

## Abstract

**Purpose** – The purpose of this paper is to reflect on the “new” approach to tackling anti-social behaviour outlined in the Anti-Social Behaviour, Crime and Policing Act 2014. Despite it being difficult to ascertain whether such measures will be more inclusive and appropriate than those previously introduced – certainly at this early stage – the authors set out to evaluate the strengths, limitations and challenges of this “new” agenda and in doing so drawing upon the propositions insights from radical moral communitarianism in order to inform the discussion.

**Design/methodology/approach** – The paper takes the form of a conceptual analysis of government policy. The authors draw on the work of a number of key academics and commentators to enhance the discussion.

**Findings** – In many respects, the authors have rehearsed some familiar lines of argument and analysis. Indeed, many of New Labour’s anti-social behaviour measures were in many cases counterproductive, particularly in the case of children and young people invariably increasing the likelihood of offending rather than curtailing it. Understanding this, the authors propose that it would appear logical where at all possible to deal with anti-social behaviour informally, that is, outside the formal anti-social behaviour framework and through the comprehensive balanced intervention proposed from a radical moral communitarian perspective which seeks to avoid formal criminalisation except as a last resort. With regard to the “new” anti-social behaviour measures the authors argue that rather than punishing the actions as a contempt of court practitioners need to devise suitable, more appropriate ways of dealing with the matter before them. The Anti-Social Behaviour, Crime and Policing Act (2014) provides practitioners with the space to do this particularly with the process being streamlined and much of the previous bureaucracy removed.

**Practical implications** – By focusing on the introduction of the “new” anti-social behaviour measures the paper will be of use to local decision makers (i.e. Youth Offending Team practitioners, Police and Crime Commissioners, and Directors of Children’s Services). The paper highlights some potential issues and ambiguities that practitioners working within the new anti-social behaviour framework may face.

**Originality/value** – The authors set out to critically reflect on the “new” powers set out in the recent Anti-Social Behaviour, Crime and Policing Act (2014). Nevertheless, the authors are not offering the paper as an alternative blueprint for dealing with anti-social behaviour but rather seeking to provoke further discussion on some of the potential issues and ambiguities the authors have identified within the new legislation. At the same time, the authors incorporate insights from the radical moral communitarian perspective which promotes a fairer, more equal world, based on mutual respect between all citizens, founded on the notion of commitment to and involvement in society.

**Keywords** Anti-social behaviour, Youth justice, Coalition government, Naming and shaming, New Labour government, Radical moral communitarianism, Youth crime, Youth offending

## Introduction

In this paper we reflect on the “new” approach to tackling anti-social behaviour outlined in the Anti-Social Behaviour, Crime and Policing Act 2014. Despite the difficulty in ascertaining whether such measures will be more inclusive and appropriate – certainly at this early stage – we set out to evaluate the strengths, limitations and challenges of the “new” agenda while incorporating insights from radical moral communitarianism. We start by providing some background context to the changes introduced by reviewing and evaluating the “effectiveness” of New Labour’s anti-social behaviour measures which were very much part of that political party’s commitment to a more orthodox version of communitarianism.

### Background: New Labour’s anti-social behaviour agenda

The New Labour Government elected in 1997 put issues of anti-social behaviour at the top of their political agenda although we should note that they did not actually invent the term but simply re-discovered it. To their credit, New Labour – throughout their three terms in office (1997-2010) – demonstrated a great commitment to tackling anti-social behaviour, introducing a range of initiatives with the intention of “empower[ing] communities to take civic pride in their neighbourhoods” (Hodgkinson and Tilley, 2011, p. 2). Previously such behaviour was depicted as merely “a nuisance” and not always taken seriously by the police although this was perhaps due to the nature of the behaviour being largely trivial and not constituting criminal activity – in the eyes of the law at least. Indeed, anti-social behaviour was not considered to be a criminal issue and understood more as a social problem prior to the early to mid-1990s.

New Labour was heavily influenced by communitarianism, a political philosophy imported from the USA, which supported the idea that the rights of the individual, promoted by traditional liberals, should be balanced with social responsibilities (see our discussion below). Nowhere was this commitment more apparent than in the generic youth justice arena. The inference was that young offenders should take responsibility for their actions while the negative personal and social circumstances which had in some way contributed to their offending behaviour should be addressed as a significant part of an inclusive intervention. Central to this agenda was a rigorous offensive against anti-social behaviour in which young people were seen to be overrepresented (Burney, 2005). Nevertheless, as Hopkins Burke and Morrill (2002, 2004) observed in the early days of the implementation of the anti-social behaviour measures, the balance between the rights of individuals and the community was swinging far too much towards the pole of the latter. Indeed, although the original intention had been to tackle anti-social tenants, before long the focus had shifted to that of “problem teens” (Burney, 2002).

