour', allowing it to stand in for many separate demands from many people. With many ASBOs aimed at children and the media in particular focusing their attention on 'yob kids' we can detect a discernable shift in a discourse that was previously lacking a clear enemy, to a discourse that became linked with older 'moral

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<sup>10</sup> One notable way this demarcation between insiders and outsiders has played out is in the context of social housing where, as Foster (2002) notes, 'Residents became increasingly polarised between a 'stable' group (some of whom were empowered by tenant consultation...) and the increasingly stigmatised, but highly vulnerable subterranean culture that included the young, previously homeless and families and individuals whose lives were often very chaotic and precarious' (Foster, 2002:177).

panics' around the behaviour of young people (see Cohen 1972, Muncie and Hughes, 2002). As young people became increasingly constructed as the subject of anti-social behaviour, this changed the demarcations of inside and outside the consensus around anti-social behaviour. Here the signifier 'community' seems to slip more to the periphery of the discourse; however the centrality of the absent fullness remains, but is recast in terms of 'respect'. This ties in with the emergence of young people as a central subject of anti-social behaviour discourse. Put simply, young people (these days) lack the respect that young people (it is imagined) used to have. 'Respect' is now the absent fullness or that which needs to be brought back to achieve community. We will return to the theme of the ideological dimension of the Respect agenda briefly in Chapter 5 and in more detail in Chapter 7.

We have then identified a discernable shift in the demarcation defining the policy space. Demands for a return to community have been linked in an equivalential chain to demands around changing the behaviour of young people. One role of the 'anti-social behaviour' signifier has been to articulate youth justice demands together with the demand (mentioned above) for a return to community. However this shift in the line of demarcation also acts to exclude some actors who would agree with Blair's 1988 article and empathise with a 'return to community', but at the same time are made nervous by the construction of young people as a principal threat to the community. Social Services and children's charities, for example, may agree that a dimension of community is missing in modern society; but are likely to be suspicious of a perceived demonisation of young people inherent within their construction as a threat to the community. People are likely to point to issues such as social exclusion as the principal cause of 'run down' communities and anti-social behaviour. However by constructing anti-social behaviour and bad parenting as a root cause of social exclusion, New Labour are not only inverting the core assumptions of the Social Exclusion Unit but also running counter to the beliefs of many individuals and organisations that might have been more 'on board' with regard to demands for a return to community.

## **1.6: Preliminary Conclusions**

For analytical purposes we can draw out a number of separate discourses in play in these policy agendas. These discourses are never held as fully separate and contaminate each other in contingent ways, so to separate out these discourses is purely an exercise of analytical abstraction. However it is a useful one, as looking at how these discourses merge, clash and operate separately is key to understanding the shifts and changes that are going on in the policy spaces of Every Child Matters and Anti-social Behaviour.

The first discourse is that of community as an absent fullness. This is rooted in a critique of individualism and the need to return to old fashioned notions of ‘community’. This enters our problematic as it becomes inscribed in anti-social behaviour rhetoric in terms of ‘respect’. ‘Respect’ is thus the core aspect of community that needs to be ‘brought back’ and this ties in with young people who are constructed as the main sector threatening the community due to their lack of ‘respect’. This shift to young people and ‘respect’ must also be understood in the context of a long history of ‘moral panics’ about youth (see Cohen, 1972 and Muncie and Hughes, 2002).

The second key discourse in play here is the one of broken windows and crime and disorder. Here the logic is that communities should adopt a zero tolerance approach to low level crime and anti-social behaviour because of its cumulative, detrimental effect on communities. Here anti-social behaviour is a pre-cursor to serious crime. Thus the logic is to ‘nip crime in the bud’ by tackling anti-social behaviour before it turns into more serious crime. It is within this discourse that a serious blurring occurs (see Burney 2005, Squires and Stephen, 2005) between the categories of crime and anti-social behaviour as well as civil and criminal law.

The third key discourse is social exclusion. This constitutes a target group of social excluded people that require government intervention. It operates differently depending on how it is articulated with other discourses. So social exclusion is either problematised itself as the core problem needing a solution and as the primary cause of anti-social behaviour or alternatively as a peripheral concern that is used as an excuse for the inexcusable behaviours of socially excluded groups. In the second problematisation social exclusion is not the core problem; instead the



problem is the behaviour of the socially excluded which is constructed as the cause of their exclusion. This is an attempt to exorcise the spectre of social exclusion, which haunts the Youth Crime Action Plan.

The fourth key discourse is that of child welfare which is central to Every Child Matters. Here Children are constructed as needing protection and not as a threat themselves. Social exclusion here – and not children’s behaviour – is the core problem. As such, this is a welfare orientated discourse that seeks to improve the life and well being of young people, particularly the socially excluded. These may well overlap with the ‘persistent minority’ of young offenders, hence the need for the DCSF to mask over this difficult issue by articulating ‘support’ as something to be enforced and so not overtly contradict the Respect agenda.

The discourse of Every Child Matters can be linked to more radical demands from children’s advocates. Actors that have a variety of demands around child welfare (such as children’s charities) are brought into debates around Every Child Matters and this gives them an opportunity to raise other concerns including concerns around the Anti-social Behaviour/ Respect agenda. These demands are often based on the UN Convention on the Rights for a Child. Some of these demands can be articulated within the Every Child Matters framework; but still remain outside of the Anti-social Behaviour policy space and are often very critical of it. As we have seen, these discourses cut across each other in interesting and contingent ways. For example Every Child Matters, based as it was in a horrific case of child abuse, could have easily joined with the punitive/surveillance elements of the broken windows discourse, combining together to argue that socially excluded groups should be kept under tight surveillance from neighbours, agencies and authorities both because of their behaviour and because of the risk to children. However there is little evidence of this. Instead the different problematisation of social exclusion embedded within Every Child Matters and the Anti-social Behaviour discourses have led to a number of contestations of government policy from children’s and civil liberties activists. When Respect and Every Child Matters are articulated together there is a necessary identification of a minority which is constructed as an ‘enemy’. As this enemy is often ‘a minority of young people’, organisations that stand for the rights of every child are likely to remain critical. These demands still fall outside the policy. This outside is resultant from a constitutive exclusion of demands -

constitutive of the policy (Respect/ Every Child Matters) itself. There is, therefore, a very strong case to take an in depth look at this excluded space. As such this thesis will often focus on the key actors that occupy this space and (drilling right down to our unit of analysis) their demands. The thesis shall explore how these demands have been excluded from the policy, as well as looking at how some demands came to be included. It will also solidify the argument that the exclusion of these demands has been constitutive of the policy space. The discourse of children's rights and its relationship with Every Child Matters and thus Anti-social Behaviour/ Respect will be fleshed out in detail in the subsequent chapters.

The core assumption behind Chapter 7 (in particular) is that the way these discourses come to be articulated with each other helps to shape policy spaces and shift demarcations of these spaces. Certainly there was a time when Every Child Matters and Anti-social Behaviour were seen as very separate discourses and this demarcated policy space accordingly. This separation was broken down through discursive contestation of the separation of these discourses through the highlighting of their separate constructions of young people in need of control/protection and social exclusion as caused by society/ individuals. Social exclusion and broken windows play key roles in the articulation of these policy agendas. However the inclusion/exclusion of discourses does not map perfectly on to the inclusion and exclusion of actors and the reasons for this will be explored more fully later; however we can conclude by saying a number of things about what this analysis can tell us about the demarcation of policy spaces in this case.

The discourses of Every Child Matters and Anti-social Behaviour policy (like much New Labour domestic policy) contain a rhetoric that wishes to include everyone in the policy spaces – a space of general consultation, a chance for everyone's view to be heard. There are major roles for Social Services in Anti-social Behaviour discourse as well as Every Child Matters, at least according to the *Respect and Responsibility* White Paper. The policy spaces include many of the same agencies. However as we have seen these policy spaces arose in response to different demands and it may be fair to argue that anti-social behaviour was once a space that privileged the role of crime and disorder agencies such as The Police Service as opposed to child welfare agencies. This space has now been dislocated by the Every Child Matters agenda allowing an increasing role for Social Services and children's charities (for example) in the space of Anti-

social Behaviour policy. It has also seen an exclusion of the Association of Chief Police Officers (ACPO), or at least they perceive themselves as excluded, from debates around Every Child Matters (Research Interview 3). It would appear that the Police are perceived as strongly linked to the punitive climate of anti-social behaviour despite the fact they have long been advocating a more holistic approach (ACPO, 1995). The issue here is no doubt one of identity. Children's charities have, through the discourse of anti-social behaviour, been at once envying the inclusion of the police (ACPO) in the policy space; but also seeing them as the enemy of young people and their rights at the level of enforcement. The identity of Social Services and children's charities with regard to anti-social behaviour has in part been structured through the construction of the police (at ground level) as an enemy to young people (and by extension to them as the advocates of young people). Of course the actions of ground level police (which is largely determined by legislation) cannot be seen as synonymous with ACPO but their identity as police officers as well as the perception 'from the outside' that they are all police, thus are all involved in extreme punitive measures against youth, has no doubt facilitated (albeit sometimes at a subconscious level) their construction as the enemy. There are also broader historical contexts and instances of police brutality that litter recent UK history (of which the Brixton riots serves as one example), which no doubt play a role here; but which I have not the space to discuss. However, what we can be sure of is that the dislocation that marked the coming of Every Child Matters led to an inclusion of actors in key policy making circles that often see the police as an enemy or at least as counter-productive to youth policy. Thus this dislocation can be marked by a simultaneously inclusive and exclusionary moment. The two are not divorced from each other as no doubt the inclusion of certain actors is linked to the exclusion of (for example) ACPO in the policy space of Every Child Matters. This is an exclusion that ACPO perceives, contests and will continue to contest (Research Interview 3).

We have seen how the political logic of equivalence has functioned in Anti-social Behaviour discourse to allow many demands to be articulated together. In the space of Every Child Matters, the story seems a little more complex. Every Child Matters appears to be a far less populist policy; but yet no less a hegemonic policy discourse with influence that extends into diverse policy areas (education, social exclusion, welfare, health and more). Demands around children's

rights and welfare have no doubt been played out very differently in each of these spaces, yet we have already identified a number of ways in which these spaces appear not so clearly demarcated.

This chapter has focused on the policy areas under investigation, primarily through the lens of how they understand social exclusion. We have seen how social exclusion functions within both Every Child Matters and Anti-Social Behaviour policies; however one further and vital point should be mentioned in connection with this notion of government interventionism. The concept of social exclusion demarcates space in a very important way. It creates a space of the ‘socially excluded’. Categories such as class, race and gender may not serve to capture the exact nature of this space as it cuts across them. The social exclusion dimension of Anti-social Behaviour and Every Child Matters constructs, within these discourses, socially excluded young people and families *as a social entity*. By creating the space of the socially excluded and thus also creating actors within this space, government and associated agencies are provided with a target for their interventionism. It may not be acceptable to target families on the basis of class or race, for example; but by constructing the space of social exclusion through its articulation within multiple discourses it becomes thinkable to demarcate social space between ‘us’ and ‘them’. What I mean here is that agencies can differentiate between ‘normal’ or ‘hard working families’ that are held up as shining examples of what is good, and ‘socially excluded’ families who are a ‘problem’ to be dealt with through interventions by various agencies for various reasons. As such, it should be noted that the space of ‘social exclusion’ and how it is constructed through the articulations of Anti-social Behaviour and Every Child Matters discourses warrants further research, that will not be the focus of this thesis, which instead will examine how the policies of Anti-Social Behaviour and Every Child Matters have been articulated together (or not) over time and examine how this has changed (or not) the discourses that comprise these policies. However the constitutive nature of social exclusion (the fact it creates ‘the socially excluded’ as a social entity) is a core assumption that will underpin the rest of this thesis.

By way of a tentative conclusion, this chapter has noted that Anti-Social Behaviour/Respect and Every Child Matters policies find their roots in very different discourses and comprise very different demands; yet they have increasingly been linked together (for example in the Youth Crime Action Plan) due to their focus on young people. This chapter has aimed to present the

reader with the key tensions, discourses and demands embedded in each agenda, how they construct youth and how this has changed/has resisted change. This has been done via a genealogy of both policy agendas and this may be viewed as a snapshot of the thesis as a whole, which will return to many issues raised in this chapter and add extra layers of thickness to the description and in so doing fulfil the objective of explaining change and resistance to change with regard to these policies. However, before that, the next three chapters will examine the theoretical and methodological perspectives that underpin this analysis. As aforementioned, this research thesis engages primarily with the theoretical problem of describing and accounting for policy change and does so through an empirical investigation of the discourses relating to Anti-social Behaviour and Every Child Matters policies. Hence there is a need to problematise accounts of the policy process and policy change, in the existing literature. This will be the focus of Chapter 2 which will look at how policy change is problematised, and how this problem is addressed within existing theoretical frameworks. More crucially however special attention is paid to how different theories ‘frame’ the problem of policy change differently; how central or peripheral policy change is to each theory and thus demonstrates how the concept of policy change is structured by its insertion in different theoretical frameworks and traditions. From here I argue that what is called for is an investigation of time and space (seen as the conditions of possibility for change) and advance a post-structuralist informed theory of policy as contested space (Chapter 3) and introduce the notion of a logic of demarcation. My engagement with the concept of problematisation does not, however, end here, as it will also be a recurring theme throughout this thesis.

## CHAPTER 2

### SPACE/TIME AND POLICY CHANGE

*Space-time: A four-dimensional space whose points are events.  
I personally find it hard enough to visualise three-dimensional space!  
Stephen Hawking, A Brief History of Time (Pages 206 and 27 respectively)*

#### 2.1: Problems and Policy Change

I shall begin my examination of policy change by problematising certain examples of policy theory, through a critical examination of the often overlooked spatial and temporal dimensions of policy. The underlying assumption here is that our conceptions of change are interwoven inseparably with how we conceptualise time. Following Massey's *For Space* (2005) and modern theorisations of time in the natural sciences, I see it as undesirable to stress the separation between space and time; it seems an impossible task to conceptualise change occurring in anything other than some sort of order of representation that we would call space. Just as the problem of change is inseparable from the problem of time, time itself is, for me, inseparable from space, and as such both temporal and spatial dimensions need to be equally explored. An excellent example of the argument to understand both time and space in issues of change in political science can be found in Bates and Smith (2008). In this paper Bates and Smith argue, drawing on Hay (2002), that time has taken centre stage in the analysis of political/social change, and this has been done to the exclusion of spatial dimensions. They argue that this has been detrimental to many theorisations and empirical studies of change.

[...] space is accorded little or no role to play within these analyses of the political. Indeed all references of change within Hay's work are couched in terms of temporality. ...This is... not to argue that the temporal dimension does not have an integral role to play in political change. Rather it is to argue that change is only possible because of time *and* space, or, more accurately, space-time. It is the multiplicity, simultaneity, disruptions and dislocations of and within spatial relations that allow the possibility of change over time (Bates and Smith, 2008:196).

Although (as will be shown later) I am deploying the notion of space as it is defined by Howarth rather than in the narrower sense of ‘physical space’<sup>11</sup>, Bates and Smith’s critique still applies. In this chapter I hope to show that the similarities and contrasts of different theories of policy may be highlighted, as well as key problems addressed, by looking closely at how different theories (of policy) view time and space. Central here is the concept of *demarcation*, which will provide the critical lens for much of this thesis. To introduce the logic of demarcation in a public policy context, the next section will look at the very well known ‘stages heuristic’. The aim here is not to critique this heuristic, as such, or to make a straw man of it. Rather I hope that, as the stages heuristic is so well known and understood in public policy, it will allow me to begin to explain how time, space and demarcation are going to be deployed in thesis, by introducing these (perhaps unfamiliar) theoretical apparatuses in the context of a well known example. I shall then go on to elaborate the concept of demarcation further through a similar engagement with other theories of public policy, with the view to developing a framework to help us understand and explain changes in youth policy.

In Chapter 3, I shall go on to show that what arises out of the engagement with policy theory in this chapter, is the emergence of a theory of policy that sees (ontologically speaking) policy itself as a space of contestation, and every demarcation that occurs within this space as contingent and political. I also hope to demonstrate the pertinence of the category of hegemony for the study of policy, in the sense that hegemony is a condition of possibility (and impossibility) for *a* policy (consensus) to exist. I shall then proceed to demonstrate how the re-theorisation of policy ventured here can be deployed in analysing policy spaces and go some way to explaining policy change, through the example of youth policy in the UK, which will be the central focus of Chapters: 5, 6, 7 and 8.

## **2.2: Policy Change: A Matter of Stages?**

Traditionally, policy analysts have conceived of their object of analysis as empirically discoverable. Whether policy is defined as ‘a set of objectives’, ‘a plan of action’ or even as a

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<sup>11</sup> Note that I do not accuse Bates and Smith of necessarily defining space in this way either.

specific document; and even despite acknowledgment that policy is perhaps best viewed as a ‘dynamic set of constructions of the situation’ (Gordon *et al.*, 1977:29), policy has still often been perceived as independent of competing interpretations of it.

Once we have the notion that a policy exists independent of multiple competing interpretations of it, it becomes quite natural to talk about the ‘implementation’ of a policy, as the simple carrying out of what it says in the policy (paper) or as a separate stage of policy (as a process). Equally one can conceive of policy *evaluation* as the normatively neutral exercise of comparing written policy objectives with the observable results ‘in the real world’, after implementation. It is, without a doubt, the conception of policy as empirical that provides the conceptual premise for it to be broken down into stages, for example, the stages of: formulation, implementation and evaluation. The stages approach to policy theory has been much criticised already from many different angles. Sabatier argues, for example, that it does not have the form of a proper scientific theory (Sabatier, 1999:7). Of course the key thing to bear in mind here is that the idea of stages in policy is often seen as a heuristic rather than a strict ontological account or theory of the policy process. Yet Sabatier’s argument is still very interesting as it shows that a stages approach to policy analysis does not sit well, even within the paradigm it was thought best to serve.

A more interpretive perspective on policy of the type advocated by Yanow<sup>12</sup> (1996:5-22), among others, surely provides the basis of a strong critique of the stages heuristic, by upsetting its naïve ontological assumptions and putting into question an epistemology based on simple empirical observation. Many of the problems with the stages approach (even used heuristically) originally stem, no doubt, from a ‘realist’ ontology of an external world that is simply accessible to us via our senses; however there is another issue at work here that is absolutely crucial in the theorisation of policy. The stages heuristic can always be shown to break down at its points of *demarcation*.

The stages heuristic necessarily demarcates between the formulation stage of a policy, its implementation stage and an evaluation stage. Although other stages could be added to the list, I

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<sup>12</sup> Yanow’s approach challenges traditional positivist assumptions about knowledge, by drawing on the hermeneutical tradition to emphasise meaning and interpretation.



shall concentrate on these stages, as I see them as the most important. I also feel that the need to supplement the model with additional stages is a symptom of the problematic nature of demarcation itself. I shall conceive of the process of demarcation as the division of all space-time (incomprehensible to us as constituent parts of it ) into separate *conceptual spaces* that become meaningful through the play of *différance* (to use Derrida's term) between them. Thus one can now say that our understanding of formulation, implementation and evaluation of a policy is largely structured by the differences between them<sup>13</sup>. As such, for implementation to be understood in this way, it must be a notably different stage to the formulation stage of a policy. Primarily one must note that the demarcation between stages in the policy process is a demarcation that privileges the temporal dimension of space-time. Formulation, implementation and evaluation occur at different times, and the shifting space of policy (in terms of actors who are inside/outside the process) is explained through change resulting from the temporal demarcation in terms of what stage the policy is at. More should be said however about the different spaces created by this temporal demarcation.

The formulation stage of a policy can be (if somewhat simplistically) characterised as a communicative or argumentative space; by this I mean it is a space for debate and discussion of the key issues. Implementation, by contrast, is a settled space, the key policy issues have been resolved and it is simply a matter of putting proposals, objectives or agendas into place. This allows for the simplistic characterisation of 'top level' actors making the policy and street level bureaucrats simply implementing it. It is this separation between a communicative space and a settled space that allows for the demarcation between a policy's formulation and implementation stage. However when Lipsky tells us that ' the decisions of street level bureaucrats, the routines they establish and the devices they invent to cope with uncertainties and work pressures, effectively *become* the public policies they carry out' (Lipsky, 1980:382. Emphasis in original), this must seriously call into question the usefulness of the demarcation between formulation and implementation. There is also the problem of demarcation between policy formulation and its evaluation, as surely an evaluation is pointless without the possibility of policy reformulation as a

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<sup>13</sup> This simplistic sentence captures the essence of what I am saying; however the word difference must not be confused with *différance* (as Derrida uses it). The differences to which I refer are marked by iterability and are both differing and deferring in a way to make 'completed' meaning impossible as well as meaning (as we know it) possible.

result of its operation. It is, therefore, very hard to tell where evaluation ends and re-formulation begins, but the whole process requires the movement from a settled space (implementation) back to a communicative space (evaluation/(re)formulation). Where then do the boundaries lay? The stages heuristic requires constant and changing demarcations to make it fit with empirical observations. We know, for example, from Lipsky that the so called ‘settled’ space that characterises implementation is in fact very unsettled indeed! There are many points that can be made with regard to the inability of the stages heuristic to capture the truly ‘messy’ nature of ‘empirical reality’. These points can always be best expressed in terms of an examination of *the demarcation* between the stages of the policy process. However as the limitations of the stages heuristic are well known (see Sabatier ,1999 for example), such an analysis is largely superfluous. Despite this, the idea of demarcation that I have emphasised in looking at the stages heuristic has much more theoretical mileage with respect to public policy and specifically with regard to how to theorise the concept of ‘policy’ itself.

Before going on to look at different theories of policy through the lens of demarcation, it is necessary for me, to say a bit more about how demarcation is to be understood and the post-structuralist theory that informs it. Much more will be said about this in Chapter 3; however, having now introduced the concept of demarcation and space and time (via an examination of the demarcations between stages in the policy process) it is worth spelling out exactly what is meant by these terms, in the context of this thesis.

### **2.3: Some Further Remarks Concerning Demarcation, Space and Time**

I have, I hope, already pointed to some examples where the demarcation of policy into stages breaks down. We must ask, therefore, why the logic of the spaces of formulation, implementation or indeed evaluation breaks down at the point where they are seen as separate spaces. The answer to this must be because the demarcation between stages of the policy process, *like all demarcation*, can never be final or absolute. Drawing on post-structuralism one may say this is because it is always undermined by the structural undecidability that pervades all systems of signification (what Lacan terms ‘the lack’). Structures (and so demarcations) cannot be fully sedimented as they rest on a fissure which prevents any final structural determination. This is not

to say that demarcation is bad (*per se*) for a theory of policy, in fact demarcation is absolutely necessary to all forms of signification and is thus unavoidable. This is due to the impossibility to perceive all of space-time as a whole, and the resultant need to divide the world up - through demarcation. Demarcation operates at the level of signification: for example, the demarcation between nouns designating them as different 'things' occupying different positions in space-time (verbs and tenses thus operate to demarcate within the temporal dimension of space-time). The key aspect of the operation of demarcation that requires emphasis here is to bring certain (what I call) 'spaces' into existence by reference to each other. Although (as I show above) the internal logic of these spaces is undermined by an examination of demarcation, it is this same demarcation that makes these spaces comprehensible to us at all.

The concept of 'space' I am using here should not be confused with the concept of place (physical space). Following Howarth (2006) I define space as 'an order of representation that exhibits structural regularity between [discursively constructed] objects' (Howarth, 2006:129). I also agree with Howarth that 'space means' (Howarth, 2006:116), in the sense that it is the terrain (or theoretical site) of the intrinsically political process of meaning (making). This Kantian inspired definition of 'space' as an 'order of representation' can be broken down into categories by researchers and academics (such as the different stages of a policy); these categories are spaces within space, to put it one way. It therefore becomes sensible to speak of the plurality of spaces and to characterise some spaces as 'communicative', some as 'contested' and some as 'settled'<sup>14</sup>, as I have already done. These spaces are made possible, of course, by the process of demarcation occurring within space (as Howarth defines it). Demarcation also denotes, for me, how one cannot easily separate the concepts of space and time. Shifting demarcations in space necessarily imply a temporal dimension. This temporal dimension can often be perceived as a disruption or dislocation; but it is also *always already* part of the concept of space and can perhaps even be viewed as the 'structures of iterability' that mark every repetition (see Howarth, 2006:112).

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<sup>14</sup> This list is not intended to be final or exhaustive as I'm sure further demarcation is possible here!

Demarcation, as well as bringing ‘spaces’ into existence by reference to each other, must also necessarily involve the construction of boundaries. An examination of these boundaries should be able to tell us much about the internal logic of the spaces they bring into existence. These boundaries determine the inside and outside of the space(s). To use my previous example, it is the boundary between a policy’s formulation and its implementation that constructs an actor as inside or outside the formulation (or implementation) process. We know from Derrida and Staten that the inside is made possible by a ‘constitutive outside’ (‘the inside is the outside’), but what deserves special attention is precisely the demarcation that acts as the condition of possibility for both the outside and the inside (see Howarth, 2006:117-121). Most crucial in this regard is to understand the operation of demarcation as a historically contingent one as opposed to a deliberate or necessary one. This is because, although systems of signification do necessarily require demarcation of some sort, the way this is actualised is through the contingent articulation of discourse (see Laclau and Mouffe, 1985:105-114).

#### **2.4: Time/Space and Punctuated Equilibria**

It is difficult to separate notions of punctuated equilibria from its inherent connection to bounded rationality in decision making.

Bounded rationality is the decisionmaking underpinning of both the punctuated-equilibrium and the advocacy coalition approaches (True *et al.*, 2006:164)

The reliance on rationalism (bounded or otherwise) to explain human decision making, found in the works of, for example, Baumgartner and Jones (1991), has many inherent difficulties which are beyond the scope of this discussion. Suffice to say the dichotomy between rational and irrational fails to capture much of the complexity involved in shifting identifications and forms of subjectivity that make up much of what we call ‘politics’ (for a more in depth discussion of the role of identification and subjectivity in politics see Norval, 2006 and Norval, 2007). The idea of ‘parallel processing’ (see Newell and Simon, 1972) seems to be deployed to explain ‘resistance to change’ (True *et al.*, 2006:155-156), thus one can argue that the assumption of bounded rationality in human decision making is doing much explanatory work in regards to the theory of punctuated equilibrium to explain non-change or policy ‘inertia’. This serves as an example of

the difficulty in divorcing punctuated equilibrium theory (in terms of its explanation of policy change) from its assumptions of rational behaviour. However, and with some difficulty, I will attempt to leave aside criticisms of ‘bounded rationality’ in decision making and focus more specifically on the ideas of policy change in the works of Baumgartner and Jones.

For advocates of this approach, time is seen as a gradual (incremental) process that is occasionally upset by punctuations (see Hay, 2002:156). Space or spaces are, therefore, relatively stable (naturally conservative) and thus the inclusions and exclusions resulting from the demarcations of these spaces remain stable as well<sup>15</sup>. Changes that occur outside punctuations are seen as incremental or a result of ‘negative feedback’ but one is left wondering *how* these changes (that occur outside punctuations) affect policy spaces or subsystems in terms of inclusion or exclusion of actors, demands or practices. What is also interesting is how True, Jones and Baumgartner seem (this is taken from an example regarding Federal Budgets in the USA) to see endogenous factors as perpetuating the same (or related strongly to stability) and exogenous factors as responsible for change.

Budgets react to both endogenous and exogenous forces. The forces that might cause a change in the decision design may be external to the decisionmaker. Such influences may include changing levels of public attention, striking and compelling new information, or turnover in the composition of the decisionmaking body (for example, when an election changes control of Congress and committee leaderships are rotated from one party to the other). When changing external circumstances force us out of an old decision design, the result is often not a modest adjustment but a major change in choice. Yet subsystem politics and the bureaucratic regularity of annual budget submissions constitute endogenous forces that favor continuing with the same decision design (True *et al.*, 2006:165-166).

Thus once again, and despite its sophistication, we have a theory of exogenous change, where the theory itself only accounts for non-change (bounded rationality) and change (or at least large change) itself comes from outside and as such remains largely unexplained except as an ‘exogenous factor’. The concepts of endogenous/exogenous come out of the fact that Baumgartner and Jones demarcate their study in terms of policy subsystems and decision makers within these subsystems, thus divorcing policy from its wider social context. As we can see in the

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<sup>15</sup> However the caveat should be made with regard to True, Baumgartner and Jones that their work deals with the USA and as such they do explicitly tie their claims of conservatism to policy/policy subsystems in the USA and do not make strong claims about their generalisability outside the US context.

above example, the wider policy context changes (such as changes in government) are viewed as exogenous as they come from outside the policy subsystem. Thus space is demarcated in terms of inside and outside the policy subsystem and time is demarcated in terms of punctuations. But punctuations often come from outside the policy subsystem (are exogenous) and so their model explains change by demarcating the space 'outside' the subsystem as not part of the analysis until it is needed to explain punctuations in time. At this point the outside of the subsystem takes centre stage as the primary explanatory variable (of dramatic change).

When looking at the development of Anti-social Behaviour Policy (see Chapter 5) it is hard to characterise this policy either in terms of stability or in terms of dramatic change. This point is the subject of a recent paper by Marsh which focuses on the complexity of the relationship between stability and change (Marsh, 2010) and it is this complexity that this thesis aims to draw out, in the case of youth policy in the UK. What is clear, in this context, is, although a major shifts (or punctuations) occurred in UK youth policy, this was not preceded or followed by stability; but rather by many subtle shifts in discourse. These shifts cannot be seen as incremental either. They did not 'build up' toward a bigger change in a particular direction but instead are better seen in flux, that is they moved in a direction, then retreated or moved in a different direction; the same demands often changed meaning as they were re-iterated over time and articulated in different discourses. Thus my rejection of Baumgartner and Jones' theory is based not only in my (implied) rejection of bounded rationality but also in the fact that it does not seem to fit the case at hand. However, despite these limitations, it does form a sophisticated model of policy change that undoubtedly finds support in empirical examples, particularly within the USA. It neatly captures and theorises the dichotomy between stability and radical change and should be commended in its (if somewhat limited) ability to account for both. By demarcating space in terms of policy subsystems and because it is wedded to (albeit sophisticated) models of instrumental rationality, it fails to take due stock of the full scope of discursive practices which are embedded in broad (discursive) contexts. Thus when explaining temporality in terms of change it must necessarily look outside the (spatial) boundaries which it has demarcated around policy subsystems. Punctuated equilibrium theory sees space as synonymous with stability and repetition, and temporality as punctuations or change. However this raises questions of change that occurs outside punctuations or which occurs (to use the terminology of the theory at hand)

endogenously (which is not incremental) and also questions around the relationship between inside and outside policy subsystems.

Decision making is central to the theory; unfortunately, and as already mentioned, this is theorised through recourse to (bounded) models of individual rationality. The problem here is that assumes that decisions are taken in order to optimise outcomes or further rational interests (this is done in conditions of incomplete information), and although this could be the case, little attention is paid to the *processes* of decision making. This is important because decision making is central to policy change; and processes by which decisions are made demarcate spaces in terms of those included and excluded from the decision making process. Focusing on decision making processes does appear, however, to provide a promising avenue for exploring policy change. Before going on to look at Frank Fischer's work, which is concerned precisely with issues of decision making, I shall turn briefly to examine the work of John Kingdon with regard to policy change.

## **2.5: Policy Windows: Making Space for an 'Idea Who's Time Has Come'**

John Kingdon (1995) set out his 'multiple stream' approach to policy change with an explicit focus on what he calls 'predecision', which, if linked to the stages approach (discussed above), could be seen as the agenda setting and formulation stages of policy. Despite this, however, it has been argued that this approach has major implications for the stages heuristic as a whole, and could possibly link 'the various stages of the policymaking process under the umbrella of a single lens' (Zahariadis, 1999: 89). Here, however, I intend to focus on Kingdon's treatment of space and time in policy change.

To briefly summarise multiple stream theory, Kingdon demarcates the space of policy analysis into three streams: the policy stream, the problem stream and the political stream; and by drawing on Cohen, March and Olsen's (1972) 'garbage can' model and also incorporating aspects of bounded rationality, he attempts to show how an idea's time comes.

This leads directly to the first point of interest. This is his focus on the *time* that an idea ‘comes’. Kingdon’s model is primarily concerned with the points (in time) in which the three streams are coupled to create a policy window. This focus on the temporal dimension of change tends not to examine ‘the multiplicity, simultaneity, disruptions and dislocations of and within spatial relations that allow the possibility of change over time’ (Bates and Smith, 2008: 196). The shifting ‘place’ of actors in regards to the policy issue is not thought through, and as a result neither are the implications for policy change of the subjectivity and shifting identifications of actors in the policy process. This is a particularly large problem for Kingdon due to the crucial and central role he attributes to agents (in the form of policy entrepreneurs) in the coupling together of policy streams and the creation of policy windows. The spatial dimension of policy, for Kingdon, where it is addressed at all, is demarcated in terms of ‘policy communities’ (Kingdon, 1995:127-128). These communities correspond to a particular policy agenda. What is not thought through, however, are the (spatial) inclusions and exclusions of actors, ideas, discourses and debates over time, within and across these communities, as well as their ‘outside’. A policy community is likely to be forged by constitutive exclusions and demarcations, not least *as* a policy community and not a political party or protest group or professional agency, even if it incorporates elements of these. It will also be forged by demarcations as a health policy community and not a criminal justice policy community (for example). This has huge implications for the policy area under investigation here, as young people can be differently constructed by different policy communities and this has implications for the identities of policy communities when they are forced to work together on holistic approaches to young people. Many exclusions and demarcations will be evidenced in the temporal sphere through discussions of ‘time as a scarce resource’, the urgency of the decision, and the need for a solution (quickly). But what is at stake is the exclusions from policy communities of ideas and advocates of ideas and the (re-organisation) of spatial relationships. A focus on spatial inclusions and exclusions from policy communities is vital, however, for Kingdon to fully analyse the role of policy entrepreneurs. What precisely is spatial relationship between the entrepreneur and the streams? Is he/she included in them or external to them, included in some but not all? What possible interventions, solutions, or indeed, actors were excluded through the creation of a policy window? These are largely spatial questions (although they are inevitably interwoven with temporal ones) that are vital if Kingdon is to provide a coherent model of change. Kingdon,



therefore, fails to account for how policy entrepreneurs become policy entrepreneurs and identify with certain policy solutions, as such an analysis would require an examination of the demarcation of policy spaces and identity (re)formation with regard to discursive contexts.

For Kingdon, however, the space of analysis is demarcated in terms of policies, politics and problems. What is of principal concern is not the internal dynamics of these spaces or how these spaces change and are understood in terms of their relation to each other; but instead the moments in which they come together – the timing of the idea is everything for it to be realised and not the space(s) in which it occurs and is articulated. The spaces are important because (*contra* Kingdon) ideas do not exist in any kind of ‘primeval soup’ (Kingdon, 1995:126) but instead are wedded to the discourses in which they are embedded and/or re-articulated. Thus the processes of argumentation and discursive conflict help constitute an idea as an idea, they help forge its very meaning, and this process takes place through a complex play of identity and difference that has its own constitutive exclusions. These exclusions re-focus our attention on the spatial relations that play a crucial role in the coming of an idea’s time.

As Kingdon is concerned with policy change, the policy stream is his primary focus; the dependent variable. It however need not be static and may indeed change tempo and mode (see Durant and Diehl, 1989) itself without interference from the other streams. However primarily, for Kingdon, changes in the policy stream are caused by the coupling of all three streams together. These moments of coupling are policy windows. It is ambiguous as to what extent these windows are opportunities for or created by policy entrepreneurs, as Kingdon seems to imply both. There is no doubt a strong privileging of the role of agents in coupling the streams even if they did not make the window. This account of agency is not linked at all with actors shifting identifications and subject positions through their articulation in discourse, or through any appeal to moments of dislocation and the visibility of contingency and ‘lack’, but instead is simply given. Thus we can say either change is caused by agency (in the form of policy entrepreneurs) or it is largely exogenous to the policy stream and comes from the interaction of politics and problems with policy. The problem here is that the policy window is thought of exclusively as a window in *time*. What needs to be looked at is the space of the policy window. Where does it occur – in which policy spaces/communities, how are these linked to spaces of government

decision making? What groups and actors are involved/ excluded? How the policy window is played out spatially – in short the spatial dynamics of policy windows? It should be uncontroversial to assert that these spaces are dynamic and shifting in times of change; and that policy windows may involve multiple shifts in terms of the demarcation of the boundaries of policy and political spaces. Indeed the policy window does shift the demarcations between the streams that are so rigid at other times. The policy window allows the streams to be coupled together and thus is a moment of the re-organisation of the very *space* of policy, problems and politics. Thus as a moment of the reorganisation of the spatial it renders visible the limit of the ability of space to be coherently demarcated in terms of the three streams.

To understand change then we must not rest on either temporal or spatial models but instead on both. We must understand not just the moment an idea comes but the discursive spaces in which it emerges. We must also understand decisions not just as moments brought about through time pressures; but as occurring in dynamic spaces. As the moment of decision is central to policy change, I shall now examine an approach that is more concerned with decision making processes than with policy change *per se* and plays special attention to deliberative spaces in which many policy decisions are made. Here I shall engage, most directly, with the work of Fischer, in particular his book *Reframing Public Policy* that is interestingly subtitled *Discursive Politics and Deliberative Practices*. I chose Fischer's work as it shares with me a belief in the value of interpretation over more positivist explanations of policy and also allows me to further develop the notion of demarcation and its relationship to consensus.

## **2.6: Space, Time and Argumentation**

Firstly Fischer recognises the conflictual nature of policy. Instead of competing rational interests there seems to be an acknowledgement that there are more than just interests at stake in policy decisions; that values and interpretations of the policy problem are core components of how policy decisions are reached. If we return to the theme of demarcation and space, and retaining some of Fischer's terminology, I think the phrase 'argumentative space' is a good characterisation of the space in which discourse and deliberative practices are in operation here.

The first point to be made is that Fischer's approach is concerned with rational argumentation and so excludes other forms of contestation (such as irrational argument, protest or violence), as it is precisely this form of conflict that his approach constructs as the 'problem' of policy. Hence space here is not contested<sup>16</sup> but rather it is argumentative.

Second, argumentative spaces should be contrasted with the settled spaces of policy consensus. Policy deliberation may consist of spaces that are very argumentative and spaces that are more settled due to a consensus having been reached. Thus we can perhaps say there is a (if somewhat unfixed) demarcation between argumentative and settled spaces. This bears some resemblance to the demarcation that separates formulation and evaluation stages of policy from implementation stages. Although Fischer recognises the process of deliberation may be ongoing and not closed off by a 'decision' (Fischer, 2003: 207) the objective of deliberation is to 'initiate and pursue reasoned dialogue and consensus' (Fischer, 2003: 193). It is that which demarcates each 'phase' of deliberation, even if deliberation, in a broader sense may be ongoing and characterise the entire policy process. Thus consensus is the end point of each of the 'four phases of deliberation' (Fischer, 2003: 193). As such for Fischer the goal of policy deliberation appears to be *consensus* (or, short of that, an increased understanding of the problem). Underlying this approach, then, is the assumption that policy is a fundamentally goal orientated activity and the space of argumentation requires (at some *stage*) closure in the form of a consensus (which nonetheless could always be re-opened to deliberation). Thus we could say Fischer problematises policy in terms of conflict. Conflict is the problem of policy and thus his theory is primarily concerned with the generation of consensus(es).

The argumentative turn, heavily influenced by the work of Habermas, seeks to theoretically and practically integrate methodological and substantive policy issues with institutional and political practices. It illuminates the ways policy analysts make practical arguments to diverse professional and political audiences. Employing concepts from rhetoric to communication theory it examines how such arguments can be compelling in ways that can potentially generate new capacity-giving consensuses (Fischer, 2003:182-183).

Fischer's use of Habermas allows him to use very diverse tactics in order to traverse his argumentative space in the pursuit of consensus (or understanding). Argumentative practices can

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<sup>16</sup> This difference may be understood as the difference between agonism and antagonism.

be (and are) used in order to move from an argumentative space to a settled space of consensus. However, once again, this consensus must take the form of a demarcation between inside and outside the consensus. Differently put, it requires the illusion of closure. Despite this, I detect in Fischer an unwillingness, or at least a little hesitancy, in the closure of consensus. This is best evidenced in his chapter on 'Citizens and Experts: Democratizing Policy Deliberation' (Fischer, 2003:205-220). Here Fischer makes a powerful case that it is highly desirable to include as many citizens as possible in the policy process. It is thus reasonable to assume that he would not seek to exclude people from deliberative processes.

Citizens in a democracy have the right- even obligation- to participate meaningfully in public decision making...Broad participation makes an instrumental as well as normative contribution to democratic policy making (Fischer, 2003:205 - 206).

Surely, however, the search for a consensus must, to some degree, involve the exclusion of some citizens, or least the demands of some citizens. Habermas' theory of rational argumentation may allow for the possibility of achieving consensus by compromise or by the 'victory' of the better argument. However the better argument can never be accepted by everyone and not all citizens will wish to compromise with regard to their perceived interests. It is not that Fischer is blind to this, and no doubt he knows full well that no consensus will be total; however his focus is on the internal composition of deliberative spaces rather than its limits, exclusions and boundaries.

Fischer, in the above quote, seems to want to keep the argumentative space open to all citizens, yet the consensus he hopes to reach must necessarily close off this argumentative space to some citizens (and even policy makers and bureaucrats). Therefore by focusing on the consensus and the deliberative practices that can potentially generate consensus, the exclusionary dimension of consensus; the limits that make the consensus possible, are given far less attention.

Fischer's approach is without doubt more sophisticated than the stages heuristic; but equally it does bear some similarities to it. Fischer provides us with a far more sophisticated characterisation of the internal composition of policy making spaces. Formulation and evaluation spaces may be viewed as spaces open for deliberation (for Fischer and deliberative theorists, such as Hajer and Wagenaar, this is a normative preference as well in many cases an empirical observation) whereas spaces of implementation may be seen as settled spaces of consensus.

However how does this help us understand change? Change is not something that Fischer seems overly concerned with in his work. Although Fischer's use of argumentation in policy theory is a very good way of understanding deliberative spaces, what it does not account for is time; and this may be why Fischer pays scant attention to issues of policy change. In other words, Fischer does not account for how policy issues are (re)activated; how consensuses become contested and spaces of deliberation come to be (re)opened. Fischer may help us examine how change may occur *through deliberation*, how new issues may be raised, or new solutions proposed and discussed, by analysing deliberative policy *spaces*. For example, by expanding the space of consensus to include more view points, interests and values, the decision(s) may be altered. However, in the words of Baumgartner and Jones, this theory completely fails to address the causes of 'policy punctuations', in terms of the re-activation of issues up for deliberation, that may come from outside deliberative policy spaces.

Another concern with this approach is its failure to recognise the decision in terms of a demarcation between spaces and the related fact that the moment of decision is necessarily exclusionary both in terms of discourses and arguments but also in terms of actors or stakeholders. A decision demarcates between argumentative or deliberative space and consensus and it thus closes the space of deliberation (although not completely as Fischer recognises deliberation may be ongoing). Fischer's understanding of deliberation as an ongoing process that cuts across stages of decision making and implementation (Fischer, 2003: 207) may be part of the problem, in terms of accounting for change. By using deliberation as such a broad and inclusive concept to explain certain policy practices, less attention is given to exactly how deliberative policy spaces are demarcated. In other words there is a focus on who is included rather than who is excluded from policy deliberations. We know from Hajer and Wagenaar that: '...inevitably, in the everyday concrete world we inhabit, at some point the great values begin to contradict each other' (Hajer and Wagenaar, 2003:21). It is reasonable to assume that at least some of these contradictions will not be overcome through deliberation or argument (there is an ontological reason for assuming this that I will come on to in Chapter 3). It is also reasonable to expect that some 'values' will, no doubt, be excluded from the emerging consensus. What is of principal concern to me is how these excluded 'values' may come to re-emerge and contest the consensus, challenging policy to change. There seems to be no account of this in the work of Fischer or in

Hajer and Wagenaar. The problem lies in their focus on consensus itself rather than the limits of consensus. Fischer, Hajer and Wagenaar are well aware, from empirical studies, that even the most settled of policy spaces can become contested. Also as far back as Lipsky we have known that the space of implementation involves a great deal of change and conflict, for example. However an approach that focuses on deliberation does not seem able to capture this process whereby settled spaces become contested and re-opened to argumentation. This must be a crucial component in understanding policy change.

The work of Fischer, in particular, adds a great deal to our understanding of argument and reason in policy deliberation. He helps us conceptualise and analyse deliberative policy spaces. However Fischer does not seem interested in issues of policy change. It may be for this reason that his approach does not focus on demarcations or the ‘outside’ that constitutes deliberative or settled spaces. Thus for Fischer’s work to be useful for this thesis, it would need to be supplemented by a much more rigorous focus on the demarcations that constitute policy spaces and how *these may shift over time*. Fischer draws on many theorists in his work including Foucault, Habermas and Fairclough. The work of Fairclough, is of greatest interest to this thesis as (unlike Fischer) Fairclough does often place issues of change at the centre of his work. As such the next section will go on to examine the work of Fairclough and his understanding of ‘discursive change’.

## **2.7: Fairclough and Discursive Change**

Like Fischer, Fairclough provides us with concepts and categories that allow us to present an interpretative account of political phenomena, which lie outside the neo-positivist canon. Fairclough draws on a range of textual/linguistic methods for analysing political discourse. My concern with Fairclough, here, lies in his account of ‘discursive change’ (Fairclough, 1992:96-100), and its usefulness for understanding policy change.

The advantage of Fairclough’s account of change is that it emphasises the role of discursive struggles and hegemonic/counter hegemonic articulation of discourse, in social change. Fairclough talks of discursive *events* and their relative ‘positioning’ (Fairclough, 1992:97). Indeed the identification of discursive events is certainly an interesting way of seeing how the

flow of space-time is punctuated. From a post-positivist perspective, identifying discursive events in a text and noting their position in relation to 'structures' does start to look like a promising way of thinking about change,. However this step forward is also a step backwards.

[D]iscursive events...originate in structural contradictions...What crucially determines how these contradictions are reflected in specific events, however is the relationship of these events to struggles which are going on around these contradictions (Fairclough, 1992:97).

Here it would appear that primacy is given to contradictions in real world structures; but what if these struggles are discursive 'all the way down', so to speak. It seems impossible, in my opinion, to separate formal structures from the discourse through which we understand them. Although some commentators wish to portray a more dialectical relationship between discourse and social structures, in which the former is also constitutive as well as constituted by the latter (see for example, Jørgensen and Phillips, 2002:61-62), the above quote leaves us in little doubt as to the privileged role of extra discursive structures in social change.

Despite the problematic distinction (we could even say demarcation) between discursive and extra discursive, the role of struggles and boundaries in change is identified as crucial, and this is a view to which I would wholly subscribe. However Fairclough does not make any moves to understand the terrain in which discourse occurs. By this I do not mean the media through which discourse may pass (such as texts, radio or TV) but instead the space of inscription of discourse. He thus falls short of a theory that explains the conditions of possibility of change. For Fairclough change is determined by contradictions in real world structures and institutions and not in how these structures are discursively articulated. Thus the relationship between these structures and discursive structures is much alluded to but remains under theorised; however, and far more crucially, the cause of change lies in contradictions of real world structures that simply exist. Thus the root cause of change is simply given by assumption. The space and time in which change occurs are outside of discourse and so we cannot account for change through an examination of discourse, as the causes of change arguably remain outside the scope of discourse analysis as understood by Fairclough. An analysis of discourse can certainly help us identify change and describe how change is constructed discursively; however, if we accept Fairclough's

premise, we may only explain change by explaining the contradictions that occur in real world structures and it is not clear how an analysis of discourse is able to do this.

Fairclough also notes the role of boundaries and demarcations within the order of discourse and their implications for change.

Change involves transgression, crossing boundaries, such as putting together existing conventions in new combinations, or drawing upon conventions in situations which usually preclude them (Fairclough, 1992:96).

This certainly ties in with my focus on demarcation in explaining change; however there is far more to this than Fairclough seems to acknowledge. Change is not just a matter of ‘transgression’ but also alterations in how and ‘where’ demarcations occur. Crossing boundaries is indeed one aspect of change; however how do we account for the shifting of boundaries in relation to transgressions? In other words, to understand change we must understand how the crossing of boundaries affects the boundary itself as well as the internal composition of social spaces on either side of the boundary. However, Fairclough’s discussion of boundaries puts space back into the heart of understandings of change.

Thus Fairclough makes crucial moves in the right direction. His focus on discourse (seen here as language) provides a possible fruitful avenue of research into change. The crucial role of struggles and hegemony is also picked up by Fairclough. The problem in Fairclough’s account of change, however, is in his failure to account for time and space as the surface of inscription of discourse. Thus he seems to imply boundaries are static and, even if they change, this will be caused by material changes, occurring outside of discourse, and thus an analysis of discourse does not appear to be able to be the correct analytical level in which to engage with the causes of change. Moreover, the role of boundaries in constituting the internal composition of social spaces could feature more prominently in his analysis. As such, once again time and space remain under theorised in this account of change. Overall, Fairclough’s theory provides us with a way of understanding, describing and evidencing change through the identification of ‘discursive events’, but does not lead us any closer to an *explanation* of these changes.



## 2.8: Conclusion: The Role of Space/Time in Understanding Models of Policy Change

By focusing on time and space as the condition of possibility for change, and understanding space/time in terms of demarcations, I have probed the limits of various theories in public policy in terms of the ability to understand change and/or the related issue of decision making.

In the stages heuristic demarcations are assumed. They simply exist and it is easy to identify them. Demarcations occur between the stages of a policy, but there is no account of how or why changes occur or how we move from settled spaces to argumentative spaces. However, this is just a heuristic and thus the job of policy researchers (working with this heuristic) should be to explain exactly how policy moves from one stage to another. This will almost certainly involve the blurring of boundaries between the stages, which must call into question the usefulness of this heuristic in the first instance. Although I am far from the first person to question the usefulness of stages in policy theory, this heuristic still provided a useful foil by which to introduce the idea of demarcation.

Punctuated equilibrium theories have similar problems in their accounting for change. They demarcate space in such a way as to always need to refer to outside the demarcated space under investigation in order to account for change. We could call this ‘the problem of exogenous change’. If we are to fully understand change, surely we must explain change from inside our models and not in terms of a shock to the system from the outside. Change in these models is in danger of simply being defined as factors that are ‘not in the model’ or occur ‘outside the model’; then what use is the model itself in explaining change? These theories can certainly evidence change and *describe* change but do not account for or explain it. Punctuated equilibrium theory tends to focus on time (as punctuations) but is not as concerned with the space in which change occurs. However I do feel that punctuated equilibrium theory paints a sophisticated and intuitively accurate picture of change in public policy. Despite this, the existence of punctuations leads me to think that the stability discussed by Baumgartner and Jones is not as stable as is portrayed and I think the two sides of the change/stability dichotomy contaminate each other in complex ways that need further elucidation. I am not arguing that Baumgartner and Jones are in any way blind to this fact; but instead I would say that they lack the conceptual apparatus

necessary to explore this complexity in a way that can adequately account for change. I also think we need to move beyond models of individual rational decision making (bounded or otherwise) toward a more interpretative approach, in order to draw out these complexities more fully.

The chapter then moved on to look at the work of Fischer, which makes some tentative steps in this direction. However, in the same way punctuated equilibrium theory is trapped within a stability/change dichotomy, Fischer is equally trapped within an argumentative/consensus dichotomy and inherits many problems from the stages heuristic. There is still an overt focus (carried over from Habermas) on rational argumentation (even though this is a welcome break from instrumental rationality), that excludes many important political practices that are vital in contextualising the political process, especially with regard to change.

For Fischer spaces are demarcated in terms of argumentative and settled; and his work tries to account for how an argumentative space can reach consensus (or not), but is not so concerned with the opposite – how settled spaces can become (re-activated), arguably because the many of the political practices involved may occur outside the policy making space. This move from settled spaces to more argumentative spaces is crucial in understanding policy change. Change often occurs when settled policy spaces are punctuated; however this is not examined at all by Fischer who is more preoccupied with the processes by which consensus may be reached than how consensuses become contested and destabilised. In other words, he is more concerned with the internal composition of deliberative spaces than their limits. As such the concept of time is not really considered at all by Fischer who is much more concerned with deliberative *spaces*. Therefore we could say that the analytical focus of Baumgartner and Jones leads to a privileging of time as punctuation whereas Fischer's focus leads him to privilege space in terms of spaces in which arguments or deliberations occur and not the (temporal) of how or why these spaces first emerge or re-emerge.

The fact that all the theories under examination here either privilege time or space is, for me, symptomatic of the fact that none of them specifically engage with issues of time and space, which are crucial for understanding change, although more recently Fischer started to look more directly at the role of space in deliberation (Fischer, 2009). The best characterisation of change is

without doubt punctuated equilibrium theory which engages directly with change and with issues of time (and space), although it does not problematise time and space as the condition of possibility for change. This theory, however, is limited by its focus on bounded rationality and by the fact that much of the factors driving change seem to be exogenous to the model. Fischer provides us with a much better theory of decisions (taken deliberatively or argumentatively) but is limited by his focus on rational arguments and the internal composition of ‘consensus making’ spaces. As such, the ‘direction’ (for want of a better word) of his analysis leads him to exclude time and thus change from his theorisation of public policy. Hence Fischer’s work is rarely directly concerned with policy change.

Fairclough, contrary to Fischer, emphasises issues of inclusion and exclusion and the role of boundaries, in his account of social change, but fails to think through the role of time and space in the shifting of these boundaries. Thus we are left with some promising ways to identify and describe change by analysing language in politics; but there is no theoretical framework on which we can draw to account for these changes. The relationship between time, space and discourse need to be thought through in all their complexities before Fairclough’s work on social change can be applied to policy change, in this particular case.

Kingdon’s work may provide a useful heuristic to guide our thinking about policy change; but it fails to explain the causes of change and the emergence of policy entrepreneurs. Change is the effect of politics and problems on the policy stream through the emergence of policy windows. But why do policy windows occur and what is the precise role of entrepreneurs in opening them? If anything change is further mystified, as Kingdon leaves vital questions around the role of agency in change unresolved. Either change merely occurs randomly (by a random coupling of streams) or it is driven by agency. More problematically, though, Kingdon detracts our attention away from the spatial dynamics of policy change and questions of inclusion and exclusion. This is because Kingdon’s model is primarily temporal and as such he privileges the role of time in his account of change. There is nothing in Kingdon’s work, however, that specifically precludes a focus on spatial relationships.

In the next chapter I shall take the insights gleaned from the theories examined here (combined with a continued focus on time and space) and try to find a way out of the apparent impasse. I hope to argue that Laclau and Mouffe's post-Marxist theory of hegemony, if supplemented with a rigorous focus on time and space, may provide the conceptual framework necessary to explore changes in youth policy in the UK. However a theorisation that treats space and time equally and does not privilege one over the other requires a complex view of four-dimensional space (in other words a view of space that also captures the role of time); and lest I move too quickly across difficult terrain, I must first explain the theory of politics and policy deployed in this study before moving on directly to theorise time/space and policy.

I shall thus begin the next chapter by explaining the core categories of Laclau and Mouffe's theory. I shall then move on to re-introduce the concepts of time, space and demarcation and introduce my theoretical approach, which I call 'policy as contested space', which I shall elucidate via a comparison with more deliberative approaches. In so doing I hope to show the superiority of my approach (informed by Laclau, Mouffe and Howarth) in specifically tackling the issue of policy change with regard to youth policy in the UK.

## CHAPTER 3

### LACLAU AND MOUFFE: TOWARDS A THEORY OF POLICY CHANGE

#### 3.1: Deconstruction and Post-Structuralism: An Introduction

The seminal work of Laclau and Mouffe (1985) marks a break with traditional and essentialist political theory. It can be described as an intervention in Marxist theory that, by drawing on insights from Jacques Derrida (deconstruction) and Michel Foucault (genealogy), radicalises the Marxist categories of hegemony and ideology. What is achieved through this critical engagement with Marxism is a social (or discursive) constructivist theory of politics that provides a basis for empirical research. It does this by providing the researcher with ontological categories that can be deployed as part of an explanation of ontic level phenomena (this is discussed in more depth in Chapter 4). There is now a very well established school of (discursive) political analysis whose home is located at the University of Essex (UK) but whose influence reaches far wider (for examples of how Laclau and Mouffe's discourse theory has been deployed in political analysis see Howarth *et al.*, 2000 and Howarth and Torfing, 2005). However, as the use of Laclau and Mouffe's theory is not as well established in policy studies, I shall begin with outlining the ontological categories and arguments drawn from their theory which will be deployed in this thesis.

#### 3.2: Discourse/The Discursive and Hegemony

As a number of works in public policy have deployed a concept of discourse, I must be explicit in how I view this term. We have already looked, briefly, at Fairclough's 'dialectical' model of discourse, for example. We may add as further examples of the use of discourse, Fox and Miller's

(1995) attempt to use early ideas expressed by Habermas in order to articulate a ‘post-modern’ discourse theory of public administration; or Fischer and others use of discourse as language. Whether one draws on Habermas, Fairclough or (to use a public policy example) Hajer or Fischer, it is fairly clear that discourse matters. However, to diverge from the mainstream understanding of discourse as language (as a combination of speech and writing) while holding on to the centrality of the role of language in social and policy change, I would hope to broaden the category of discourse to include all meaningful practice.

As such I will be deploying the concept of discourse as it is used in the works of Laclau and Mouffe. Thus ‘discourse’ does not mean ‘a combination of speech and writing, but rather... speech and writing are themselves but internal components of discursive totalities’ (Laclau and Mouffe, 1987:82). This allows us to understand all meaningful action in terms of discourse. As such discourse is not synonymous with language and cannot be seen as a reflection or simple description of the real world; but instead should be seen as the real world in the sense that it is meaningful to us. These ideas are neatly captured by Torfing when he states that discourse is:

a relational totality of signifying sequences that together constitute a more or less coherent framework for what can be said and done. The notion of discourse cuts across the distinction between thought and reality, and includes both semantic and pragmatic aspects. It does not merely designate a linguistic region within the social [as in Fairclough], but rather is co-extensive with the social (Torfing, 1999:300).

Discourses then are relational totalities inscribed onto a field of discursivity (also known as the discursive or discursive horizon) which designates the field of all (possible) meaningful action. However these totalities are not really totalities, in the strict sense. There is a constitutive incompleteness that allows discourses to change and prevents the permanent sedimentation of a discourse; this ‘incompleteness’ or ‘lack’ is also what makes signification and language possible, as it prevents the establishment of a total (apocalyptic) objectivity (to borrow a phrase from Foucault, 1991).

Because of the intrinsic structural incompleteness of all social totalities, no single discourse is able to totally dominate the discursive horizon. As such the discursive horizon can be characterised as consisting of plural discourses engaged in a battle for domination of the

discursive. Such domination of the discursive can never be total; but it is possible for certain discourses to emerge as temporarily dominant. This (temporary) domination of the discursive corresponds to the concept of *hegemony* that resulted from Laclau and Mouffe's deconstruction of the Gramscian matrix (See Laclau and Mouffe, 1985: 8-88). As such there will always be counter-discourses that seek to challenge any hegemony. Thus the irreducibility of antagonism (of this hegemonic/counter hegemonic 'play') is central to the ontological perspective informing this thesis, and is the reason (alluded to in the previous chapter) why from this perspective no consensus can ever be total. Hence, certain 'values' or points of view will always be necessarily excluded by the moment of decision in the policy process. This exclusion is necessary because antagonism is irreducible at the level of ontology. As such antagonism 'represents the limits of social objectivity' (Laclau and Mouffe, 1985) and for this reason prevents a final *total* victory of better argument. This irreducibility of antagonism at the ontological level explains why the moment of a decision or the moment of consensus in policy making must be exclusionary.

The concept of hegemony is particularly pertinent to policy studies. The reason for this is because it acts as the condition of possibility for policy consensuses that are achieved through argumentative practices (*à la* deliberative theory). Hegemony simultaneously shows us why such a thing as consensus is possible and at the same time a non exclusionary consensus is impossible. Thus hegemony is the condition of possibility for a policy, in the sense of a policy decided, a settled space of policy implementation; but the possibility of counter hegemony always lurks in the background threatening to re-activate debate and contestation of the exclusions manifested by the establishment of the policy hegemony. As such hegemony can be viewed (for our purposes) as an account of policy stability (returning to the terminology of Baumgartner and Jones), whilst at the same time helps us understand the limits of stability and the complexities of the stability/change dichotomy.

### **3.3: Articulation**

Articulation is a concept fundamental to an understanding of discourse. Very simply we could say that articulation is the bringing together of 'elements that have no necessary belonging' (Norval, 2007:80). It is thus the *process* of discourse, to put it one way. The process of

articulation has alternatively been defined by Laclau and Mouffe (1985:105) as ‘a practice that establishes a relation among elements such that their identity is modified as a result of the articulatory practice’. Articulation (as a process) explains how signifiers are linked together into discourse and, as Laclau and Mouffe suggest, no signifier can be left unmarked by this process. It also helps to explain how completely logically incompatible ideas or elements can be drawn from different discourses and articulated together in a new discourse in such a way that masks their logical incompatibility. A good example of this was the ability of Thatcherite discourse to articulate together the idea of a strong state (law and order etc) and the free market as if there were no contradiction between the two.

Articulation is also the way that one may understand how signifiers can be understood differently depending on the discourse in which they are articulated. A good example here would be the signifier ‘democracy’, which is understood in radically divergent ways depending on whether it is articulated within a liberal discourse (liberal democracy), communist discourse (communist democracy), deliberative discourse (deliberative democracy) or post-structuralist discourse (radical democracy). Articulation thus emphasises the relational and differential nature of meaning in language. It demonstrates that the meaning of signifiers does not depend on the referent or signified but on its relation to other signifiers and the complex play of identity/difference between signifiers.

### **3.4: Empty Signifiers, Floating Signifiers and Nodal Points**

When Laclau first introduced the concept of ‘empty signifiers’ (back in 1996) the example he used was the signifier ‘order’.

In a situation of radical disorder, order is present as that which is absent; it becomes an empty signifier, as the signifier of this absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonise something is exactly to carry out this filling function (Laclau, 1996: 53).

Empty signifiers were later linked to demands, which became the unit of analysis in Laclau’s later work *On Populist Reason* (2005). One demand out of a chain of demands is needed to ‘stand in’ for the totality of demands, giving a universal or hegemonising signification. In other words



one signifier needs to be emptied of its specific content so it can stand in for other demands; thus taking on a universal function. Therefore ‘order’, ‘community’ and ‘respect’ have all functioned as empty signifiers as they stand in for a whole host of separate, particular demands. The empty signifier (as is suggested in the above quote) acts to fix a discourse as a ‘nodal point’ and make it hegemonic. For example ‘respect’ is very prevalent in discourses around anti-social behaviour. It not only alludes to an absent fullness or something that is constructed as present in the past and lacking now (this idea is neatly captured by Laclau above) but also ties in many demands around youth, who ‘lack respect’, are intimidating, engage in violent and aggressive behaviour, commit crimes ‘with impunity’, play ball games where they are not allowed to do so, take drugs, listen to loud music and threaten the community of which they are a part. All these demands (and more) can be alluded to via the signifier ‘respect’ (within the context of its articulation within discourses of law and order). It constitutes these demands as part of the same discourse and allows the discourse to become hegemonic, including (policy) measures that address the problem of ‘lacking respect’. It is not only one demand in a chain which comes to represent all these other demands but also ‘represents the chain [of demands] as a whole’ (Norval, 2007:81) Thus empty signifiers are crucial in both evidencing and understanding the role of hegemony and its populist dimension. Empty signifiers are also crucial in constituting chains of equivalence between demands via what Laclau and Mouffe term ‘a logic of equivalence’ (which will be discussed in some depth in the next chapter on methodology). As well as constituting equivalences between demands, empty signifiers also need to signify an impossible totality, the ‘thing’ which is absent and if present will ‘complete’ society as a unified object (which we know is impossible due to the irreducibility of antagonisms discussed above). For example, in the case of anti-social behaviour, ‘respect’ is the ‘thing’ which needs to be brought back to society (or communities), ‘respect’ signifies what is lacking and thus preventing communities from being completed, happy entities.

Empty signifiers are inherently, structurally linked to social antagonisms. They are the signifiers of the ‘lack’ or that which prevents total fulfillment and completion and very often (if not always) go hand in hand with an ‘other’ who is an ‘enemy’ that prevents this lack from being filled. Returning once again to the example of anti-social behaviour it is very often young people who are constructed as ‘lacking respect’; and as such they are constructed as an other which are ‘not inheriting your culture....with a permanent soundtrack (that you don’t like), a new language (that

you don't understand) and a radical morality (that you don't accept)' (taken from the 'blurb' on the back of Barham, 2006) – in short as the enemy preventing a society of 'respect' from being actualised or as the very reason for the lack.

Floating signifiers are signifiers with no concrete attachment to any particular discourse and their meaning may be over-determined by competing discourses (see Torfing, 1999:301). They are 'floating' in the discursive horizon as they are not articulated exclusively by a particular discourse and thus are 'up for grabs', so to speak. The specific content of floating signifiers is often contested between two (or more) discourses. A good example would be how 'the West' and the Soviet Union disagreed over the meaning of the floating signifier of 'democracy'. Later after the collapse of the Soviet Union we can see 'democracy' as much more strongly tied in with a discourse of free market economics and liberalism. Thus 'democracy' changed from being a floating signifier to a 'moment' (or even a nodal point) of the liberal free market discourse.

Nodal points can be defined as 'privileged signifiers or reference points...in a discourse that bind together a particular system of meaning or 'chain of signification'' (Howarth and Stavrakakis, 2000:8). Nodal points thus act to partially fix meaning of a particular discourse. There is a major overlap between the concept of nodal points and the concept of 'empty signifiers'. The use of one term or another may largely depend on whether the analyst is concerned with the antagonistic limits of a discourse or hegemony (in which case they may deploy the concept of empty signifiers) or the internal articulation of a discourse (where nodal point may be the preferred term). However in this thesis I shall note that both terms have a role to play in understanding the limits of hegemony. My contention here is that nodal points help us to better conceptualise a transformative (in the Gramscian sense) hegemony where as empty signifiers help us to understand populist/ equivalential hegemonies.

### **3.5: Dislocation, Subjectivity and Lack**

Laclau and Mouffe (1985) originally referred to subjects with recourse to the Foucault inspired notion of subject positions (Laclau and Mouffe, 1985:114-122). This notion neatly captures how various component parts of our (split) subjectivity are structurally determined, as for example a

man/woman, homosexual/heterosexual, black/white/Asian, mother/father, retired/worker/job seeker etc; and that we all hold many of these positions at the same time (For example one may be a retired, white man). However these 'subject positions' are determined by our relationship to the structure, and thus an account of subjects as subject positions is perhaps overly structuralist and fails to account for the process of identification and how we may shift our identifications as subjects. This idea was called into question by a dialogue between Laclau and Žižek in the late 1980s (see Laclau, 1990). However the notion of subject positions has not been abandoned completely but is now recognized by Laclau and others in the Essex School (of discourse theory/analysis) as an incomplete picture of subjectivity. It does still have much heuristic value in describing our more sedimented identifications. However an account of subjects in moments of identification – or identity (re)formation – was needed in order to supplement Laclau's theory – in short Laclau needed a theory of the subject at moments of *dislocation*. Thus Laclau began to venture a new account of subjectivity, this time drawing on the theories of the French psychoanalyst Jacques Lacan.

For Lacan all symbolic systems are undermined by the register of the 'real' which they cannot describe; as such the 'real' eludes all systems of signification. Equally for Laclau the structure is never completely sedimented; but instead is always undermined by a constitutive lack. Now, very schematically and to move far too quickly, we could say that the category of the subject corresponds to this lack in the structure; but this needs to be unpacked more fully in order to draw out its key implications especially for this discussion of policy change.

If there were no constitutive lack in the structure, then there would be the possibility of totalizing consensuses and complete 'apocalyptic' objectivity ('apocalyptic' in the sense of context independent and outside of time and space), we would live in a world whereby we could convince others by simply showing them the 'rightness' of our argument and the 'objective truth' of our situation/policy problem. This is not, however as utopian as it may sound as such a world of fully sedimented fixed hegemonies denies all possibility of change. The lack is thus constitutive of change in terms of dislocation of the structure. There are times where the structure cannot provide us with the apparatus we need to understand the world or make decisions (for example with recourse to rationality); these moments are moments of dislocation. To use

Lacanian terminology, we could describe these as moments when the inability of the symbolic register to construct the 'real' is made apparent to us (as subjects). These moments of dislocation require (indeed call upon) the subject to act in order to 're-suture' the structure and (indeed) to become a subject. This is the sense in which the subject can be seen as the lack in the structure, and the implications of this subject as lack, is that subjects are only rendered visible at moments of dislocation.

It is also possible to recast this theorisation (as Laclau has done) in Derridean terminology. Here we can see the dislocation of the structure as an undecidable terrain and the re-suturing done by the subject as the moment of decision, thus Laclau states that the subject is 'the distance between the undecidable terrain and the decision' (Laclau, 1997:262).

### **3.6: Demarcation and Policy Change**

We can view demarcation as a *logic* that is not only an expression of the (contingent) boundaries between spaces but also as the logic that makes these spaces (or policies) intelligible. It is also then, a vital part of the logic that names a policy as a policy by differentiating it from and deferring it to other policies. However, it would be a mistake to think that demarcation permanently fixes spaces or makes them internally homogenous. As it becomes sensible to speak of the plurality of spaces within space, following Foucault and Howarth, it is perhaps best to understand such spaces as internally *heteroclitic* (See Howarth, 2006: 117). However I think we can differentiate between different types of social spaces, at least heuristically. Thus we can characterise policy spaces as a subset of social spaces that allow for the institutionalised contestation and discussion of demands in a variety of (usually fairly formal) ways. We can also, perhaps, further distinguish between types of policy spaces. As such some policy spaces may be characterised as 'deliberative', some 'settled' and some contested, as was discussed in the context of the examination of the work of Fischer in Chapter 2.

Demarcation also denotes how one cannot easily separate the concepts of space and time. Shifting demarcations in space necessarily imply a temporal dimension. This temporal dimension can be thought of in two ways. First one can theorise time as in a dialectical relationship with

space, here time is a disruption or dislocation in the spatial (see Laclau, 1990:41-42). Radical dislocations happen when the failure of existing discourses to capture reality is revealed. This failure has also been conceptualised as a type of ‘freedom’, specifically ‘freedom from the absence of determination’ (Laclau, 1990:43).

Let us assume we fully accept the structuralist vision: I am a product of structures; there is nothing in me with a separate substantiality from the discourses making me up; total determinism governs my actions. Very well let us concede the whole argument. But the question immediately arises: what happens if the structure I am determined by does not constitute itself, if a radical outside, which does not share a common ... foundation with the inside of the structure – dislocates it?. The structure will obviously not be able to determine me...because the structure has failed to constitute itself fully and thus constitute me as a subject as well (Laclau, 1990:43-44).

As such the possibility of a dislocatory event that existing discourses are unable to articulate creates the possibility for a moment of agency. This type of dislocatory event opens up the possibility of radical shifts in demarcation and the drawing of radically new and different (policy) spaces. As aforementioned the notion of space cannot be easily separated from time at the ontological level. Time is also always already part of any concept of space and in this sense time itself can also be viewed as the ‘structures of iterability’ that mark every repetition in Howarth’s definition of ‘space’ (see Howarth, 2006:112, also see Derrida, 1982) – hence it may be more sensible to refer to Howarth’s general definition of space by using the conflated term ‘spacetime’ or ‘space-time’.

Assuming that no space is able to fully constitute itself and so is always ‘lacking’, it follows that demarcations within and between spaces can never be fully sedimented. Spatial demarcations must be constantly re-iterated in time. Every re-iteration of a demarcation contains the possibility of alteration and so of change. The repetition of spatial demarcations and each repetition marked by a logic of iterability seems to be the very structure of time. Thus space is never fully constituted because it is always being re-iterated - it is always marked by time. It also follows that demarcation cannot be an exclusively spatial category, as space itself can never be actualised in its pure form. Space and spatial demarcations are being repeated and redrawn constantly in time, and precisely because no space is ever fully constituted, every repetition is a potential (re) constitution of space. The impossibility of any space to fully constitute itself is precisely the reason why it must constantly change in order to (re)constitute itself.

Thus a focus on demarcation is not just a focus on how spaces are constituted; but also potentially a way to understand the way the temporal may alter the internal composition of spaces. If demarcation is the logic by which spaces constitute themselves with regard to each other, then a focus on shifts in demarcations provides a way to understand the role of time in the constitution and re-articulation of spaces.

However demarcation can be temporal in a more obvious way. One can demarcate between different points in time. Deadlines are the most obvious example of a temporal demarcation, one that has a very real impact on policy deliberations and the spaces in which they occur (see, for example, Fischer, 2009:252). Again the temporal character of this demarcation has a spatial dimension as the deadline denotes the time when the policy space will have to be settled and closed (at least for a time) to new and different demands as well as exclude some demands, already present in the deliberative space, from the policy space.

It would appear then that we have two concepts of time and this also implies two modes of subjectivity that correspond to Howarth's distinction of subjects that make decisions within structures and subjects that make decisions about structures. Time is understood here both as a radical dislocation of the spatial and as the logic of iterability that is always already part of the spatial. The idea of two models of time is nothing new to policy studies. Baumgartner, Jones and True famously discuss the politics of 'punctuation' as the 'politics of large scale change' (Baumgartner *et al.*, 1999:2001) and compare this with the 'incrementalism' (for example Jones and Baumgartner, 2005). More recently Capano has pointed to the 'classical dichotomy' between 'incremental change' and 'radical change' (Capano, 2009:14). Colin Hay, too distinguishes between models of political time (Hay, 2002). Revolutionary time would indeed seem to bear a passing resemblance to the notion presented here of dislocation as time. However this conception of time contrasts starkly with the evolutionary conception of time. One may argue that the dual picture of time presented here says little more than notions of punctuated equilibria which too help us understand both 'moments of crisis [dislocation] and...periods of gradual change' (Bates and Smith, 2008:194). However before I plead guilty to such a charge I must make the following caveats. First here the idea of time as repetitions marked by a logic of iterability is in no way necessarily incremental or evolutionary, but instead results from a '*constitutive* absence that

haunts any structural relationship' (Howarth, 2006:112). Second and following on from this ontological commitment to (radical) contingency, the concept of time presented here has a necessarily undecidable (in the Derridean sense) nature and so calls into question any epistemology based on a logic of prediction and therefore leads one to account for change in post-positivist terms.

Such a rejection of positivism implies a turn to interpretation. This leads us directly to one last important aspect of time (and of space as well). This is that time itself is a subjective concept open to competing interpretations. In other words time can be only understood as ultimately 'dependent on social and political practices'; thus, just as Howarth asserts that 'space means' (Howarth, 2006:116), the same is equally true of time.

Having introduced the core concepts of Laclau and Mouffe's discourse theory (these will be revisited and deepened in the next chapter) and taking my inspiration from Wittgenstein's 'therapeutic' approach to philosophy, it should now be possible to re-visit the problem of policy change from a different perspective. Laclau in his *New Reflections on the Revolution of our Time* (1990) specifically engages with notions of time and space with regard to his theory. The result however is not entirely satisfactory with regard to an analysis of policy change. In fact it bears a striking resemblance to punctuated equilibrium theory, although it does not, of course, rest on notions of bounded rationality and as such is far more compatible with an interpretative approach to policy studies.

In *New Reflections* dislocation takes centre stage and is seen by Laclau as pure temporality; or better temporality is the 'pure effect of dislocation' (Laclau, 1990:42 n.18) and space is 'any repetition that is governed by a structural law of successions' (Howarth, 2006: 111). Thus, in the words of Howarth:

Time is...equated with an irreducible negativity and conceptualised as dislocation; and by weaving the dimensions of space and time together, while rejecting the possibility of a final dialectical overcoming, Laclau adumbrates the concept of an 'incomplete ordering' that articulates the spatial and the temporal in a new conceptual infrastructure (Howarth, 2006:111).

First, I should remind the reader at this stage that, in contrast to Laclau, I am following Howarth's definition of space as 'an order of representation that exhibits a structural regularity between objects' (Howarth, 2006:112) and that the word 'repetition' in the above quote needs to be understood in a way consistent with Laclau use of Derrida (1982) in terms of the logic of iterability. However I still find myself uneasy with a definition of time as dislocation and, following Massey (1992), feel there is a danger that one could interpret Laclau here as equating politics with time (dislocation) and thus leaving space completely devoid of any political dimension. Of course Laclau does not argue that time exists in isolation of space or vice versa but by drawing out the difference between these dimensions; and not taking them together (as, for example part of a four-dimensional space) it is possible to read Laclau this way.

However what about time or indeed change that occurs outside dislocation? That can perhaps be seen as the structures of iterability that mark every repetition, implying a complex relationship between 'the new' and what has gone before. Does Laclau's dislocation not begin to look extremely like policy punctuations if we bring his theory back to bear on the question of policy change? Surely one can argue that space has an irreducibly temporal dimension and vice versa. By deconstructing the opposition between space and time and borrowing from contemporary understandings of space and time in the natural sciences, along the lines Massey (1992) does in her discussion of Laclau, we can see that the changes in the spatial – not the dislocatory changes caused by temporality, but the changes (for Laclau) *within* the spatial – warrant close inspection. These changes - or perhaps we could view them as spatial repetitions marked by a logic of iterability - must be viewed as time itself haunting ( in this case Laclau's) notions of space; especially any conception of space as 'not-time'. Surely though, we need not engage in a complex genealogical deconstruction of space and time or to draw on contemporary theoretical physics to see the impossibility of thinking about the exclusively spatial or time without space. The concepts are interwoven and are perhaps better viewed as different aspects of the same thing. But out of a deconstruction of time and space as a binary opposition, emerges a notion of space-time that seems such a broad category as to be little more than an ontological assumption unable to make any analytical contribution to explanations of human practices. However, by paying attention to issues of space and time, we have uncovered a problem. This is the problem of changes that occur (for Laclau) outside temporality - the changes that are not dislocation. These



are the small shifts, which are sometimes problematically referred to as parts of an ‘incremental’ drive toward change; the changes policy researchers are discussing more often than not when talking of policy change (see, for example, True et al., 1999). Policy change may take the form of a radical dislocation but this is the exception rather than the rule. Laclau focuses our attention on the grand temporality of dislocation when in policy studies we are concerned with the small shifts and changes that often (but not always) ripple out from the occasional true dislocation. These shifts are, perhaps, best explained with recourse to Derrida’s discussion of iterability.

### **3.7: Policy as Contested Space**

By drawing on Laclau and Howarth’s various reflections on space and time and with a view to explain policy change, I hope now to put forward a theory of policy that focuses precisely on the spatial and temporal dimensions of policy change. I will attempt to present this theory in comparison with deliberative models of policy to show that, firstly, it is a better way to understand change and secondly, that it avoids a privileging of consensus or rational argumentation.

Although I am drawn to notion of argumentative space that results from my discussion of Fischer’s work, I feel it somewhat idealistic (in the normative sense of the word). It is undoubtedly a privileging and a naturalisation of the historically contingent and culturally specific Western notion of rational argument. This in itself, not unlike Fischer’s notion of ‘technocratic discourse’ (Fischer, 1993:22-23), closes off the space of argumentation to certain actors and is thus always already exclusionary in nature. Put simply, my main point is that there is more to policy than is illuminated by viewing policy as a process of argumentative persuasion, in the way I feel Hajer, Wagenaar and Fischer all do to some extent. Instead of an argumentative space consisting of plural arguments competing for consensus, *I thus propose that policy is a ‘contested space’ where demands arising from a plurality of actors, which are embedded in different discourses* (some more ‘rational’ than others), *compete for hegemony*. Policy is thus the ‘space’ in which hegemonic/counter hegemonic articulation occurs or the process that includes and excludes actors from a policy. A policy can thus be seen as a hegemonic articulation of policy discourse. As such, unlike Hajer and Wagenaar (2003:19-20) and Fischer (2003), I do not see

‘practices’ as the unit of analysis for policy researchers; but instead *I propose ‘demands’ as the primary unit of analysis* (see Table 1).

*Table 1: Policy as Deliberative Space versus Policy as Contested Space*

|                            | <b>Policy as Deliberative Space</b>                                      | <b>Policy as Contested Space</b>   |
|----------------------------|--|--|
| <b>Unit of Analysis</b>    | Practices  | Demands  |
| <b>Normative Direction</b> | Help practitioners reach consensus/ Analyse ‘consensus making practices’ | Analyse inclusion/ exclusion resulting from demarcation and the hegemonic articulation of discourse          |
| <b>Theory</b>              | Liberalism/ Value Pluralism/ Habermas’ ‘Critical Discourse Theory’       | Laclau and Mouffe’s Post-Marxism and the primacy of the political/ (the later) Wittgenstein/ Lacanian Theory |

This is not to say that that practices should be excluded from our analysis. In fact practices are crucial objects of study as an observation of practices may well be needed in order to examine how demands are articulated and actualised. However, meaningful policy practices are articulated around demands thus making demands a more primary unit of analysis than practices. Demands may be embedded in practices but not vice versa.

Demands may take the form of a simple request for services or policy changes, that may be satisfied immediately by a granting of the request by those able to do so. However frustrated requests may, for example, become demands that appeal to policy making (and implementing) actors by forming a hegemony (through an establishment of equivalences with other demands) that on the one hand sees the demands as legitimate and on the other hand agrees on an acceptable (to the demander) course of action to address it. Its success thus depends on its ability to form equivalences with other demands and thus construct as populist movement as possible

(mediated by the logic of difference)<sup>17</sup> – *to include as many people in the consensus as possible, and especially those who are perceived as policy makers*. So many policy agendas are more than the simple granting of requests; and often result from policy makers becoming aware of the consensus (hegemonic articulation of discourse) established around a particular demand (or set of demands) within a space that grows through the inclusion of more actors by an expansion of the logic of equivalence between their demands. In other words policy consensuses (or hegemonies) occur when the lines of demarcation expand to include a large number of actors, or the right actors at the right time, through the establishment of equivalences between their demands and the demands of others. Certain demands, however, remain excluded and so any policy hegemony established still remains open to contestation.

The policy process then can be characterised by an ongoing contestation between discourses for the establishment of a hegemony (in the form of a policy consensus). It is this contestation between demands and the discourses in which they are embedded that leads me to view policy (or the policy process) as contested space. What precisely is it then, which is being contested? This is where the idea of policy as contested space intersects the theme that has been running throughout this thesis of space and, in particular, of *demarcation*. For me, what is being contested in ‘policy space’ is precisely the demarcation between hegemony and counter hegemony, or those excluded from the hegemony; differently put - between inside and outside the consensus. Demarcation has to occur within ‘policy space’ for any policy (policy paper/set of proposals and objectives) to exist at all, but what is being contested, through competing demands, is the ‘position’ in ‘policy space’ where the boundary (that establishes a policy as a policy) is drawn. This demarcation is contingent and so should always be thought of as *contestable* and thus *political*. It is here that the theory of policy as contested space shows its roots in Laclau and Mouffe’s concept of antagonism and primacy of the political; and the implied acknowledgement that a ‘non-exclusive public sphere of rational argument is a conceptual impossibility’ (Preface to Laclau and Mouffe, 1985 [2001]:xvii). Thus, when speaking of a ‘contested space’, one must be as general as possible concerning the possible forms contestation may take. Rational argumentation is but one form of

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<sup>17</sup> See Laclau , 2006 for a more in depth discussion of the undecidability between the meanings of demand as a request and demand in the stronger sense and role of the logics of equivalence and difference in the establishment of populist discourses.

contestation. Indeed contestation may also take the form of demonstration, passive resistance, violent uprising or even terrorism.

Let us now unpack a little more precisely what I mean by saying policy is a ‘contested space’. If we start with the premise that discursive struggles result in demarcations that are constitutive of a plurality of (social) spaces, then we could perhaps begin to characterise ‘policy’ as a certain subset, genre or family of (social) spaces. This characterisation, however, is not quite correct. In fact policy represents, in my view, an undecidability between two types of social space, or better, between a social and a *political* space. One type is a (albeit often institutionalised) contested space, where the lines of demarcations drawn between inside and outside a particular policy debate can be seen as porous. The other is the ‘settled’ space of a policy ‘decided’, a policy hegemony ready to be ‘implemented’. Its demarcations may still shift due to the morphing effect of temporality on the surface of inscription (of discourse) and the ontological irreducibility of antagonism; however, there is greater resistance to contestation of its demarcations than in the case of the contested space of policy debate and ‘formulation’. In other words, this last one is a hegemonic space which is only ‘settled’ due to constitutive exclusions. Of course neither of these spaces are ever final and sutured; but they bear traces of each other that prevent their final closure. For example the spectre or trace of contestation haunts the settled space of a policy in the sense of a looming evaluation to come; and the fantasy of the possibility of settlement (or settlement to come) acts as a condition of possibility for agonistic debate, driving actors to sit down and discuss the issues within a space of contestation. The decision (in the Derridean sense) comes into play here, regulating the undecidable terrain between these policy spaces. The decision is the moment constitutive of the policy hegemony as a hegemony/settled (rather than contested) space and is also always an exclusionary moment. The moment of decision then serves as another undecidable demarcation in flux between these two policy spaces. This is where Laclau and Mouffe’s theory of hegemony is most crucial because it is, as Laclau reminds us, ‘a theory of the decision taken in an undecidable terrain’ (Laclau, 1996:90). Now this is not to assert that undecidability only occurs between two alternatives, as this would be a gross oversimplification and misunderstanding of Derrida. Instead there is no doubt an undecidability between *multiple* possible policy ‘solutions’; but what I am emphasising here is the undecidability between two types of social space which characterise policy, *in general*.

Intertwined with this conception of policy are two related claims. The first claim is empirical and that is that policy is a special (institutionalised) space of political contestation. The second is the normative claim that policy spaces should be open/re-opened to contestation. This second assertion problematises aspects of Fischer's work, namely his construction of consensus as the goal of policy deliberation: '...the objective is to initiate and pursue reasoned dialogue and consensus...' (Fischer, 2003:193).

In contrast, the approach deployed in this thesis calls for policy spaces to be opened up to as many discourses and actors as possible and to resist the closure of these spaces (too rapidly) in the form of a consensus. The outside of any deliberation is not of key concern to Fischer but we know for theoretical reasons that this 'outside' must form a crucial aspect of analysis. The ontological necessity of demarcation to exclude some actors from even the most naturalised consensus, together with an acknowledgment that the outside is constitutive of the inside, must warrant a focus on the role of the excluded (and their demands) in constituting social spaces. There is always an excluded yet constitutive outside to every policy hegemony allowing for the possibility of even the most seemingly stable lines of demarcation to become contested and thus for the most settled policy space to be re-opened for contestation. We can also perhaps argue here that exclusions of certain modes of contestation at certain times are constitutive of policy hegemonies – and it is likely that the most stable demarcations will be frontiers formed by a logic of equivalence. These insights are crucial in understanding policy change.