As noted above, concerns about anti-social behaviour and its damaging impact on communities had grown considerably during the mid-1990s. It had become a commonplace social problem widely reported and which was widely observed to have had a devastating impact on the lives of a large number of law-abiding people. This reality had become increasingly recognised by a populist “New” Labour Party, while in opposition and later in government, who were determined to do something about this issue. The legislative response, the Crime and Disorder Act 1998 (CDA 1998) introduced a number of measures with the intention of protecting the most vulnerable people from the intimidating behaviour of a few. Section 1 made provision for the main instrument of intervention, the now “infamous” anti-social behaviour order (ASBO). An ASBO is a community-based civil response to any individual over the age of ten who acts in any way that causes “harassment, alarm or distress” with prohibitions included to protect the local community from further behaviour of the same kind. It is worth recognising though that in their early years of implementation and despite vigorous promotion of their use, there were actually very low numbers of ASBO applications. Perhaps this was due to professionals recognising the limitations of a wholly enforcement-led approach to dealing with anti-social behaviour. Indeed it appeared at this time that practitioners were of the opinion that support needed to be sufficient to tackle the underlying causes of crime through early preventative intervention rather than through a punitive mechanism (Cooper et al., 2009). That said, despite initial resistance, applications for ASBOs increased exponentially peaking at 4,122 in 2005 (Hodgkinson and Tilley, 2011). It is disconcerting that activities which could lead to the obtaining and enforcement of an ASBO might not necessarily amount to “criminal” behaviour but a breach of the order could be regarded as such with the outcome being a maximum jail term of five years. We might nevertheless note that this is the outcome with other – what in reality are – “restraining orders”.

The option to imprison children (if aged 14 or over) for breaching anti-social behaviour legislation was originally set out by New Labour legislation but has been continued by the present Coalition Government. This seems curious in view of their commitment to substantially reducing the public deficit. While it is very understandable – although not necessarily welcome – that larger numbers of children and young people are incarcerated at times of significant disorder and unrest, it is nevertheless contrary to traditional conservative cost-effective strategies for dealing with young offenders. Moreover, it is a virtually non-contestable orthodoxy that sending a child to prison is not only ineffective in terms of rehabilitation – with levels of recidivism remaining unacceptably high – but harmful to the child in other ways (Muncie, 2009; Robinson, 2014). In particular, a child’s self-esteem and confidence can be damaged and the likelihood of them being propelled into a long-term criminal career significantly enhanced by being incarcerated (Muncie, 2009). Moreover, concerns were raised over whether ASBOs are an appropriate tool to use with children who have special educational needs. Children experiencing specific, moderate, severe, profound or multiple learning difficulties may struggle to comply with the conditions set out simply because they are unable to understand what is expected of them, as their disability may impact on their ability to process information. What is more, it appears that the “new” measures – which we will discuss in greater detail shortly – do not allow for children to have their psychological and welfare needs assessed. This is a disturbing observation, especially when we consider that there is a proven link between anti-social behaviour and children experiencing mental health problems and learning difficulties (Home Office, 2012). If a proper assessment of need is not carried out it may result in children being given ASBOs with undoable conditions attached. This may well be in breach of the United Nations Convention on the Rights of the Child (UNCRC), in particular, Article 3 which states that “the best interests of the child shall be a primary consideration” and again this could lead to further cases of breach and ultimately inappropriate incarceration. Under New Labour’s anti-social behaviour provisions and again outlined in the Anti-Social Behaviour, Crime and Policing Act 2014 children can be named and shamed from the age of ten. Arguably, this practice is unethical and certainly contrary to long established judicial practice established by the Children and Young Persons Act 1933. Apart from breaching Article 16 of the UNCRC (right to privacy) if the details are released of children, who are often at risk and vulnerable, this is a safeguarding issue (Wigzell, 2014). A further problem with naming and shaming is the ineffectiveness of the practice which may well have the opposite impact than that intended. The stigma attached to labelling a child an “offender” may well result in the individual experiencing social exclusion, including difficulties securing employment or suitable accommodation. Furthermore, this could lead to the adoption of inappropriate “techniques of neutralisation” (Matza, 1964), false bravado and sending them running into the metaphorical arms of like-minded contemporaries and the establishment of deviant subcultures (Hopkins Burke, 2008). Notwithstanding the impact of such labelling effects on children and young people, it remains very much the case that anti-social behaviour can cause serious distress to communities and therefore must be tackled (Walker et al., 2009; Hopkins Burke and Hodgson, 2013). Serious distress was clearly evident where repeat harassment over an extended period caused the suicide of Fiona Pilkington and her disabled daughter in October 2007. At a subsequent inquest into the deaths, it was discovered that the police had been called on 33 occasions over several years to deal with the distress that was being caused by a group of young people. Following the finding by the Police Complaints Commission that the police service had failed to deal with the issue in a “cohesive way” there were repeated widespread demands to grant greater powers to deal with anti-social behaviour. This case – and others similar in nature – were clearly extremely influential with the Conservative-led Coalition Government (Hopkins Burke and Hodgson, 2013) and were to ultimately lead to the Anti-Social Behaviour, Crime and Policing Act 2014.