Let us now examine the relationship between time and space as I have outlined and the concepts of discourse and the discursive in Laclau and Mouffe. Taking the discursive to mean the terrain of hegemonic struggles through the articulation of discourse (Laclau and Mouffe, 1985) and accepting Laclau and Mouffe's understanding of 'discourse', then it appears immediately that for the purposes of social and political theory space-time and the discursive are *almost* the same thing.

This raises the question of the usefulness in re-writing Laclau and Mouffe's theory and substituting the discursive with space-time. However, while we can accept that the discursive and space-time perhaps refer to *something like the same order of representation*, they are different

signifiers embedded in different traditions and as such, their deployment in empirical analysis may yield different interpretations. We have already seen that an examination of space and time in policy theory has exposed what is at stake in terms of an analysis of change, especially with respect to policy studies. Also, it is sometimes worth looking at the same problems or theorisations from a different perspective as it can sometimes allow us to glean new insights.

Heuristically one may think of space-time as a morphing and constantly shifting surface of inscription for discourse. This surface of inscription is constantly moving out of ontological necessity (the impossibility of the 'lack's' final suture); but is also changing through the articulation of discourse inscribed on it, which, as well as being inscribed on it, *constitutes its very shape* insofar as it is intelligible to subjects. Thus discourse itself acts in part to constitute the surface of its own inscription. Thus discourse changes space-time. Discourse carves up space-time in an attempt to make it intelligible to us as constituent parts of it. Here though the 'lack' in the structure, so crucial to post-structuralist thought, makes itself evident as the irreducibility of the temporal, making undecidable the space of inscription for discourse.

Of course there remains the charge that the definition of policy as social spaces that exhibit a complex undecidability between contested and settled spaces is rather general. This is indeed true and my only response here must be offered at the level of methodology. Thus it is left to the delimitation of researchers (discussed above) to determine the exact definition of policy in each individual research context.

These insights force us to conclude that where there is a hegemonic articulation of policy discourse there is always resistance (counter hegemony/attempted counter hegemony) of some sort. This is because no matter how naturalised and apparently stable the hegemony, policy remains a contested space due to the irreducibility of antagonism. One role of the policy analyst is thus to expose resistance when it is most hidden – where it may just take the form of an expression of depression or disengagement from certain actors, resulting from a grudging acceptance of an unwanted policy.

What I have thus far presented is a very unsettled picture of policy; and it is within this unsettled, contested reality of the policy space that hegemony is perhaps most desired. Actors' identifications are being constantly shifted and as such the contested nature of policy is perceived by both actors involved and analysts; but crucially, the moment it is perceived it is also constructed as a *problem to be dealt with*, rather than as ultimately irreducible. It is in policy spaces such as these that the 'lack' is evidently at work, driving actors toward the fantasy of consensus (and with it a more comfortable and settled space dominated by a logic of equivalence). Here the very idea of a consensus is always already at work forming the conditions of possibility for a 'rational debate'. The idea of a *consensus to come* (to use a Derridean formulation) is at work at the very moment actors 'sit down to debate the issues', so to speak. The goal of consensus (the consensus to come) is at work driving the actors' motivation, not only to agree on 'objectives' or 'desired outcomes', but to agree to even discuss and argue about the issues in the first place. It is this drive toward consensus, experienced by actors engaged in policy debate (as the very condition of possibility for debate), that is picked up on by Hajer, Wagenaar and Fischer, and often (but not always) articulated as the goal of policy. We could say, therefore, that there lies behind deliberative policy theory the implicit normative assumptions that firstly, policy is a fundamentally goal oriented activity and secondly, that the goal of the policy process is to 'make' a policy through consultation and the establishment of a strong hegemony (rational consensus). This drive toward consensus (which we could now describe as 'the experience of policy as contested space') operates to structure the contested and 'conflictual nature of policy', and establish a consensus in the form of a hegemonic articulation of discourse. In other words it operates so as to structure the space of representation on which demands are inscribed. This, in many (but not all) cases is actualised through rational argument and debate, as in Fischer's work, or 'round table discussions', as in Hajer and Wagenaar; however this is a purely historically contingent articulation of discourse and should not be given normative supremacy without explicit justification. To naturalise any form of representation of demands is to attempt to 'set in stone' the demarcation of what is/is not accepted, as not only a legitimate demand; but also a legitimate *way of demanding*, and following Mouffe (2000:49) one can argue that this demarcation must remain a contestable and hence political one. This line of thinking also helps us pay more attention to the limits of rational argumentation and forms of deliberation that may occur in policy scenarios.

What does all this mean for a theory of policy change? The theory presented above must focus our attention on demarcations and boundaries, not only the demarcations drawn by discourses under examination but also those that are drawn by researchers in delimiting their models. Thus I hope to avoid the trap of exogenous change by carefully reflecting how I delimit the policy spaces of Anti-Social Behaviour and Every Child Matters (and I will say more about this in the next chapter). Also, by looking at demands and demarcations and how they are re-iterated on a surface of inscription that is in constant flux, I am focusing precisely on change that is not dislocatory and as such does not map on to notions of policy punctuations. Furthermore I am not excluding politics from these accounts of change because, as I have already alluded to above, hegemonic struggles are (at least in part) constitutive of the surface of inscription on which they occur. Thus through a close examination of the relationship between contested policy spaces, their shifting demarcations and broader hegemonic struggles, I hope to be able to account for the role of contestation and hegemony in shaping the surface of inscription that alters the repetitions of demarcations and demands. In so doing (and in regard to this particular case) I hope to show the role of hegemonic struggles in, not only dislocatory changes in policy; but also in the more subtle shifts that theories of policy change seem too often to exclude.



## CHAPTER 4

### METHODOLOGY AND METHODS

#### 4.1: Interpretation and Thick Description

This research thesis may be described as an interpretative study interested in uncovering and explaining meanings as opposed to positing causal relationships, and thus can be located within the hermeneutical branch of the social sciences. The challenge is to write a ‘thick description’ of the interplay of discourses about anti-social behaviour, youth and child welfare. In so doing I shall not be focusing on any single local case study, nor will I purely be focusing on Westminster and Whitehall but rather the (inter)*relationship* between media discourses, the role of locally gathered evidence, governmental discourse (for example, White papers and speeches by Ministers) and especially discourses that contest dominant interpretations of the policy problems.

‘Thick description’ is a term derived from Clifford Geertz’s reflections on ethnographic study; but has come to be commonly understood as ‘the presence in the research narrative of sufficient detail...to capture context-specific nuances of meaning’ (Schwartz-Shea, 2006:101). The term ‘thick description’ is also no longer used exclusively with regard to ethnographic research.

Drawing on Laclau and Mouffe’s post-Marxist theory of hegemony (Laclau and Mouffe, 1985) I shall be deploying various discourse analytical methods of interpretative analysis. Such methods must, of course, always remain consistent with the ontological assumptions of Laclau and Mouffe’s theory for reasons of logical consistency. However, apart from the requirement to remain consistent with the ontology of discourse theory, the process of discourse analysis allows a great deal of methodological freedom. This is because discourse analysis is a ‘problem driven’ rather than a ‘theory’ or ‘method-driven’ research paradigm (see Shapiro, 2004 for a detailed

discussion of problem driven and theory/method driven approaches with respect to political science). The researcher must choose the methods most applicable to their research problem but at the same time make sure that the methods and theoretical terms of explanation remain compatible with a post-Marxist conception of politics and do not lead to essentialism and/or reductionism.

I shall also be addressing methodological implications of the theory of policy as contested space (Chapter 3), including the distinction between demarcation and delimitation. Against this background I will first return to the issue of problematisation and its role in the methodology of the thesis. Then I shall look in detail at issues of data in terms of accessing data and examining it. I shall also explain in more detail how ‘logics of critical explanation’ will be deployed in order to help explain changes in youth justice policy, in the UK.

#### **4.2: Problematising Key Terms**

The majority of discussions on method focus (almost exclusively) on the processes of accessing, gathering and analysing data (see Yanow and Schwartz-Shea, 2006). However the non-reductionist and anti-essentialist ontology of Laclau and Mouffe requires that I first look critically at the terms I am using and the frameworks in which they are embedded. Specifically I must be careful in deploying terms such as ‘implementation’ and even ‘policy’, because if these terms are to play any part in my ‘thick description’, then they must not be imported wholesale from positivist paradigms without further reflection, but instead must be understood in a way consistent with Laclau and Mouffe’s ontology. This does not mean that I must abandon these terms as they are crucial to the formulation of my research question. How could I investigate ‘implementation’ of a ‘policy’, for example, when I restrict myself from talking about either ‘policy’ or ‘implementation’? The thesis would be a non-starter!

The way to proceed here is through the use of the method of problematisation. This requires a close engagement with the existing literature on the theory of policy. This is how I began the thesis. My discussion of the stages heuristic in Chapter 2 can be seen as a deconstructive genealogy of the concepts of ‘policy’ and ‘implementation’ (for example), which deployed the

concept of demarcation as a critical lens through which to engage with the conception of policy as made up of demarcated stages. To the extent that it is possible to ‘deploy’ Derrida’s notion<sup>18</sup> of deconstruction, one must look for the moments of undecidability in the minutiae of the text – the places where the theorist/ author, by pursuing certain possibilities and ideas, closes off other possibilities and ways of thinking. One could also re-formulate this in terms of demarcation. Starting from a premise that takes seriously the contingency of demarcations in texts, one can uncover moments where certain possibilities are excluded and examine the constitutive roles of these exclusions, which are illuminated by a focus on demarcation(s). Drawing on ontological categories (in Laclau and Mouffe), ‘the political’ and ‘antagonism’ serve well as examples; one must locate the places where traditional theories of policy contradict these assumptions or conceal moments of ‘antagonism’ and ‘the political’. An example would be my discussion of deliberative policy theorists (Chapters 2 and 3) who, at times, masks over the irreducibility of antagonism. However it is not enough to simply critique a theory. In order to deconstruct a problematisation one must re-articulate the problematised terms in a new way that remains faithful to the critique and an acceptance of contingency. Thus from a problematisation of ‘policy’ as understood in traditional theories, I have drawn out an alternative conception of policy as an undecidable demarcation between contested and settled space (Chapter 3).

This thesis is not, however, content to remain at the level of theory and ontology. Hence I will not just be examining problematisations of theoretical terms but I will also bring deconstruction, genealogy and the critical lens of (an analysis of) demarcation to bear on ontic level phenomena under investigation. I shall, thus, also be looking at how young people are problematised within different discourses. For example, depending on how young people are articulated within discourse, they may be seen as the problem themselves – for example young people lack respect and are the cause of community break down. Alternatively young people may be constructed as the victim of the problem of communities ‘failing’, thus community failure is the problem and not young people. By carefully unpicking how young people (or government, community or anti-social behaviour) are articulated and problematised in different but connected discourses, I

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<sup>18</sup> I use the word ‘notion’ principally to avoid describing deconstruction as a ‘method’ which would be at the very least controversial and, in my opinion, incorrect. Deconstruction cannot be a method deployed by a researcher, as deconstruction ‘always already’ exists within the text it is deconstructing.

hope to expose the contingency of these problematisations and present a thick description of discursive struggles for hegemony being played out at the ontic level. The distinction made here between ontic and ontological is a complex one that, although perhaps finds its roots in Heidegger, has been further deconstructed by (amongst others) Laclau.

Very schematically, the term ‘ontic’ may here be taken to mean, ‘what there is’ as opposed to ontology which is a theory of being. It may be possible, in the context of this research project, to substitute ontic with ‘empirical reality’ or ‘what is observed’ although this is something I would resist, as the phrase ‘empirical reality’ strongly implies a simple realist<sup>19</sup>/ positivist ontology/epistemology and the notion of observation implies a passive subject simply taking in (or noting) observations; and detracts from the idea that observation itself may be mediated by theoretical and cultural assumptions. In addition the distinction (or demarcation) between ontic and ontological is not necessarily a clear cut one. When addressing this issue in the work of Heidegger, Laclau writes:

Heidegger says from the very beginning of *Being and Time* that the ontic characteristic of *Dasein* is the fact that it is ontological. That is to say, the ontic characteristics which apply to a set of other realities are in fact organised in an entirely different way in the case of *Dasein*. What this involves is the idea that the ontic characteristic of *Dasein* is to be ontological; it is important that its meaning is not simply given but is rather constructed. I have to choose my life at any singular moment; I have an openness which precisely no content can really absorb. And so the ontic/ontological distinction is not a formal one; it is a distinction which actually organises a human reality as such (Laclau, No date).

As such, for Laclau, one may say, the ontological/ontic distinction is constitutive of human reality and thus of ‘what is observed’, and then re-articulated in terms of the research project. Thus the extent to which this thesis provides an explanation of policy change/stability (in this context) has to be understood in terms of both the description of the phenomena at the ontic level and more importantly in terms of the extent to which the theoretical elements of the thesis, pitched at the level ontology, are able to speak to the ontic level phenomena under investigation. Thus the epistemology of the thesis is concerned precisely with this constitutive link between the ontological and the ontic. There are at least two key dimensions of this epistemology that should be emphasised here.

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<sup>19</sup> By this I mean a realist ontology that does not consider discourse as constitutive of reality and so not to be confused with Laclau’s ‘realism’.

First the methodology deployed, as aforementioned, must be consistent with the ontology of (Laclau and Mouffe's) post-structuralism, the primacy of the political and the radical contingency of social relations. Second, the explanation itself is constructed through the construction of a theory, in this case a theory of demarcation, hegemony and contested spaces; and the articulation of this theory with ontic level problem being investigated mediated by logics of critical explanation (of which more shall be said below), which too are rooted in a certain ontology to which I must remain consistent. Thus the explanation is achieved through a process of articulation of concepts at both the ontological and the ontic levels.

#### **4.3: The Question of Data**

The question of data and discourse analysis is discussed in general terms by Howarth in his chapter on '[a]pplying discourse theory' (Howarth, 2005:335-343). As Howarth notes, with regard to the questions arising when selecting data, 'there are a very few general answers to these questions, as they can only be addressed in light of the specific *problem* investigated' (Howarth, 2005:337. Emphasis in original). Before specifying exactly what types of data I will be considering in my research, it is worth emphasising (once again) Laclau, Mouffe and Howarth's understanding of data, text and discourse.

Very schematically one could argue that Laclau and Mouffe's concept of discourse roughly corresponds to Jacques Derrida's understanding of 'text' in his famous assertion '[t]here is *nothing outside the text*' (Derrida, 1976:158. Emphasis in original). Thus '*discourse*' does not mean '*a combination of speech and writing, but rather... speech and writing are themselves but internal components of discursive totalities*' (Laclau and Mouffe, 1987:82. Emphasis in original). As Howarth notes, however, this ontological category of discourse does not prevent us from separating language (speech and texts) from observations of practices (for example) at the ontic level, as long as we recognise that ontologically both language and practices are 'internal components of discursive totalities' (Howarth, 2005:336. Laclau and Mouffe, 1987:82). Howarth thus reminds us that although discourse *theory* is a set of ontological categories, discourse *analysis* must operate at the ontic level.

Specifically in the context of this research, I have looked at what is traditionally labelled textual data such as Acts of Parliament, guidelines issued to local authorities, newspaper and television reports, minutes of meetings, debate and speech transcripts concerning anti-social behaviour and child welfare. However this research is also involved in the ‘generation’ of data. I used ‘ordinary language’ interviews (Schaffer, F.C. 2006) and observation techniques to uncover practices involved in making sense and contesting of Anti-social Behaviour discourse. In addition to this, as Howarth also notes, paying attention to ‘silences’, ‘slips’, ‘omissions’ and ‘unwritten rules’ helped me to grasp the complexities of power, hegemony and dominant narratives in the articulation of discourse and this added yet more layers to a ‘thick description’.

#### **4.4: Reflections on Accessing Data: Texts, Interviews and Observations**

With respect to accessing texts, such as media reports, legislation, parliamentary debates police guidelines etc, the internet and university library facilities are more than adequate for this research project. The issue here is the criteria I have used to delimit my choice of texts. I restricted myself to focusing on the time period during the New Labour administration, in the UK. I have also used my own judgement as to what texts are useful, representative and significant to my research problem, and I have justified my decisions, in this regard, at every step, within reason. Unlike accessing ‘textual data’, the process of accessing primary data in the form of observation and interviewing raises a number of issues that merit more detailed discussion.

Taking a post-Marxist approach to discourse analysis requires further reflection on the practice of interviewing and the idea of a ‘situated researcher’. If one follows through the implications of post-structuralism in general and specifically Laclau and Mouffe’s theory of hegemony, it becomes clear that one cannot simply step outside of discourse. In other words, a researcher cannot remove him/herself from their object of study and describe it ‘objectively’ ‘from the outside’. As both human beings in society and researchers in the social sciences, we are always already inserted into societal contexts that bias our interpretations and analysis. We bring elements of the discourses in which we are embedded to the research process. However, unlike

more positivist approaches to research, the discourse analyst need not attempt to approximate the impossibility of an 'objective standpoint'; but instead must reflect on their own practices, (body) language, concepts of 'cultural norms' – in short discourse. We must be conscious of our own identifications and subject positions (for example, as a woman, man, liberal, conservative, Asian, Jew, Christian, Hindu, Atheist, British Citizen, homosexual, heterosexual, punk, hippy, academic, researcher...etc) and how these may be understood and interpreted by those 'being studied' as well as how these identifications may bias our own interpretations. Thus it has been necessary for me to take a reflexive approach to conducting my research.

In my case two factors regarding my identity are especially noteworthy. First, as a young man I identified very strongly with Marxism. I have subsequently refined my thinking and would no longer describe myself as an orthodox Marxist, however many theories on which I draw (in particular the post-Marxism of Laclau and Mouffe) can be described as coming out of the Marxist tradition. However my previous identification with Marxism still influences my thinking in many ways, the most important of which, for this research, is a tendency to focus on economic factors, especially in terms of causes of crime and anti-social behaviour. Although I would resist an interpretation or explanation that sees poverty as a direct cause of anti-social behaviour, I have tended to look (as in Chapter 1) at the way in which New Labour have excluded discourses regarding the causes of anti-social behaviour which are based on socio-economic exclusion, in favour of more individualist explanations.

Second, the empirical research problem that I am investigating in thesis arises out of my experience of working as a Project Manager for a youth homelessness project in Essex (UK) and also as a Personal Advisor for Connexions (a youth advisory service). Both these roles put me in regular, direct contact with socially and economically excluded young people who were often subject to the policies that this research seeks to investigate. In these jobs I was often faced with problems arising out of (what I perceived as) contradictions between Every Child Matters and Anti-social Behaviour policy. In addition I found that many of the enforcement powers that arose from the Respect agenda were counter-productive in terms of supporting young people overcome disadvantage and in some cases served to further exclude some young people from access to educational and employment opportunities.

As a result of reflecting on the above factors I amended my research problem and research methods in a number of ways. First, I chose not to focus on a normative evaluation of Anti-social Behaviour policy (although I do make some remarks about this at the end of the thesis) in favour of an examination of policy change. This allowed me to pursue a line of enquiry that was less likely to be coloured by my subjective objections to New Labour policy (driven by my prior experience of working with young people); but it also allowed me to use the knowledge of the issues that I gained through youth work. Second, I kept extensive notes regarding my own reactions to the responses of those being interviewed and (to a lesser extent) my reactions to the texts (newspaper reports, policy papers, parliamentary debates etc). Through such notes and reflections on my own reactions to data, I was able to consider my own 'cultural baggage' and how it may have skewed my understanding, interpretation and analysis of the data I was generating. Third, whenever possible I checked my interpretation of texts and interview responses with the actors being interviewed. In interviews I would, where possible, give the interviewee my interpretation of what they had said (and also my interpretation of their organisation's policy positions) and ask them if they agreed with my interpretation. Often this resulted in subtle amendments to my notes. In at least two cases I contacted interviewees after the interviews (by email or telephone) with follow up questions which mainly concerned clarifying their responses. Indeed, my prior work with young people meant I had strong intuitions about the research problem I investigated, which was both an advantage and a disadvantage. The practice of checking my interpretation of texts and interview responses with key actors mitigated against my interpreting their responses in ways which were not faithful to actors' own self interpretations

I also considered how I undertook interviews and engaged with interviewees. For example, I conducted some formal structured interviews, in order to get more detailed and in depth responses from key actors. Interviews can appear formal and artificial; this has, no doubt, elicited many responses from the interviewee, both intended and sub-conscious, that may have been misleading or at least not as useful as I have hoped. If the interview is documented and 'on the record', so to speak, the interviewee may be inclined to repeat official story-lines and narratives, alternatively they may tell the researcher what they believe they want to hear or feel is expected



of them. There are various tactics that I used to attempt to minimise these drawbacks, but none are likely to have completely eradicated the problem.

First, I felt it important to build relationships or build on existing relationships with key actors being interviewed; and to make sure they were aware of what my work entails and were reasonably comfortable with it. This required being open about what my research was about and ensuring that interview data is kept anonymous to ensure confidentiality. However at the same time I was careful not to influence their responses, due to the temptation actors may have to tell me things that they think are important to my research and edit out things that they consider to be irrelevant. Also, what they consider to be of no relevance may well differ greatly from what I consider to be relevant. In short, I tried to make sure that the information I gave to people in order to secure interviews (as well as what I said during interviews) did as little as possible to colour their responses.

Second, ordinary language interviewing is an excellent way of drawing out the necessary language data through the use of prompts (see Schaffer, 2006:154-155, for more detail on this) and maintaining an open mind toward the data obtained as well as uncovering shared meanings understood by the actors interviewed. Ordinary language interviewing has its philosophical roots in Austin's theory of 'speech acts' and the later Wittgenstein's ideas of language games and family resemblances; and thus is fully compatible with the Essex School of discourse theory which shares these philosophical foundations.

The main research data being examined in this analysis came from the vast array of government publications, Bills, Acts of Parliament, consultations, committee reports and evidence gathering exercises, media reports and (often ministerial) speeches/statements. Thus the majority of the data is documentary (texts). Documents were selected according to how significant they are for the policy space(s) under investigation (for example key consultation papers, bills, Acts of Parliament that relate directly to young people's welfare and behaviour). Prior to this thesis an extensive literature review was carried out concerning academic work relating to anti-social behaviour, youth crime and welfare. These works have also been influential in terms of my selection of textual data. This was in addition to the literature review regarding theories of policy

change that was necessary in order to write the preceding two chapters. Appendix 2 outlines the initial data gathering process. Informed by the literature review and the knowledge that many key documents relating to UK government policy are on the World Wide Web, I did some initial internet based research, and catalogued numerous sources that I felt would be useful (see Appendix 2); in going through these data, numerous other sources, both in the traditional (book based) sense and further internet resources, were uncovered. It became apparent very early on that the majority of useful data regarding UK government policy is based on the World Wide Web, which was a highly significant resource in conducting this thesis, both in terms of access to policy documents and ministerial speeches, but also data and statistics on youth crime and media reports. Speeches and media reports were selected in terms of an identification of key discursive interventions by the media and politicians that demonstrate or have a direct bearing on the changing relationship between the policy spaces being investigated and also in terms of the importance attributed to them by key actors, including those interviewed. However, as discussed above, this was supplemented by interviews with key actors whose demands are excluded from at least one of the policy spaces being investigated. These are mainly children's charities that have a key role to play in Every Child Matters but have also been contesting Anti-Social Behaviour Policy. As such I interviewed representatives from Barnardo's, the National Children's Bureau, NCH, NSPCC, the Standing Committee for Youth Justice and the crime reduction charity NACRO (see Appendix 1 for full details). I also interviewed a well known criminologist and former head of the Youth Justice Board whose role can be seen as pivotal in both the implementation and contestation of Anti-Social Behaviour policy, and a senior representative of ACPO.

The research strategy needed to enable the understanding of youth policy spaces in sufficient depth to allow for the writing of a thick description. It therefore required access to information concerning a range of actors' self interpretations of demands and discourses concerning Every Child Matters and Anti-social behaviour policy. The strategy involved examining both textual data from a range of sources and data from interviews with actors involved in shaping the policy spaces, either by driving the policy spaces from the inside or contesting them from the outside. Theoretically, the thesis focuses on how the discourses and demands of those excluded from policy spaces helps to understand how those spaces are demarcated and as such it was especially

important to capture the discourses and demands contesting New Labour youth policies. It was, therefore necessary to ensure sufficient access to actors whose demands fall outside and/or contest the policy spaces being examined, thus helping me show how these spaces are constituted, but it was also vital to access actors who had experience of the 'inside' of the policy process. Hence it was advantageous that many actors with demands that fall 'outside' of the Anti-Social Behaviour policy space also articulate demands occurring within the Every Child Matters policy space. However the demands and actors included in and excluded from the youth policy spaces, are not static or always clear cut. For example some actors interviewed for the thesis (from the children's charity and welfare sector) were not excluded completely from the Anti-social behaviour policy space and were, in fact (as aforementioned) very much included in the Every Child Matters policy space. In addition ACPO were very much included in the Anti-social Behaviour policy space (especially from 1997-2003); but felt more excluded from the Every Child Matters policy space (Research Interview 3).

I also encountered difficulties in accessing some actors I had hoped to interview. For example, It was my intention to access key actors from New Labour or the civil service involved in driving the policy agendas being examined; however, despite on numerous occasions trying to contact senior civil servants and (former) New Labour ministers, they were either unwilling to participate in this research project or were not contactable. As such I was forced to primarily draw on the verbal and written statements to access New Labour discourse on Anti-social behaviour and Every Child Matters and use interview methods to access the (less readily available) discourses of those whose demands were often more on the periphery of, or excluded altogether from the policy spaces being examined. However interviews with the former head of the Youth Justice Board and a representative of ACPO did allow me to 'check' some of my interpretations of New Labour discourse with those who dealt directly with New Labour ministers in implementing both Anti-social Behaviour and Every Child Matters policies. I also read biographies of Tony Blair (for example, Seldon et al, 2007) and David Blunkett's autobiography (Blunkett, 2006) as a further way to 'check' my interpretations of their discourse with their own self-interpretations.

Regarding interview data and in keeping with a thick descriptive approach I did not ‘code’ the responses looking for general patterns; but rather I aimed to preserve as much ‘thickness’ of the data as possible. As such, many responses are quoted at length rather than categorised and coded.

One way to closely analyse textual data is using critical discourse analysis. Although issues of genre as well as voice and tense of verb use (which is vital in understanding how time, for example, is articulated in discourse) will be implicitly considered in this research, I have decided not to draw explicitly on the categories of critical discourse analysis. This decision was reached through conducting an in depth critical discourse analysis of the Youth Crime Action Plan (2008) as part of this thesis. This exercise demonstrated that although critical discourse analysis does provide a rigorous method for engaging with texts, and aids in analysing the minutiae of the text, it does not lend itself well to an analysis of the broader political and policy context. Rather a focus on Laclau and Mouffe (and by extension Derrida) allows an engagement with both the minutiae of the text and broader political and policy concerns that have a greater significance for the issue of policy change. The oscillation between the minutiae of the text and the broader context that features in much Derridean deconstruction is very much an inspiration for this thesis. There is a danger with critical discourse analysis that it leads so deep into the text itself, its grammar, construction and language, that one is not easily able to ‘see the wood for the trees’. In addition issues around conflict (at the ontological level) with critical realism and post-structuralism which would have to be looked at in some detail and I have concerns that such an engagement at the level of ontology (and epistemology) would lead this thesis further away from an investigation of policy towards an increased focus on philosophy.

#### **4.5: The Question of Data II: Analysing ‘Texts’**

To summarise my discussion of data thus far, on the ontic level I can categorise my data as consisting of ‘texts’ on the one hand and ‘observations’/‘interviews’ on the other. As aforementioned, much data consist largely of texts, in the sense of: newspaper reports, Acts of Parliament, manifestos etc; however some will consist of ‘observations’ – that is data from interviews and other primary research. The textual/observational dyad can be further problematised. Dyads are never precise nor are they totalising. They are always already in

themselves subject to deconstruction. For example, what category do we attribute to television reports (national and local) on anti-social behaviour – are they texts or ‘observations’? Are interview transcripts and field notes not ‘texts’, in some sense?

Drawing on Derrida (1976), all the data gathered in my research can be seen as ‘text’ at the ontological level. As such it may be a useful heuristic to separate text data from interview data when gathering data. When it comes to data analysis, however, I treated all data as ‘text’, in the sense meant by Derrida. ‘Analysing text’ can thus be understood as process discussed above of deploying the method of problematisation and the writing of a ‘thick description’. However more needs to be said about the explanatory role played by a post-Marxist analytical framework in the writing of a ‘thick description’.

Following Foucault (1991), I began this thesis with a genealogy of the policy spaces of Anti-social Behaviour and Every Child Matters. This drew heavily on previous work conducted in a similar vein, for example Squires and Stephen (2005) and Burney (2005). A genealogy must begin with a diagnosis of a ‘problem that engenders each genealogical reading’ (Howarth, 2000:72). Thus my genealogy of Anti-social Behaviour and Every Child Matters aimed to ‘examine its contingent, historical and political emergence’ (Howarth, 2000: 73). This genealogical reading provides not only an introduction to the thesis and the problems under examination but also a contextualisation of the research. It may be seen as the first ‘layer’ of a ‘thick description’, to which subsequent chapters shall add further ‘layers’ and so add to the ‘thickness’ of the description. However it is not enough, in the context of an examination of policy change, to simply describe this change. The primary objective of this thesis is to explain changes in the policy areas being investigated. Here I shall be drawing heavily, not only on the theoretical precepts of post-Marxist discourse theory, but also on the concepts of retroduction and logics.

The theoretical and empirical work conducted within the Essex School of Ideology and Discourse Analysis provides the researcher with several very useful conceptual categories that may be deployed in writing a ‘thick description’ of the data/text. It also furnishes us with the conceptual apparatuses required for an explanation of change.

In analysing language, the discourse analyst is best advised to look carefully at the role of signifiers in discourse. Rather than attempting to uncover the meaning of signifiers, that will often be contestable and subject to change due to the process of articulation, I examined how signifiers function politically in the policy discourses being examined. For example I was interested in how certain signifiers were used to contest or sediment certain discourses. Borrowing from the tradition of structural linguistics and especially the insights of Saussure and the later Wittgenstein, one must conceive of language as both differential and deferential (see Howarth, 2000:20-23). This conception of language shifts the researcher's gaze from the infinitely reflecting hermeneutical mirror and questions of what words 'mean', to an examination of how words (or signifiers) function in discourse and thus in society (see Lévi-Strauss, 1968. Howarth, 2000:23-27). It follows then that part of this research is an analysis of language in the sense of a description of 'signifiers in use'. I looked at, in what discourses signifiers are embedded and how they are articulated within these discourses.

#### **4.6: Thick Description, Retroduction and Post-Marxist Logics of Critical Explanation**

The use of genealogy and thick description requires that we affirm the contingency of social practice and thus break from positivist conceptions of explanation based on causal references and/or predictions. Instead I intend to appeal to certain logics of explanation to describe the social/political systems I am investigating. These logics in many respects provide the grammatical framework of my 'thick description' and will be the subject of this section of the chapter. These logics are to be seen as a crucial element of a retroductive explanation of the phenomena under investigation<sup>20</sup>. I shall then endeavour to relate Glynos and Howarth's discussion of retroduction to this research thesis.

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<sup>20</sup> See Glynos and Howarth, 2007: 18-48 for a thorough in depth elaboration, in the context of the philosophy of science, of how the retroductive cycle can be deployed as a form of explanation in social sciences that moves beyond positivist concepts of prediction as explanation

Glynos and Howarth deconstruct the sharp demarcation in the natural sciences between what they term the ‘context of discovery’ and the ‘context of justification’. By drawing the notion of retroduction as it is articulated by Hanson, Pierce, Bhaskar, Laclau and others, they emphasise the ‘constitutive link’ between these contexts in the social sciences, and they show how, although in the natural sciences the logic of retroduction is primarily concerned with hypothesis formation and so sits inside the ‘context of discovery’, the open ended nature of social systems requires us, as social scientists, to expand the retroductive logic into the ‘context of justification’.

Retroduction requires that we begin with problematisation, as I have done already. In Chapter 1, we began a genealogical reading of Anti-Social Behaviour and Every Child Matters policies that raised a number of issues to do with policy change. It noted changes in these policies and contradictions between them, and yet we saw how the language of respect is still very much evident in the Youth Crime Action Plan, despite it being articulated with what may seem contradictory principles associated with Every Child Matters. This represents, for this thesis, an anomaly to be investigated. This problem required that I looked at theories of policy change in an attempt to construct a theory that would enable me to better conceptualise and so explain this problem. So, remaining sensitive to the problem at hand, I interrogated various conceptions of policy and policy change. This raised further problems such as the classical dichotomy between change and stability noted by too many commentators to mention here, as well as the identification of two types of change one revolutionary the other often seen as incremental, which we gleaned from the insights of writers such as Bates and Smith, Hay, Baumgartner and Jones and others. In an attempt to remain consistent with a more interpretative approach to social science as opposed to, for example, the approach offered by Baumgartner and Jones, I briefly examined the promising work of policy researchers/theorists such as Hajer and Wagenaar and Fischer. Here we noted the huge step forward taken by these theorists especially in their focus on discourse; however it was also noted that these authors have paid little attention to ideas of change and, to the extent to which they examined time and space, they paid little attention to the constitutive limits of spaces and how they shift over time. Therefore taking time and space as the conditions of possibility for change and drawing on the work of Laclau and Howarth, I aimed to construct a theory of policy change that spoke directly to the problem at hand. This sits inside what Glynos and Howarth would consider the ‘context of discovery’ and theory construction. However, as aforementioned, Glynos and Howarth have opened up retroduction to also be a key

part of the logic of justification. Thus the following chapters shall continue to add layers of description to the genealogy presented in Chapter 1, however they also (through the use of logics, discussed below) will aim to explain policy change/ stability in terms of the theory presented in chapter 3 (of demarcation and contested spaces). However this is not a linear process where I move from theory construction to justification but instead, following Glynos and Howarth (2007:33:fig1), the process is cyclical, and so insights gleaned from the discussion of the data in the following chapters will help to refine and change the theory presented in the preceding chapters. This broadly conforms to what Glynos and Howarth call ‘retroductive explanation and theory construction’.

The explanatory dimension of the thesis (the attempt to move beyond mere description) will be constructed via recourse to logics of critical explanation. These logics can be divided into three categories: social logics, political logics and fantasmatic logics. We will begin with a discussion of social logics.

Put briefly, Social logics enable us to characterize practices in a particular social domain, say the practices of consumption and exchange within an economy, or an entire regime of practices, whether Thatcherism, or apartheid, or the audit regime of a particular university, for example (Glynos and Howarth, 2007: 199-200).

Social logics are systems of thought or signification that give a sense of coherence to the contingent articulation of discourse. Social logics can be ‘measured’ by their degree of sedimentation or, in other words, by how susceptible they are to dislocation by political logics (discussed below). Social logics could be viewed as the (implicit or explicit) ‘rules of the game’. Examples would be: the role of the ‘chair’ of a meeting, who is and is not deemed able to speak in certain contexts or what agencies are responsible for implementing certain policies and procedures of contestation and appeal. Social logics are a useful way of analysing and describing discourses and are important in how certain discourses are demarcated from others. They are thus akin to norms and are important in understanding institutionalised arrangements.

Political logics are discussed in some detail in *Hegemony and Socialist Strategy* (Laclau and Mouffe, 1985:127-134) as well as elsewhere (Howarth and Stavrakakis, 2000; Torfing, 1999:125-126). They consist of two opposing logics, neither of which is capable of totalising the



discursive, because they operate so as to subvert each other; however one of these logics may dominate the other in any specific delimited object of analysis. Political logics can act to form antagonistic frontiers and are intimately related to process of identification. They may also be used to account for the dislocation of social logics. The two political logics are termed the logic of equivalence and the logic of difference. Importantly political logics explain how social logics come to be de-sedimented and how they are formed in the first place.

For those familiar with Marxist theory, the logic of difference bears a passing resemblance to Gramsci's notion of *trasformismo*<sup>21</sup> without the class reductionist underpinnings. It is the process whereby demands arising from diverse subject positions are absorbed by the dominant order by conceiving of each of these demands as separate. The fact these demands are seen as separate draws attention to the differences between these demands and thus the differences between the groups or actors making the demands. These differences are not to be seen as antagonistic as such; but instead as simple differences that make up the system of differences from which identity is formed. Differently put, '[t]he differential relations between discursive moments are constitutive of their very identity' (Torfing, 1999:300).

The logic of equivalence represents the limit to the logic of difference. It can be understood as the process by which diverse demands from different groups are articulated in (chains of) equivalence to each other and in opposition to an 'other' that prevents these demands from being realised. This equivalence subverts difference and vice versa. The logic of equivalence is also constitutive of identity, in the sense that it brings social groups into existence in antagonistic opposition to each other as the 'other'. It thus dichotomises the social space into antagonistic camps whose identity is partially fixed by each other's status as the 'other'. The divide that separates these antagonistic camps is referred to as a (antagonistic) frontier, which is a type of demarcation.

In order to construct equivalences between diverse demands (or signifiers), a signifier is required to 'stand in' for the particularity of anyone (and all) of these demands. Thus this signifier must be

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<sup>21</sup> This term is discussed at length in a footnote in Gramsci (1971:58n)

emptied of as much particular content as possible, although it may retain an ‘ineradicable remainder’ (Butler *et al.*, 2000 :8) Such a signifier can be described as an ‘empty signifier’, although (counter-intuitively) at times it may be over filled with meaning from competing discourse (as with a floating signifier), so that it becomes so ‘over-coded it means everything and nothing at all’ (Torfing, 1999:301). An empty signifier functions to signify the limits of the system of signification itself – it thus signifies ‘the other’ or ‘the lack’ – that which prevents the final suture of the system of signification.

The empty signifier also brings social groups into existence and partially fixes their identity. This ‘fixing’ function means that as a theoretical category, it overlaps a great deal with the nodal point (as already discussed) which itself is often empty of specific content. In fact Torfing (1999:303) describes a nodal point as ‘an empty signifier that is capable of fixing the content of a range of floating signifiers ...’. The methodological question of whether to deploy the concept of nodal point or empty signifier must be determined by the precise trajectory of analysis. For example, if I were analysing how anti-social behaviour functions to bring social groups into existence and in antagonistic relations to each other, and related questions of identity, then I would be best off deploying the term ‘empty signifier’. However if I were discussing how ‘anti-social behaviour’ functions to ‘fix’ the meaning of crime and order policy and articulates many floating signifiers into a strong hegemonic discourse, I would use the term ‘nodal point’. There is little or no ontological difference between an ‘empty signifier’ and a ‘nodal point’; they are, in many respects, different appellations for the same thing, however (as mentioned in Chapter 3) another key difference between these terms, in respect of how they help us conceptualise the limits of a hegemonic policy articulation, will be teased out in later chapters.

The political logics of equivalence and difference help account for the dynamics by which social spaces are demarcated. Or to put it another way: They enhance our approach to social science explanation by furnishing us with a conceptual grammar with which to account for the *dynamics* of social change (Glynos and Howarth, 2007:145: Emphasis in original)

Thus political logics help us to explain change. However, before one can hope to account for any type of change, one must be able to characterise change by describing the spaces in which change occurs over time. Thus this thesis has introduced the concept of demarcation as a more generalized descriptive logic that helps us characterise policy spaces in terms of how they are

(discursively) demarcated from one another and also how these demarcations shift over time. The logic of demarcation helps us to understand the spaces in which change occurs by paying special attention to their limits and how they shift over time. Political logics thus come into play when we wish to not only describe change but also to account for it and explain it. Thus political logics are closely woven in this analysis with the logic of demarcation as the principal analytical device through which the thesis shall seek to explain the shifts in demarcations and thus change (as it is understood in this thesis).

Fantasmatic logics are a recent addition to the post-Marxist explanatory cannon and are inspired by Lacanian psychoanalysis. They show how subjects become emotionally invested in certain practices and discourses; they serve to mask over radical contingency and to naturalise either an emerging dislocation or the existing order depending on whether they are understood in terms of the social or political dimension. In the words of Glynos and Howarth:

If political logics provide a politically-inflected signifying frame within which to show *how* social practices come into being or are transformed, then fantasmatic logics provide the means to understand *why* specific practices and regimes ‘grip’ subjects (Glynos and Howarth, 2007: 216).

In the context of social practices fantasmatic logics are seen as absorbing the potential dislocatory effects of political logics.

[...] problematization and critical explanation involves the identification of an aspect of a practice which is deemed *worthy* of public contestation, thereby imputing to it some normative import. In this context, we can say that the role of fantasy is to actively contain or suppress the political dimension of a practice. Thus, aspects of a social practice may seek to maintain existing social structures by pre-emptively absorbing dislocations, preventing them from becoming the source of a political practice. In fact, the function of many management and governance techniques could be seen in this light (Glynos and Howarth, 2007:145-146).

Whereas in the context of political practices (those of de-sedimentation through equivalence or difference) fantasmatic logics play a different role.

[...] radical contingency can be concealed in political practices just as much as it is in social practices. If the function of fantasy in social practices is implicitly to reinforce the ‘natural’ character of their elements or to actively prevent the emergence of the political dimension, then we could say that the function of fantasy in political practices is to give them *direction* and *energy*, what we earlier referred to as their ‘vector’ (Glynos and Howarth ,2007: 218).

A retroductive explanation that starts with problematising existing interpretations can be greatly improved by attention to social, political and fantasmatic logics. Social and political logics demarcate policy spaces in different ways. For example a logic of equivalence will demarcate policy space in terms of an antagonistic frontier. Alternatively, a logic of difference will demarcate policy space in terms of different interests and one would expect to see attempts at compromise between different perspectives and a greater emphasis placed on including differences in deliberation and consensus reaching. Fantasmatic logics then can help us understand the stability of demarcations and why actors are emotionally connected to demarcating policy space in certain ways. A pertinent example would be a rigid determination by government actors to clearly demarcate Every Child Matters and Anti-social Behaviour, as separate agendas. In other words why actors are so gripped to a world view that sees anti-social behaviour and child welfare as very different concerns can be understood through an analysis of fantasy (in the Lacanian sense).

#### **4.7: Reflections on the Research Process**

Despite the emphasis in text books of the cyclical nature of research (an example would be Walliman, 2001:237-242), it still appears to me to be presented as somewhat of a linear process. One starts with a theory (in my case Laclau and Mouffe's theory of hegemony), from this a research problem is formed, the problem is then investigated (accessing and gathering data) and then data is analysed. However I conceive of research as a far less structured and more messy business than this picture shows.

First, following Ian Shapiro (2004) I begin with a research problem. In my case, to investigate discourses around anti-social behaviour and young people in the UK. As this and the previous chapter shows, I am sympathetic to Laclau and Mouffe's theory of hegemony and think this is a good and unique way of examining the problem; however my main aim is to investigate the problem and not to be a theorist. In investigating the problem I feel it is impossible to separate the processes of data gathering and data analysis. As I gather and read through data I am interpreting it. I cannot help but to interpret and, in a sense, analyse situations and observations as they are observed. This does not mean that I cannot go back over the data at a later time and reflect further

on it. I merely wish to emphasise that the analytical and interpretive process are always already internal to the observational moment and as such cannot be seen as separate stages of research.

As such my ‘empirical’ data has led to further reflections on Laclau and Mouffe’s theory. My observations have allowed me to clarify categories such as ‘nodal points’ and ‘floating’ and ‘empty signifiers’, by providing empirical examples of their operations. As although I am sympathetic to Laclau and Mouffe, there are areas of their theory (agency and intentions is one example) that require further clarification. As such my use and understanding of Laclau and Mouffe has changed and may continue to change substantially during my empirical investigations.

I thus conceive of my research as ‘problem-driven’ (in the sense meant by Shapiro, 2004) and it is my research problem that will drive the research process (i.e. what data to look at etc). Acknowledging this primacy of the research problem, I see the other aspects of research (research theory, methodology, data gathering, data analysis and conclusions) as fluid and subject to constant, ongoing revision as new data or new ‘ways of seeing’ the data (and/or research problem) become apparent. This research is thus best understood in terms of the ‘retroductive [research] cycle’ discussed in Chapter 1 of Glynos and Howarth (2007).

#### **4.8: Methodological Conclusions**

I would like to conclude this chapter with a brief discussion of the difference between delimitation and demarcation. First we can say that demarcation is a general category for describing the contingent drawing of boundaries and as such delimitation is a type or subset of demarcation. I define delimitation as the process used by researchers to enframe their object of study as an object of study. For example to say that ‘X’ Discourse is the discourse of relevance in an example and thus everything outside it (not ‘X’) is outside my object of study is, for me, delimitation. Delimitation is obviously a type of demarcation but a type of demarcation done by researchers and not by actors (under study) themselves and as such should be a large part of any researcher’s methodological reflections. Such delimitations must be rigorously accounted for and justified.

Demarcations do not just carve up space-time but in so doing alter the way we see the world. The order of signification and that of space-time cannot be easily untangled as nouns are the way in which we order the spatiality of objects and verbs are deployed to help us articulate temporality. In short, discourse changes the way space-time is meaningful to us. The ‘us’ here is crucial, for this common usage of English is symptomatic of the need (identified by Howarth 2006) to view space (or space-time) in relation to a *subject*. Spatial and temporal orders are relational with regard to a subject. Space-time is the way subjects order the world. The subject here is irreducible.

Demarcations then are always relational to a subject and also bring spaces into existence by demarcating boundaries. These boundaries require both an inside and an outside that are in part constitutive of each other– the inside is the outside. Demarcations between inside and outside social spaces may also shift due to a logic of iterability. For example suppose you are a member of parliament in the UK in 1969 and you are concerned about carbon emissions and global warming. Your concerns would be marginalised and you would be excluded from debates around (for example) industry. Now if you remain an MP and stick to your position, i.e. your position in social space is the same in regards to carbon emissions, by 1999 you would find yourself much more inside debates around industry. You have not moved (in this sense) but your relation to the line of demarcation has shifted. No doubt some demarcations are frontiers between ‘us’ and ‘them’ and others are more simple demarcations of difference (corresponding to Laclau and Mouffe’s political logics). The central point here is that demarcations are not only the way space-time is carved up, they are also constitutive of our understanding of our relation to spaces, and they create certain spaces by including some actors and excluding others and these inclusions and exclusions change as the lines of demarcation are constantly being redrawn and thus reiterated on a surface that itself is constantly changing.

Thus delimitation as a type of demarcation is also drawn on a changing surface of inscription. As a researcher I must remain open to this possibility and not be over hasty in delimiting my research problem. There are a number of examples where my research strategy needed to be reflected on and altered.

First, the thesis began by just looking at Anti-social Behaviour policy but quickly it emerged that such a discussion would also need to include child welfare policy. By 2007 the blurring between Every Child Matters and Anti-social behaviour discourse became hard to ignore, even for government actors who had traditionally emphasised that they were separate agendas. In writing about Anti-social Behaviour policy in 2007, it simply became harder and harder to justify excluding Every Child Matters from the discussion, especially if I were to focus on the demands of children's advocates, as I had decided to do at this point. Thus it became harder for me to justify my delimitation of the thesis in terms of Anti-social Behaviour policy.

Secondly, I initially aimed to interview a wider range of actors. As aforementioned I was unable to access some key actors involved in driving the policy areas being examined for this research and so I had to shift to a more textual analysis of New Labour discourse, drawing on speeches, party papers, minutes of meetings etc. It was also initially my intention to interview more actors involved in the implementation of the enforcement measures used as part of the Respect agenda as well as young people who had been subject to them. However through reviewing the literature on Anti-social Behaviour policy, I noted that there were already a number of research projects which had taken this approach (see for example Squires and Stephen, 2004) and as such data from the perspective of young people and their families (subject to Anti-social Behaviour enforcement measures) were already available. In addition I made the methodological decision to delimit the research to include the demands of those who claim to represent (the interests of) young people rather than the demands of young people themselves. This decision was taken to maintain the focus of thesis, as although it would be interesting to examine the similarities and differences between demands made on behalf of young people (by children's charities, for example) and the demands of young people themselves, (and see, for example, if there was an even more radical exclusion of young people's demands with regard to youth policy) I decided that such a line of inquiry would detract from the examination of the policy problem being investigated – i.e. changes in youth policy.

These changes to the research strategy being undertaken ties in with the retroductive research process discussed by Glynos and Howarth (2007). There is a constant need to re-examine the

research problematisations and the boundaries that I am imposing on my research. All delimitations must be justified but they are nonetheless unavoidable and although my theory relating to space-time implies that potentially everything [in the universe!] is connected to my research problem. Time and space (pun intended) constraints on me as a researcher obviously prevent such a huge project from being realised. However there may be more concrete reasons for delimiting my research in certain ways; for example this thesis is an examination of New Labour policy, so as a general rule Conservative and Liberal Democrat proposals will be excluded as will the policies of the previous administration. However this is not fixed; there may be important reasons for including counter proposals to New Labour in this thesis, as they no doubt have important impacts on the policy; but this needs to be demonstrated and justified empirically and not just assumed.



## **CHAPTER 5**

### **LOGICS OF THE ANTI-SOCIAL BEHAVIOUR POLICY SPACE**

#### **5.1: Discourses of Community and Anti-Social Behaviour Policy**

The aim of this chapter is twofold. First to describe the Anti-Social Behaviour space in order to give the reader a good idea as to the logics that inform and contest this policy. Second I shall show how counter logics characterise an ‘outside’ of the dominant policy space and is an expression of its limits. The aim is to show (at the ontic level) that this outside is constitutive of the inside, and in so doing justifying my methodological decision to focus primarily on the discourses of those who are most often excluded from the (Anti-social Behaviour) policy space. However this is only a description of space and does not provide us with a way of explaining change or understanding time. This will be done through a focus on political logics and how they have functioned to contest (or not) the demarcations between inside and outside the policy space; and how, as a result of this contestation, the demarcations have been re-drawn (re-iterated) and/or dislocated over time.

We noted in Chapter 1 that in 2004 Blair ‘recollected’ employing, in 1988, the phrase ‘anti-social behaviour’ for the first time. Yet, despite this ‘recollection’, ‘anti-social behaviour did not arise, perfectly formed, in the mind of a politician in 1988, rather it re- emerged as a result of a more complex combination of influences.’ (Squires, 2006:148). Squires and Stephen (2005) show how the term anti-social behaviour was ‘rediscovered’ rather than invented by New Labour. They also show how its meaning was altered through re-iteration and re-articulation within discourses of community and youth justice and was especially marked by its articulation with ‘broken windows’ (see also Squires, 2006:148). However this process of ‘rediscovery’, ‘re-iteration’ and ‘re-articulation’ served to demarcate a specific new policy space that was neither ‘criminal

(youth) justice’ nor ‘community safety’, but articulated elements of both – *the policy space that is called, in this thesis, ‘Anti-Social Behaviour Policy’*. Part of this (re)articulation, as we have already seen, was a discursive shift whereby young people came to be constructed as the principal punitive subjects of anti-social behaviour. The beginnings of this shift can undoubtedly be seen as early as 1998 in the *Crime and Disorder Act* which contained many measures aimed specifically at curbing the troublesome behaviour of youth, the most obvious examples being parenting orders. However at this stage there appears little evidence that the Anti-social Behaviour/crime and disorder agenda, which was located entirely within the Home Office, was in any way connected to any kind of broader ‘youth agenda’ encompassing education, youth projects or more general non crime/behaviour aspects of youth.

We also saw in Chapter 1 that one strand of Anti-social Behaviour policy can be traced back to an appeal to ‘community’ (as an absent fullness) and Tony Blair’s characterisation of a ‘permissive society’. This discourse of community articulated various demands from a diverse set of actors, and here I shall explore these demands more fully. Blair sought to oppose himself to Margaret Thatcher’s famous claim that ‘there is no such thing as society’; however he also had to face up to a perception that the Conservative party were tougher on issues of crime and disorder than the Labour party. This was especially crucial as a tougher response to issues of crime and disorder was being demanded from disadvantaged estates that, in many cases, formed a significant part of Labour ‘heartland’ areas. As Squires notes,

People living in social housing estates or poorer areas tend to report more anti-social behaviour problems (Squires, 2006: 147; see also Thorpe and Wood, 2004).

Squires goes on to say,

Perceptions of disorder were especially accentuated for people experiencing deteriorating standards of living or resident within deprived or declining neighbourhoods (Squires, 2006: 147; see also Hancock, 2001).

This is backed up by statistics published through the Home Office:

People living in council estates and low-income areas were the most likely to perceive high levels of antisocial behaviour (39% compared with the national average of 22%)’ (Thorpe and Wood, 2004; see also Nicolas and Walker 2004:10).

So clearly New Labour perceived demands around crime and disorder coming out of poor or disadvantaged areas and this came to be articulated with issues of social exclusion, community cohesion and urban degradation. As such, by 2000, demands around urban degeneration coming out of local communities feature prominently in Anti-social Behaviour discourse; to the extent that (as we have already seen) in the *Respect and Responsibility* White Paper, anti-social behaviour is constructed as a cause (or at least a key aspect) of social exclusion, rather than being caused by it. As such anti-social behaviour was seen to ‘corrode community cohesion and undermine efforts towards social and economic regeneration’ (Squires, 2006:147; see also Page, 1993).

## **5.2: Crime and Disorder and Other Demands**

One of the reasons for the proliferation of term ‘anti-social behaviour’ in the public and media discourse of the 2000s must be its ability to signify so many different demands. In order to understand the policy space of anti-social behaviour, we must take a closer look at the various demands this term has signified and how these demands are understood in the policy discourse of anti-social behaviour.

We have seen that anti-social behaviour, from its earliest (New Labour) incarnation was articulated along with demands around community degradation and social exclusion; however the precise timing of its coupling to issues of youth is far harder to pin-point. The first step, here, is to identify some of the demands that comprised anti-social behaviour/the definition of anti-social behaviour itself. Here young people have consistently featured prominently, along side issues around community degradation such as litter and vandalism; however drug dealing is also a major factor here.

A third of people perceived vandalism (35%), litter (33%), *teenagers hanging around* (33%) and drug use or dealing (32%) to be a very or fairly big problem in their area. (Thorpe and Wood, 2004:55. My emphasis).

Many commentators have noted the link between social housing and early anti-social behaviour enforcement focus.

[...] historically where it [anti-social behaviour policy] appears to have come from has been a largely housing perspective. So typically, I think, housing associations, residents, social landlords said that they didn't have sufficient powers to deal with problematic tenants. And the initial discussions around legislation that subsequently became 'ASBOs' was specifically focused on that problematic tenant area. By the time it hit legislation it had morphed somewhat and that those changes continued to progress, the ASBO in the 1998 Crime and Disorder Act and following implementation, the draft guidance, said that it would rarely be used on children under the age of 17 and would only anticipate using it in conjunction with orders made against other family (older) family members. That was the draft guidance. By the time it came to be published as full guidance that completely changed. There was nothing to prevent the use of ASBOs to kids under the age of 18. So we'd already seen by the time of implementation, quite a big shift, I think, towards the possibility of that whole agenda being one which young people became at least a significant aspect' (Research Interview 2).

Squires links the focus on housing to the subsequent focus on young people more directly.

[...] despite the explicit housing management focus at the heart of much early ASB enforcement work, a survey of social landlords in 2001 found that 77 per cent of them identified 12–17 year olds as the most relevant group for ASBOs (Squires, 2006: 149).

Despite the initial housing focus, recent British Crime Survey data on perceptions of anti-social behaviour rates issues around noisy neighbours far lower than 'teenagers hanging around' (3% of respondents seeing noisy neighbours as a very big problem as opposed to 10% seeing teenagers hanging around as a very big problem: Flatley *et al.* 2008:12).

Indeed demands about the 'problem' of 'teenagers hanging around' is rated highest among the 2007 British Crime Survey's list of concerns about anti social behaviour, with 31% of respondents seeing it either as a fairly big or very big problem. This should not surprise us, considering the link in media discourse between young people who 'lack respect' and anti-social behaviour. However demands about the behaviour of the young do not exhaust demands that are articulated by anti-social behaviour discourse.

The British Crime survey also collects data (with regard to perceptions of anti social behaviour) on people's perception of issues like: 'rubbish and littering', 'vandalism/ graffiti/other deliberate

damage', 'people using/dealing drugs', 'people being drunk/ rowdy', 'noisy neighbours/loud parties' and 'abandoned and burnt out cars'.

So we can see that demands around anti-social behaviour range from the overtly criminal (such as drug dealing) to low level nuisance (such as drunken/rowdy behaviour). Thus the category of anti-social behaviour captures notions of crime as well as communities being 'run down' by vandalism and abandoned cars. As such it captures the notion of communities being 'blighted' by degradation, urban decay and crime. Demands around regeneration and social exclusion are thus linked to Anti-social Behaviour discourse. Indeed this is so much the case that Blunkett argued that anti-social behaviour 'holds back regeneration' in the executive summary of the 2003 *Respect and Responsibility* White Paper (Home Office, 2003: 6).

The diverse concerns captured by the notion of anti-social behaviour can be problematised in terms of demands for increased enforcement. Thus the 'problem of anti-social behaviour', itself an articulation of diverse crime and order, youth, and concerns around community degradation, is problematised in terms of a perceived lack of enforcement. The policy 'solution' to the problem of anti-social behaviour has focused on making the enforcement easier and quicker. Thus Anti-social Behaviour policy can be viewed as a response to demands for more police and more enforcement, and especially enforcement against young people 'who think they can get away with it'. This can be simply evidenced by the fact that Anti-social Behaviour policy seems to be uniquely and singularly concerned with enforcement measures, whether this was the introduction of new enforcement measures such as: Parenting Orders, Curfew Orders, ASBOs or the Acceptable Behaviour Contract; or 'cutting red tape' to make the enforcement process easier. As such Blair identified the following as the main issues he hoped to address with Anti-social Behaviour policy:

- A nineteenth-century criminal justice system trying to solve twenty-first-century crimes;
- Too little joined-up working between police, CPS and other agencies;
- Too little focus on the hard core of persistent offenders who commit more than half the crime;
- Court procedures that are cumbersome;
- Justice weighted towards the criminal and in need of rebalancing towards the victim;
- Police not freed up and given the flexibility to focus on the crime and antisocial behaviour;
- Punishment that often does not fit the severity of the crime (Blair, 2002b).

Here Blair also hopes to respond to demands about the perceived ineffectiveness of the criminal justice system, however this argument is framed in terms of a binary opposition which is common in New Labour's crime and disorder rhetoric. That is the opposition between the law abiding majority/victims and offenders. This opposition is constructed as being known *a priori*, before any evidence of wrong doing is presented. As such, police and others know who offenders are and so evidence is constructed as something that gets in the way of justice and protects the criminal. As such Anti-social Behaviour policy has been concerned with the reduction of the burden of evidence (balance of probabilities as opposed to beyond reasonable doubt in ASBO cases). The idea that traditional rules about the burden of evidence protects the criminal and slows down the justice system is the issue Blair refers to here as the 'nineteenth century criminal justice system'. The opposition also helps to feed a fantasmatic dimension that constructs criminals and especially young people as acting illegally/anti-socially and with impunity; and a 'blighted' majority, impotent to defend themselves against such behaviour. For example, drawing on the logic of 'broken windows' (see below) to re-enforce the notion of impotence in the face of such behaviour (that this policy seeks to redress), the *Respect and Responsibility* White Paper of 2003 phrases the problem in precisely these terms.

The anti-social behaviour of a few, damages the lives of many. We should never underestimate its impact. We have seen the way communities spiral downwards once windows get broken and are not fixed, graffiti spreads and stays there, cars are left abandoned, streets get grimmer and dirtier, youths hang around street corners intimidating the elderly. The result: crime increases, fear goes up and people feel trapped. (Blunkett, Introduction to Home Office, 2003)

### **5.3: The Policy Space of Anti-Social Behaviour**

Having addressed the demands articulated by Anti-social Behaviour *discourse*, I will now move on to briefly describe the space in which these demands were addressed in terms of the traditional categories of the policy process (formulation, implementation and evaluation), before going on to explore this space, in the next section, first in terms of its constitutive exclusions, and second in terms of the social logics that inform it.

Anti social Behaviour policy space, as it emerged from the *Crime and Disorder Act*, was traditionally centred on the Home Office, however the Prime Minister (Tony Blair) and as such his office was certainly heavily invested in issues of anti-social behaviour from as early as 1997.

The Prime Minister himself undoubtedly became personally linked to this policy, in public and media discourse, as it featured prominently in many of his articles and speeches throughout his premiership. There is some evidence to suggest that the Prime Minister was driving much of the policy from Number 10. One interview respondent (from ACPO) told me of his experience attending meetings with Jack Straw (as Home Secretary) with regard to anti-social behaviour and ‘on the spot’ fines for young people, in 2000.

I went to the meeting with Jack Straw and the heads of various different agencies and other officials. Jack Straw said ‘right we are doing this...blah..blah...Tony wants this Tony wants that, and it is our job to make it happen (Research Interview 3).

Another respondent told me:

Blair decided very early on...to drive directly from number 10, aspects of these policies and not leave it to the Home Office, by appointing working parties and special advisers to drive the policy from the Centre (Research interview 7).

Indeed in their biography of Tony Blair, Seldon *et al.* describe Anti-social Behaviour policy and in particular the *Respect Action Plan* as the ‘biggest new initiative of his third term’ (Seldon *et al.*, 2007:416). Drawing on an interview with Louise Casey, they go on to write:

[Blair] created the Anti-Social Behaviour/ Respect Cabinet committee, which first met on 30<sup>th</sup> June 2005. Blair’s tone was ‘very insistent and urgent’, recalls Louise Casey. His frustration with ministers for not sharing his enthusiasm for driving it forward in their departments was evident (Seldon *et al.*, 2007: 416).

There seems to be quite strong indications that Tony Blair was personally driving a great deal of aspects of the emerging Anti-social Behaviour/Respect policy (see also Squires, 2006). However until the creation of the Ministry of Justice (in 2007) Anti-social Behaviour policy came under the remit of the Home Office and all New Labour Home Secretaries from Jack Straw to Alan Johnson have held anti-social behaviour as a crucial aspect of the Home Office brief.

As well as the Home Office, local authorities (and as such the Local Government Association) played a key role in the evaluation and implementation of Anti-social Behaviour policy. A space within the Anti-social Behaviour policy space was created by the Crime and Disorder Act itself.

This space or spaces included actors who were seen as central to the implementation of crime and disorder policy at the local level and are known as Crime Reduction Partnerships. These consist of many agencies and vary from locality to locality but the core membership as set out in section 6, Crime and Disorder Act 1998 and amended by sections 97 and 98, Police Reform Act 2002 and section 1, Clean Neighbourhoods & Environment Act 2005 is: police, police authorities, local authorities, fire and rescue authorities, Primary Care Trusts, the Environment Agency ('invitee to participate' from 2007) and registered social landlords (from 2007). However the role of these partnerships is seen as that of implementation at the local level and not the questioning of policy. By constructing the policy space as one of a settled consensus (the idea that the policy was settled and required implementation) led to a fairly limited role for Crime Reduction Partnerships to debate or contest policy with central government. It should also be noted here, however, that there was initially little enthusiasm from many local authorities with regard to the use of the ASBO (see Burney, 2002), before it's use was (to put it one way) more strongly encouraged by the Anti-social Behaviour Act. This may well indicate a form of contestation of its own, however I have no research data to back up this claim.

As anti-social behaviour crosses over with crime, so does Anti-social Behaviour policy space cross over with the criminal justice (and youth justice) policy spaces. As such the Crime and Disorder Act also led to the creation of the Youth Justice Board in 2000. The Youth Justice Board, although a government agency, became central to debates around Anti-social Behaviour policy, particularly from 2004 to 2007, when Rod Morgan (a criminologist who had long been critical of much of the government's strategy on anti-social behaviour) was its chair. Youth offending teams (YOTs) also were seen as key to the implementation of the Crime and Disorder Act and subsequent Anti-Social Behaviour legislation. .

Despite the emphasis on using joined up and inter-agency working to deal with the 'problem' of anti-social behaviour, the space allowed for debating and discussing the policy itself has been far more closed off. However we know (from Chapter 3) the line that demarcates the formulation, evaluation and implementation of policy to be neither clear nor static and, in this case, the policy space opened up at various times to allow evidence to be presented from many actors associated



with the implementation of the policy, and so play a role in its evaluation and re-formulation; we shall look at this in more depth later.

With regard to the initial policy formulation and in addition to the demands coming from the social housing sector (discussed above), the Audit Commission report on *Misspent Youth* (1996) certainly provided much of the background evidence on the perceived problem that informed the policy making behind the Crime and Disorder Act. ACPO and the police, being inside the Home Office or at least having strong ties to it, were able to have access to high level civil servants and the Home Secretary from early on. Also ACPO's 1995 Crime Committee report *Reducing Anti-social and Criminal Behaviour Amongst Young People*, which was very early on in advocating a 'holistic approach' to tackling the problems identified in *Misspent Youth*, no doubt helped the police service, and ACPO in particular, to have a key inside role in not only the implementation and evaluation of Anti-social Behaviour policy but also in its formulation and reformulation, as well.

We [ACPO] were quite influential in the Crime and Disorder Act in its introduction because the report we did initially in 1995...was split into two, 1. We were asking for youth justice reform and 2. We were asking for agencies to work more closely together...and the Labour government when they came to power in 1997 (all credit to them) said 'we like youth justice reform we will put that as one of our manifesto pledges and did so and spent their first term in office reforming the youth justice system – largely what we asking for but then they went too far (Research Interview 3).

### **5.3.1: *Insiders and Outsiders***

Following on from the theoretical case outlined in Chapter 3, the best way to understand the policy space of anti-social behaviour is to examine the demarcations that constitute it. Thus in this section I will examine which demands and which actors have been included and excluded from the policy space of anti-social behaviour over time. As already argued, the policy hegemony around anti-social behaviour was constituted by the demands it excluded.

New Labour's crime and disorder legislation attracted criticism from early on, particularly from criminologists (see for example Ashworth *et al.*, 1998).

When New Labour, in opposition from 1995 to 1997, started producing policy papers and suggesting some of these powers, I together with three or four other academics wrote essays...protesting, on civil liberties grounds what they were proposing (Research Interview 7).

One of these academics, in particular, was later to take a much more 'inside' role in the policy space, but this will be addressed below, when discussing practices of contestation. Despite this, it is fair to say that many of the academic criticisms on human/civil rights grounds against erosion of rights by the (then) proposed crime and disorder legislation remained very much outside the policy space at the formulation stage.

According to Rod Morgan, many of the concerns raised by him and other academics such as Andrew Ashworth were the very same concerns that were later articulated by civil liberties campaigners during the passage of and implementation of the Crime and Disorder and Anti-Social Behaviour Acts.

Civil liberties campaigners such as: Liberty, Justice and the Howard League, continue to raise concerns around the erosion of civil liberties and the blurring of the distinction between civil and criminal law with regard to New Labour's anti-social behaviour agenda.

However, as it became clear that New Labour's crime and disorder policy was focusing heavily on young people, a strong set of demands emerged from various actors, contesting government policy on the grounds of children's rights (articulated by Liberty, Justice, Barnardo's, The Children's Society, NSPCC, NCH and other children's advocates). These, along with civil liberty campaigners, have formed the 'Standing Committee for Youth Justice' which 'is not a standing committee at all but a loose association of partner organizations' (Research Interview 6). However it was often through this committee that the demands of 'outsiders' are made. It seems that the space outside the policy space of anti-social behaviour was too characterised by a logic of equivalence that led to the formation of SCYJ which was a very broad coalition united largely in their opposition to government policy on anti-social behaviour.

To give you a bit of background...The way in which the charitable sectors tend to work is that we don't always work in isolation, in fact very rarely do we work in isolation. We work in coalitions and there is an extremely effective coalition called the standing Committee for Youth Justice which has a membership of about 25 or more voluntary sector organisations which cover child, youth and

criminal justice, this has been in operation since before I can remember so it must 10 or 12 years if not more (Research Interview 4).

It is these demands that my research has focused most heavily on, as they play a key role in understanding the changes in New Labour's Anti-social Behaviour policy. To begin with, according to most actors I have spoken to, these demands around children's rights were excluded from the policy space. Anti-social Behaviour policy was clearly demarcated as a law and order policy and the concern of the Home Office (and as such the police) and local authorities. It was not concerned with issues of child welfare and poverty which were seen as different government agendas. Thus demands around children's rights and welfare were seen as 'outside' the remit of Anti-social Behaviour policy, hence children's advocates enjoyed little access to the Home Office, unlike ACPO which had access to the Home Secretary from very early on (Research Interview 3).

[...] by 2006 we've got to the stage where almost half of all ASBOs were made on children and young people under 18 so I think for us there's been something about the way the focus on ASB has become about children and children that behave in a troublesome manner. In terms of lobbying and where we listened to. The simple answer would be no. I mean...there was no reluctance to talk to us we had access to, the bill team; not to senior.. ministers... I don't think we met with ministers but we certainly met with ...the bill team civil servants and other politicians. We really were not very successful at all with any of that lobbying *at that time*. I want to put a caveat on it and in particular .. I think there was a real reluctance from what was initially the ASB unit and then became the Respect Taskforce to actually take on board any of our arguments (Research interview 1).

Many children's advocates including children's charities shared many demands about children's rights and concerns that these rights were being trampled on and that anti-social behaviour policy in general was in danger of demonising a whole generation of young people. Individual organisations and the Standing committee on Youth Justice have had varying success in getting their argument's heard by government. Before going on to discuss this in the section below on contestation, I shall now outline what I see as the core demands being made by children's advocates, and which were excluded initially from the anti-social behaviour policy space.

These demands often take the form of strong criticisms of government policy, exposing where it is ineffective or runs counter to the welfare of children and young people in particular. It is these demands that I shall focus on most heavily; however they are also backed up with demands for alternative measures, especially and specifically regarding the Anti-social Behaviour Order or

ASBO. The following was from an interview with policy officers of a well known UK children's charity.

The first thing the Standing Committee [for Youth Justice] would say is that they needed to be reviewable after 3 months rather than a year which it is now...secondly we say they need to find a much greater variety of alternatives before ASBOs are imposed as ASBOs are very restrictive instruments. Thirdly the method of implementation is problematic, sometimes an interim ASBO can be put on a child without any kind of hearing taking place so they do defeat the normal legal process. Fourthly ASBOs... are supposed to put in place with individual parenting/ support orders accompanying them all the way through however I have seen recent statistics ...which indicate that out of 600 ASBOs granted only 30 had individual supporting orders attached to them (Research Interview 6).

I shall now list what I have identified as the key demands (in the form of criticisms of current policy), along with discursive data (along with minimal commentary from myself), to show how these demands are expressed. This should give us a good grasp of the self interpretations of actors involved. I shall then go on to contextualise these self interpretations by identifying the discourses and social logics in which they are embedded.

### ***5.3.2: Demand 1: Definition of Anti-Social Behaviour, Criminal/Non criminal Law***

The wide definition of anti-social behaviour has been criticised as well as praised. Anti-social behaviour may have been intended to capture a range of behaviours deemed 'pre-criminal'. However in practice, according to some commentators, with its focus on issues such as drug dealing, the line between criminal and non criminal aspects of anti-social behaviour becomes blurred. This is further evidenced by the criminal sanctions (up to five years custody) which may be imposed if an Anti-social Behaviour Order is breached (see demand 4).

It became very apparent subsequently is that there is, that the borders between those two things - anti social behaviour and criminal behaviour - had become very blurred and fuzzy - so we have got, I mean just a massive array of ways you can deal with a particular child's behaviour on a particular occasion. And I suppose it's interesting how rapidly it has happened (Research interview 2).

[...] two concerns. One was the blurring of the edges between what's ASB and what's criminal because clearly some of the behaviour that's included in that long list of things that is ASB actually isn't ASB it's criminal you know drug dealing is criminal and should be dealt with and we have a criminal system that enables it. So that sort of blurring of the edges But the other is that actually it seemed to be saying that children should be treated in exactly the same way as adults with no differentiation between the way that they were dealt with (Research Interview 1).

### 5.3.3: Demand 2: Net Widening

We had, I suppose, a broad range of concerns about the Crime and Disorder Act and its impact on young people more generally. I guess at that early stage our concerns were more about things like early intervention through the criminal justice system. We had concerns about a 'net widening' process for the criminal justice system. And I suppose it was later that it became quite apparent how much the Anti-social behaviour agenda was going to impact on young people and how it would dovetail with the early intervention through the youth justice system (Research Interview 2).

The issue of net widening was also of concern to former senior members of the Youth Justice Board (YJB).

We're standing on the brink of a prisons crisis. We have tonight, lots of people in police cells because there is no space for them in custody, and that's true for children and young people also...I regard a 26% increase in the number of children and young people that are being drawn into the system in the past three years as swamping (Morgan, Rod., 2007 [BBC online press release]).

Also see Rod Morgan interview excerpt on BBC *Newsnight* (BBC [no date, online video]). Here Morgan explicitly makes the case that this net widening effect will lead to results which are 'unsustainable'.

This argument does not appear to have gained much ground with government, despite the fact it was often articulated by those who may be considered (at least to some extent) 'insiders' (such as former YJB chair Rod Morgan). As such, as one may expect, there is some evidence of heated contestation between the YJB and senior government ministers and civil servants, in particular Louise Casey. One clear example of this was at a conference organized by the YJB (in 2006) in which Louise Casey was a keynote speaker. This was reported by elements of the social/care work press (Community Care, 2006a [online]) This could also be said to have culminated in the decision not to renew Rod Morgan's contract as chair of the YJB in 2007.

Rod Morgan ...[i]s the man in charge of youth justice for England and Wales who resigned today sharply criticising government policy on young offenders. He says youth courts and children's prisons are being "swamped" with minor offenders who are "cluttering up" the system (Morgan, Robert, 2007).

This issue has also been of key concern for Children's Charities and advocates as evidenced by the following section of a report by the Standing Committee for Youth Justice entitled 'Still Waiting for Youth Justice' .

The corrosive effects of the spreading criminal justice net are also evident in the expanding array of measures to deal with anti-social behaviour (ASB). The police have the power, within designated dispersal zones, to return home children under the age of 16 years whether or not they have done

anything wrong. In the 18 months from January 2004 at least 520 children were taken home under these powers (SCYJ, 2006).

Here the concern is not just on an expanding prison population but also related to the demonisation and criminalisation of young people in general.

#### ***5.3.4: Demand 3: Contradictory Messages From Government***

We can see this argument being articulated by the former Association of Directors of Social Services in their written evidence to the Home Affairs Select Committee on anti-social behaviour in 2005.

In our response to the Green Paper “Every Child Matters” and the accompanying “Next Steps” document on youth crime we highlighted the potentially contradictory messages emanating from government. On the one hand children and young people are perceived as young, potentially vulnerable and in need of protection and investment. On the other they are seen as being out of control, violent and responsible for much crime and anti-social behaviour. We believe that it was a fundamental error for the Government to segregate its policy approach to youth crime from the more ambitious and constructive approach to all other areas of children’s services. The ADSS [Association of Directors of Social Services] firmly believes that children and young people should be valued throughout their childhood and adolescence, including those whose early experiences have contributed to a life style of exclusion and anti-social behaviour (ADSS in House of Commons, 2005b- [Written Evidence HC 80 Volume II, EV 10]).

Kathy Evans from the Children’s society has also raised this issue with the Local Government Association (see Evans, 2004).

However the idea that there are mixed messages emerging from government departments has been highly disputed as we saw in Chapter 1 (and was evidenced by a quote from Steve Mycio taken from a 2006 Respect Committee meeting).

The need to mention that Every Child Matters and Respect were the same thing albeit in different guises may well have emerged from the argument that in fact these two policy areas send mixed messages to the public.

#### ***5.3.5: Demand 4: Excessive Punishment for Breech***

The SCYJ is particularly concerned about the impact on the numbers of children given custody. Recent figures are not available, but by the end of 2003, 46% of 10-17 year olds breaching ASBOs

had received a custodial sentence. It is true that, on occasion, there were other matters before the court; however the ASBO breach was either the sole offence for which custody was imposed, or contributed to a longer sentence of detention, in more than 75% of such cases (SCYJ, 2006).

[T]hat the two year minimum for an ASBO *for a child* was too long...you know when you are 13 two weeks is a long time, you know and there's some really you know good evidence about child development that we quoted which was just completely ignored and one of our concerns about the whole ASB legislation was...sorry...two concerns They are the very children who are targeted by adults who perhaps have um you know nefarious intent you know we do a lot of work um in the sexual exploitation arena we know, you know adults who are seeking to exploit children look for those who are vulnerable, you know, we're handing it them on a plate if we publish all those details (Research Interview 1).

This demand is often articulated together with concerns about the demonisation and criminalisation of young people as well as the 'net widening' effect of Anti-social Behaviour policy, as well as the demand that government policy blurs the distinction between what is and is not criminal behaviour.

'The current approach to ASB has resulted in more children being drawn into the YJS. Breach of an ASBO is a criminal offence and rates of non-compliance are high.' (SCYJ, 2006).

### ***5.3.6: Demand 5: Naming and Shaming/ Demonisation of Children/ Young People***

This demand has been a key concern for all the members of the Standing Committee for Youth Justice, interviewed as part of this thesis.

The SCYJ shares the concerns of those who consider that the 'ASB agenda' has led to a demonising of young people in general. The presumption in favour of 'naming and shaming' those against whom ASBOs are made, through the media or leafleting the local neighbourhood, also demonises individual children. It exposes those who are already among the most vulnerable to emotional damage and can compromise their safety through vigilante action. For others, it becomes a 'badge of honour' or a status symbol (SCYJ, 2006).

Further examples of these concerns are quoted below. The idea of naming and shaming young people seems to run counter to the ethos of those concerned with children's rights and welfare in not only the voluntary sector but also social services.

We are particularly concerned about the privacy arrangements for children and young people made subject to an ASBO. Because ASBOs are civil measures there is not the same presumption in favour of reporting restrictions to withhold identification as exists for children in criminal proceedings. We question the benefits in having children's names and photographs published in the local media and

distributed in the local community (ADSS in House of Commons, 2005b- [Written Evidence HC 80 Volume II, EV 10]).

A particular issue for us was the naming and shaming of children in all other legislation relating to children there is guarantee of privacy there's an acceptance that children are minors that court matters...even criminal court matters should be private the presumption is always that their details will not be published and made public even you know in the criminal courts and here all of a sudden we have things not just... vague details but you know names addresses what school they go to where you can find and we were quite concerned from a child protection point of view if a child gets an ASBO just by the virtue of the fact they've got it would indicate that they are leading quite chaotic lives with not a great deal of parental supervision . They are the very children who are targeted by adults who perhaps have um you know nefarious intent you know we do a lot of work um in the sexual exploitation arena we know, you know adults who are seeking to exploit children look for those who are vulnerable, you know, we're handing it them on a plate if we publish all those details (Research Interview 1).

### ***5.3.7: Demand 6: Anti-Social Behaviour Policy is Ineffective***

This demand is usually articulated in the context of evidence collected by those agencies with a front line service delivery (with regard to young people) component, or organisations such as the Youth Justice Board. Evidence is brought to bear that anti-social behaviour measures fail to address the problem which they were designed to solve, namely reducing instances of crime and anti-social behaviour in communities. For example one much quoted report by the Youth Justice Board noted that:

Parents (like some professionals) commonly argued that ASBOs functioned as a 'badge of honour'; rather than addressing the root causes of behaviour (YJB, 2006).

This serves as one example of how anti-social behaviour measures can be seen as not just ineffective but in some ways counter-productive in terms of their objectives.

New Labour aim to overcome the traditional political dichotomy of left and right via and appeal to what works and evidence based policy. This has allowed for a specific ground for those contesting a policy to do say that it is ineffective on the basis of evidence. This has been the case with anti-social behaviour and I shall return to this issue later in the chapter. As such, articulation of this demand is of particular interest and is dealt with in some detail in the section below, in relation to the social logic of 'what works'.



### 5.3.8: Demand 7: Special Rights for a Child

Demands for special rights for children are most often made with reference to the UN Convention on the Rights of a Child.

On 4<sup>th</sup> Oct 2002, the UN Committee on the Rights of the Child published its response to the UK government's report on the implementation of the United Nations Convention on the Rights of the Child (UNCRC). Some of the most systematic criticism in the report was directed at the UK's administration of juvenile justice. In particular, the Committee recommended, *'that the State party establish throughout the State the best interests of the child as a paramount consideration in all legislation and policy affecting children, notably within the juvenile justice system'* (paragraphs 25/6). The UN Committee on the Rights of the Child will next examine the UK Government in 2008 and it is imperative to seize this opportunity to address the Committee's previous criticisms. Children who are in trouble with the law are children first; they must be treated as such and afforded the same rights and protection as any other child' (SCYJ, 2008a [press release]).

This underlies many arguments made by all children's charities, although it is sometimes implicit in their arguments rather than articulated as a specific demand itself. Many children's advocates are strongly committed to rights for children. Children, as opposed to being constructed as a problem, are constructed as a special and vulnerable group, a problematisation that chimes much more with Every Child Matters than with Anti-social Behaviour policy. As such many demands made by children's charities, in particular, concern a perceived erosion of protections for children in law (for example the abolition of the presumption of *doli incapax* for young children) by the Anti-social Behaviour agenda. Barnardo's, for example recently raised concerns that children are put in custody for 'offences' that would not warrant custody if committed by an adult:

[...] children who had committed so called 'summary offences'; these are the least serious offences on the statute book. If you're an adult the chances of being sent to custody for a summary offence are 1 in 100 ...but we sent 20% of these children to custody for these offences, if they were an adult they would never have been sent to custody' (Chief Executive of Barnardo's in BBC, 2009 [online embedded video interview]).

This highlights that not only (according to Barnardo's) do children not have special protections under law; but in fact they are treated more harshly by the law than adults. At this stage it should not be too hard for the reader to grasp the connection between Anti-social Behaviour legislation (and its focus on low level crime and severe punishment, not to mention its focus on the young) with the issue of young people being held in custody for summary offences. The demand that

youth deserve special rights is intimately bound to logic of putting children first and often finds its expression within this logic. The logic of putting children first (or at the centre) plays an important role in the context of this discussion. The next section will look at its role in articulating demands against Anti-social Behaviour; and in the next chapter we will see that it also functions as a key social logic that formed the grammar of many practices internal to the Every Child Matters policy space.

### ***5.3.9: Articulating Demands Together***

Sometimes all these demands will be articulated together as part of a general discourse opposing government policy. Here the idea that Children deserve special rights seems to function as a ‘nodal point’ around which the other demands (such as the blurring of the criminal/non criminal distinction, naming and shaming and excessive punishment for a breach of an ASBO) are articulated together. The following quote taken from interview data seems to illustrate this point nicely.

One [concern] was the blurring of the edges between what’s ASB [anti-social behaviour] and what’s criminal because clearly some of the behaviour that’s included in that long list of things that is ASB actually isn’t ASB it’s criminal you know drug dealing is criminal and should be dealt with and we have a criminal system that enables it. So that sort of blurring of the edges But the other is *that actually it seemed to be saying that children should be treated in exactly the same way as adults with no differentiation between the way that they were dealt with* A particular issue for us was the naming and shaming of children. (Research Interview 1. My emphasis).

Here the demand of special rights for children is central. However other demands around, for example, net widening and the blurring of the legal distinction between nuisance and criminal behaviour are framed in a logic that sees children as special and deserving of protection rather than severe punishment. Thus putting children first is once again in evidence as a key grammar that is deployed to contest much of the Anti-social Behaviour Policy space. Thus rather than seeing special rights for a child as one of many demands that are external to the policy space, it should be seen as occupying a position of special importance. This demand could be viewed as a nodal point around which other demands are articulated. What is less clear is the extent to which it functions as an empty signifier. Of course in child advocacy circles, mentioning the UN Charter for the Rights of a Child in relation to youth justice in the UK will imply many other demands mentioned here, such as net widening and excessive punishment for a breach of an ASBO.

However, rather than ‘standing in’ for these demands, it acts as a point around which they are often articulated, or as a stated or unstated assumption on which many arguments critical of the Anti-social Behaviour agenda rest. It also maintains much of its specific content which is best understood through the UN charter; and although it implies other demands, it is not synonymous with them. However, as shall be discussed in the following chapter, putting children first also acts as a social logic internal to the Every Child Matters policy space. So, rather than seeing it as a nodal point (which may be analytically valid), I intend to focus on how it acts as a social logic that informs both policy practices internal to the space of Every Child Matters; and practices that contest the Anti-social Behaviour Policy space. Thus the social logic of putting children first can be seen as external to the Anti-Social Behaviour Policy space and internal to Every Child Matters, and, as aforementioned, it is something that will be addressed again in this thesis. I now intend, however, to turn to social logics that are internal to the policy space of Anti-social Behaviour.

#### **5.4: Social Logics**

Social logics are another way by which we can describe and characterise the space of Anti-social Behaviour policy. By drawing on the work of Glynos and Howarth (2007), I shall now be looking in detail at the ‘social logics’ that can help us identify the rules governing practices of Anti-social Behaviour policy. Social logics, according to Glynos and Howarth, can be understood as the ‘logic that provides the rules or grammar of a practice’ (Glynos and Howarth, 2007:136). Thus social logics form the descriptive component of the analysis, allowing us to characterise a practice. Here ‘social logics’ will refer to the dominant logics of what we might call the internal space of the policy. That is the space of the ‘insiders’ (policy makers and those whose demands have been articulated in dominant or hegemonic discourses of youth policy). Counter logics will refer to the logics that do or could potentially contest the dominant social logics that characterise what we shall call the ‘internal space’ of youth policy. Thus the notion of counter logics should help us to demarcate between inside and outside youth policy space and in so doing speak to issues of inclusion and exclusion with respect to demands around youth and youth policy. My argument is that in order for us to understand change we need to understand the spaces that have changed over time. Thus social logics furnish us with an analytical device that enables us to

characterise the space(s) under investigation. This is in many ways only the opening move in my analysis. First we describe the space through social logics. By focusing on the relationship between social logics and their counter (social) logics we are able to describe the internal composition of the policy space and its constitutive outside. This also draws our focus to the demarcation between inside and outside the policy space.

#### ***5.4.1: Respect and Responsibility***

The first logic ‘in play’, so to speak, is the logic of ‘respect and responsibility’. For analytical purposes I am going to take ‘respect’ and ‘responsibility’ separately before showing how these two aspects are joined together to form a social logic that governs/ governed much policy practice around anti-social behaviour.

The logic of ‘respect’ arises from the problematisation of youth as ‘lacking respect’. Thus youth are a problematic element of communities. The response to this problematisation is a need to instil ‘respect’ into young people through tough enforcement measures that form a large part of the Anti-social Behaviour agenda. This logic articulates demands to stop or reduce low level crime in communities, such as graffiti, vandalism and minor acts of criminal damage. It also articulates the demands that groups of youths ‘hanging around’ making noise, and acting in a certain way in public spaces should be stopped, as it is intimidating to other members of the community. In the words of Tony Blair:

Respect is a simple notion. We know instinctively what it means. Respect for others - their opinions, values and way of life. Respect for neighbours; respect for the community that means caring about others. Respect for property which means not tolerating mindless vandalism, theft, and graffiti (Blair, 2002b).

It is perhaps worth noting that by describing respect as a ‘simple notion’ Blair masks over the possibility that respect might have multiple and contestable meanings. An example of this contestation can be seen in the following quote from a children’s rights activist.

[...] you can’t legislate for respect! I think they stole the word ‘respect’ .I was very angry about the respect agenda ... I think Louise Casey *stole* that word and put a whole different meaning on to it. And ... it was all very much a one way process....you instil respect into children by making lots and

lots of legislation and lots and lots of policy *and controlling them* but not actually by example or giving them respect despite the fact that that was nominally in there' (Research Interview 1).

According to the Home Office, these behaviours (that can be lumped together under the heading of 'anti-social behaviour') are 'fundamentally caused by a lack of respect for other people' (Home Office, 2003:7). We have seen (in Chapter 1) how young people came to be associated as the primary subject of these behaviours. Their behaviour is caused by a 'lack of respect'; this is made explicit. What are not made so explicit are the assumptions that underpin this explanation. First it is assumed that old notions of community and informal intervention in the behaviour of young people has broken down, thus there is a need to legislate formally for respect. Second, as we have seen, respect can be seen as an 'absent fullness', something which is lacking today but was (more) present in the past. A return to 'respect' therefore has a fantasmatic dimension. Respect is the beatific fantasy that can be seen as the 'flip side' to the horrific dimension of 'anti-social behaviour'. Anti-social behaviour is thus constructed as that which prevents the 'fullness to come' of communities and 'respect' is constructed as the 'lack', the thing missing or the final suture that will bring about the 'fullness to come'. Thus 'respect' on its own may be seen as a fantasmatic logic rather than a social logic and indeed this distinction is largely a matter of judgement. However, when coupled with 'responsibility', we may treat them together as a social logic, albeit one that has a strong fantasmatic dimension in the form of 'respect'.

'Responsibility' immediately draws our attention towards the rule orientated aspect of our analysis and away from the fantasmatic dimension characterised by respect. One must first ask 'whose responsibility is it and to do/not to do what?' However, before making this move, further contextualisation is required.

Although we see responsibility here as part of a couplet with 'respect'; 'responsibility' is part of another couplet - a couplet that marks it in its articulation with 'respect'. This is, of course, the couplet of 'rights and responsibilities'. This couplet marks the single word 'responsibility' with traces that are carried with it even when it is separated from it and re-articulated in a different couplet, that of 'respect and responsibility'. The couplet of 'rights and responsibilities' can be viewed as a social logic in itself, and one that has major implications for the policy space under investigation here, although its implications are broad and far reaching and extend into discourses

about terrorism and law and order in general. However, to maintain focus, I shall be looking at the logic of 'rights and responsibilities' in so far as it impacts on 'respect and responsibility'. Thus when I speak of the social logic of 'respect and responsibility', I would perhaps be better off naming it as the social logic of 'respect: rights and responsibilities'. However the dropping of the signifier 'rights' in the couplet of 'respect and responsibility' is not without significance. This move betrays the relationship between rights and responsibilities as one that privileges the term 'responsibility' and subordinates 'rights'. In other words, rights are dependant on responsibilities. For example 'rights' (by themselves) are associated by Tony Blair with the excessive individualism (individual rights) which eroded notions of community and social responsibility, which characterised the Thatcher era. He juxtaposes this with a 'left' that is the direct opposite of this emphasising 'social rights' and ignoring individual responsibility in articulating his 'third way' between rights and responsibility.

We are living in a society where increasingly the term is itself becoming meaningless, where social responsibility and the duties that come with it are seen simply as a drag anchor on our private pleasure (Blair, 1988).

There is a dreadful irony that at the height of Thatcherism, when the central idea of the neo-liberal Right was to place individual choice above all other values, the old Left became a mirror image of the Right. It stressed social rights to the exclusion of individual responsibilities, just as Thatcherism stressed individual economic rights to the exclusion of social responsibility (Blair, 2002b).

Blair attempts to mark himself as distinct from these positions, by articulating a discourse whereby 'rights and duties go hand in hand' (Blair, 2002b). The idea here is that there are no rights without responsibilities. However this is contested by a counter logic that asserts that rights are simply rights and do not depend on anything.

I had a conversation way back...he [a former government minister] was saying there are no rights without responsibilities, this was in an all party group meeting, and I stuck my hand up and said 'well actually that's not true because rights are indivisible they do not depend on anything, they depend on you being a citizen of this country and that's it – they are indivisible – you get the rights by being here you don't have to do anything they are just there... That's why they are called rights' ....and he [former government minister] came over to me at the end and said 'who are you and who do you work for?' (Research Interview 5).

The reaction of the government minister in the above quote shows us perhaps that he was concerned about the ability of this counter logic to destabilise the logic of rights being dependent

on responsibilities. It was implied in how the above quote was relayed to me, that the minister was not simply enquiring about the interviewee's profession; but rather it was perceived (by the interviewee) as a rather menacing gesture.

Having contextualised the concept of 'responsibility' in the logic of 'respect and responsibility', we are now placed to attempt to address the question of 'whose responsibility is it to do or not to do what?' Responsibility could refer to the responsibility of citizens in a community to challenge the behaviour of young people; however this is not how it was perceived by one children's rights activist.

[... ] I think if you take that along with the demonisation of children by the media which I think has increased since the Jamie Bulger case where we seem to hold 10 yr olds more responsible for their behaviour than we do adults who do horrendous things. Again another anecdote that perfectly illustrates it; and this was somebody who works for this organisation, in the fundraising section who said...we were debating whether children are worse now than years ago (well no their not they live in different circumstances)... she said 'I don't know I was on the bus the other day and there were two kids kicking a can of coke up and down the aisle and this coke was spraying everywhere....how old were the kids...I don't know about 10 ' well I said 'didn't you say anything' ' oh no' 'well why not?' 'because I'm scared' 'scared of 10 year olds!! Well all right how many adults were on the bus' 'about 20- 25' 'If all 25 of you had said the kids come on the odds are they would have stopped'. I think that individualism particularly about children where we are, quite genuinely in some cases, scared to challenge children either a) because we have bought into the myth that they will knife us if we so much as look at them or the other agenda which is you must not interfere with children otherwise you will be accused of being a paedophile you know and you can only look after your own children and not anyone else's (Research Interview 1).

This quote illustrates a number of interesting points. First, that government legislation actually discourages people from taking responsibility for young people in the community, for fear they will be labelled as paedophiles; or that they will be threatened with violence and that if they defended themselves would be seen as assaulting a minor. Second, it underlines a shift in legal discourse whereby the very young are held responsible for their actions where in law this was not traditionally (automatically) the case. Many who contest this logic of 'respect and responsibility' point out how it is very one-sided. It is young people that need more 'respect' and who should take more responsibility and not the 'decent law abiding majority' who are often assumed to have 'respect' already. Thus we can see how this social logic of 'respect and responsibility' serves to make young people the subjects of anti-social behaviour and the law abiding majority the objects (victims) of this behaviour. This is despite claims that our communities, indeed our society, are the responsibility of everyone.

But none of us should escape responsibility. For we, collectively, determine the values of our society (Blair, 1988).

So young people must be responsible for their actions and vitally *will be held responsible*. This is because they have shown a lack of respect for their community – this lack of respect and perceived irresponsibility justifies the reduction of their rights in law – thus has resulted in the erosion of the demarcation between children's (special) rights in law and those of an adult.

#### **5.4.2: Broken Windows**

The next social logic we will be looking at is the logic of 'broken windows'. 'Broken windows' is best known as a criminological thesis; but as we shall see it can also be viewed as a social logic that helps us to characterise youth policy and in particular youth crime and Anti-social Behaviour policy. As a criminological theory 'broken windows' states that in order to tackle serious or violent crime the authorities should focus on tackling 'low level crime' with a zero tolerance attitude.

[...] disorder and crime are usually inextricably linked, in a kind of developmental sequence ...if a window in a building is broken *and is left unrepaired*, all the rest of the windows will soon be broken...one unrepaired window is a signal that no-one cares... We suggest that untended behavior also leads to the breakdown of community controls. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in (Wilson and Kelling, 1982:31-32. Emphasis in original).

This is in many ways an inversion of a more traditional logic or 'common sense' view that the authorities should ignore low level crime in order to target resources on dealing with serious crime. The idea is that one broken window or piece of graffiti in a community, if ignored, encourages further acts of low level crime. Thus the number of broken windows and acts of graffiti and vandalism in that community escalate, leading a general feeling that the community is 'run down'; this feeling in turn encourages more serious crime in the community. So in order to stop this escalation, broken windows, graffiti and/or vandalism should be dealt with quickly and severely. This theory gained credibility largely from its application in the USA and in particular New York, in the 1990s. Zero tolerance policing in New York led to a dramatic reduction in serious and violent crime in the city. The New York example has been ostensibly linked to Anti-



social Behaviour policy in the UK by criminologists such as Elizabeth Burney (2005) and Squires and Stephen (2005) as well as activists and researchers working on youth crime in the UK.

Labour, I think is very receptive because from around '93 they were determined, it seems to me, not to be out flanked by the Tory party on issues associated with law and order, and so effectively in '97 they came to power, in part at least, on the platform of being able to deal with law and order in a tougher; more effective way than the Tories and that was a significant change for Labour. Now, in part too, they were looking to American ideas of around how you deal with law and order and zero tolerance policing had a powerful presence in the US and New Labour took that on board fairly whole heartedly, and the whole of the anti-social behaviour agenda, it seems to me, fits quite well with the notion of broken windows, that kind of approach. It also had, I suppose, a significant advantage longer term and I doubt if this was deliberate intention... initially, but I would not guarantee it no longer is (Research Interview 2 ).

It has been asserted by some criminologists that during Tony Blair's visits to the USA in the 1990s, he was greatly impressed by the success of zero tolerance policing and that this success, in many ways, drove the Anti-social Behaviour agenda in the UK. More cynically, however, Squires and Stephen (2005:16-20; also see Burney 2005: 24-29) have argued that zero tolerance was perceived as an excellent response to a public relations problem New Labour was experiencing with regard to crime. This problem was that while official statistics showed that serious crime in the UK was in decline, New Labour seemed unable to capitalise on this in terms of public opinion. Put simply, people did not believe crime was going down in their community. Many actually felt crime was getting worse. In inner city areas (in particular) people expressed (to New Labour canvassers) a feeling of increased fear of crime and especially anti-social behaviour (Squires and Stephen, 2005:14-15). This can be tied into another crucial aspect of 'broken windows theory', which states that small acts of low level crime have a disproportionate effect on people's feelings of security and safety in their local community and also that these acts have a cumulative impact on victims. Thus Squires and Stephen (amongst others) suggest that zero tolerance policing (embedded in a theory of broken windows) provided an excellent response to the problem New Labour had in convincing people that they were tough on crime (crucially tougher than the Conservative Party, who had a long standing reputation in this area, as suggested in the above quote) as well as effective in dealing with issues of crime and disorder. It is here that 'broken windows' can no longer be seen as an academic theory and takes on a role of a social logic informing law and order policy and practices. Whatever the reasons for New Labour adopting this approach, it has become a dominant logic that informs much Anti-social Behaviour

policy. We should also note that here is a possible site where New Labour's crime and disorder program intersects with issues of youth. This can be seen from a quote by Tony Blair that we have already looked at; however it is worth recalling the quote in the context of this discussion.

Five years ago we began a series of measures designed to curb what is probably the single biggest issue affecting the quality of life in many British communities: anti-social behaviour. By this, I mean the vandalism, graffiti, street crime - not done by big criminals, but by youngsters, often very young, who just think they can get away with it (Blair, 2002a).

Indeed although, as we have seen, low level crime and anti-social behaviour was not immediately linked to youth, a change occurred whereby youth came to be constructed as the principal subject of anti-social behaviour. The logic here is perfectly captured in the quote above. One cannot be sure what came first, whether politicians and the media drove this interpretation that the 'young' were most often responsible for acts of anti-social behaviour and worse were able to 'get away with it', or whether this was a genuine concern expressed by the very people New Labour hoped to interpellate with their crime and disorder program. Either way youth came to be problematised within the logic of broken windows.

This logic played no small part in this new focus on youthful transgressions. Although there is a long history of concerns about the behaviour of youth, dating as far back as (at the very least) Victorian times, concerns about youthful transgressions have often taken a back seat to concerns about serious and violent crime. This is true even within the discourse of anti-social behaviour (in Britain) itself, at least to begin with.

When a sense of community is strong, that adds its own special pressure against anti-social behaviour. Instead, we have learnt to tolerate what should not be tolerated. A victim can be assaulted violently in a public place and ignored by others present (Blair, 1988).

Here was the first mention of anti-social behaviour (on record) by Tony Blair, and dates back to an article he wrote in *The Times* as shadow Home Secretary back in 1988. This article is reproduced on the Number 10 website as evidence that New Labour were concerned with this issue almost ten years before gaining power, and yet here anti-social behaviour is linked into serious and violent crime in a much more direct way than it is from 1998 onward. Anti social behaviour, here, seems to signify an attitude of ignoring serious acts of crime, and is not yet

informed by the social logic of broken windows. The link between serious and low level crime is yet to be fleshed out allowing an immediate slippage between the two, where the first sentence in the quote speaks of ‘anti-social behaviour’ and the second of an attitude that is indifferent to violent crime. Indeed where youth are mentioned in this article it is not in relation to acts of petty vandalism or simply ‘hanging around’ but it is linked to serious acts of violence.

Elsewhere violence has traditionally been after the pubs have closed, between rival groups of youths out to give each other ‘a good hiding,’ as an old regular in the working men’s club explained. But when asked whether he and his friends would search out an old pensioner and beat him up, he looked outraged. ‘We weren’t bloody sick’ (Blair, 1988).

This quote illustrates the main thrust of the article, that focuses on a new ‘sick’ lawlessness that involves premeditated and malicious violence and this is opposed to the good old days of youths just fighting each other after the pubs closed.

Thus my argument here is that the logic of broken windows allowed New Labour to shift its focus from serious and malicious violence (committed sometimes but not always by young people) to low level acts of vandalism and intimidation; and at the same time articulate these two things as *part of the same problem/solution dyad*, thus justifying the focus on low level crime and anti-social behaviour. In other words we could say that the problem may have traditionally been framed in terms of finite resource allocation with regard to law enforcement. Thus it follows that to allocate resources to tackle low level crime has the implication that resources are being taken away from tackling serious crime. However the logic of ‘broken windows’ allows for a different characterisation of the problem so that it is possible to argue that by using resources to tackle low level crime you are also having a significant impact on serious crime.

It is hard to detect a counter logic to ‘broken windows’. This is because in many ways ‘broken windows’, at least in the beginning, was itself a counter logic. It was a counter logic to a more traditional attitude (evidenced in Blair’s 1988 article) of tackling serious crime head on and thus to some extent ignoring low level crime. This detracts from the ability of this traditional attitude to function as a counter logic as ‘broken windows’ is its critique. Thus counters to the logic of ‘broken windows’ tend to take the form of a questioning of its effectiveness rather than a return to a focus on serious crime, which of course ‘broken windows’ does not necessarily preclude.

This issue of ‘effectiveness’ is also itself a social logic that informs Anti-social Behaviour agenda and also needs to be examined.

#### ***5.4.3: The Third Way: What Works?***

The claim that New Labour’s ‘third way’ is not concerned with left or right wing ideology but rather with ‘what works’ applies to many policy areas, and is well known. However here we need only be concerned with the extent to which this acts as a social logic with regard to youth and anti-social behaviour. Here the logic is directly linked to the criminal justice system, which is portrayed as being slow, cumbersome, ineffective and ‘overly complex’ (Research Interview 4). This allows a case to be made for ‘quicker justice’. This logic can be evidenced by a move toward ‘pre-court’ measures that characterise much of the Anti-social Behaviour agenda.

So part of the anti-social behaviour policy development has been the development of what I’ll call pre court summary justice procedures. That is introducing means by which behaviour can be sanctioned without bringing people before the court (Research Interview 7).

However the issue is not just that the criminal justice system is slow and cumbersome but also that it is weighted in favour of criminals and against victims and the ‘law abiding majority’.

The problem with the reform movement was not that it failed. On the contrary it succeeded. And, out of the great achievements of 19th century penal and legal reform, flowed an unintended consequence: the ideal of being a liberal in this field became associated, subtly and insidiously, with ensuring the fair treatment of suspects and criminals, detached from an equivalent concern with victims....And the reason that it raises such profoundly disturbing questions about liberty in the modern world, is this. Because we care, rightly, about people's civil liberties, we have, traditionally, set our face against summary powers; against changing the burden of proof in fighting crime; against curbing any of the procedures and rights used by defence lawyers; against sending people back to potentially dangerous countries; against any abrogation of the normal, full legal process. But here's the rub. Without summary powers to attack ASB - ASBO's, FPN's, dispersal and closure orders on crack houses, seizing drug dealers assets - it won't be beaten (Blair, 2006).

Here we have the ‘what works’ logic eloquently presented by Tony Blair. He seems to sympathise with a traditional focus on protection of liberties and concerns about summary justice, but then argues that this focus prevents the system from working as well as it should do. In short, summary justice is ‘what works’. This logic is also tied in with a strong political logic of equivalence which attempts to draw a sharp frontier between ‘decent folk’ (ibid) or the ‘law abiding majority’ and criminals. It is this logic of ‘what works’, or of ‘effectiveness’ that has been arguably the most successful site for actors who often feel excluded from the policy space to contest it. Here children’s charities (especially those with a ‘service delivery component’) are

able to challenge the assumption (made above by Tony Blair) that these swift summary powers are an effective way to deal with the behaviour of young people.

It (Anti-social Behaviour policy, specifically ASBOs) does not seem to have the support structures it needs to help children to genuinely consider why they are behaving in the way that they are behaving and change their behaviour through parenting orders or individual support orders and there's inconsistency. There is also a report that came out of the Youth Justice Board that generally questions their effectiveness and that there is a high rate of breach (Research Interview 6).

Organisations such as Barnardo's or NSPCC are able to draw on their own organisational evidence as well as other evidence from the Youth Justice Board and those on the front line of ASBO implementation to question the effectiveness of Anti-social Behaviour policy.

I quoted in the oral evidence [given to the Home Affairs Select Committee on Anti-Social Behaviour in 2005] ... our project in the North East where we had, over three years, reduced by 15%, the number of convictions (predicted number on police's previous evidence) of first time entry in to the criminal justice system of 14 year olds, on that particular estate, by intervening and working with the community and the children, so yes it is that bit about being challenged; but also it is about saying 'no this is not about being an apologist it is about saying what you are suggesting does not work , this is what works (Research Interview 1).

YOT practitioners tended to think that ASBOs were overused and had little positive impact on behaviour. They typically viewed ASBOs as potentially counterproductive, believing that they undermine positive interventions that were either already in place, or that could have been offered as an alternative to court action. Police and local authority staff typically considered that ASBOs were used appropriately in their locality and, for the most part, were convinced of their effectiveness. Professionals in low ASBO-use areas suggested that any expansion in the use of the order locally might undermine its effectiveness (YJB, 2006: 13).

This form of contestation cannot however be seen as a counter logic to the logic of effectiveness, in itself. Rather it accepts this logic and instead questions the reality that measures such as ASBOs are in fact effective. Thus this line of argumentation does not question or contest the logic of 'what works' in any way, it merely contests the idea that Anti-social Behaviour policy can be seen as an example of a policy that 'works'. However, this logic allows those who often feel excluded from the policy space to be included in the debate in a meaningful way that is able to contest the policy precisely on the grounds of 'what works'.

One of the clearest statements of contestation of youth crime policy in general comes from the organisation Justice and relates to the Youth Crime Action Plan (YCAP).

We are disappointed that YCAP is largely reliant upon promises of pilots and the restatement of existing practice. The government's current approach is failing to achieve the aims in para 26 of the

Introduction to YCAP and is highly damaging to children and young people in trouble, their families, and society as a whole. In this context we stress that an immediate and wholesale review of the government's approach, alongside the mainstreaming of examples of good practice (such as the use of restorative justice in schools) is necessary as a matter of urgency (SCYJ, 2008b).

Here we can see contestation focused around a logic of 'what works'. The argument here was that New Labour policy relating to youth crime and anti-social behaviour is counter-productive in achieving the aims of Every Child Matters.

### **5.5: Contestation and Counter Logics**

The demands that form the outside that constitutes the space of Anti-social Behaviour policy, are expressed in many ways. These include: speeches, academic publications, newspaper articles, press releases on websites (see, for example, list of SCYJ press releases in relation to the [then] Criminal Justice and Immigration Bill on NAYJ [no date]; Liberty press releases relating to ASBOs on Liberty [no date]; James, 2006; and Chakrabati, 2006). They also occur in specific court cases and child advocacy proceedings and are sometimes put directly to government in the form of lobbying, evidence to Select Committees or responses to consultations. Thus these demands occupy multiple sites that have a bearing on their precise articulation. However there is at least one general characteristic that can be pointed to and that is the social logic of the discourse in which these demands are embedded. We have noted that many demands external to the policy space are articulated around a logic of 'putting children first' which we shall explore in the next chapter. It should suffice to remind the reader once again that this logic may be considered external to the Anti-social Behaviour policy space and as a counter logic to it. However this logic is internal to another youth policy space, that of Every Child Matters and we shall explore this policy space in more depth in the next chapter.

Demands that contest the policy of Anti-Social Behaviour occupy too numerous, different sites, to allow for a thorough examination of them all. Also such an examination would only serve to show how demands are sometimes changed (in this case very subtly) through their articulation in different modes of discourse or – to borrow a phrase from Critical Discourse Analysis – *genres*. This is without doubt a worthy and potentially fruitful endeavour, however not one that directly speaks to issues of policy change and stability, unless, of course, the articulation across

genres provides evidence of shifts in these demands due to their repetition being undermined by a logic of iterability. Stylistic changes and differences in phrasing due to the different conventions of different genres (such as the different conventions for writing a press release as opposed to a response to a government consultation), although interesting, do not speak directly to the research problem at hand. In addition, and with specific regard to this case, the demands made by advocates for children's rights that contest Anti-Social Behaviour policy, do not appear to have changed significantly. What may have changed is the emphasis given to a particular demand over another at a specific time, but the content of each demand has been sedimented, to some extent, due to their positioning in direct opposition to government policy. This being said, I shall now turn to what I consider to be the most highly significant articulation of demands contesting Anti-social Behaviour policy – The Home Affairs Select Committee on Anti-Social Behaviour (2005). This site of contestation is significant due to the actors involved being many of those most critical of the policy as well as senior New Labour MPs who support the policy. Also, as much of the exchanges (both verbal and written) are available for public scrutiny, it provides us with a much fuller evidence base than simply, for example, the account of a lobbyist's experiences or a one sided source such as a White Paper or a Standing Committee for Youth Justice press release. It also shows the interaction between demands and logics contesting the policy and the demands and logics internal to the policy; and it is the interaction of these logics rather than their examination in isolation that furnish us with the data needed to explain the research problem in a way consistent with the theoretical commitment to the logic of demarcation (Chapter 3).

#### ***5.5.1: Evidence and the Home Affairs Select Committee***

So far we have characterised the Anti-social Behaviour policy space as closed off to demands around children's rights. However there have been occasions where such demands have been able to be presented directly to high ranking MPs. The most important of these was the 2005 Home Affairs Select Committee on Anti-social Behaviour. This was a formalised space that allowed many people the chance to present their demands and arguments to senior MPs, and the proceedings and evidence submitted are all in the public domain. It occurs at a crucial time in the story of the development of youth policy under New Labour as both Anti-social Behaviour and Every Child Matters were by 2005 well established priorities for the administration. On the surface one may see the Select Committee as an opening up of the policy space to many demands

external to it. However this opening up of the policy space also helps to demonstrate ways in which the government excludes demands. Children's advocates say that although they were able to have access to civil servants and bill teams, they felt they were not really listened to and their arguments dismissed.

I mean the first few it was very much about them saying 'this is what we are going to do' and us saying 'hang on we are not very happy about that' and them saying 'well sorry it's too late'  
(Research Interview 1).

This echoes an interview with an actor who was more inside the policy process early on. A representative of ACPO recalls (as quoted earlier in this chapter) Jack Straw starting a meeting with 'Tony wants this...and it is our job to make it happen'. This indicates that even those on the inside were seen as simply implementers and not meant to question the policy itself. The decision that there is a problem of anti-social behaviour and these policies are the answer had been made – the policy space was settled and thus hegemonic. This idea that the policy was at the 'implementation' stage and was thus settled was a very significant way by which many demands from children's advocates came to be excluded from the policy space.

The Home Affairs Select Committee report provides us with written evidence of how arguments and demands were handled by those on the 'inside'.

It has been suggested to us that much anti-social behaviour by young people is really a matter of a lack of tolerance, or inter-generational conflict. We conclude that, for the most part, this simply is not true. In particular, behaviour which invites a formal response (such as the use of enforcement powers) is almost always serious, persistent, and non-contentiously anti-social. We bring evidence to support this claim in Section 3. The argument also underestimates the effect of even apparently minor acts on local residents. However, we believe that there is a problem of communication in relation to young people, and return to this issue later in this section (House of Commons, 2005b).

By emphasising the horrific dimension of anti-social behaviour the Committee were able to dismiss the idea that young people may be being unfairly characterised as 'simply not true'. The idea that anti-social behaviour is such a horrific problem seems to be constantly re-iterated in the report, for example:



None of the organisations that made representations to us, including those which are primarily welfare-oriented, denied that such behaviour caused misery in many communities (House of Commons, 2005b).

The Select Committee provides such a rich source of data, that we shall return to it once again in Chapter 7, where it shall be discussed not only in relation to how the Anti-Social Behaviour space was demarcated and constituted by demands external to it, but also in the examination of the demarcation between the policy spaces of Anti-Social Behaviour and Every Child Matters. Now I wish to turn, in the concluding sections of the chapter, to the issue of how Anti-social Behaviour policy can be understood as an equivalential or populist hegemony.

### **5.6: Populism and Hegemony: Anti-Social Behaviour/ Respect as an Empty Signifier**

We have seen how the political logic of equivalence functioned to create equivalences between demands around community, housing and crime and disorder. This logic was articulated around the empty signifier (see Laclau, 1996) ‘anti-social behaviour’. The term itself is admitted to having no clear definition by the Select Committee and this is seen as an advantage.

We have listened carefully to criticisms of the current legal definitions of ASB as too wide. We are convinced, however, that it would be a mistake to try to make them more specific. This is for three main reasons: first, the definitions work well from an enforcement point of view and no significant practical problems appear to have been encountered; second, exhaustive lists of behaviour considered anti-social by central government would be unworkable and anomalous; third, ASB is inherently a local problem and falls to be defined at a local level. It is a major strength of the current statutory definitions of ASB that they are flexible enough to accommodate this. We would argue also that the definitions are helpful in backing an approach that stands with the victims of ASB and their experience rather than narrowly focusing on the behaviour of the perpetrators (House of Commons, 2005b).

What is not mentioned here is how such a broad term like ‘anti-social behaviour’ functions as an empty signifier in popular discourse. As almost any demand, gripe or dissatisfaction with community life can be understood as ‘anti-social behaviour’; the term has come to encapsulate both specific problems in certain communities between certain people and a more general societal problem. It’s ability to draw equivalences between local and national problems explains its popular appeal. There is little doubt ‘anti-social behaviour’ is a populist discourse as Laclau would understand it.

However ‘anti-social behaviour’ was, to begin with, less able to function as that which signifies the cause of general societal problems, thus limiting its populist appeal. Social Exclusion, poverty and lack of opportunities could be seen as causes of anti-social behaviour and indeed were constructed as such by the Social Exclusion Unit’s Policy Action Team (number 8) report in 2000.

However by 2003 we have the catapulting of a new signifier into public discourse around ‘anti-social behaviour’. That signifier is ‘respect’. By the time the White Paper *Respect and Responsibility* was published in 2003, anti-social behaviour came to be re-cast as caused ‘fundamentally by a lack of respect’ (Home Office, 2003). ‘Respect’ then also functioned as an empty signifier and was able to draw equivalences between many of the same demands as anti-social behaviour. In many ways, although ‘respect’ came later, it had the same equivalential function in anti-social behaviour discourse. However if we shift our attention from political logics to fantasmatic logics, we can see that an important distinction (at the level of fantasy) can be made between ‘anti-social behaviour’ and ‘respect’.

### **5.7: Fantasies of Respect**

‘*Anti-social behaviour*’ and ‘*respect*’ function together allowing diverse demands to be articulated together by an equivalential logic. In much post-structuralist work the researcher identifies an empty signifier such as ‘order’ or ‘democracy’ (Laclau, 1996), around which demands may be joined in an equivalential chain. This empty signifier signifies the limits of the system of signification itself by signifying that which would be needed to close the signifying structure, making it total and complete. For example ‘order’ (when acting as an empty signifier) signifies that which is lacking. Order symbolises what is needed to satisfy the demands linked together in a chain of equivalence. The differences between the demands in the chain are masked over by this appeal to order. This type of empty signifier can be seen as the missing piece that can (fantasmatically speaking) fill ‘the lack’ (of course the lack is constitutive of the structure of signifying systems and so cannot ever really be filled). In the case at hand, the signifier ‘respect’ functions in a similar way to ‘order’.

In Anti-social Behaviour discourse the signifier ‘respect’ signifies what is lacking. All the community needs is respect in order to become a fully completed, happy (utopian) community (so the fantasy goes). In other words, if young people just had more respect, then the ‘problem’ of anti-social behaviour would be resolved. This raises the question of the status that can be attributed to the signifier ‘anti-social behaviour’. I have already shown how diverse demands in the community have been linked together by an equivalential logic around the signifier ‘anti-social behaviour’. There is little doubt that this signifier serves to mask the differences between these demands, allowing them to be seen as part of the same discourse (or policy space). Thus it would seem that ‘anti-social behaviour’ also satisfies the criteria required to be termed an empty signifier. This raises the question as to what is the relationship between ‘respect’ and ‘anti-social behaviour’, as they both seem to fulfil the roles of empty signifiers in the same policy space.

Can we really have two empty signifiers that mask differences between the same demands in the equivalential chain? The answer is both yes and no. I think this case demands that we treat ‘respect’ and ‘anti-social behaviour’ together as part of the same empty signifier. Whereas ‘respect’ signifies what is needed to ‘fill the lack’, ‘anti-social behaviour’ is best seen as the flipside of this – as signifying the lack itself. If respect is what is needed to create happy (cohesive) communities, then anti-social behaviour is that which prevents happy (cohesive) communities from being achieved.

One interpretation is that these two signifiers together function as one empty signifier with huge fantasmatic appeal, of which more shall be said in Chapter 7. Not only does it signify what is needed to fill the lack (‘respect’) but also that which prevents the lack from being filled (‘anti-social behaviour’) and so we have a hybrid couplet/ empty signifier made of two empty signifiers that complement each other and so help to sediment the populist (in the sense understood by Laclau, 2005) discourse of anti-social behaviour.

## CHAPTER 6

### LOGICS OF THE EVERY CHILD MATTERS POLICY SPACE

#### 6.1: Dislocation and Every Child Matters

In order to examine changes in youth policy we have looked at the logics that comprise the Anti-social Behaviour policy space, now we turn to the policy space of Every Child Matters, before, in the next chapter, going on to look at the relationship between the two and examining how this relationship has changed *over time*. The inception of the Every Child Matters framework and policy space cannot be separated from the tragic abuse and eventual death of Victoria ‘Anna’ Climbié on 25<sup>th</sup> February 2000. This event led to a public inquiry and subsequent report conducted by Lord Laming (for full details see Laming, 2003a).

The horrific details of the abuse and murder of Victoria Climbié no doubt helped to sediment this case in the public imagination. The sheer horror of what was revealed to have occurred to this young girl could not help but raise serious questions about the care and protections of children and young people in the United Kingdom. Although the precise details of the case do not concern us here, it is worth recounting a few of the details in order to attempt, at least in part, to capture the horror of this case, as it is this horror that played no small role in the dislocatory nature of this event. This was vividly expressed in Lord Laming’s report:

[...] at the end Victoria spent the cold winter months, bound hand and foot, in an unheated bathroom, lying in the cold bath in a plastic bag in her own urine and faeces and having to eat what food she could get by pressing her face onto the plate of whatever was put in the bath beside her. Little wonder that at the time of her last admission to hospital her body temperature was so low it did not register on a standard thermometer and her legs could not be straightened. So in a few months this once lively, bright and energetic child had been reduced to a bruised, deformed and

malnourished state in which her life ebbed away because of the total collapse of her body systems. As the very experienced pathologist Dr. Carey told us: ‘All non-accidental injuries to children are awful and difficult for everybody to deal with, but in terms of the nature and extent of the injury and the almost systematic nature of the inflicted injury, I certainly regard this as the worst I have ever dealt with, and just about the worst I have ever heard of’ (Laming, 2003b).

However, immediately coupled with the horrific details of the case, was a discourse of failure (or multiple failures), specifically in regard to welfare/social service and health professionals with a child protection responsibility in this case, as well as more generally.

One of the most striking features of Victoria's case, however, was the sheer number of occasions when the most minor and basic intervention on the part of the staff concerned could have made a material difference to the eventual outcome. In some cases nothing more than a manager reading a file, or asking a straightforward question about whether standard practice had been followed, may have changed the course of these terrible events (Laming, 2003b).

Almost immediately we see the sheer brutality and horrific nature of the case and the perceived failure of numerous professionals and agencies articulated together, in such a way that what was called for was not simply the conviction for murder and the life imprisonment of those most directly responsible for Victoria's murder (namely her carers), but also a public inquiry into *how* such a murder could be *allowed* to happen. As such this occurrence was not simply interpreted as ‘a horrific murder’ caused by disturbed, misguided or criminal carers but also, crucially, as a systemic failure of statutory measures and front line procedures to prevent such a murder from occurring. Rather than Victoria's murder being articulated as simply a horrific murder and dealt with entirely by the courts, it came to represent something beyond ‘just another murder’. It was interpreted as a failure of modern Britain to ensure the safety of vulnerable children. As such, it can be viewed as dislocating the discourse that in an advanced modern society (such as the UK) children's services and government legislation are able to protect vulnerable children from harm.

The death of Victoria Climbié exposed shameful failings in our ability to protect the most vulnerable children (DfES, 2003: 5).

In this sense it can be viewed as a dislocatory event. Discourses concerning the practices of child protection were not able to account for how such a thing could have happened. It was viewed as something that should not have been possible in a modern Britain with its long standing child and social services and (supposed) commitment to child protection. It called all existing child

protection practices and government legislation aimed at protecting children into question. The case of Victoria Climbié may stand out due to the extreme brutality involved; however it is by no means the only case of death resulting from child abuse in the UK. However I contended that it was precisely the extreme nature of this case that served to highlight a whole range of concerns around young people and children and as such de-sedimented and re-articulated established discourses and practices concerning young people (see DfES, 2003:5).

The recommendations of the Laming Report and subsequent Every Child Matters programme and Children's Act of 2004, led to a radical re-structuring of youth/ social services and radical 'shake up' of child protection practices. The effects of Every Child Matters extend across a huge range of government departments (Department of Health, Home Office, Department for Work and Pensions, Department of Education and Skills, The Treasury, Department for Environment, Food & Rural Affairs, Department for Culture, Media and Sport, The Office of the Deputy Prime Minister, Department for Constitutional Affairs and even The Ministry of Defence (see DfES, 2004:3) and as I shall argue, re-shaped the spaces of youth and children's policy in the UK.

## **6.2: Every Child Matters: An Expansive Policy Space**

The single dislocatory event of the death of Victoria Climbié led to the construction of Every Child Matters, a policy agenda that is not, as one may expect, solely concerned with child protection; but in fact encompasses very broad aims with regards to children and young people. Demarcations between government, youth services, the voluntary sector, as well as demarcations between organisations and institutions within these sectors were essentially called into question and opened up (made more porous). As well as this, the demarcations between children's and youth issues were also weakened. 'Youth Matters' is articulated as part of Every Child Matters, and can be downloaded from the Every Child Matters website that has a section on 'Youth' ('Youth' page, DCSF, (no date)[online]). The wide reaching position of Children's Commissioner was also created as part of Every Child Matters. Thus as well as the protection (from abuse or worse) of vulnerable children and young people, Every Child Matters also treats, as central, issues of education and employment, as well as the health and social exclusion of children and young people. This should be seen in light of the 'UNICEF report [which] ranked

the United Kingdom in the bottom third in a sample of rich nations on five out of six measures of child well being' (UNICEF, 2007; quote adapted from Hoyle, 2008).

Let us briefly recall the aims and objectives of Every Child Matters noted in Chapter 1.

The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

(DCSF, 2009a [online]).

The updated version of the website also states that 'Every Child Matters is a *new* approach to the well-being of children and young people from birth to age 19' (my emphasis) which adds further weight to the contention that Every Child Matters is seen as a 'new approach'. It is worth recalling these aims once again both in order to point out how broad and unspecific they are (how they have the potential to be interpreted in many ways) and as preparation for the examination in the next chapter of how these aims have been articulated along with the aims of the 'Respect' agenda. However now it suffices to say that these aims are broad enough so as to encompass a huge array of demands (many contradictory) as part of a unified logic of Every Child Matters.

Specifically in terms of policy change, Every Child Matters represents quite a radical change in the form of a new policy framework that crosses numerous government departments and arose from a dislocatory event, which we can think of here as 'big or radical Time'- what Baumgartner and Jones may call a 'policy punctuation'. Issues covered by Every Child Matters range from young people facing issues of social exclusion and poverty, being not in employment, education or training (NEET) and issues around teenage pregnancy to issues of neglect, child abuse and involvement in gang culture and knife crime.

This policy space can be characterised as consisting of a complex inter-play of political logics. The various youth demands and issues that characterise Every Child Matters are all articulated *as* youth issues. The idea that *Every* Child Matters seems to also imply that the various issues that many young people face *all* ought to matter as well. The various differences and complexities in

working with children and young people were masked over by an appeal to the idea that *Every Child Matters*. This logic of equivalence allows these various issues around youth to be articulated as part of the same policy space. For example The Children's Plan (a core component of *Every Child Matters*) 'aims to make England the best place in the world for children and young people to grow up'. And to do this it needs to address a number of diverse issues and work across departmental and professional boundaries.

Delivering the vision set out in the Children's Plan will require a series of system-wide reforms to the way services for children and young people work together. By putting the needs of children and families first, we will provide a service that makes more sense to the parents, children and young people using them, for whom professional boundaries can appear arbitrary and frustrating. By locating services under one roof in the places people visit frequently, they are more likely to find the help they need. And by investing in all of those who work with children, and by building capacity to work across professional boundaries we can ensure that joining up services is not just about providing a safety net for the vulnerable – it is about unlocking the potential of every child (DCSF, 2007:13).

However unlike the Anti-social Behaviour policy space, these diverse issues such child poverty, teenage pregnancy, and access to educational and employment issues, are not constructed as part of some overall problem (such as anti-social behaviour that blights communities) and the differences between them are not masked by an empty signifier ('respect'/'anti-social behaviour') and its limits are not given by an antagonistic frontier (young people/a persistent minority). Instead they are all articulated together as issues that affect young people; but still as very different and separate issues that require different policy interventions from different departments and services (albeit sometimes in a 'joined up' way). These issues often have roots in very different policy areas and/or are the responsibility of different governmental departments. For example, the idea of young people not in education employment or training could very much be seen as part of employment policy, child poverty could be seen as a community, housing or economic policy issue, the idea of child welfare as a welfare issue, truancy as an education policy issue and teenage pregnancy as a health policy issue. However *Every Child Matters* serves to bring all these issues together in a single policy space that expands into all these areas (economic policy, employment policy, housing policy, welfare policy, health policy and education policy). Thus in the terms of this thesis we can see that the demarcations between numerous policy spaces were contested, opened up and made more porous by the expansive nature of the hegemonic *Every Child Matters* policy space. However this hegemony does not take the form of a populist



space dominated by a logic of equivalence; rather it is the bringing together of diverse issues and demands, not by masking the differences between them, but crucially by perceiving them as different demands and issues and as such tackling them in different ways. This is best demonstrated by the Children's Plan that demarcates these different issues by chapter and outlines the different ways each issue should be tackled; however at the same time it points to where issues may be related. For example the first chapter of the Children's Plan links together issues around a child's home life, school life, ability to have safe places to play and more general concerns around children's health. However the differences between these issues are not masked by an appeal to equivalence but rather dealt with separately. For example, to address the issue of lack of safe places for children to play, the plan proposes to:

[o]ffer every local authority capital funding that would allow up to 3,500 playgrounds nationally to be rebuilt or renewed and made accessible to children with disabilities (DCSF, 2007:7).

In order to support parents in bringing up their children the plan proposes to:

allocate £34 million over the next three years to provide two expert parenting advisers in every local authority; expand school-based Parent Support Advisers; develop for parents a personal progress record on their child's development from the early years to primary school, building on the idea behind the 'red book' on young children's health; and put parents' views at the heart of government by creating a new Parents Panel to advise us on policies affecting parents (DCSF, 2007:6).

In order to address issues of child poverty and in particular housing:

[t]he new joint Department for Children, Schools and Families and Department for Work and Pensions Child Poverty Unit will coordinate work across government to break the cycle of poverty from generation to generation. Poor housing is a particular problem for poor families and tackling it is important to meeting our 2020 goal and so we will: tackle overcrowding, publishing an action plan in 2008; and prioritise children's needs in housing decisions, especially the need to stay close to services like schools.(DCSF, 2007:7)

This differential approach to tackling these demands (for housing, support, health and education) stands in the starkest of contrasts to the Anti-social Behaviour policy space that takes diverse demands and issues (such as speeding, graffiti, young people hanging around, drug dealing and noisy neighbours) as symptomatic of the single problem of anti-social behaviour. This is constructed to be caused by a minority of antagonistically constructed 'others' and as such can be addressed by 'catch-all' solutions such as the ASBO which can be issued for almost anything.

This difference between the policy spaces can be explained by an appeal to political logics. Every Child Matters is dominated by a differential logic and Anti-social Behaviour by an equivalential logic. However neither of these two logics dominates either policy space entirely. The logic of difference operates in the Anti-social Behaviour policy space to differentiate it from other policies and constitute it as a community safety/crime and disorder policy, while the logic of equivalence operates in the Every Child Matters policy space to link issues and demands together around a concern for the welfare and well being of ‘every child’. Thus here the logic of equivalence helps to define the limits of the expansive nature of the Every Child Matters policy space, as diverse demands are only brought into the space to the extent that they have a bearing on children (that which brings them together in equivalence – the ‘nodal point’ or ‘master signifier’ of the policy discourse). Although the dominance of the logic of difference may make the policy space of Every Child Matters less populist than that of Anti-social Behaviour, it does not make it any less hegemonic or expansive. It may not have the sort of mass media coverage of Anti-social Behaviour and does not seek to demonise or punish ‘others’ (except to an extent those guilty of child abuse; although the punishment aspect is not as huge concern for Every Child Matters as the prevention aspect) but by appealing to the differences between issues via a differentiated response, it prevents a more populist space from linking together demands and oppositions against it. As we will go on to examine, criticisms of Every Child Matters tend to be over very specific issues and in very specific sites (such as the issue of young asylum seekers) and do not take the form of diverse demands that are linked together by an equivalential logic and pitted against it in an antagonistic fashion that would call the entire Every Child Matters policy space itself into question. Thus in the absence of a strongly defined populist hegemony in opposition to it, the Every Child Matters policy space is able to expand into a large number of different areas (such as health, education, social exclusion and youth justice) largely (although not completely) unabated.

Although Every Child Matters was originally based in the Dfes (later the DCSF), we can see from the list above that it reaches into every single major government department. On top of this there are an almost countless number of agencies in the public, private and voluntary sectors that have adopted Every Child Matters proposals and outcomes framework as central to their working

ethos (key examples would be children's charities, Connexions, social services, the NHS, the police service, local education authorities, learning skills councils and schools).

One of the key aspects that was criticized by Laming in his Report into the Climbié murder was a lack of information, sharing and working together on the part of key agencies responsible for child protection.

Improvements to the way information is exchanged within and between agencies are imperative if children are to be adequately safeguarded. Staff must be held accountable for the quality of the information they provide. Information systems that depend on the random passing of slips of paper have no place in modern services. Each agency must accept responsibility for making sure that information passed to another agency is clear, and the recipients should query any points of uncertainty. In the words of the two hospital consultants who had care of Victoria:

'I cannot account for the way other people interpreted what I said. It was not the way I would have liked it to have been interpreted' (Dr Ruby Schwartz).

'I do not think it was until I have read and re-read this letter that I appreciated quite the depth of misunderstanding' (Dr Mary Rossiter).

The fact that an elementary point like this has to be made reflects the dreadful state of communications which exposed Victoria to danger (Extracts from Laming, 2003a:9).

Thus a central way in which demarcations between those working with young people were made more porous was through the idea of information sharing, which essentially served to open up spaces of communication between various agencies that work directly with young people. Closely related to this is the notion of inter-agency working (more shall be said about this below).

Every Child Matters arose out of a dislocatory event but very quickly was able to create a space that was in many ways highly inclusive toward all those interested in the rights and welfare of children and young people. This is not to say there were not those who were critical of it, or those that felt at least partially excluded from the policy space. However the logics of information sharing and inter-agency working (both seen as 'lacking' in the light of the Climbié dislocation) as well as the shock horror aspect of the Climbié murder itself, led to a strong drive, by government, to address things that were seen as lacking and prevented Victoria from being adequately protected. This meant that the space of Every Child Matters policy extended far and wide. It extended right across central and local governments and right down to front line workers engaging with youth issues directly; on a daily basis.

The other key aspect of the Victoria Climbié case concerns the problematisation of children and young people. Unlike the Respect agenda, children and young people are very much seen as potentially vulnerable and in danger of abuse and social exclusion, as opposed to ‘lacking respect’ and ‘blighting communities’. It is a concern for young people and their welfare that here serves to mask over the differences between the multiplicity of agencies, government departments and demands that must characterise such a broad and expansive policy space. Consensus around the horror of the Climbié murder and the need to put children and young people at the centre of decisions made about them serves to mask the differences in terms of approach that different agencies may take in their dealings with young people<sup>22</sup>. For example consider the differences in the types of intervention taken in a young person’s life between agencies such as Connexions, the police service and social services. This is not to say there is no overlap here, indeed it is quite possible (in a child abuse case for example) for the nature of the abuse to be disclosed to a Connexions Personal Adviser who then passes this information on to the police who will pursue the prosecution of the abuser and notify social services to take the young person into care<sup>23</sup>. However it is equally easy to see that Connexions, the police and social services all have very different remits with regard to their dealings with children and young people. By taking the child’s demands as paramount as Every Child Matters seeks to do, all these interventions may be articulated as part of a coherent ‘joined up’ approach to working with children and young people. Such discourse tends to mask the fact that a punitive approach taken by police toward a young person (under the Anti-social Behaviour/Crime and Disorder Acts) may be strongly contested by social services or even Connexions, that may view this as not in the best interest of the child concerned.

### ***6.2.1: Insiders and Outsiders***

As may be implied from the previous section, the Every Child Matters was an expansive hegemonic policy space that included a huge array of actors, organisations, institutions, demands and discourses. However, as we noted in Chapters 2 and 3, every space is (at least in part) constituted by an ‘outside’.

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<sup>22</sup> Here see the ‘almost universal enthusiasm for ...a child centered approach’ [in Every Child Matters]’ (House of Commons 2005a: 13).

<sup>23</sup> This vastly simplified example is taken from my own prior experience working as a Connexions Personal Adviser.

Certainly a big part of the story here, and one that was touched upon in the first chapter and will be looked at in depth in the next chapter, is the demarcation between the Every Child Matters and Anti-social Behaviour policy spaces. Here it will suffice to say that Anti-social Behaviour as well as youth justice discourses were not simply excluded from Every Child Matters nor simply articulated as part of it. In fact both have been the case at different times to greater and lesser extents and we shall examine this in some detail in the next chapter. However it is also worth briefly noting a few other key discourses that were critical of Every Child Matters and could be seen to constitute somewhat of an ‘outside’ to the policy space. In addition to this, there appears to be some evidence of the contestation between the demarcation between Every Child Matters and Immigration and Asylum policy with regard to children and young people (see the Refugee and Migrant Justice [Report]. 2009). There have also been more academic criticisms of Every Child Matters, one key example being the critique by David Hoyle (2008).

Hoyle (2008) argues that although ‘*Every Child Matters* was, in many respects, a positive social policy programme that was the catalyst for a radical reform of the ways services were provided for children, young people and families in England’, he also claims (in a vein very similar to the theoretical underpinnings of this thesis) that it is a language game or discourse that excludes alternative ways of viewing the problem (although this could be said about any and all discourses). Hoyle also questions the degree to which Every Child Matters allows for an increased invasion of the privacy of children and young people and re-enforces certain social norms particularly around heterosexuality and Christianity. More concretely Hoyle also makes the case that

The moral imperative immanent in *Every Child Matters* effectively enables politicians and civil servants to centralise credit to themselves for driving forward a grand vision, whilst simultaneously diverting any blame for failures in the delivery of that programme onto local council services, their partners and other local bodies (Hoyle, 2008).

In an article for *The Guardian* newspaper, Professor Harry Ferguson argues that the Laming report failed to grasp the complex nature of front line work in child protection cases. He puts forward the view that an overt focus on rationality fails to capture the irreducibly intuitive nature of social care work.

The real weakness of this report is that, just like its predecessors, it tries to impose a rational analysis on practices and processes, which have an irrational character.[...] Good child protection work requires staff to hone a keen intuitive sense to pick up signs of abuse or neglect, and to regularly

reflect on their suspicions. Strong management and accountability can indeed help, but ultimately only if the true complexities of practice are fully understood (Ferguson, 2003 [*Guardian* online]).

I have been unable to find any evidence that such critiques have gained any attention or acknowledgement in policy making/evaluating circles and so they can be fairly characterised as discourses that remained excluded from the policy space<sup>24</sup>.

In terms of actors, all respondents to the interviews of this thesis who represented children's charities, expressed the opinion that they had very much been included in discussions around Every Child Matters 'since its inception' (Research interview 4). This seems hardly unsurprising. There also seemed a general consensus that the policy was good for children and young people. However some expressed the concern that it did not go far enough in adopting all the rights enshrined in the UN convention for the Rights of a Child (Research Interview 6). This view is also expressed by Allan Norman on the Social Care Experts Blog.

The government could have made the Convention the basis for Every Child Matters, but it chose not to do so. More generally, the government passed up the opportunity to make Convention Rights directly enforceable in the UK (Norman, 2008 [online]).

The respondent from ACPO however expressed a feeling of being increasingly excluded at policy level regarding youth issues since the creation of DCSF; despite agreeing much with the general thrust of Every Child Matters policy and a pointing out ACPO's early contributions to it.

I know that I have been excluded from conversations at policy level where officials know my view would not accord with theirs...this issue is now more acute actually with Every Child Matters...strangely we are more included within the Home Office at the moment because the Home Office have lost control of the Youth Agenda to DCSF, but DCSF don't like the police, ok that's a bit strong, they just don't think 'police'...Every Child Matters and the Children's Plan don't mention the police. We did the consultation we contributed to the development of the policy document in the first place, yet we are not mentioned. The DCSF still have this mindset that if the police are involved there is something wrong...The police do have a real positive part to play in this which is separate to what people traditional view as the police role. This shift to DCSF is going to take some time to get our feet under the table and we are going to have to tread carefully (Research Interview 3).

This would seem to imply the attempt to maintain at least some form of demarcation between Every Child Matters and Crime and Disorder policy spaces, certainly in some key sites of policy discussions and formulations. It certainly seems to suggest that since the creation of the Ministry of Justice and DCSF(in 2007), the demarcation between Every Child Matters and Youth Justice

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<sup>24</sup> This may be due to the unwillingness of senior civil servants to participate in this project.

policy spaces may have become more blurred; but despite this blurring the removal of major aspects the anti-social behaviour brief from the Home Office has led to a re-drawing of demarcations, that seems to exclude (to some extent) those who are more ‘insiders’ with regard to the Home Office (such as ACPO) from the emerging articulation of Youth Justice, Anti-social Behaviour and Every Child Matters.

### **6.3: Logics of Inter-Agency Working: Breaking Down the Barriers?**

What Every Child Matters did and I think this was very powerful. It took the question about multi agency working and in a sense...put a big flag on top of it; put it in bold letters and put it on the roof tops; because that is the foundation of Every Child Matters...I think that was a step change in that sense, to say look this is about children everybody has a part to play in that (Research Interview 5).

A key logic that appeared to arise to the fore in this context, as a result of the Laming report, is that of inter-agency working. Inter-agency working itself is far from being a new concept.

National Children’s Bureau has been around for about 45 years now... Interesting you are talking about Every Child Matters because its [NCB’s] original purpose was to bring together different services that worked with or behalf of children and young people so it was from day one about interagency working which was at the time (in the 1960s) quite radical...which is why we fit nicely with what *some* of what Every Child Matters is trying to achieve (Research Interview 4).

However a perceived failure of agencies to share data and to work effectively together was one of the core features into the Laming inquiry into the death of Victoria Climbié.

Each local authority with social services responsibilities must establish a Committee of Members for Children and Families with lay members drawn from the management committees of each of the key services. This Committee must ensure the services to children and families are properly co-ordinated and that the inter-agency dimension of this work is being managed effectively (Laming ,2003a:363).

The newly created local Management Boards for Services to Children and Families should be required to ensure training on an inter-agency basis is provided. The effectiveness of this should be evaluated by the government inspectorates. Staff working in the relevant agencies should be required to demonstrate that their practice with respect to inter-agency working is up to date by successfully completing (Laming, 2003a:367).

Issues relating to failures of current inter-agency working practices and recommendations for its improvement are mentioned no fewer than twenty-one times in the report. However it is a little naive to think all the obstacles and issues relating to inter-agency working have been overcome or

that ‘good practice’ did not exist before the Laming’s damning report. Thus despite the discourse of Every Child Matters apparently opening up barriers between agencies in terms of communication, these demarcations are strongly related to issues of organisational identity which often construct other organisations and agencies as counter-productive to their own work and ethos, meaning that the opening up of demarcations is easier said than done. Also there is evidence that even before Every Child Matters, methods (albeit convoluted ones) were found to (in part) circumvent these barriers to communication.

We all should be working together to identify kids most at risk...that’s what the police said in 1995 where as other agencies were saying we do not want to work with the police... I have quite an insight into inter-agency partnerships. Police and health would never ever see eye to eye, social care and education would never see eye to eye but between us... police could get health involvement, information and support by going to social care for it – police got on with social care and social care got on with health so we could do it. Police got on with education so social care got education information from the police and that’s how we worked it – clearly not acceptable but that was a problem solving approach to it (Research Interview 3).

Interestingly in the year of writing (2009), Laming has published a new report into the improvement in inter-agency working post-Every Child Matters. Here Laming highlights the issue of Data Protection, information sharing and inter-agency working.

Whilst the law rightly seeks to preserve individuals’ privacy and confidentiality, it should not be used (and was never intended) as a barrier to appropriate information sharing between professionals. The safety and welfare of children is of paramount importance, and agencies may lawfully share confidential information about the child or the parent, without consent, if doing so is in the public interest. A public interest can arise in a wide range of circumstances, including the protection of a child from harm, and the promotion of child welfare. Even where the sharing of confidential medical information is considered inappropriate, it may be proportionate for a clinician to share the fact that they have concerns about a child (Laming, 2009: 40-41).

Inter-agency working can be described as a social logic that, although already present in working with Children and young people prior to Laming’s report on the murder of Victoria Climbié, was picked out, expanded and brought very much to the fore. This is a very interesting social logic, from the perspective of this thesis and its focus on demarcation as it helps to call demarcations between agencies into question in an attempt to break them down and open up the spaces around young people. Anyone who has ever worked with young people will know how important this logic is and in how many sites it manifests itself.



This logic is most apparent in actual front line practices with young people. It is the logic that informs the practice of information sharing whilst calling into questions concerns around child privacy and the Data Protection Act. The other key practice informed by this logic is that of the ‘Common Assessment Framework’ (CAF) used to assess the needs of young people.

The CAF is a key part of delivering frontline services that are integrated, and are focused around the needs of children and young people. The CAF is a standardised approach to conducting assessments of children’s additional needs and deciding how these should be met. It can be used by practitioners across children’s services in England (DCSF, 2010 [online]).

The ideas and practices underlying the CAF are closely related to the logic of inter-agency working, as well as that of putting children first/at the centre. The idea is to provide a standardised framework for the assessment of young people that is used by all agencies working with young people in order to facilitate the quick sharing of data between agencies. Before the CAF, different agencies used different models for assessing the needs of children or young people.

In my time as a Connexions Personal Adviser I remember well the change over from the mode of assessment used by Connexions to the Common Assessment Framework and the challenges that this entailed. It certainly represented quite a change in the procedure of assessing young people, if not so much in the aims and content of such assessments.

#### **6.4: Logic/Counter Logic: Putting Children First**

Perhaps the most fascinating logic at work in UK youth policy is the logic of child welfare and the almost inseparable logic of ‘putting children first’, which I have already alluded to a number of times in previous chapters. This logic enables us to closely examine the role of contestation in policy change at the ontic level (as we will see in subsequent chapters); but it also enables us to speak to the theory of social logics (as presented by Glynos and Howarth, 2007) at the ontological level. Glynos and Howarth stress the importance of identifying counter logics that contest (or could potentially contest) dominant or hegemonic social logics. However a close examination of the ‘putting children first’ logic in UK youth policy enables us to add an extra layer of complexity to their theorisation of social logics and to follow through the implications of

the theoretical category of articulation.

First, however, it is worth briefly noting how this logic functions together with the logic of inter-agency working so as to inform front line practices. It is now common practice, since Every Child Matters, for a young person to be seen to be at the heart of the support and services provided to him/her.

Improving outcomes for children and young people involves changes to culture and practice across the children's workforce. The Every Child Matters: Change for Children programme sets out a model for change with integration at every level. It also sets out how services for children and young people need to be coordinated and built around their needs (DCSF, 2009c [online]).

Here the logic works in terms of listening to, acknowledging and acting on the young person's wishes (at least in theory); however this is not the only way young people are constructed as at the heart of service provision. In Connexions (an agency that is constructed as often the first port of call for young people and whose role is to link to (refer to) other agencies and build networks of support *around* the young person), for example, one is trained to identify the needs of a young person and then allocate a 'lead professional' from an appropriate agency (this may be a social worker, teacher, Connexions Personal Adviser etc., depending on the circumstances and needs of any particular young person). The lead professional will then build support around the young person (often diagrammatically placed in the centre of the support process) by linking the young person's needs to other professionals from appropriate agencies (Fig.1).



**Figure 1: Young People and Inter-agency Working/‘Governance’<sup>25</sup>**

Thus the idea of the young person being put first (or at the centre) very much structures the support services they receive from front line professionals. Now this story is of course simplified and a typical illustration of what is seen as good practice, and of course in reality this does not always happen quite as I have portrayed it; yet this logic does very much inform the ideal of support services for children and young people.

The theory presented in this thesis of contested policy spaces and the role of time as well as space in understanding policy change is not merely a dressing to add on top of the theory of hegemony as expressed by Laclau and Mouffe (1985), nor is it a re-description of Glynos and Howarth’s (2007) work on *Logics of Critical Explanation*. Instead it allows us to further refine both when dealing with an examination of ontic level phenomena in relation to public policy studies. Rather than engaging with these theories at the ontological level (as in Chapter 3) we can use the example of the social logic of ‘putting children first’ to show the ontic level implications of the theory of social logics and articulation (in line with the methodology outlined in Chapter 4).

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<sup>25</sup> My title for ‘Onion’ Image [jpeg. downloaded from the Every Child Matters website], [http://www.dcsf.gov.uk/everychildmatters/\\_download/?id=3102](http://www.dcsf.gov.uk/everychildmatters/_download/?id=3102). DCSF (2009d) [Reproduced under Crown Copyright]

First however we need to characterise this logic of ‘putting children first’. This logic could equally be called ‘putting children at the centre’ or ‘children’s rights’; however the label ‘putting children first’, in my view, best captures the notion that children have human rights (such as a right to live, freedom from persecution etc.) but also have special rights due to their status as children (right to free quality education, special protection from economic hardship and special rights in the justice system), and also that children should be at the centre of decisions made about them. This logic has children (defined as persons under the age of 18 years) as its principal subject, and places the welfare and interests of children as a primary concern.

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (UN Convention on the Rights of a Child, 1990 [online]).

The logic of ‘putting children first’ can be seen both as a dominant social logic and a counter logic of contestation. The decision whether to view it as one or the other is entirely dependent (in this specific context of youth policy) on both the time when the logic is articulated and the space in which it is articulated. These correspond to the temporal and spatial aspects of the theory of policy as contested space. We shall take the spatial dimension first.

We have already seen how we can view policy as made up of different yet often overlapping and related policy ‘spaces’. Thus for analytical purposes we will separate out the policy spaces of Every Child Matters on the one hand and Anti-social Behaviour on the other. By separating out these spaces it is possible to see how in the space of Every Child Matters the logic of putting children first is a dominant logic. Whereas, in the space of ‘Anti-social Behaviour policy’, the logic of ‘putting children first’ is a counter logic that contests the dominant logics of this policy space. This simplistic picture is of course made more complex when we examine how these policy spaces overlap and interact (especially with regard to the *Youth Crime Action Plan*); however for the moment it aids our explanation to maintain this distinction between the policy spaces, so we can see how this logic of ‘putting children first’ functions within each of them.

Within the space of Every Child Matters, demands around the welfare of children are seen as crucial. Every Child Matters makes a point of quoting the UN Convention on the Rights for a Child (see DCSF, 2009e). Every Child Matters is in itself best seen as an expression of the logic

of 'putting children first'. As we have seen, Every Child Matters seeks to protect children from neglect and abuse in light of the Climbié tragedy, as well as close the gap in economic and educational outcomes. Children and young people are also put at the centre of inter-agency working. Agencies must consult a child or young person about the services they are receiving/want to receive. Thus the general thrust of Every Child Matters (and the Children's Act 2004) is to empower children and young people as well as protect them from harm. Thus young people are constructed as vulnerable and in need of protection as well as deserving special rights. It is worth noting that within the Every Child Matters framework social exclusion is problematised, in the sense that it is constructed as a problem that affects many young people; and in order to achieve the Every Child Matters outcomes it is necessary to tackle social exclusion. Thus we can see that the logic of putting children first helps to problematise social exclusion as a problem. It is a problem faced by many young people and if we are to put children and young people first then we must tackle social exclusion. This is noteworthy as social exclusion is problematised very differently within the space of Anti-social Behaviour policy (see below and Chapter 1). Another major part of Every Child Matters is to improve the agencies work with young people and the sharing of information about them. This aspect of Every Child Matters could, at least in part, be viewed as informed by the logic of 'what works' that no doubt is a core element of New Labour ideology in general. The logic of putting children first as well as the focus on inter-agency working makes Every Child Matters a very inclusive agenda with regards to actors and agencies who advocate children's rights and especially those who have a service delivery component. Also, fairly obviously, the logic of putting children first is at the heart of the organisational philosophies of children's charities and children's rights organisations (NSPCC 2008 [online press release], for example). Thus these organisations are often very much in favour of Every Child Matters, although some (such as NSPCC) remain critical of it for not going far enough in promoting children's rights. However children's charities and government (DfES, DCFS) tend to largely agree over the importance of Every Child Matters and share the logic of putting children first; thus this logic can be seen as somewhat dominant within this policy space.

What is most intriguing, however, from both a theoretical and policy practice point of view, is how this logic can be hegemonic in one policy space whilst simultaneously being a logic that is

dismissed in another policy space. This is not only an interesting phenomenon in itself but also supports my emphasis on the spatial dimension of change. We have seen that the logic of putting children first is fairly hegemonic in the space of Every Child Matters. However, my research interviews with children's charities and children's rights activists seem to suggest that when this logic is brought to bear in the space of Anti-social Behaviour policy, it is vehemently opposed by government. When one respondent for this research recalls making the argument that Every Child Matters outcomes should be considered when a child faced prosecution the argument was 'turned... down flat' (Research Interview 6)

Thus the role of a social logic as a grammar of a policy practice or a grammar of a practice of contestation seems to be, at least in part, dependent on the space in which it is articulated. In a situation where the (social logic of) putting children first serves as a logic of the policy practice (as in Every Child Matters) and serves simultaneously, within the space of Anti-social Behaviour policy, as a grammar of practices of contestation, social logics may have a crucial role to play in the de-stabilisation of the demarcation between these policy spaces. This is something that will be examined in the next chapter

## CHAPTER 7

### TIME AND THE SHIFTING DEMARCATIONS OF YOUTH POLICY SPACES

#### 7.1: (Re)Introducing Time

Thus far we have examined two key policy spaces (Anti-social Behaviour and Every Child Matters) under the New Labour government, which problematise youth in different ways. This has been done by identifying the demands articulated within these spaces and examining the social logics in which they are embedded. In keeping with the focus on space and change I have also pointed to the constitutive limits of these spaces and the demands and discourses which are excluded from them.

This focus on space has meant, to some extent, neglect for the category of *time*, which will be examined in this chapter. We have already noted at least one example of time. The murder of Victoria Climbié denotes, as far as the theoretical perspective of this thesis is concerned, a key example of dislocation and thus of radical change, and hence ‘revolutionary time’. However the other aspect of time, that of repetitions of demarcations, marked by a logic of iterability, have not thus far been looked at in depth. As such, in this chapter, I shall examine the demarcations between the Every Child Matters and Anti-Social Behaviour policy spaces and how these demarcations have shifted by being re-iterated *over time*. This should enable us to characterise how these spaces have changed and produced what I shall call a ‘hybrid’ policy space where the demarcations between these two policy areas are difficult to determine. This chapter will then move on to examine the role of ideology in resisting change.

## **7.2: Pre-Dislocation: The Rise of Youth and the Anti-Social Behaviour Problematisation: 1998-2003**

It may be possible to trace some of the discourses around youth ‘thinking they can just get away with it’ *at least* as far back as the murder of James Bulger in 1993, which itself was a form of dislocation and radically changed attitudes and perceptions of young people. However this dislocation is outside the time-frame of this thesis, and it is likely that punitive discourses about youth could be traced back even further (see Smith, 2007: 22-26 for a detailed account of a punitive shift in youth justice, under the Conservative Party). However the focus here is on New Labour policy.

ACPO claimed to have been lobbying New Labour about youth justice reform since the early 1990s (Research Interview ACPO). This is linked to their 1995 document *Reducing Crime and Anti-social and criminal Behaviour amongst Children and Young People*. The ACPO respondent for this thesis expressed an initial feeling of delight that New Labour, when they first came to power, showed a strong interest in youth justice reform, something ACPO felt they had been calling for. The relationship between the 1995 ACPO document and the 1997 White Paper *No More Excuses* which led to the Crime and Disorder Act of 1998, may be very interesting to explore; however this falls outside the time frame of this research project. What is worth noting is that *No More Excuses* and the Crime and Disorder Act emerged in a time where there were increasing moral panics about youth and during a time when Blair’s Labour party had been carefully trying to dispel notions that they were soft on crime (Smith 2007: 42-42, 50-51). However and despite the fact that youth justice (reform) came to be seen as a key component of Anti-social Behaviour policy (as we have already seen) and that it was no doubt part of the policy from the beginning, many interview respondents for this thesis commented on the initial demarcation (or lack thereof) between youth and adults in this policy.

A second demarcation that seemed to shift prior to the creation of Every Child Matters is the demarcation between crime and disorder policy and community safety policy. Another key demarcation related to this is that between criminal and non criminal behaviour (or acts), although this has been covered already to quite a large extent and as much of the initial



contestation of this arose from academic (specifically criminological) writings, it is well covered in the literature (see, for example Asworth *et al.*, 1998; this point was also emphasised by the respondent to Research interview 7). Thus for the purposes of this chapter I shall focus here on the demarcation between adults and young people in the rise of the Anti-social Behaviour agenda.

First, in order to evidence the shifting emphasis on children and young people within the Anti-social Behaviour policy space let us recall a response quoted earlier in the thesis.

[...] historically where it [ASB measures] appears to have come from has been a largely housing perspective. So typically, I think, housing associations, residents, social landlords said that they didn't have sufficient powers to deal with problematic tenants. And the initial discussions around legislation that subsequently became 'ASBOs' was specifically focused on that problematic tenant area. By the time it hit legislation it had morphed somewhat (Research Interview 2).

This response was far from being unique.

Interview Question: 'Do you think that anti-social behaviour policy is targeted more towards young people than other sectors of the community?'

Answer: 'Yes... That's borne out by the statistics... when it was first started the government was saying different things but that has changed and they are now doing that [targeting young people] deliberately and purposefully... this is the opinion of all children's organisations working in this arena' (Research Interview 6).

Interview Question: 'Do you think that anti-social behaviour policy is targeted more towards young people than other sectors of the community?'

Answer: 'It has changed. Let's go back to when it all started which is essentially '97 when Labour came in [to power] it was and still is considered a vote winner and I think it is primarily a community safety policy that *does not differentiate between adults and young people*. But in terms of media profile and political rhetoric certainly over all of Blair's term in office there was very much a tendency by a number of Home Secretaries ... to talk about young people in particular sort of focused around that question in the British Crime Survey talking about perceptions of anti-social behaviour, one of the definitions being 'teenagers hanging around' ....there did tend to be a lot of focus on young people and families.' (Research Interview 4. My emphasis).

We can see that youth did not play a key role in the original 'intentions' of government when drafting the Crime and Disorder Act, at least as far as respondents to this thesis were concerned. It is also interesting that, as Baroness Miller of Chilthorne Domer emphasises in a Liberal Democrat paper on youth justice,

In debate on the Crime and Disorder Bill, Home Office spokesman Alun Michael stated that the use of ASBOs against groups of youngsters hanging around committing minor acts of criminal damage was 'unlikely' to be appropriate (Miller, 2008).

However we know from ACPO as well as from the introduction of youth specific measures contained in the Crime and Disorder Act (such as parenting orders) that youth was never entirely excluded from the emerging crime and disorder/Anti-social Behaviour agendas.

This lack of differentiation between adults and young people in the emerging Anti-social Behaviour agenda has not, as one might expect, gone uncontested.

We have concerns for example that system is not sufficiently distinct between children and adults and obviously ASBOs were designed to be used, in the vast majority of cases, for adults when they were originally put forward and obviously there has been a high percentage of use for under 18s' (Research Interview 8).

The National Youth Agency and publications such as *Young People Now* also run campaigns to improve the portrayal of young people in the media. The Young Researcher Network and NCB also did a very detailed study into the portrayal of young people in the media (see Clark *et al.*, 2008).

It is not just the politicians leading this rhetorical one way discussion. I think it was tabloid led to some extent' (Research Interview 4).

Part of the problem now is the public perception and lack of tolerance towards children's behaviour ... I think it has gradually evolved but the more the press seem to focus in on it and sensationalise it... the more the government seem to react to that (Research Interview 3).

As the issues of crime, disorder and young people was re-iterated in numerous sites it seemed to the vast majority of respondents that a closer link was drawn between them. The key site identified by many of the respondents where this was the case is in the media. NCB aided research showed 71% of examples of young people being portrayed in the media in 2004 as negative (Clark *et al.*, 2008) although it also showed this to be in decline from 2004 to 2007. Negative portrayal of youth in the media not only linked them to crime but also showed young people in a bad light more generally. Three different examples of the negative portrayal of youth in the media, prior to 2004 are printed in Barham (2004) and are reproduced below.

Modelling themselves on gangsters in films such as *Scarface*, the seven youths carried out 28 attacks armed with handguns and knives 'for kicks' (*Evening Standard* 2002; Barham, 2004:3).

'Judging from my own kitchen table intelligent speech does sometimes seem to be at a premium amongst youngsters these days' said linguistic expert Professor Robin Dunbar of Liverpool university' (*The Observer* 2003; Barham, 2004:3).

[...] British society is going to the dogs, all around us are foul mouthed obnoxious children like my son. They are a small minority destroying all that is good for others (Father who 'named and shamed' his son on the internet, quoted in *The Observer* 2003; Barham, 2004:53).

This last quote seems to very much echo the language of the *Respect and Responsibility* White Paper of the same year:

[...] none of these problems can be used as an excuse for ruining other people's lives. Fundamentally, anti-social behaviour is caused by a lack of respect for other people (Home Office, 2003:7).

There certainly seems to be elements of a moral panic re-emerging about young people in the 1990s. This aspect of the discourse and New Labour's (Blair's in particular) role in its articulation has already been well covered in the literature on youth justice and anti-social behaviour (Squires and Stephen, 2005; Smith, 2007). It is perhaps impossible to determine the precise nature of any causal relationship between media portrayal of youth, individual experiences or perceptions of the public and government policy. However by drawing on political logics we can argue that as 'anti-social behaviour' became an empty signifier; the multiple negative portrayals of youth in numerous sites and the problem of anti-social or yob/ gangster like behaviour helped to partially sediment a discourse that linked youth and anti-social behaviour together. As we have seen 'anti-social behaviour' came to be the signifier for what prevented communities from being happy and safe places; and youth, by association with this signifier, came to be constructed as an antagonistic 'other' – the enemy of communities. Thus the multiple demands linked together by the equivalential logic of anti-social behaviour came about not just in opposition to the signifier such as 'anti-social behaviour'; but also 'youth'. We know from Laclau and Mouffe's theory that equivalential logics are always limited by an antagonistic frontier often symbolised by an 'other' and in this case this 'other' increasingly came to be 'youth' in an abstract sense. Indeed we know (as quoted more fully in Chapter 1), that in 2002 Tony Blair explicitly 'meant' by the term anti-social behaviour:

vandalism, graffiti, street crime - not done by big criminals, but by youngsters, often very young, who just think they can get away with it (Blair, 2002a).

In the same year, David Blunkett appeared in a party political broadcast and made very similar remarks concerning criminal behaviour and young people

One of the biggest challenges we face is how to deal with young offenders who believe their age makes them untouchable, who flout the law, laugh at police and leave court on bail free to offend again. The public are sick and tired of their behaviour and expect the criminal justice system to keep them off the streets (David Blunkett speaking in 2002 [Labour Party Election Broadcast] quoted in Smith, 2007:61).

The idea of youth as ‘untouchable’ and ‘thinking they can get away with it’ as opposed to a powerless law abiding public, is without doubt a very strong ideological message that is able to interpellate a large number of key (potential) Labour voters, especially in inner city areas. This is even more the case if it strikes a chord with people’s own experience and perceptions of young people, which it undoubtedly did in the case of many of these aforementioned voters. The issue of public perception is also (see above) a major reason cited as to why young people came to be so explicitly linked with crime and anti-social behaviour. It is thus a concern for the SCYJ that measures that were designed for use on adults are being used in many cases on children and young people, and the media no doubt has played a role in this. The British Crime Survey, as aforementioned in the first chapter, takes as one of its key indicators of perceptions of anti-social behaviour ‘young people hanging around’, and also that 91% of respondents (in 2003/2004) that viewed ‘young people hanging around’ as a problem said that this perception arose from their own personal experience and just 20% of respondents identified ‘local media’ as being part of the cause of this perception (Wood, 2004:20 [Home Office Online Report]).

So we can see that between the time of the Crime and Disorder Act 1998 and Blair’s 2002 remarks, the re-iteration of the demarcation between adults and young people had shifted in such a way that measures designed for use on adults (in the vast majority of cases) were now seen to be specifically targeted to young people. This has allowed for the much criticised fact that increasingly young people and children are treated as adults when facing the criminal justice system and are afforded little special rights from their status as children. Thus this shift has been

explained by an appeal to the idea that the repetition of demarcations always contains the possibility of alteration. This was not a radical or dislocatory change; but rather one that came about through the re-iteration of both youth and anti-social behaviour as ‘problems’; and this re-iteration served to increasingly link these two signifiers together in the discourse of Anti-social Behaviour. Despite this not being a large revolutionary or dislocatory event, it still had profound implications for the policy space and indeed for young people more generally.

### **7.3: Every Child Matters, Tough Enforcement and Shifting Demarcations: 2003 – 2007**

Here close attention will be paid to the similarities, contrasts and contradictions between the policy spaces of Anti-social Behaviour and Every Child Matters. This will be done with the aim of examining the shifting demarcation between these spaces and the changing extent to which they contaminate each other *over time*.

The launch of the Every Child Matters agenda may have signalled a different approach taken to young people regarding youth justice and anti-social behaviour; however from the period 2003 to 2005 the opposite appears to be the case. The Anti-social Behaviour policy space very much ‘dug in’ and sedimented itself during this period and at first glance one may be forgiven for thinking that Every Child Matters had no impact on the Anti-social Behaviour agenda at all, in terms of its problematisation of young people. Indeed there did appear to be quite a strong demarcation between these two policy spaces initially. The most evident form that this demarcation took was the strong demarcation between the government departments that held the briefs for these policy spaces. Anti-social Behaviour was (at this time) entirely the remit of The Home Office (David Blunkett as Home Secretary from December 2001 to December 2004) and the Every Child Matters brief was located within (then called) Department of Education and Skills (Dfes) despite having a broader and expanding remit as we have already seen. However the story of this demarcation is far more complex and we shall now look at it in some more detail.

### ***7.3.1: 2003: Respect, Child Poverty, The Role of Parents and Other ‘Causes’ of Anti-Social Behaviour***

2003 must be singled out as a very significant year as far as this thesis is concerned. The Every Child Matters Green Paper was published in September of 2003, and the *Respect and Responsibility* White Paper was presented to Parliament in March 2003.

We have already discussed the shift towards a focus on youth within the Anti-Social Behaviour policy space in years preceding 2003 and noted the dislocatory effect of the Climbié murder. However there is little evidence of this dislocation affecting the increasing linkage of anti-social behaviour and young people in public/government discourse, at least initially. Indeed as far as the Anti-social Behaviour policy space is concerned, 2003 with the *Respect and Responsibility* White Paper and later the Anti-social Behaviour Act, signals the start of a massive increase in the number of ASBOs issued (see Mathews *et al.*, 2007:1: fig 1.1) and young people do not seem to be any less the target of these (Mathews *et al.*, 2007: 0: fig 2.1). Also with regard to Dispersal Orders, according to a report by the Joseph Rowntree Foundation:

Dispersal orders have been used in a variety of types of location to address diverse social problems, *but are most commonly used in relation to groups of young people* (Crawford and Lister 2007. My emphasis).

The general tone of the *Respect and Responsibility* White Paper is without doubt punitive and refuses to accept social and economic factors as anything more than a partial cause and in no way an excuse for anti-social behaviour (locating the cause much more in the realm of individuals who ‘lack respect’, as noted in Chapters 1 and 5). It is careful not to make generalised aspersions about young people; instead opting for talking about a ‘persistent minority’ that commit anti-social behaviour rather than ‘youngsters often the very young’. When ‘root causes’ of young people’s anti-social behaviour (other than lacking respect) are specifically mentioned, these are more likely to be drugs or bad parenting than broader social/environmental or economic factors. However this is not to say that a causal link between these factors is not touched on by the White

Paper (albeit briefly); amongst other issues, under the heading of ‘Causes’, the White paper states:

One in ten children are growing up in neglected neighbourhoods marred by drug dealing and other crime where they feel unsafe, especially at night. Young people who like and are attached to their communities are significantly less likely to report involvement in problem behaviour than those who want to move elsewhere (Home Office, 2003: 16).

However one is left wondering about the extent to which this is really seen as a causal factor, in light of the previous statement in the Ministerial Forward that ‘[f]undamentally, anti-social behaviour is caused by a lack of respect’ and in light of the fact that such economic factors only receive this single cursory mention. Also, when the White Paper acknowledges the large proportion of ASBOs received by young people, the example given of the ‘root cause’ to be addressed is drugs, rather than economic factors.

More than half of all ASBOs are made against 10 to 17 year olds yet the courts do not have any powers to require a young person with an ASBO to address their anti-social behaviour. To ensure that this support is provided the Government is introducing an innovative new Individual Support Order (ISO) within the Criminal Justice Bill. The new order will extend the protection that ASBOs provide to the community by requiring children and young people with ASBOs to undertake individually tailored activities. They may, for example, be required to attend treatment for substance abuse. This will improve the effectiveness of an ASBO by engaging the child or young person in addressing the root causes of their actions and aiming to solve these problems (Home Office, 2003:35).

Economic factors however play a much more prominent role in the language of the *Every Child Matters* Green Paper, the problem of child poverty being mentioned no less than seven times, often alongside a statement of the Government’s commitment to its eradication.

The Government is committed to halving child poverty by 2010, and eradicating it by 2020. The best way to tackle child poverty is to widen opportunities for parents to work, and raise the incomes of working families (DfES, 2003: 25).

Where young people are identified in the *Respect and Responsibility* White Paper responsible for anti-social behaviour (for example in the first paragraph of the Introduction) it is in the context of the example of ‘young people using airguns to threaten and intimidate people’ and placed alongside other examples such as ‘noisy neighbours’ and ‘drunken yobs’ (Home Office, 2003:6). It should also be noted that The White Paper does explicitly state that ‘Young people are more

often the victims of crime and anti-social behaviour than the perpetrators' (Home Office, 2003:22), implying an attempt to link tough action against anti-social behaviour to the notion of protecting young people. The majority of the tough talk of this White Paper that concerns young people is actually far more aimed at the parents and families of young people who are responsible for anti-social behaviour than the young people themselves (see, Home Office, 2003: 26-27; see also Anti Social Behaviour Act 2003 sections 18-22).

Parents have to set limits; they have to ensure their children understand the difference between right and wrong. Without this children feel free to do as they wish and can, in some cases, make life a misery for everybody (Home Office, 2003:21).

The White Paper also seems to somewhat play up non-punitive interventions concerning young people (see Home Office, 2003:32-33).

From 2003, Blair was discussing the role of non punitive measures (although very much alongside the punitive measures) in tackling anti-social behaviour and the role of social and economic factors in causing such behaviour as part of a speech which was very much a call to arms for communities to make more use of the tough sanctions available to them under the Crime and Disorder Act. The importance, for this discussion, of a speech made in this crucial period, by The Prime Minister, an actor whose role cuts right across the departmental demarcation between Dfes and The Home Office, cannot be understated. The speech begins:

I want to make one very simple point in this speech. To the police, housing officers, local authorities - we've listened, we've given you the powers, and it's time to use them (Blair, 2003).

It is also worth noting that the only societal group Blair explicitly identifies as perpetrators of anti-social behaviour are 'truanting school-age children'. This adds further weight to the argument that by 2003 anti-social behaviour was very much linked with youth.

As aforementioned, later on in the speech the idea that social and economic factors are root causes of anti-social behaviour creeps into the discourse, if only fleetingly.

To those who say the answer is tackling the causes as well as the symptoms of Anti-Social Behaviour I don't disagree. We are investing heavily in the biggest anti-poverty programme for over



half a century. Record investment in education, the New Deal, the Working Families Tax Credit, record increases in child benefit and income support, and Sure Start. Our commitment to equalising opportunity has meant sustained support for families under pressure. The life-chances of children are hugely influenced by their earliest experiences, which is why access to post-natal support, parenting classes and early years provision is so important (Blair, 2003).

Here we already see a linkage between key aspects of what will become the Every Child Matters policy space (child poverty and ‘early years’ provision, for example)<sup>26</sup> with Anti-social Behaviour policy. However the punitive aspects of Anti-Social Behaviour policy and the idea of addressing social and economic factors are very much linked together in a conditional (almost contractual) way through the logic of ‘respect and responsibility’ (discussed in Chapter 5), as the very next line of Blair’s speech makes clear.

But with new opportunity must also come greater responsibility. Only by rebuilding cohesive communities and reforming the system to bear down harder on anti-social behaviour can we achieve our vision of a strong and fair society (Blair, 2003) .

In order to see the conditionality implied here this quote should be seen in the context of the (only recently published at the time of the speech) *Respect and Responsibility* White Paper, the very first line of which is:

As a society, our rights as individuals *are based on* the sense of responsibility we have towards others and to our families and communities (Home Office, 2003: Ministerial Forward. My emphasis).

Here, as noted briefly in Chapter 1, we have the beginnings of a discourse that being tough on anti-social behaviour is itself a method of tackling social exclusion and poverty. This discourse will get broadened out later to the extent that by 2007, the punitive measures of Anti-social Behaviour policy will be constructed as a core way of achieving the Every Child Matters outcomes.

So we have seen some linkages already being made between the Every Child Matters and Anti-Social Behaviour policy spaces. Although these spaces were located in different departments and there was a strong demarcation between them, at the very least, in terms of the actors which

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<sup>26</sup> This speech was made just one month after the presentation of the Every Child Matters Green paper to Parliament.

were included in policy discussions, we should also note that even in 2003, at the very start of Every Child Matters, the issue of children and anti-social behaviour is raised in the Green Paper. As we have seen, both Anti-social Behaviour and Every Child Matters were expansive policy spaces that cut across a huge number of what may have previously been demarcated as separate policy issues. Thus it is hardly surprising that these policy spaces came into direct contact and the demarcation between them was far from stable. The contamination of each space by the other has then always been there. This being said, to the extent to which Anti-social Behaviour policy is discussed in the Every Child Matters Green Paper, there is an evident lack of the strong, enforcement driven, ‘no excuses’ language that characterises the *Respect and Responsibility* White Paper to which it refers. As such, although:

When children and young people engage in anti-social behaviour or commit offences, we need to ensure that they to face up to their actions and redress the harm they have caused (DfES, 2003:33).

No further elaboration of the implications for young people of measures such as the ASBO or how children/young people will be treated as different from adults (or not) by the criminal justice system, or how their rights will be protected, is offered. Rather this quote seems to imply systems of ‘restorative justice’ as opposed to tough punitive measures. Following this sentence, instead of discussing a ‘lack of respect’ amongst young people (as one may have expected them to do in the context of Anti-social Behaviour and in light of the *Respect and Responsibility* White Paper referred to just a few paragraphs after this quote) the Every Child Matters Green Paper goes on to say that:

‘We also need to ensure that the system tackles the underlying causes of such behaviour’ (DfES, 2003:33).

However the Green paper does not go in details as to what these causes are or how they may be tackled (this, it may be assumed is within the remit of Home Office/Treasury policy and so beyond the scope of this Green Paper); instead it goes on to discuss the ‘success’ of the Government’s ‘recent youth justice reforms’ which (at least according to DfES) make the ‘system clearer and simpler, and [make] more use of effective interventions known to work’ (DfES, 2003:33). As opposed to the noticeably absent ASBO, the Green Paper, in the subsequent

paragraphs on anti-social behaviour discusses the revision of the Child Safety Order and the role of the Intensive Supervision and Surveillance Programme (ISSPs).

Despite fairly unanimous agreement that ‘there has been a substantial increase in the proportion of young people being formally processed [by the criminal justice system] since the mid 1990s’ (Smith, 2007: 82) and the shift noted in this thesis toward linking young people with crime and anti-social behaviour in particular, (in the late 1990s); 2003 saw another shift (at least in the level of government utterances if not in terms of actual punitive measures enforced against young people) away from a language that vilified young people ‘who think they can just get away with it’, towards supporting and controlling parenting. The complex articulation of causes in the *Respect and Responsibility* White Paper suggest a shift away from social exclusion or poverty being seen as a primary cause (as in the Policy Action Team report of 2000) towards the idea of locating the cause with parenting and of course (most fundamentally) with a ‘lack of respect for other people’. This can be evidenced by the large section on enforced support for parents in the Anti-Social Behaviour Act of 2003.

It seems to be no coincidence that following the dislocatory event of the Climbié murder and in the same year as the Every Child Matters agenda (that was articulated as a response to it), the language of Anti-social Behaviour softened slightly towards young people and less generalised claims about the behaviour of youth were being articulated in governmental spaces (Prime Ministerial speeches/ Green/White Papers etc). However at the same time there is evidence (see Chapter 5) of an increased push (from the centre) with regard to Anti-social Behaviour policy, and certainly after the 2003 Anti-social Behaviour Act there was a vast increase in the number of ASBOs issued to young people. However this was increasingly constructed as a ‘minority’ of young people rather than youth in general. Thus there was a shift in demarcating youth as responsible for anti-social behaviour (as opposed to adults) towards demarcating a ‘persistent minority’ as responsible for it (as opposed to a ‘law abiding majority’)

[Anti-social Behaviour Policy] is about giving people the tools they need to claim back their communities for *the decent law abiding majority* (Home Office. 2003: Ministerial Forward: My emphasis).

As a society we have rules and standards of behaviour. For *the minority* who flout these rules and standards, we must take action to enforce them (Home Office, 2003:7: My emphasis).

The arrival of Every Child Matters also signalled another key shift in the language of youth justice policy toward the effectiveness of preventative measures.

The more we do to ensure preventative action is taken to help families or individuals in crisis the more effective that is both for those clients but also for the community more widely (Home Office, 2003: 58).

This chapter shall now move on to address the demarcation between enforcement and prevention with regard to young people and anti-social behaviour.

### ***7.3.2: 2003 – 2007: Demarcating Enforcement and Prevention and the Rise of Enforced Support***

Increasingly concerns about young people and children's welfare have, as we have seen, led to some softening in rhetoric that vilifies children (at least in general). However there does not appear to be, all of a sudden, an absence of enthusiasm for using tough sanctions against them on the part of parliamentarians. For example we can look at the (verging on antagonistic) tone taken by the Home Affairs Select Committee in 2005 when talking to representatives of SCYJ, the YJB and ADSS.

Ms Hibbert, as I understand it, you spoke about a number of people who may be demonised. Recognising that a large majority of young people are perfectly law abiding as we make clear as Members of Parliament at every opportunity, would you nevertheless recognise that a small number of youngsters—they could be as young as 13—can cause havoc in a community? We, as Members of Parliament, have received over the years, before anti-social orders came into being, constant complaints. Are you saying that in effect those constant complaints are often exaggerated?' (House of Commons, 2005b [Minutes of Evidence]: Q424).

This practice of closed questioning ('are you saying that the public are exaggerating?'), that very much structures responses in such a way to deflect criticism of government policy, was not uncommon in this meeting.

There are according to Home Office figures literally hundreds of thousands of instances of anti-social behaviour reported by the public and complained about each year. There have been fewer than 5,000 Anti-social Behaviour Orders in five years. It is not as though Anti-social Behaviour Orders are raining down on the youth of Britain. The reality is, is it not, that the vast majority of cases of anti-social behaviour are not being dealt with at the moment by punitive means but by all the other mechanisms that you and your members are responsible for? It is a caricature, is it not, to suggest that the main emphasis in practice out there, whatever the rhetoric might sound like, is punitive?' (House of Commons, 2005b [Minutes of Evidence]: Q427).

Again note the closed nature of 'it is a caricature is it not?', when this 'caricature' was presented in the lead up to the question itself and not as part of a careful and considered quote of the written evidence that itself is being caricatured by the question being posed. We shall come back more fully in the next section to the way demands of those who see themselves as excluded from the Anti-social Behaviour Policy space (such as children's advocates and charities) are invited to contribute, only to have their arguments dismissed by those in Government; however, as one prime example of this is in the area of demands around enforcement and prevention, it cannot be fully bracketed out in this section.

Often the preventative measures being proposed, at least early on, such as 'diversionary activities', are phrased in a highly vague manner especially when contrasted to the (often quite specific instructions relating to) punitive measures.

We know that when young people have diversionary activities to keep them occupied antisocial behaviour and crime are often reduced. The Youth Service plays a key role in engaging young people in their communities. LEAs are responsible for the Youth Service in their area and work in partnership with the voluntary and community sector to deliver a wide range of services. This provides learning and challenge through constructive activities that are built around the interests of individuals and the issues they face (Home Office, 2003:22).

It is unclear exactly what is meant by 'constructive activities' and whether there will be any extra government funding to support them even if there are small boxes contained within the text giving examples of voluntary schemes. However *Every Child Matters* (Green Paper) provides us with an example of one such scheme.

Positive Activities for Young People (PAYP) programme. This new programme is aimed at those young people most at risk of anti-social behaviour, offending or truanting (DfES, 2003:32).

Another key way in which the idea of targeting youth (albeit a minority of youth) links to a discourse of prevention is through the idea that by taking tough action on youthful anti-social behaviour, one is also helping to prevent that young person from engaging in more serious crime. Thus to intervene in anti-social behaviour, even by using tough punitive measures is itself a form of prevention with regard to serious crime. This view is expressed neatly in the Home Affairs Select Committee's Final Report into anti-social behaviour. This argument is explicitly linked to the Every Child Matters Green Paper and the flow chart showing how young people are drawn into anti social behaviour over time (Fig 4: 'Continuity of anti-social behaviour from age 5 to 17': DfES, 2003: 19) is re-produced by the Committee in their report.

Any discussion of the appropriate response to ASB perpetrated by young people must be mindful of the wider context of youth offending. This is for two main reasons. First, there is a clear overlap in terms of the relevant behaviour and its causes (even discounting ASB which is also defined as criminal), with a likely progression from ASB to more serious offending if the initial behaviour is not challenged. Second, the response to youth ASB is inherently tied up with the youth justice system (House of Commons, 2005b:32).

Many children's charities were of the view that, despite this the government's strategy in dealing with anti-social behaviour focuses too much on enforcement and not enough on prevention.

For instance, the Crime and Society Foundation argued that "the current anti-social behaviour strategy, which places so much of an emphasis on the imposition of the ASBO, should be rethought"... The Howard League for Penal Reform argued that "the current approach is punitive and is likely to exacerbate social exclusion"... JUSTICE questioned "whether the correct emphasis is being applied", arguing that "the causes of anti-social behaviour are being neglected"...Liberty condemned the "indiscriminate and excessive use of ASBOs", arguing that this was undermining any benefit they might bring.... NCH stated its concern that "government policy in this area has been dominated by enforcement measures with little attention on prevention' (House of Commons, 2005b:38).

This argument was summarily dismissed by the Home Affairs Select Committee (2005) in the following ways. For example the Committee was happy to accept that:

There is broad professional agreement that more constructive early intervention in the lives of young people most at risk could produce enormous dividends (House of Commons, 2005b: 38).

However:

The evidence we received from a number of organisations—in particular, some children's charities and civil liberties organisations, as well as the Association of Directors of Social Services—*suggests that they assume there is a sharp distinction to be made between prevention and enforcement. We believe that this is ultimately self-defeating: instead, it seems to us that enforcement has a crucial preventative role in itself that needs to be recognised* and which needs to be seen as the responsibility of everyone. We agree with those who stress the importance of all ways of dealing with ASB. We are deeply concerned about the potential effect on local ASB strategies if the enforcement element is resisted by agencies dealing with ASB at the front line (House of Commons, 2005b: 39 My Emphasis).

And furthermore:

Overall, the clear message of the evidence is that there is more to do in terms of *all* means of tackling ASB—whether through diversion, support or sanction. It is not the case that the Government's ASB policies are overwhelmingly punitive towards children; nor is it true that its strategy is skewed towards enforcement. On the contrary, there is compelling evidence that in many parts of the country, legal powers are used only relatively rarely. We would emphasise therefore the need not to be led astray by rhetoric but to focus on what is actually happening on the ground (House of Commons, 2005b:44).

The quotes above demonstrates many things including the wish by many in government to focus on what goes on 'on the ground' and this is linked to a logic of what works (that we have already discussed). However here we should first note that the idea that government policy is 'overwhelmingly punitive towards children' is summarily dismissed (as 'rhetoric') despite the fact the majority of its punitive measures such as ASBOs are used on young people and children. However what is of greatest interest here is the way the Committee not only dismiss the idea that Government policy is 'skewed toward enforcement', but rather the way they dismiss the enforcement/prevention dichotomy itself. Indeed much of the Anti-Social Behaviour Act is focused on enforcing support (especially in the form of parenting classes) and, this is not unrelated, the notions of support prevention and enforcement are articulated in increasingly complimentary ways in government discourse on young people: as such much of the contradictions between these aspects of policy are masked over or, when pointed out explicitly (as above), are dismissed. This posed problems for those working within the youth justice system. Members of the standing Committee for Youth Justice noted the difficulties faced by, for example, the Youth Justice Board with regard to the (non) dichotomy of enforcement and prevention.

The Youth Justice Board were caught up in this dilemma of are we here to pay for custody or are we here to pay for preventive services and diversionary activities – what is our role? (Research Interview 4).

What is often being dismissed here is the either/or nature of the enforcement/prevention dichotomy; this opens the way for a discourse that can articulate the notion that tough enforcement measures are themselves preventative and so supporting children and young people. However there is still the question faced by those working in the youth justice system of which approach to privilege. Does one go down the ASBO route or the PAYP route, or both? The idea that enforcement is in itself a preventative measure is something that seems to be increasingly rising to prominence in the youth justice discourse. However the Youth Crime Action Plan, for example, does maintain a distinction between enforcement and prevention and seems to view them as separate yet not contradictory logics. We shall look at this issue (with regard to the Youth Crime Action Plan and the ‘youth justice’ component of Every Child Matters) later in this chapter. However it is worth noting that even if contradictions between enforcement and prevention can be masked by discourse and by a blurring of the demarcation between Every Child Matters and Anti-social Behaviour policy spaces, the distinction between them remains.

#### **7.4: Demarcation and Contesting Youth Policy Spaces**

We have thus far noted that government discourse ‘when David Blunkett was Home Secretary and Louise Casey was in charge of the ASB unit and later the Respect Taskforce...started off extremely... anti young person and extremely confrontational toward organisations like ourselves [children’s charities/ advocates]’ (Research Interview 4).

I think there was a real reluctance from what was initially the ASB unit and then became the respect taskforce to actually take on board any of our arguments (Research Interview 1).

Indeed children’s charities felt they were ‘very much put in our place’ and told ‘basically to shut up’ (Research Interview 4) by senior government ministers and civil servants. However ‘there were subtle changes’ (ibid) and in the view of one respondent this was because there was a realisation (on behalf of government) that this was ‘adding to the problem – dividing society, in a sense’ (Research Interview 4). Also in different spaces the arguments of children’s advocates



fared better; for example one lobbyist noted that they felt that ‘in the Lords there was a far more measured discussion’ as well as more of a ‘willingness to take on board a variety of perspectives’ (Research Interview 4). The same lobbyist also noted a ‘shift in tone, if not in intent during the passage of the [Anti-social Behaviour] Bill’ in 2003. This shift has been discussed here in relation to the start of the Every Child Matters programme that itself was the result of a dislocation. The effects of this dislocation rippled out in the direction of Anti-social Behaviour and youth justice policy, from 2003 onwards, even if the dislocatory event itself occurred three years prior to this. We can note a shift occurring in 2003 from the connection of anti-social behaviour to generalised claims about youth to its connection with a ‘minority’ of young people. From the theoretical perspective advanced in this thesis we may interpret this period (1997 – 2003) as a period of the contestation of the demarcation itself. What was being contested was the demarcation of the Anti-social Behaviour policy space that closed the space off to children’s charities/advocates and their demands around the welfare of young people and their civil rights and liberties. Organisations such as the Youth Justice Board occupied a space at this time which was neither included nor excluded but were *both* in different ways. As head of the Youth Justice Board, Rod Morgan often came into conflict with many driving Anti-social Behaviour policy, such as Louise Casey, over issues such as youth custody. Many in the SCYJ also felt that the YJB should have been more involved in Anti-social Behaviour policy and called for a greater involvement from the YJB, especially in terms of being informed and consulted when children or young people were made subject to many of the enforcement measures contained in the legislation, such as ASBOs.

The YJB was not part of that picture originally which I just find ridiculous and of course they fought their own corner but it is useful to have outside organisations, quite separately push for their involvement. They were the youth justice body for goodness sake, why weren’t they told when an ASBO was being considered? (Research Interview 4).

However exclusion from the policy space of Anti-social Behaviour was not always so overt and hostile. Certainly most of the people interviewed for this thesis (from the children’s charitable/advocacy sector) felt their criticisms of policy and demands either fell on deaf ears or were greeted with open hostility in the period leading up to the 2003 Anti-social Behaviour Act. However on the surface New Labour tried to present the appearance of being open to evidence and hearing all sides of the story. The most obvious example of this was the 2005 Home Affairs

Select Committee on Anti-social Behaviour that received both verbal and written evidence from a vast array of sources much of which was highly critical of Anti-social Behaviour policy. We have already noted the ways in which the Home Affairs Select Committee in 2005, continued to dismiss many arguments through closed question and an attempt to articulate the notions of prevention and enforcement as complimentary and not as opposed logics of intervention. Thus, despite the appearance of hearing ‘all sides of the story’ and of openness to criticism, many (if not all) of the arguments made by social services and children’s charities were dismissed and rejected by the committee, as noted above. However in the context of a rise of a new hegemonic policy space - Every Child Matter’s with its overt focus on prevention and support - and the established hegemony of Anti-social Behaviour Policy with its overt focus on enforcement, simple dismissal of the dichotomy by parliamentarians was never going to be the end of the matter. Indeed as we have seen, 2003 marked a distinct shift in government discourse toward young people. Every Child Matters, due to its expansive nature, changed the policy spaces of youth in such a dramatic way that every single policy or government department with even vague implications for youth had to be articulated as part of the Ever Child Matters hegemony. Every Child Matters was also a very inclusive policy space which tried to involve as many agencies, actors and demands around young people as possible, and so the arrival of this policy space very much signalled the end of a tough demarcation which excluded the demands of child advocates through confrontational articulations (such as being told to ‘shut up’).

Thus by 2005 the demarcation between these two spaces (Anti-social Behaviour and Every Child Matters) seems increasingly blurred. The fact that many of those to whom government were initially confrontational (with regard to the Anti-Social Behaviour policy space) and so were excluded, were often the same actors that were very much included in the Every Child Matters policy space, allowed for strong contestation of the demarcation between these policy areas that were until 2007 held separately by separate governmental departments. Also the bringing together of those critical of New Labour’s line on Anti-social Behaviour (including children’s charities/advocates and civil liberties campaigners) under the umbrella coalition of the Standing Committee for Youth Justice, allowed for a fairly unified and strong opposition to policy, that contained many members who were very much ‘on the inside’ of DfES/ DCSF discussions around Every Child Matters. The logic (key to Every Child Matters) of inter-agency co-operation

with regard to young people served to further break down strong demarcations between youth justice and youth welfare, as agencies broadly located in these different areas were increasingly encouraged to work together, crucially for the benefit of children and young people. Also (as we have seen) the logic of putting children first, that is another key logic of Every Child Matters, itself deconstructs some of the punitive focus of Anti-social Behaviour policy, in the sense that it problematises the tough enforcement measures characteristic of much of the Anti-social Behaviour agenda in terms of their effect on the young people and children who are subject to them. This logic provides a grammar of contestation for children's advocates against Anti-social Behaviour policy to be articulated within the Every Child Matters (expansive) policy space, as has already been highlighted in previous chapters.

Thus contributions to Anti-social Behaviour discussions from children's advocates from 2003 onward tended to take the line that 'this [Anti-social Behaviour/ Youth Justice Policy] contradicts so much else of what you (New Labour) are doing, if you (New Labour) insist on going down this route how can we make it more Every Child Matters?' (Research Interview 6). However Anti-social Behaviour was, by now, well established in the public consciousness and Tony Blair was personally very heavily invested in it and he, as already noted, was the driver for much of this policy. Thus despite the arrival of Every Child Matters and with it a logic of putting children first that provided a grammar by which to contest youth justice policy, in general, and the huge change in the shape of youth policy spaces, this was not enough to de-sediment the strong hegemony that had formed around 'Respect'. As already noted (Chapter 6), respondents to this research met with strong opposition when challenging youth justice policy with recourse to the logic of putting children first and its central role within the Every Child Matters framework.

I have tried along with the support from the ... Standing Committee for Youth Justice to persuade the government that the welfare considerations of a child are absolutely central to any assessment of the relevant approach to take when that child is facing prosecution... They should say that they have to make a determination when the court considers a child for the purposes of sentencing that they consider whether their 5 [ Every Child Matters] outcomes are being met and they turned us down flat. I was four meetings when they turned us down flat (Research Interview 6).

Equally one should not draw from this quote that contestation from the children's charitable/advocacy sector was meeting the same level of hostility as it was when there was a

demarcation of simple exclusion from the Anti-social Behaviour policy space (as there was from 1998-2003). Indeed Every Child Matters began in 2003 but continued to change the shape of youth policy spaces as it expanded into more and more areas and encompassed more demands. We have already seen that 2003 was a moment key to understanding the changes in the policy spaces under investigation here; however a further dramatic change to the shape of youth policy spaces and specifically a change in how Anti-social Behaviour policy was demarcated from Every Child Matters occurred in 2007. In this year Tony Blair stepped down as Prime Minister, to be replaced by Gordon Brown; and crucially the Dfes was replaced by the DCSF which took youth justice policy as part of its brief. Anti-Social Behaviour policy was thus no longer just the remit of the Home Office; but was split between the Home Office, and the newly created Ministry of Justice and the DCSF, these new departments taking the bulk of it. This also meant that the 'Respect Taskforce' was disbanded and replaced by the 'Youth Taskforce' which was located in the DCSF. To some in the children's charitable sector this was taken to be a good sign that their arguments contesting the demarcation between the two policy spaces were likely to be taken more seriously by government.

[...] right at the beginning of the Every Child Matters agenda we were constantly saying "what about children in trouble?" because at that stage the Every Child Matters agenda was in the Dfes as it was and children in trouble, children in the criminal justice system was solely the remit of the Home Office. And we were constantly saying 'hang on a minute, you know, if every child matters, what about this little group over here who nobody seems to be taking any notice of. I think we were delighted when in the restructuring when Dfes became DCSF (Research Interview 1).

## **7.5: 2007-2008: A Hybrid Space**

It was the opinion of one interview respondent that 'when Ministers change everything changes' (Research Interview 4). There is no doubt that in terms of changes in youth policy spaces and the demarcation between Anti-social Behaviour and Every Child Matters policy, 2007 signalled a not unsubstantial shift, literally re-drawing the boundaries between government departments, creating new spaces (and departments) and, by locating youth justice in the DCSF, bringing Every Child Matters and Respect discourse together in an overt fashion, demonstrated by the 2008 Youth Crime Action Plan. However not everything did, in fact, change. It was not the case that 2007 signalled an entirely new discourse about young people, behaviour and justice, nor did it signal (as I imagine many in the children's charitable sector may have wished) the privileging of Every

Child Matters over the Respect/ Anti-social Behaviour agenda, or a complete government U-turn with regard to their policy on anti-social behaviour. Rather, as with all changes, 2007 cannot be understood as the creation of ‘newness’ and a radical rupture with ‘oldness’, instead it was a new articulation of two already existing discourses and the social logics of which they are comprised and as such represented a continuation of a trend that perhaps started in 2003 and is discussed above.

Thus in many ways we now return to where we started in the genealogy presented in Chapter 1 – with the Youth Crime Action Plan which represents this new articulation of the two policy spaces that have concerned this thesis. First let us note how prevention and enforcement are articulated as part of a new ‘triple track approach’.

The emphasis we have placed on enforcement – on being tough on crime – is obviously important. But equally crucial is a focus on both prevention and non-negotiable challenge and support. It is this ‘triple track’ approach which will produce significant and lasting change. From talking to young people involved in crime it was clear how important it was to have ways out of crime, with clear responsibilities but also support for those who make an effort to try to turn their lives around (HM Government, 2008:4-5).

Thus the articulation of enforcement and prevention is supplemented by the notion of support which is ‘non negotiable’ and as such should be understood as enforced support. The rejection of the dichotomy between enforcement and prevention remains, instead of competing logics, they are articulated as part of a coherent (triple track) approach along with enforced support. Indeed there is further evidence of the shift of punitive measures away from young people themselves toward parents (something noted above that forms a core part of the Anti Social Behaviour Act) in the form of enforced support.

We are sending a clear message to parents. Most parents do a great job, and for those who are struggling we will offer more support; but for those who do not take their responsibilities seriously we will challenge them to do so. We will ensure more Anti Social Behaviour Order (ASBOs) are accompanied by Parenting Orders where needed. We plan to expand the highly effective Family Intervention Projects, so that there is more support for those families where the children are at greatest risk of offending. Families who need this support will be encouraged and challenged by key workers. *There will be sanctions for families who will not engage* (HM Government, 2008:5: My emphasis).

The last line of this quote should leave us in no doubt to the extent to which support, if not accepted, will be enforced on pain of ‘sanctions’.

Secondly let us note that although there is greater emphasis on what may lead young people towards crime and anti-social behaviour than in, for example, the 2003 *Respect and Responsibility* White Paper, there is no evidence of any back tracking on behalf of the government in terms of their willingness to use tough sanctions, although the action plan does seem to place greater emphasis on measures such as Acceptable Behaviour Contracts (ABCs) than on ASBOs.

The Government has introduced a range of powers such as Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs) which, when rigorously applied, can be very effective in reducing crime and anti-social behaviour...It is also important that young people recognise that ASBOs represent the last chance to stop their anti-social behaviour before they face the full force of the criminal justice system (HM Government, 2008:19).

Thus ASBOs are still to be ‘rigorously applied’ to young people and they may still face the ‘full force of the criminal justice system’. Indeed even when (more in the tone of Every Child Matters) the Action Plan discusses alternative and diversionary activities for young people and other preventative measures, these are usually followed by a re-iteration that tough sanctions will be applied to those who fail to engage.

Offering young people viable and attractive alternatives to anti-social and criminal behaviour will help break the damaging cycle of negative influence and raise aspirations for future success. Where there is a failure to comply, street-teams will be able to employ increasingly tough punishments (HM Government, 2008: 21).

Thirdly, The Action Plan is yet another iteration of the shift away from demonising all youngsters and negative claims made about ‘youngsters often the very young who just think they can get away with it’. Rather it continues in the vein of talking about a ‘minority’ of young people who commit anti-social behaviour juxtaposed against a majority of young people which are positive members of the community engaged in ‘normal’ boundary challenging behaviour and who are also constructed as potential victims of crime/anti-social behaviour.

The vast majority of young people grow up happily and successfully. As they gain their independence and develop the interpersonal skills that will carry them through adult life, they rely on opportunities to interact and to test teenage boundaries in a safe and constructive environment (HM Government, 2008:27).

However, we know that a minority of young people commit crime and, of them, a much smaller minority – around one in twenty – become prolific and serious offenders... (HM Government, 2008: 27).

We know that young people are more likely to be victims of crime than adults and that they are overwhelmingly likely to be victims of other young people (HM Government, 2008: 41).

However rather than simply ‘lacking respect’ (a concept that is not mentioned in the Youth Crime Action Plan) this minority are themselves victims of ‘poor or indifferent parenting, and display a range of personal and family difficulties...’ (HM Government, 2008: 27). Although economic factors are not discussed, the focus is on the (surely) closely related issues of health and education.

These factors associated with future offending are often the same factors which lead to other outcomes of poor educational attainment, disaffection and poor health. Effective early intervention to address these risk factors is not only a vital response to youth crime but also puts more young people on the path to success (HM Government, 2008: 28).

Fourthly, even if the signifier ‘respect’ does not feature overtly as the cause of anti-social behaviour as it did in 2003, the social logic in which it is embedded, that of ‘respect and responsibility’ is still very much present although it is responsibility that is emphasised and especially the responsibility of parents. The idea of parents ‘taking more responsibility for their children’ is re-iterated in the document on pages: 14, 39 (three times), 75 (annex). However key logic of Every Child Matters are also present in the Action Plan. Protecting children and making sure they are safe is a key part of the discourse here.

We are committed to improving the safety of children and young people and the cross-government ‘Staying Safe Action Plan’ published in February 2008 supports this (HM Government, 2008: 41).

We can also see that Every Child Matters outcome framework is supposed to play a key role in youth justice, something that many from the children’s charitable sector would welcome; but however may remain sceptical of.

The social context of these young people needs to change if they are not to reoffend. We must ensure that their underlying problems and needs are tackled through a joint approach between mainstream Children's Services and those working in the youth justice system. We must ensure that children in the youth justice system achieve the five Every Child Matters outcomes (HM Government, 2008: 57)

One reason some may remain sceptical of the articulation of the Ever Child Matters outcome framework with youth justice as it provides a basis for arguing things which may seem perverse to some who believe that young people, for example, be kept out of prison. For example it allows for the argument that a young person may be safer and be better able to 'enjoy and achieve' in prison than in the community.

The Prison Service has created discrete regimes for children and young people, with the emphasis on their safety and well-being and on preparing them for a constructive and law abiding life in the community. The emphasis which the Prison Service juvenile estate places on learning and skills means that for many young people – particularly those with a history of truancy or exclusion from school – their time in custody gives them their first real experience of regular, uninterrupted education as well as the first opportunity they may have had to undertake vocational training (DfES, 2004: 2).

As such prison is constructed as a kind of safe boarding school for disadvantaged young people. This seems to ignore the fact that some young people lose their lives whilst in custody and as such it may not be such a safe place full of opportunities as the above quote suggests, although the number of deaths of young people in custody does appear to be falling (see Forum for Preventing Deaths in Custody. 2007: Annex 1; and Forum for Preventing Deaths in Custody. 2008).

Inter-agency working is also, as one may expect, a key theme of the Youth Crime Action Plan. One example comes under the (often repeated) heading 'What it [this chapter of the Youth Crime Action Plan] will mean for Practitioners'

[...]closer working amongst the agencies involved in youth justice, in particular the police and youth workers to combat the damaging effects of delinquent peer groups (HM Government, 2008:24).

Despite there being key aspects of Ever Child Matters discourse, elements of the Anti-social Behaviour agenda are also strongly present. However the articulation of the two discourses together has modified their meaning. The 'respect' side of the 'respect and responsibility' logic is



notably absent; however responsibility (especially that of parents) is still very much present. Tough enforcement measures (ASBOs, Dispersal Orders etc) are still present in the discourse but are often played down in relation to measures that are perceived as softer such as Acceptable Behaviour Contracts. Preventative measures that were often alluded to in the 2003 *Respect and Responsibility* White Paper are fleshed out in more detail and given equal emphasis with enforcement, although enforcement is articulated in such way that it underlies much of the preventive and support measures that seem on the face of it to be given equal weight. Crucially in this regard, the idea of tough enforcement has been articulated with the notion of welfare and support (for example support for access education and training and support in parenting) which was a key aspect of Every Child Matters discourse, to produce the idea of enforced support, where support is offered to young people and if is not taken up in the way that practitioners/government think they should do, they are likely to face tough sanctions. As one may expect this uneasy mixture of two discourses and such a strong emphasis on Anti-social Behaviour measures and overtly enforcement led spin on the notions of welfare and support contained within a youth policy has met with strong criticism from the SCYJ.

The Youth Crime Action Plan is a mixed bag of policies, with some very welcome proposals but others that raise serious concerns. It doesn't offer a new or progressive approach to tackling youth crime. The Government has missed an opportunity for structural reform that puts welfare at the heart of the system. We are concerned at the emphasis on increasing the use of anti-social behaviour measures and the language of 'non-negotiable' intervention. Early intervention is the key to reducing youth crime, but it needs to be done in the right way. Our experience of working with 'high risk' children and families tells us they need intensive support, not draconian crackdowns. The Children's Society is also concerned by the suggestion to increase the number of convicted 16 and 17 year olds 'named and shamed' by courts (Evans, 2008 [online]).

In the following sections I shall problematise this 'missed opportunity' in terms of an attempt to explain why there has not been a greater shift toward the support and welfare approach of Every Child Matters in dealing with youth crime and anti-social behaviour.

## **7.6: Ideology and Explaining Resistance to Change**

There can be little doubt that anti-social behaviour caught the imagination of large numbers of the public and was perceived by New Labour MPs as a 'vote winner'. The idea of being tough on

youngsters who behaved in ways that members of the public and MPs as well as large sections of the media found distasteful and intimidating seemed to be addressing the fears of communities.

Incredibly important for our residents, the feedback that we are getting is that Respect really strikes a chord with local people, they understand it and they want it (Mycio, 2006 [online]).

The articulation of numerous demands in an equivalential chain, made possible by the emptying out of specific content from the signifier ‘anti-social behaviour’, helped sediment it as a populist/equivalential hegemony. The lack of specific meaning or clear definition of anti social behaviour, has as such been much praised as a positive aspect of the policy, despite coming under fire from members of the legal profession and civil liberties campaigners.

We have listened carefully to criticisms of the current legal definitions of ASB as too wide. We are convinced, however, that it would be a mistake to try to make them more specific. This is for three main reasons: first, the definitions work well from an enforcement point of view and no significant practical problems appear to have been encountered; second, exhaustive lists of behaviour considered anti-social by central government would be unworkable and anomalous; third, ASB is inherently a local problem and falls to be defined at a local level. It is a major strength of the current statutory definitions of ASB that they are flexible enough to accommodate this. We would argue also that the definitions are helpful in backing an approach that stands with the victims of ASB and their experience rather than narrowly focusing on the behaviour of the perpetrators (House of Commons, 2005b:121).

However the popularity of this policy can only, at best, be partially explained by reference to its ability to mask difference through the domination of the political logic of equivalence. A further level of explanation can be made with reference to how the discourse of Respect and Anti-social Behaviour masks over the radical contingency of social relations through an ideology (or fantasy) of a fullness to come.

In sum, whether in the context of social practices or political practices, fantasy operates so as to conceal or ‘close off’ the radical contingency of social relations. It does this through a fantasmatic narrative or logic that promises a fullness-to-come once a named or implied obstacle is overcome – the beatific dimension of fantasy – or which foretells of disaster if the obstacle proves insurmountable, which might be termed the horrific dimension of fantasy. For example, images of omnipotence or of total control would represent the beatific dimension, while images of impotence or victimhood would represent the horrific dimension of such fantasmatic attempts to achieve or maintain closure (Glynos and Howarth, 2007: 147).

‘Images of impotence and victimhood’ feature most prominently in fantasmatic narratives about anti-social behaviour and respect.

The anti-social behaviour of a few, damages the lives of many. We should never underestimate its impact. We have seen the way communities spiral downwards once windows get broken and are not fixed, graffiti spreads and stays there, cars are left abandoned, streets get grimmer and dirtier, youths hang around street corners intimidating the elderly. The result: crime increases, fear goes up and people feel trapped (Home Office, 2003: Ministerial Forward).

And indeed this is often juxtaposed against more beatific images of safe and happy communities ‘to come’ or idealised images of a past where people felt safe to leave the door unlocked and could rely on their neighbours. At the core of this image is the notion of ‘strong families’, which is perhaps a new iteration of New Labour’s much praised ‘hard working families’ (Reyes, O. 2005:231-254).

Healthy communities are built on strong families. These are communities where people know their neighbours and can call on them in good times and in bad. These are neighbourhoods that are safe, where parents take responsibility for their children’s well being and behaviour, where parents are confident in bringing up their children, and know there are good schools and good services (Home Office, 2003:21).

This is opposed to the horror of communities blighted by anti-social behaviour.

The effects of anti-social behaviour are most visible when the results of that behaviour ruin public places such as shopping precincts, parks, playgrounds, town centres or railway stations. It can also degrade local areas by allowing gardens, homes and streets to be full of litter and rubbish (Home Office, 2003: 38).

Horror stories of certain areas where people ‘feel powerless against broader, nationwide trends towards antisocial behaviour’ are common place in the media (for some examples see Barkham, P. 2006 [online]). This idea of powerlessness was also echoed by Hazel Blears at the Home Affairs Select Committee inquiry into anti-social behaviour in 2005.

I think now we have evidence—that problems of anti-social behaviour have simply not been addressed for a long time, and that particularly people living in the poorest communities have had a sense that: "Nothing can ever be done; it will always be like that in this neighbourhood", and have felt pretty powerless about tackling the problems that are out there (House of Commons, 2005b [Minutes of Evidence]: Q525).

As touched on in Chapter 4, Glynn and Howarth (2007) discuss the role of what they call ‘fantasmatic logics’ in terms of how it ‘grip’ actors. Fantasmatic or ideological logics ‘add a

further explanatory and critical layer to the process of accounting for change or continuity’.

Furthermore

[...]fantasmatic logics provide the means to understand *why* specific practices and regimes ‘grip’ subjects...fantasmatic logics contribute to our understanding of the resistance to change of social practices (the ‘inertia’ of social practices), but also the speed and direction of change when it does happen’ (Glynos and Howarth, 2007: 145).

Taking my lead from Glynos and Howarth, then, I shall now emphasise the ideological dimension of Anti-social Behaviour discourse with the aim of explaining its inertia when faced with challenges from the Every Child Matters hegemony.

There are numerous sites in the discourse of Anti-social Behaviour in which the logic of fantasy is in operation. I have already discussed one site, that of communities, which are constructed as both happy clean and safe places when anti-social behaviour is absent and as blighted and decaying when it is present. However young people are also a key site where the logic of fantasy is in operation. The contradictory construction of youth as both in need of protection, as the future of the UK and as a threat to communities bears many similarities to how other marginalised groups have been constructed. I can certainly see many similarities in the fantasmatic construction of youth and Glynos and Howarth’s discussion of Dave Lewis’ work on New Age Travellers (Glynos and Howarth, 2007: 148). Young people have too been attributed ‘contradictory features’ as we have seen, often contingent upon on whether they are discussed in relation to Every Child Matters or Anti-social Behaviour. As in the case with New Age Travellers much of the derogatory discourse surrounding young people occurred ‘at the margins of public-official discourse’ (Glynos and Howarth, 2007:148), however a good deal, as we have seen, did take a more prominent role in official discourse as well. We have already seen how young people were portrayed in the media as out of control, dangerous and a threat to communities. However descriptions of young people committing horrendous actions (often with impunity under the law) are echoed in more official discourse. An example of this is in a book by Frank Field MP.

Nothing had prepared me for the description of what they were enduring and the hell which had engulfed them. Young lads who ran across their bungalow roofs, peed through their letter boxes, jumped out of the shadows as they returned home at night, and, when they were watching television,

tried to break their sitting room windows, presumably with the hope of showering the pensioners with shattered glass' (Frank Field MP, cited in Burney, 2005:4).

Here the 'horrific' aspect of Anti-social Behaviour discourse is once again revealed and re-iterated. Another obvious example is the quote by Tony Blair, which has been often cited in this thesis, about the young 'thinking they can get away with it.' This idea of young people acting with impunity, as well as underscoring the impotence/omnipotence dimension of the discourse, is also undoubtedly linked to a thesis of stolen enjoyment. The (alleged) ability of young people to commit anti-social behaviour with impunity can be seen as blocking the identity of the 'law abiding majority' and indeed the community. Young people (so the story goes) are free to act however they like: deal drugs, harass people, commit acts of vandalism yet the law abiding majority are prevented from acting as they would like to, prevented from leaving their homes and walking the streets for fear of being attacked or harassed by young people (and other perpetrators of anti-social behaviour). Young people are seen as in control and as empowered by their lawlessness and apparent impunity before the law where as the law abiding majority are powerless to stop them and hesitate in challenging the behaviour of youth for fear that they will face legal proceedings for child abuse, for example.

They will soon be saying you can't raise your voice at a child as it is verbal abuse. The police should go back to the old ways as children need to be frightened in order to stop the problems we have and for them to learn respect (Comment posted on *The Sun*. 2005 [online]).

This example demonstrates a common desire for young people to be in fear rather than the 'law abiding majority', who increasingly fear legal reprisals for challenging the behaviour of young people. The quote from Frank Field MP (above) also helps to show how the enjoyment of pensioners is being stolen by the horrendous acts of 'young lads'. The pensioners live in fear while young people are constructed as unafraid of the law. This discourse of power/powerlessness is precisely what Tony Blair was able to tap into with his anti-social behaviour rhetoric that often emphasised giving the power (back) to communities.

One day when I am asked by someone whose neighbourhood is plagued with anti-social behaviour; or whose local school is failing; or whose hospital is poor, 'what are you going to do about it', I want to be able to reply: 'We have given you the resources. *We have given you the powers*. Now tell me what you are going to do about it' (Blair, 2005 cited in Chakrabarti and Russel, 2008:316. My emphasis).

In addition to the central point I am making here in regard to the (re)empowerment of communities, there are also a couple of other points about this quote worth mentioning. First note that anti-social behaviour is a ‘plague’; this is an incredibly emotive way to speak about this issue and one that links it to illness and disease that makes it all the easier to make the case that it is something that needs to be eradicated, destroyed or purged in order to make communities healthy (once again). It is however the idea of powerlessness that often crops up in discourse of Anti-social Behaviour, that betrays its ideological or fantasmatic dimension.

Any person or group on the receiving end of anti-social behaviour will realise only too well how frightening, distressing it can be. Victims feel powerless and unable to defend themselves legally ([Neighbours From Hell in Britain] NFHiB [no date, online]).

To argue that this discourse of powerlessness conforms to a structure of power being stolen and, as in the stolen enjoyment thesis, blocks the identity of certain groups does not mean that many people (especially pensioners, in certain parts of the UK) do not feel a real sense of fear and powerlessness due to the actions of some youths. In fact the real life experiences of people (of the kind mentioned by Frank Field) actually contribute to the ability of Anti-social Behaviour discourse to grip them as subjects and help enable them to identify with the discourse. The discourse of Anti-social Behaviour legislation articulates a notion of a power ‘to come’, that once people have the power to tackle anti-social behaviour, communities will become happy safe places where ‘the law abiding majority’ will have taken back their power and will be able to walk the streets without fear.

### **7.7: The Anti-Social Behaviour/Respect Couplet**

Chapter 5 noted how both ‘anti-social behaviour’ and ‘respect’ functioned as empty signifiers and their lack of specific content allowed them to be filled with many different demands. What is most interesting is how they provided the same political function. With reference to political logics, the equivalential chains established by these signifiers are identical. Vandalism, urban decay, drug dealing, litter, noisy neighbours and the like can both be understood as anti-social behaviour and as resulting from a lack of respect.

However these terms are not interchangeable, they signify different concepts (have different signifieds); yet function in the same way within the discourse of Anti-social Behaviour, which is they help to establish an equivalential hegemony. They are also linked together within this policy discourse in a relationship of causality, ‘anti-social behaviour is fundamentally caused by a lack of respect’, as has already been noted. In addition Tony Blair is very clear about how he understands the term ‘respect’.

What lies at the heart of this [anti-social] behaviour is a lack of respect for values that almost everyone in this country shares – consideration for others, a recognition that we all have responsibilities as well as rights, civility and good manners (Blair in Home Office, 2006).

The terms ‘anti-social behaviour’ and ‘respect’ did not rise to prominence at the same time. As we have seen the term ‘anti-social behaviour’ has a long history that falls outside of this thesis, and it’s ‘rediscovery’ (Squires and Stephen, 2005) by New Labour dates back to (according to Blair) 1988, or at the latest 1998 where it is used in the Crime and Disorder Act, with regard to the introduction of ASBOs. ‘Respect’, in terms of its articulation within Anti-social Behaviour discourse, came into play later on. In terms of government discourse, the *Respect and Responsibility* White Paper of 2003 can be seen as the start of New Labour’s attempt to link ‘anti-social behaviour’ to the idea of ‘respect’. By 2006 the Anti-social Behaviour Unit had become the ‘Respect Taskforce’; the ‘Respect’ website was launched and the *Respect Action Plan* signalled a rebranding of New Labour’s Anti-social Behaviour agenda in terms of ‘respect’. ‘Respect’ was, it seems, the ideal word to capture what Blair wanted to achieve with his crusade against anti-social behaviour and re-inject a zeal into a policy that Blair was concerned was not being pushed hard enough on the ground. Whether acknowledged implicitly or explicitly, by New Labour, the ideological grip of ‘anti-social behaviour’ as an empty signifier seemed to not be as tight as when articulated alongside ‘respect’.

It is my contention that ‘respect’ is, ideologically speaking, a very powerful signifier indeed and this is to do with its relationship to temporality. ‘Respect’ simultaneously signifies a ‘lack’ in the present juxtaposed to a ‘fullness’ of the past (‘back in my day when people had respect’) and in New Labour discourse a ‘fullness to come’ or the promise of respect in the future. It is too simplistic to say that respect is a concept that almost everybody can relate to and desires,

however this is a truism and no doubt does play a role in its ability to grip subjects ideologically. Despite this it is the way the signifier 'respect' functions in relation to time that really gives it its ideological appeal. It allows the present to be seen as a rupture or a blip in a smooth continuity in which respect has always been a core value of communities; only today, in the present, is respect absent and it is in this context that New Labour's promise of a respect to come acquires its ideological attraction. Indeed despite the explicit statement by New Labour that 'respect is not about returning to the days of 'knowing your place' (Home Office, 2006:3), the term undoubtedly does conjure up images of a past when young people did know their place, irrespective of whether this was or was not the case. This is certainly how some readers of the Sun newspaper interpret the idea of respect.

As responsible parents, we have brought up our three children with old-fashioned values, i.e. respect for others, good manners at the table and towards older people, no dropping litter etc., but I fear we are fighting a losing battle as too many of their schoolmates have no such respect, and our kids are now starting to feel "different" for having manners.

...

If you went back 30 years, children and adults respected the law, and criminals even had a code of ethics, but now because the punishments of yesteryear are practically outlawed, criminal activity has increased and is more vicious than ever (Taken from reader responses *The Sun*, 2005 [online]).

The feeling that the law is on the side of anti-social youth and not 'the law abiding majority' is a key concern that New Labour wanted their policy to address. Again this brings us back to the power/powerlessness dichotomy mentioned earlier. This sentiment is also re-iterated by one comment made by a Sun reader on the same page as the comments above.

The Government need to wake up to the fact that the laws are heavily weighted against those who are wronged and those who stand up for decency and honesty and looks after those who frequently flout laws and all that is decent (Taken from reader responses *The Sun*, 2005 [online]).

As such the following remarks by Blair in the *Respect Action Plan* must resonate strongly with those who share the sentiments of the person quoted above.

[...] we will set out a framework of powers and approaches to promote respect positively; bear down uncompromisingly on anti-social behaviour; tackle its causes; and offer leadership and support to local people and local services (Blair, in Home Office 2006).



## **7.8: How the Fantasies of Anti-Social Behaviour and Respect Explains Resistance to Change**

To re-cap we have seen how, although the Every Child Matters hegemony has had some success in breaking down the equivalences that characterise the Anti-social Behaviour/ Respect hegemony and incorporate it into its set of differences (as evidenced by the DCSF wrestling much of the anti-social behaviour brief from the Home Office), nevertheless much of the discourse (and policy) of Anti-social Behaviour/Respect remains intact. This can be explained superficially by saying that there is a recognition by many in the Labour Party that Anti-social Behaviour is a 'vote winner' and resonates with a large proportion of the electorate. However this thesis has not been content to remain at this superficial level of explanation and instead has aimed to drill down further and attempt to explain why this discourse resonates with people, or to use Lacanian-inspired terminology – 'grips subjects'.

There are a number of factors in play here. First we must acknowledge, following Cohen (1972), that much of the discourse about 'youth' and later a 'persistent minority of youth' (in this context) conforms to the structure of a moral panic. As such the discursive/ conceptual resources available to politicians, the media and public that allow for the demonisation of youth or youth groups in terms of a threat to the social fabric were readily available. Second, the concepts of community and 'law abiding majority' have been elevated to the position of something pure and good that have been contaminated by anti-social behaviour. Thus, as we have seen, community is presented both as a place

[...] where people know their neighbours and can call on them in good times and in bad. These are neighbourhoods that are safe, where parents take responsibility for their children's well being and behaviour, where parents are confident in bringing up their children, and know there are good schools and good services (Home Office, 2003:21).

And also as a place that is 'blighted' by anti-social behaviour and so: run down, rotten and in decay. Youth too has been constructed as something pure and innocent and in need of protection; yet due to 'poor parenting' (and other factors) has led to youth showing a 'lack of respect' and thus engaging in anti-social behaviour. This allows for the 'persistent minority' of youth to be portrayed as out of control, acting with impunity and making the lives of many miserable and

unbearable. It is in this construction of youth as a threat/ 'dangerous other' where the conceptual resources left behind by moral panics that have gone before (mods and rockers/ punks/ immigrants/ new age travellers/ ravers) make their presence most felt. At the margins of public-official discourse, such as *the Sun* newspaper, descriptions of young people as 'feral', further serve to add legitimacy and ideological grip to government discourse concerning the use 'summary measures' to tackle their behaviour. A fourth related key factor is the powerful /powerlessness dichotomy whereby power (enjoyment) has been stolen from the 'law abiding majority' who are powerless to defend themselves against the powerful (yet 'feral') youth that control the streets and act with impunity. This allowed for the discourse being put forward by New Labour – that of 'empowering communities' – to resonate strongly with those who identified themselves as the 'law abiding majority'.

All these ideological narratives conform to a logic of fantasy as described by Glynos and Howarth (2007). To say these aspects of the discourse are fantasmatic is not to deny that may have basis in reality or in the specific experiences of some people of the kind elaborated by Frank Field MP earlier in this chapter; rather these fantasies have, in the words of Žižek, supported 'that [which] gives consistency to what we call 'reality'' (Žižek, 1989:44) and as such mask over the radical contingency of social relations. However nowhere is the logic of fantasy more evident than in the 'anti-social behaviour'/'respect' couplet.

It is the ability of both 'anti-social behaviour' and 'respect' to act as empty signifiers that has formed a condition of possibility for the formation of the equivalential/populist hegemony around 'anti-social behaviour'. However it is their fantasmatic dimension that helps explain how this hegemony gripped and continues to grip subjects. It has already been noted that 'anti-social behaviour' signifies that which prevents closure, or in other words, that which prevents communities from being the happy wholesome places 'where people know their neighbours and can call on them in good times and in bad'. In turn anti-social behaviour is caused by a 'lack of respect'. Thus 'respect' signifies the lack. This seems implicitly acknowledged in official discourse where the exact phrase 'lack of respect' crops up time and again. 'Respect' is what is lacking; what needs to be supplemented to communities in order to achieve fullness. As such it signifies a 'fullness to come' or a 'community to come'. It is the antidote to the 'plague' of anti-

social behaviour and once correctly administered will result in a social fullness/totality that for ontological reasons we know to be impossible. It is in this sense that respect/anti-social behaviour is a fantasy.

The strength of the grip of this ideology then is not explained here by either the fantasmatic appeal of 'anti-social behaviour' or of 'respect', but rather of these two signifiers acting together as a couplet. It is not 'anti-social behaviour' signifying the thing that prevents the (illusion) of social closure nor 'respect' signifying the lack or what must be supplemented to achieve this closure; but rather it is *both* of these things in tandem. Hence the moment when New Labour felt their anti-social behaviour powers were not being used as fully as they hoped (Burney, 2002; Seldon *et al.*, 2007:416) and the project appeared to be losing momentum is the precise time where we see the start of the signifier 'respect' being articulated with 'anti-social behaviour'. 'Respect', as we have seen, is something we all want; is something that sits in both the past (as it is often constructed in the media and by some members of the public) and the future. Certainly in terms of New Labour rhetoric is something that is still to come (again) and is promised by Anti-social Behaviour policy. 'Respect' and 'anti-social behaviour' represent both sides of the fantasmatic coin, making it a powerful ideology which successfully masks over contingency by both signifying that which is lacking and offering the promise of a fullness or a community to come. This appeal to a fullness (that is impossible and as such will always remain still to come) is the fantasmatic/ideological aspect of this policy discourse, that 'grips' subjects by masking over the radical contingency of social relations and provides fantasmatic narratives of simple solutions (in this case tough enforcement) that promise a social fullness to come.

## CHAPTER 8

### DRAWING CONCLUSIONS

**‘Treat a child like a criminal from the day he is born and you’re gonna reap just what you sow’.**

**Ben Harper and the Innocent Criminals**

#### 8.1: Summary

Thus far this thesis has examined the policy spaces of Anti-social Behaviour and Every Child Matters. Each space has been characterised through an examination of the social logics that provide the grammar of the practices that make up these policies. We have seen that both these spaces are hegemonic; but their limits are determined by different political logics.

Anti-social Behaviour is a policy space dominated by a logic of equivalence and as such its limits are determined by an antagonistic frontier that came to construct young people or ‘youth’ as a dangerous other, by drawing on a long history of discourses of ‘moral panics’ (see Cohen, 1972; Squires and Stephen 2005) through a re-iteration of ‘youth’ with negative portrayals in multiple spaces which included speeches by Ministers and notably the tabloid media. ‘Respect’ and ‘anti-social behaviour’ functioned together as empty signifiers that masked the differences between many demands ranging from badly parked cars and graffiti, to noisy neighbours and drug dealing and constructed these issues as part of the single problem of anti-social behaviour.

Every Child Matters is a policy space dominated by a logic of difference. It too deals with multiple demands and issues, yet does not seek to mask the differences between them but instead has different proposals tailored to each issue. Its limits are determined by the extent to which demands or issues are able to speak to the nodal point of the discourse, in this case ‘children’.

Although this thesis has briefly looked at the demarcations that constitute these spaces individually, special attention has been paid to the shifting demarcation between these two spaces (Chapter 7). From this examination we have seen the demarcation has never been very strong and from the very start of Every Child Matters in 2003 it became increasingly blurred, as elements of the discourses of Every Child Matters and Anti-social Behaviour policies came to be articulated together. In 2007 we saw huge changes to the spaces in which these discourses were articulated. The Respect Taskforce was disbanded and became the ‘Youth Taskforce’ and much of the anti-social behaviour and youth justice policy brief moved from the Home Office to the newly formed DCSF, while much of the rest of the brief moved to the (also) newly created Ministry of Justice. However we have also seen that the articulation of these discourses with each other in these newly formed spaces altered their meanings in some ways (and led to the notion of ‘enforced support’); and also led from general notions of ‘youth’ being constructed as a dangerous other to the idea of a ‘minority’ of young people being so constructed. Despite this, much of the tough sanctions and hard-line rhetoric of Anti-social Behaviour policy remained unchanged. This resistance to change has been explained through an analysis the ideological appeal of the rhetoric around anti-social behaviour.

The specific ‘added value’ of this thesis has a number of facets. First it is an original response to the long standing problem of policy change. It has increasingly been noted that in order to understand policy change it is vital to understand both the temporal and spatial dimensions of policy; and often the spatial dimensions are overlooked in existing models of policy change. This was most recently expressed in an article by Marsh (Marsh, 2010) as well as others already cited in this thesis. Following on from the need to pay special attention to the spatial dimensions of political change as identified by Marsh, Massey, Bates, Smith and others; and coming out of my engagement with theories of policy (in Chapter 2) I have held spatial concerns at the heart of this analysis; but also have paid close attention to issues of time (as any analysis of change must, of course, do). However in order to underscore the *political* dimension of change and issues of inclusion and exclusion, the analysis has focused on how policy spaces are demarcated and the constitutive role of these demarcations with regard to these policy spaces. The logic of demarcation focuses precisely on the politics of change; what demands and/or actors are being

included or excluded in different policy spaces over time. In order to understand different types of demarcation, I have drawn on Laclau and Mouffe's theory of hegemony and have deployed their concept of political logics to understand the political implications of how policy spaces are demarcated. This adoption of Laclau and Mouffe's discourse theory and the use of Glynos and Howarth's 'logics of critical explanation' has not, however, been done uncritically. The analysis in chapters 5 and 7 shows how an 'empty signifier', as understood by Laclau, may not be just a single word and can sometimes take the form of a couplet (as with 'anti-social behaviour' and 'respect') and how this has implications for the ideological grip of hegemonies. The thesis has also (drawing on Massey, 1992) challenged Laclau's understanding of time as dislocation. Chapter 7, for example, shows that although dislocation does have a large role to play in change, many changes in the discourses of Every Child Matters and Anti-social Behaviour have been iterative changes rather than dislocatory ones. This links to the second aspect of the added value of this thesis, which concerns the application of post-structuralist theory to an empirical policy problem.

This thesis serves as an example of how post-structuralist theory can help us understand public policy problems. Post-structuralist policy research is still quite rare and sits outside the mainstream of the field. It has been my aim, through this analysis, to show that post-structuralism need not remain entirely in the domain of theory and that it can be a powerful way to understand policy problems, and specifically, in this case, policy change. In order to speak directly to the issue of change many concepts common in discourse theory (such as 'discourse' and 'the discursive') have had to be re-articulated in the context of an examination of change. It may have been possible to exclusively refer to Anti-social Behaviour and Every Child Matters policies as 'discourses'. Indeed I have sometimes done this in order to emphasise the way certain crucial concepts internal to them have been discursively articulated. However 'discourse' (as I have used it) is a term embedded in a certain theoretical tradition which has rarely held as its object of study issues of policy change. Thus to speak directly to issues of policy change I have re-articulated the concept of discourse in terms of space and time and this re-articulation is what produced the logic of demarcation, which focuses precisely on the political dimension of change, in terms of the inclusion and exclusion of demands from policy *spaces*. As well as the logic of demarcation itself, this re-articulation of the term 'discourse' in terms of time and space has also had

implications in terms of how one may deploy other logics of critical explanation with regard to explanations of policy change. In this thesis, for example, we have seen by focusing on spaces, that the same social logic (putting children first) can be both the unwritten rules that govern embedded practices; and a logic that contests embedded practices, depending on the policy space in which it is articulated. This tension was explored by examining the logic that demarcated the two policy spaces under investigation and how this demarcation shifted over time. This insight not only helped us to understand the policy spaces under investigation; but it also has implications for the theoretical/methodological approach concerning logics of critical explanation, in particular the role of spaces in understanding social logics when deployed to investigate policy change.

The third and most crucial facet of the added value of the thesis is in how it helps us to understand UK youth policy under New Labour. Although much work has been done looking at both Anti-social Behaviour and Every Child Matters policies, far less has been said about the *changing relationship between these policies*. As such the thesis adds a considerable amount to our understanding of the relationship between the two policy spaces and their context within the New Labour project as a whole in terms of their complex discourse about youth, crime and behaviour.

In this conclusion, I shall briefly touch on some theoretical, normative and empirical concerns that have arisen during the course of this research; but have sat slightly outside the core focus of the thesis; but nonetheless are extremely relevant for either our understanding of policy change or our understanding of New Labour youth policy.

## **8.2: Normative Concerns and Hasty Closure of Policy Spaces**

It is surely impossible to separate oneself as an author or researcher from one's life experiences. As a former youth worker and youth homelessness project manager, it is hard to suspend my normative bias, when writing this thesis. Therefore instead of opting for an (impossible) objective approach, I have instead decided to acknowledge this bias. Having had firsthand experience of many of the issues raised regarding young people and their behaviour, I must confess to coming

to it from a perspective that sees much of New Labour's Anti-social Behaviour policy as counterproductive and an erosion of basic human rights for children. I must also confess to holding out hope that Every Child Matters would challenge and disrupt much more of the draconian dimensions of the Respect agenda than has been the case. However, as this thesis has not been a straightforward evaluation of policy, concerns about my bias are far less important than they would be if I were discussing these policies in terms of their effectiveness or morality. I have sought, instead, to describe and explain change and resistance to change in this policy area, an endeavour which is far less open to arbitrary interpretation driven by subjective bias. However this final section of the thesis would be an obvious place to draw out the conclusions made thus far and discuss them in terms of a more normative critique of policy-making with regard to youth and anti-social behaviour.

In conducting this research it was impossible not to make the link between Anti-social Behaviour policy and the large numbers of young children in custody in the UK (more than any other European nation except the Ukraine and Russia). The broad definition of anti-social behaviour (and as such the almost endless number of non criminal activities for which an ASBO, for example, can be granted) combined with the fact that the majority of anti-social behaviour measures are used against young people and the fact that the breeching of an ASBO can lead to custodial sentences, no doubt partially accounts for why so many young people in the UK are in secure accommodation. As the BBC note

[...] successive legal changes have made it easier for children to be locked up, usually in secure training centres or secure children's homes, for driving or drunk and disorderly offences, for example;

whereas

Before 1994, under 15s in England and Wales could be sentenced to custody only if they had committed serious or violent offences such as rape, assault or burglary (BBC, 2008).

Therefore young people, placed in secure accommodation, often have committed offences for which it is very unlikely that if committed by an adult would result in custody. Also research by Barnardo's suggests that many of these young people have complex mental health issues (and so



arguably should have been identified as ‘at risk’ under Every Child Matters guidance long before being involved with the criminal justice system, see BBC, 2009). One cannot help but feel that this is a very sad state of affairs and also contrary to the ideas behind Every Child Matters. It seems highly disturbing that children are placed in custody for doing things that would not result in custody for an adult. This issue (making the news in August 2009) was something that Rod Morgan was warning the government about when he was chair of the YJB

The head of the Youth Justice Board warned of “meltdown” in the youth custody system this week as the number of children in the secure estate reached a record high. JB chair Rod Morgan ... said “urgent action” was needed as the number of children and young people in custody rose to 3,350 in England and Wales’ (Community Care, 2006b [online]).

Therefore the practice of New Labour in dismissing arguments and key people (such as Rod Morgan) because their views do not chime with that of the party/popular press, serves to close policy spaces off to contestation very quickly. This leads to populist (in both the colloquial sense and the sense understood by Ernesto Laclau) policies (such as Anti-social Behaviour) leading to (in my view) perverse results, such as very high levels of child custody. However there is hope! At the time of writing youth custody figures are no longer on the rise in the UK and appear to in fact be in decline (YJB, No date [online])

The development of Anti-social Behaviour policy and the Respect agenda was, as aforementioned, driven from the centre. Ideologically it captured the imaginations of significant elements of the popular press and the ‘public’, which further helped to sediment it at the highest levels of policy making. Therefore, despite the rhetoric that New Labour consults widely on its policies and is open to views from diverse stakeholders, in practice, as we have seen, this has not been the case, at least with regard to the Respect agenda. Yes, there have been consultations and yes, those critical of government policy have been afforded the opportunity to present their evidence to government. However taking the significant example of the 2005 Home Affairs Select Committee on Anti-Social Behaviour, we have already seen how concerns voiced by those critical of government policy were often dismissed out of hand and/or rejected with recourse to making a straw man of their arguments. This thesis also gives one pause to wonder if the arguments of children’s charities, in particular, would have even received the scant attention they have done if it were not for the fact that their contributions to Every Child Matters were sought

and welcomed by government and thus gave them a ‘foot in the door’, so to speak. As such it would not be too much of an over exaggeration to say that Respect policy space was deliberately closed to contestation from demands outside of it (which nonetheless constituted this space). Of course such a complete and final closure of the policy space is impossible and its boundaries cannot (for ontological reasons) be fully and finally sedimented, however neither have the demarcations that define the policy space of Anti-social Behaviour been flung open to allow for the serious consideration of demands outside of them.

It has also been noted by those interviewed during this research that New Labour seemed far more concerned with public perceptions of anti-social behaviour than in evaluating the effectiveness of their policy in reducing it. Indeed I agree with one respondent who implied that much of the youth justice agenda of New Labour was driven by a fear of being ‘out flanked on the right’ (Research Interview 2), with regard to law and order, by the Conservative Party. I do not doubt that the behaviour of some young people (as well as adults) in some communities presents a real public policy challenge. However by closing the policy space to the demands of those in social services, children’s charities and other people who work directly with young people, New Labour’s legislation has actually rolled back much good practice established in the 1970s and 1980s (Smith, 2007 ). And so rather than being a solution to social problems caused by the anti-social behaviour, New Labour legislation has arguably further compounded the problem. Certainly anecdotal evidence seems to suggest youth crime and anti-social behaviour is on the increase (Leapman, 2008; Roberts, 2009)

However, as noted by Squires and Stephen (2005), the rise of anti-social behaviour could be down to increased perceptions of anti-social behaviour driven largely by New Labour’s emphasis on the ‘problem’ of youth and behaviour. In addition the ability of anti-social behaviour to function as an empty signifier allows it to capture a huge range of behaviours to the extent to which almost nobody in any part of the country would say that there is no anti-social behaviour in their area (even if this is just young people skating noisily down their road).

We have seen how demands ranging from putting young people first (that draws on a key logic of Every Child Matters) and the ineffectiveness of anti-social behaviour measures have met with

resistance in the policy making circles of Whitehall. This resistance has been explained through the fantasmatic appeal of the Anti-social Behaviour/ Respect discourse. As such it has not been that the demands and arguments raised by many, who are often representing organisations that do front line work with young people, are irrational or without merit; but rather the fantasmatic grip of ‘respect’ sediments the demarcation of this policy space preventing it from being opened up to these demands. There may be one more lesson here that Laclau and Mouffe can teach us. That is to resist the overhasty closure of policy spaces. One possible way this could be achieved is through increased meaningful policy deliberation and consultation that is sensitive to the principles outlined toward the end of *Hegemony and Socialist Strategy* concerning radical plural democracy.

Many of the issues about the effectiveness and morality of Anti-Social Behaviour Policy (especially with regard to how it affects children) stem from the systems of policy formulation and implementation that have informed it. Anti-Social Behaviour policy, as we have seen, grew out of a simplistic interpretation of social reality and the problematisation of youth *as a problem*. For example the issue that many young perpetrators of anti-social behaviour are, themselves, victims of social exclusion, domestic violence or indeed anti-social behaviour, is often masked over or ‘disregarded’ (see Goldson and Muncie, 2006:214). This simplistic and populist interpretation of the problem (of youth) led to the proposed policy ‘solutions’ of increasing the punitive devices available to enforcement officers to deal with this ‘problem’. Thus the policy chimes with populist discourses of certain sections of the British press as well as with many members of the public. However social reality is in fact messy and radically contingent and often defies simplistic solutions. New Labour, in their desire to drive forward their populist agenda, consistently denied the messiness of the problem they were seeking to address – instead reducing it to the rhetorical device of a ‘lack of respect’ in society. This thesis has noted how the demands and arguments of those critical of the Respect agenda have been dismissed and how many knowledgeable and potentially useful actors (such as children’s charities) have been excluded from the policy space. Consultation processes and evidence gathering committees (such as the 2005 Home Affairs Select Committee on Anti-social Behaviour) largely failed in their purpose to consult and gather evidence of the problem (or at least take due notice of the evidence they did collect). This was due to the summary dismissal of many demands, arguments or evidence that

contradicted the Government's populist view of the problem. Instead it would have been preferable to institutionalise policy processes that take account of demands and arguments that are external to the hegemonic interpretations of the problem. This thesis has focused on precisely how policy areas are demarcated and certain actors and their demands come to be included/excluded. Such an analysis would be a prerequisite for policy processes that aim to question dominate interpretations of the problem.

This idea of opening up policy spaces to contestation and examining not only competing policy solutions; but - crucially - competing *problematizations* chimes with what Laclau and Mouffe term a radical plural democracy. Approaching the issue from a very different perspective – that of a new project for the left - Laclau and Mouffe write:

[The] moment of tension, of openness, which gives the social its essentially incomplete and precarious character is what every project for radical democracy should set out to institutionalize (Laclau and Mouffe, 1985: 190).

This approach takes as its starting point the denial that there is such a thing as a privileged access to truth and as such there is no 'correct' construction of any policy problem (problematization). From this they argue there is a need to institutionalise antagonisms and dissent as part of the political process. Such a notion is not to be confused with deliberative approaches where 'the goal is the reaching of a rational consensus' (Norval, 2007: 39). In the case in point the consensus (or hegemony) around anti-social behaviour is precisely what is blocking (via an exclusionary logic of demarcation) the demands and arguments of those outside of it. Rather 'the dissolution of the 'markers of certainty' [the messy radically contingent nature of social reality] opens up a privileged place for the role of dissent, disagreement, antagonism, difference and all those figures that, in the deliberative model, are indicators of a less than perfect consensus' (Norval, 2007: 40-41). Consensus is the closure of the policy space to dissent. No consensus will ever be totalising and will always have an exterior that constitutes it (as has already been argued). As such policy processes should aim to harness dissent in order to look at different constructions of the problem at hand. This, in this writer's view, is a necessary prerequisite for a truly meaningful engagement with messy complex problems such as anti-social behaviour and youth welfare.

## **APPENDIX 1**

### **LIST OF RESEARCH INTERVIEWS**

Research Interview 1: Representative of Barnardo's (Policy Department) [Conducted in Barkingside, Essex January 10th 2007]

Research Interview 2: Representative of National Association for the Care and Resettlement of Offenders (NACRO) (Policy Department) [Conducted in Stockwell, London March 13<sup>th</sup> 2007]

Research Interview 3: Representative of The Association of Chief Police Officers (ACPO) [Conducted in Chelmsford, Essex June 4th 2007]

Research Interview 4: Representative of the National Children's Bureau [Conducted in Central London June 5<sup>th</sup> 2007]

Research Interview 5: Representative of Action for Children (Known at the time as 'NCH, The Children's Charity, National Children's Home') [Conducted in Birmingham, West Midlands February 7<sup>th</sup> 2008]

Research Interview 6: Two Representatives of National Society for the Prevention of Cruelty to Children (NSPCC) [Conducted in Central London May 6<sup>th</sup> 2008]

Research Interview 7: Criminologist/ Former Chair of the Youth Justice Board [Conducted via telephone, July 8<sup>th</sup> 2008]

Research Interview 8 : Chair of the Standing Committee for Youth Justice [Conducted via telephone, July 16th 2008]

## APPENDIX 2

### INITIAL DATA COLLECTION INFORMATION

(Data collected at start of PhD October 2006 – January 2007)

#### Research Data Catalogue

#### Part 1: Research Directories (PC HD): Contents

| REF | TITLE  | AUTHOR           | DATE                    | LOCATION  |
|-----|--|------------------|-------------------------|---|
| 1   | Annex B:<br>Outcomes,<br>targets and<br>indicators<br>Mandatory<br>indicators and<br>targets for<br>Respect                            | Respect          | July 2006<br>(accessed) | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research\Annex B_Respect and Local Area<br>Agreementsindicators.doc  |
| 2   | The Government<br>Reply to the Fifth<br>Report from the<br>Home Affairs<br>Committee<br>Session 2004-05<br>HC 80: ASB<br>Also evidence | HM<br>Government | June 2005               | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research\ASB2005<br>Written Evidence at: C:\Documents and<br>Settings\Jezz\Desktop\Academia\PhD Research/ EVIDNECE<br>SELECT COMMITTEE |

|   |   |  |               |  |
|---|---|--|---------------|--|
|   | appendix  |  |               |  |
| 3 | Examples of Best Practice in Responses to Anti-Social Behaviour | Sheffield.gov                                      | March 2007    | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\ASB Best practice examples        |
| 4 | House of Commons: Home Affairs Committee: Anti-Social Behaviour | HM Government/ Parliament                          | March 2005    | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\ASB REPORT 20042005               |
| 5 | Anti-social Behaviour: a collection of published evidence       | ASB Research Section, RDS Crime and Policing Group | December 2004 | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\ASB_collectionevidence0094        |
| 6 | Anti-social behaviour strategies Finding a balance              | J. Rountree Foundation                             | 2005          | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\asbo strategies finding a balance |
| 7 | Neighbourhood Crime and ASB                                     | Audit Commission                                   | May 2006      | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\neighbourhoodcrime                |
| 8 | Respect Video Transcription                                     | Respect  | July 2007     | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\awardwinnerstranscript            |
| 9 | Rebalancing the criminal justice system in                      | Home Office  | July 2006     | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\CJS-review-english                |

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|    | favour<br>of the law-<br>abiding majority   |                  |                 |  |
| 10 | Explanatory<br>Memorandum to<br>the Crime And<br>Disorder Act<br>1998<br>(Responsible<br>Authorities)<br>Order 2007 | Home Office      | October<br>2007 | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/crimedisorderexplanatoorynotesforpacs  |
| 11 | Criminal Justice<br>Act 2003  | HM<br>Government | 2003            | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/ Criminal% 20Justice% 20Act% 202003    |
| 12 | Defining and<br>Measuring Anti-<br>Social Behaviour   | Home Office      | 2004            | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/ defining and measuring ASB homeoffcie |
| 13 | (Example)<br>Dispersal Notice<br>(order)  | Respect          | 2007            | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/dispersal_notice                       |
| 14 | Every Child<br>Matters  | HM<br>Government | 2004            | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/EveryChildMattersdoc                   |
| 15 | Every Child<br>Matters (green<br>paper)   | HM<br>Government | Sept. 2003      | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/EveryChildMattersGreenPaper            |
| 16 | Every Child<br>Matters: Change<br>for Children in<br>The Criminal<br>Justice System                                 | HM<br>Government | 2004            | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/EveryChildMattersJustice               |



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| 17 | Home Office Research Study 209   | Home Office                            | 1999            | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\HO Report Youth crime                                 |
| 18 | Tackling Anti-Social Behaviour (includes evidence and written reports) | HOC Committee on Public Accounts       | 2006/2007       | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\HOC public accounts tackling ASB                      |
| 19 | HO Guide to ASBOs and ABCs   | Home Office                            | March 2003      | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\Home office guide to ABCs                             |
| 20 | HO Guide to ASBOs  | Home Office                            | August 2006     | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\Home Office guide to ASBOs                            |
| 21 | Guide to section 17 Crime and Disorder Act                             | LGA/ NACRO                             | 2006 (accessed) | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\NACRO crimedisorder 1998                              |
| 22 | Every Child Matters Implementation ...                                 | NCB                                    | 2007 (accessed) | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\NCBEverychildmattersimplementationdoc                 |
| 23 | Criminal Justice and Immigration Regulatory Impact Assessments         | Justice Dept                           | April 2007      | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ reg-impact-assess-criminal-justice-immigration-bill1 |
| 24 | Respect and Responsibility (White Paper)                               | HM Government                          | March 2003      | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/Respect white paper                                   |
| 25 | Response to the (Respect) March 2003 White Paper                       | Church of England: Public Affairs Unit | June 2003       | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ respect_and_responsibility_june_6_2003               |

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| 26 | Respect Action Plan  | Respect                                | January 2006 | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research\respect-action-plan                    |
| 27 | Response to (Respect) White Paper  | Justice                                | March 2003   | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ Response to respect and responsibilty |
| 28 | Anti-social behaviour: England and Wales                                 | The Scottish Parliament                | Sept. 2003   | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ SCOTBRIEFONENGLLEGISLATION            |
| 29 | Strong and prosperous communities (Local Government White Paper )        | HM Government                          | 2006         | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ StrongandProsperousCommuntiesWP       |
| 30 | Together we Can Beat It  | LGA/ National Housing Federation/ ACPO | 2003         | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/togetherwecanbeatit                    |
| 31 | Youth Matters (Green Paper)  | HM Government                          | July 2005    | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ Youth%20Matters                       |
| 32 | Youth Matters Next Steps   | HM Government                          | 2006         | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ YouthmattersNextSteps2006             |
| 33 | Crime and Disorder Act 1998: Section 17 - Decisions and Actions Required | Equalities Executive                   | October 2000 | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ zcrimedisorderequalitiesexec          |

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| 34 | NEET Figures<br>2005- 2006<br>(Excel)                  | Connexions/<br>Skills and<br>Learning<br>Intelligence<br>Module | August<br>2007   | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/psa-neets-aug07   |
| 35 | NEET Figures<br>2002 – 2004<br>(Excel)                 | Connexions  | 2005             | C:\Documents and Settings\Jezz\Desktop\Academia\MA<br>Ideology & Discourse Analysis/Dissertation/16-18 NEET                               |
| 36 | ASBO<br>Perceptions<br>Findings Data<br>Tables (Excel) | Home Office   | 2005             | C:\Documents and Settings\Jezz\Desktop\Academia\MA<br>Ideology & Discourse Analysis/Dissertation/asbo perceptions<br>supplementary tables |
| 37 | ASBO<br>Perceptions Full<br>Report 2005                | Martin Wood/<br>Home Office                                     | 2005             | C:\Documents and Settings\Jezz\Desktop\Academia\MA<br>Ideology & Discourse Analysis/Dissertation/asbo perceptions<br>report               |
| 38 | ASBO<br>Perceptions Full<br>Report 2006                | Anna Upson/<br>Home Office                                      | 2006             | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/ zasbo perceptions 2006 report  |
| 39 | Tackling Anti<br>Social Behaviour                      | Home Office/<br>National Audit<br>Office                        | December<br>2006 | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/znational audit office asb  |
| 40 | (assessment of)<br>Anti Social<br>Behaviour Orders     | Youth Justice<br>Board  | 2005             | C:\Documents and Settings\Jezz\Desktop\Academia\MA<br>Ideology & Discourse<br>Analysis/Dissertation/AntiSocialBehaviourOrdersfullreport   |
| 41 | Home Office<br>Research Study<br>236                   | Siobhan<br>Campbell/<br>Home Office                             | January<br>2002  | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/zreviewofasbos  |
| 42 | The Cost of anti-<br>Social Behaviour<br>Orders        | Home Office   | March 2005       | C:\Documents and Settings\Jezz\Desktop\Academia\PhD<br>Research/ ZASBOS_CostReportMar05_0046  |
| 43 | Anti Social<br>Behaviour Orders                        | NAPO  | 2005             | C:\Documents and Settings\Jezz\Desktop\Academia\MA<br>Ideology & Discourse Analysis/Dissertation/ASBOs Napo report                        |

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|    | – Analysis of the First Six Years                                   |                                       |           |   |
| 44 | A New (Legal) Threat to Public Space: The Rise and Rise of the ASBO | Stan Winford (Fitzroy Legal Services) | 2006      | C:\Documents and Settings\Jezz\Desktop\Academia\PhD Research/ zA%20New%20Legal%20Threat   |
| 45 | Can new laws tackle asb?  | Joe Boyle (BBC News)                  | May 2005  | C:\Documents and Settings\Jezz\Desktop\Academia\MA Ideology & Discourse Analysis/Dissertation/bbc news can new laws tackle asb    |
| 46 | Teen behaviour better than in 1985                                  | BBC News                              | May 2005  | C:\Documents and Settings\Jezz\Desktop\Academia\MA Ideology & Discourse Analysis/Dissertation/bbc news teenagers better than 1985 |
| 47 | Bridging The Gap  | Social Exclusion Unit                 | July 1999 | C:\Documents and Settings\Jezz\Desktop\Academia\MA Ideology & Discourse Analysis/Dissertation/Bridging the gap                    |

## URLs

[www.respect.gov.uk/uploadedFiles/Members\\_site/Articles/About\\_Respect/Local\\_area\\_agreements/Annex%2520B\\_Respect%2520and%2520Local%2520Area%2520Agreements.doc+Annex+B:+Outcomes,+targets+and+indicators&hl=en&ct=clnk&cd=1&gl=uk](http://www.respect.gov.uk/uploadedFiles/Members_site/Articles/About_Respect/Local_area_agreements/Annex%2520B_Respect%2520and%2520Local%2520Area%2520Agreements.doc+Annex+B:+Outcomes,+targets+and+indicators&hl=en&ct=clnk&cd=1&gl=uk)

<http://www.official-documents.gov.uk/document/cm65/6588/6588.pdf>

<http://www.sheffield.gov.uk/EasySite/lib/serveDocument.asp?doc=100177&pgid=113184>

<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmhaff/80/80.pdf>

[www.respect.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Resources/ASB\\_CollectionEvidence0094.doc+ANTI-SOCIAL+BEHAVIOUR+RDS+Crime+december+2004&hl=en&ct=clnk&cd=6&gl=uk](http://www.respect.gov.uk/uploadedFiles/Members_site/Documents_and_images/Resources/ASB_CollectionEvidence0094.doc+ANTI-SOCIAL+BEHAVIOUR+RDS+Crime+december+2004&hl=en&ct=clnk&cd=6&gl=uk)

<http://www.audit-commission.gov.uk/Products/NATIONAL-REPORT/A51CB5E1-B7F8-46a1-AF8D-12EDFA3DED8F/neighbourhoodCrime.pdf>

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[http://www.opsi.gov.uk/si/em2007/uksiem\\_20071830\\_en.pdf](http://www.opsi.gov.uk/si/em2007/uksiem_20071830_en.pdf)

<http://www.probation.homeoffice.gov.uk/files/pdf/Criminal%20Justice%20Act%202003.pdf>

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[http://www.everychildmatters.gov.uk/\\_files/F9E3F941DC8D4580539EE4C743E9371D.pdf](http://www.everychildmatters.gov.uk/_files/F9E3F941DC8D4580539EE4C743E9371D.pdf)

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<http://www.swslim.org.uk/documents/targets/psa-neets-aug07.xls>

<http://www.connexions.gov.uk/partnerships/documents/16-18%20NEET.xls>

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<http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr4904.pdf>

<http://www.homeoffice.gov.uk/rds/pdfs06/rdsolr2106.pdf>

[http://www.nao.org.uk/publications/nao\\_reports/06-07/060799.pdf](http://www.nao.org.uk/publications/nao_reports/06-07/060799.pdf)

(not available online) can be ordered at: <http://www.yjb.gov.uk/publications/Scripts/prodView.asp?idproduct=310&eP=>

<http://www.homeoffice.gov.uk/rds/pdfs2/hors236.pdf>

[http://www.respect.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Enforcement\\_tools\\_and\\_powers/ASBOS\\_CostReportMar05\\_0046.pdf](http://www.respect.gov.uk/uploadedFiles/Members_site/Documents_and_images/Enforcement_tools_and_powers/ASBOS_CostReportMar05_0046.pdf)

pdf. No longer available online HTML version found at: [http://www.napo.org.uk/cgi-bin/dbman/db.cgi?db=default&uid=default&ID=110&view\\_records=1&ww=1](http://www.napo.org.uk/cgi-bin/dbman/db.cgi?db=default&uid=default&ID=110&view_records=1&ww=1)

<http://www.fitzroy-legal.org.au/files/A%20New%20Legal%20Threat.pdf>

<http://news.bbc.co.uk/1/hi/uk/4545195.stm>

<http://news.bbc.co.uk/1/hi/uk/4545195.stm>

## Part 2: Online Resources

| REF <sup>27</sup> | DESCRIPTION  | URL   |
|-------------------|--|---|
| 1                 | Home Office Publication Data Base Search Resource    | <a href="http://press.homeoffice.gov.uk/press-releases/?d-7095067-p=8&amp;results=press#searchResults">http://press.homeoffice.gov.uk/press-releases/?d-7095067-p=8&amp;results=press#searchResults</a> |
| 2                 | List of Ministers HM Government plus contact details | <a href="http://www.parliament.uk/directories/hciolists/hmg.cfm#100">http://www.parliament.uk/directories/hciolists/hmg.cfm#100</a>   |

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<sup>27</sup> REF indicates Mozilla Firefoz/Research Folder/Bookmark Number (some bookmarks omitted for various reasons).

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| 3  | Crime and Society Articles  | <a href="http://www.crimeandsociety.org.uk/articles/file2.html">http://www.crimeandsociety.org.uk/articles/file2.html</a>   |
| 4  | Home Office ASB page  | <a href="http://www.homeoffice.gov.uk/anti-social-behaviour/">http://www.homeoffice.gov.uk/anti-social-behaviour/</a>   |
| 5  | 10 Downing Street ASB page  | <a href="http://www.number10.gov.uk/output/Page4388.asp">http://www.number10.gov.uk/output/Page4388.asp</a>   |
| 6  | Tendring crime and disorder partnership site  | <a href="http://www.tendringdc.gov.uk/CrimeAndDisorder/">http://www.tendringdc.gov.uk/CrimeAndDisorder/</a>   |
| 7  | Respect Homepage  | <a href="http://www.respect.gov.uk/default.aspx?id=9166">http://www.respect.gov.uk/default.aspx?id=9166</a>   |
| 8  | Speech: Paul Goggins (2003)   | <a href="http://press.homeoffice.gov.uk/Speeches/11-03-sp-restorative-justice">http://press.homeoffice.gov.uk/Speeches/11-03-sp-restorative-justice</a>   |
| 9  | Ministers of Justice  | <a href="http://www.justice.gov.uk/about/ministers.htm">http://www.justice.gov.uk/about/ministers.htm</a>   |
| 10 | Audit Commission and ASB  | <a href="http://www.audit-commission.gov.uk/reports/NATIONAL-REPORT.asp?CategoryID=&amp;ProdID=A51CB5E1-B7F8-46a1-AF8D-12EDFA3DED8F&amp;SectionID=sect3#">http://www.audit-commission.gov.uk/reports/NATIONAL-REPORT.asp?CategoryID=&amp;ProdID=A51CB5E1-B7F8-46a1-AF8D-12EDFA3DED8F&amp;SectionID=sect3#</a>   |
| 11 | IDeA ASB site   | <a href="http://www.idea.gov.uk/idk/core/page.do?pageId=78135">http://www.idea.gov.uk/idk/core/page.do?pageId=78135</a>   |
| 12 | Every Child Matters (aims and outcomes)   | <a href="http://www.everychildmatters.gov.uk/aims/">http://www.everychildmatters.gov.uk/aims/</a>   |
| 13 | (ebook) anti social behaviour powers and remedies (Collins & Cattermole) Google books | <a href="http://books.google.co.uk/books?id=QFNSiFs-_78C&amp;dq=anti+social+behaviour&amp;pg=PP1&amp;ots=nwEuJSfraI&amp;sig=2IhurWoYpEs-Fn9nPzRpBi7GFIQ&amp;prev=http://www.google.co.uk/search%3Fhl%3Den%26safe%3Doff%26q%3Danti%2Bsocial%2Bbehaviour%26btnG%3DSearch%26meta%3D&amp;sa=X&amp;oi=print&amp;ct=result&amp;cd=1#PPP1,M1">http://books.google.co.uk/books?id=QFNSiFs-_78C&amp;dq=anti+social+behaviour&amp;pg=PP1&amp;ots=nwEuJSfraI&amp;sig=2IhurWoYpEs-Fn9nPzRpBi7GFIQ&amp;prev=http://www.google.co.uk/search%3Fhl%3Den%26safe%3Doff%26q%3Danti%2Bsocial%2Bbehaviour%26btnG%3DSearch%26meta%3D&amp;sa=X&amp;oi=print&amp;ct=result&amp;cd=1#PPP1,M1</a> |
| 14 | National Children's Bureau ASB  | <a href="http://www.ncb.org.uk/Page.asp?originx3572qg_82242768475u71k150062500">http://www.ncb.org.uk/Page.asp?originx3572qg_82242768475u71k150062500</a>   |
| 15 | Crime and Disorder Act 1998   | <a href="http://www.opsi.gov.uk/acts/acts1998/19980037.htm">http://www.opsi.gov.uk/acts/acts1998/19980037.htm</a>   |



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| 16 | Hansard Debates 1998 (young offenders)     | <a href="http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980615/debtex t/80615-03.htm">http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980615/debtex t/80615-03.htm</a>                                 |
| 17 | Hansard Debates 1998 (continued)           | <a href="http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980408/debtex t/80408-27.htm">http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980408/debtex t/80408-27.htm</a>                                 |
| 18 | Anti-Social Behaviour Act 2003             | <a href="http://www.opsi.gov.uk/acts/acts2003/ukpga_20030038_en_1#Legislation-Preamble">http://www.opsi.gov.uk/acts/acts2003/ukpga_20030038_en_1#Legislation-Preamble</a>   |
| 19 | Tony Blair's speeches archive              | <a href="http://www.number10.gov.uk/output/Page5.asp">http://www.number10.gov.uk/output/Page5.asp</a>   |
| 20 | Respect (Key actors)                       | <a href="http://www.respect.gov.uk/members/article.aspx?id=8314">http://www.respect.gov.uk/members/article.aspx?id=8314</a>   |
| 21 | (article) Young People Now – Youth Custody | <a href="http://www.childrennow.co.uk/news/index.cfm?fuseaction=details&amp;UID=fe5cc151-bb25-497f-95e4-7dc46f07fe">http://www.childrennow.co.uk/news/index.cfm?fuseaction=details&amp;UID=fe5cc151-bb25-497f-95e4-7dc46f07fe</a> |
| 22 | Home Office (ASB site)                     | <a href="http://www.homeoffice.gov.uk/anti-social-behaviour/">http://www.homeoffice.gov.uk/anti-social-behaviour/</a>   |
| 23 | Chronology of recent youth justice changes | <a href="http://www.keele.ac.uk/depts/so/youthchron/CrimJustice/9701crimjustice.htm">http://www.keele.ac.uk/depts/so/youthchron/CrimJustice/9701crimjustice.htm</a>   |
| 24 | No More Excuses                            | <a href="http://www.homeoffice.gov.uk/documents/jou-no-more-excuses?view=Html">http://www.homeoffice.gov.uk/documents/jou-no-more-excuses?view=Html</a>   |
| 25 | About John Denham MP (chair committee ASB) | <a href="http://www.johndenham.org.uk/biography">http://www.johndenham.org.uk/biography</a>   |
| 26 | Jack Straw MP Conference Speech            | <a href="http://www.prnewswire.co.uk/cgi/news/release?id=33162">http://www.prnewswire.co.uk/cgi/news/release?id=33162</a>   |
| 27 | Helen Goodman MP 'Tackling ASB'            | <a href="http://helengoodman.co.uk/pac/tackling-anti-social-behaviour/">http://helengoodman.co.uk/pac/tackling-anti-social-behaviour/</a>   |
| 28 | Tony Blair (criminal justice) speech 2003  | <a href="http://politics.guardian.co.uk/homeaffairs/story/0,,1804482,00.html">http://politics.guardian.co.uk/homeaffairs/story/0,,1804482,00.html</a>   |
| 29 | Hansard Debates: ASB (2003)                | <a href="http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo031216/halltex">http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo031216/halltex</a>   |

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|    |  | t/31216h03.htm  |
| 30 | Tony Blair 'My Vision for Britain' (2002) Guardian Article | <a href="http://politics.guardian.co.uk/queensspeech2002/story/0,,837225,00.html">http://politics.guardian.co.uk/queensspeech2002/story/0,,837225,00.html</a>                             |
| 31 | Hansard (written responses) 2003                           | <a href="http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo031208/text/31208w09.htm">http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo031208/text/31208w09.htm</a> |

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