Enter the Coalition: a new framework for addressing anti-social behaviour?

Initially the new government appeared to have moved away punitive rhetoric and regulation of the behaviour of young people instead using the language of empowering communities to deal with crime and anti-social behaviour in accordance with their low cost, volunteer-led “Big Society” model of dealing with social problems. However, in the aftermath of the English Riots of August 2011 the mood changed and the pendulum swung back to a “get tough” approach, carrying on a tradition established by New Labour (Heap and Smithson, 2012). Thus, Prime Minister David Cameron, perhaps not surprisingly in the circumstances, demonstrated an “enthusiasm for draconian punishments” in response to the involvement of large numbers of young people involved in the unrest (Rogowski, 2013, p. 2) and this clearly led to the consequential significant “upsurge” in those held in custody (Creaney and Smith, 2014). Furthermore, this all happened at a time when the then Justice Minister, Ken Clarke, had been promoting significant reductions in the expensive prison population as a means of cutting public expenditure. Indeed, there had been substantial reductions in recorded crime, the number of young people formally processed through the youth court and the youth incarceration rate (Ministry of Justice, 2013) “with the net apparent effect of a considerable liberalization in the treatment of young offenders” (Smith, 2014, p. 109). This suggests that the long-term commitment to a more cost effective youth justice remains on course even though this might mean the occasional crackdowns – or at least talking tough – in order to ameliorate concern among core voters or even dealing with occasional real threats to law and order (Smith, 2014). A new approach to dealing with anti-social behaviour was thus introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. In essence, ASBOs and other enforcement-led measures have been replaced by a smaller package of new orders in an attempt to rationalise and streamline the process and significantly reduce bureaucracy. The new orders include the Civil Injunction (Injunction) and a criminal behaviour order (CBO). The former replaces the ASBO and four other orders. It is a civil order and thus requires a “civil standard of proof” (Robinson, 2014, p. 164). The latter replaces the criminal ASBO and although it is issued in the criminal court alongside the offence it is nevertheless a civil measure containing both “positive requirements” and “prohibitions”, differing somewhat to the ASBO (Robinson, 2014). Furthermore, the new legislation and the associated guidance published to assist practitioners and managers implementing the new powers advocate the use of holistic community-based measures to deal with anti-social behaviour (Home Office, 2014). Prior to any formal ASBO being considered the expectation is that approaches will be tiered whereby matters will be initially dealt with informally and resolved voluntarily. Indeed there is an emphasis on services working together strategically where referral and screening processes are in place as a form of diversion from formal intervention. The type of practice advocated by the new approach is also supported by research evidence and practice experience. Rather than dealing with anti-social behaviour with a formal Civil Injunction (formally ASBO) if young people are diverted onto informal appropriate social care support services, to address unmet health and welfare needs, it is not only less likely that the child will engage in crime but there is an increased likelihood that positive outcomes will result particularly in terms of increased self-confidence (Centre for Social Justice, 2012). Furthermore, with regard to informal measures practice is considered most effective when it is voluntary. That said if practice is disengaging for the child resulting in the individual feeling disempowered they may go on to commit further anti-social acts. Understanding this, practitioners need to commit to eradicating barriers to engagement by ensuring that the starting point of any intervention is the wishes, aspirations and goals of the child not the priorities of the organisations or professionals. More specifically, practice should be empowering and consultative (not prescriptive), child-centred (not adult centric) and capable of providing children with a platform to share an insight into their lived experiences (Creaney, 2014). When we consider that a significant number (around 70 per cent) of children failed to comply with the conditions set out in their ASBO, it is important to (re) consider matters of participation and engagement (Ministry of Justice, 2011). Evidence suggests that children may fail to comply with an anti-social behaviour measure due to, for example cognitive, communication and developmental issues (Prison Reform Trust, 2011). A chaotic lifestyle, for example, can also make it difficult for a child to comply with a particular measure while, in addition, the conditions set out in ASBOs had a tendency to be both “unachievable” for the child and last for a considerable period of time (two years in fact). On the other hand, the new Civil Injunction lasts for a minimum of six months and for a maximum of one year – a rather promising development it could be observed. There is thus an increased likelihood that a child will comply and actively engage with their anti-social behaviour measure, rather than merely participate (or worse re-offend) if in accordance with international conventions – most notably the UNCRC – and the participatory rights of the child in conflict with the law are promoted. Furthermore, if the conditions are tailored to the individual circumstances of the child, based on an assessment of their needs from their perspective, this can increase the likelihood of changes in behaviour (Creaney, 2014). If for whatever reason the child disengages and breaches the conditions set out in their contract, unlike under previous anti-social behaviour legislation, practitioners are now provided with greater discretion, and in turn flexibility, to decide whether to return a child to court or not. This is another promising development as such “heavy handed enforcement” evidenced during the previous approach to dealing with anti-social behaviour was mostly ineffective as such practice “alienated” children (Prison Reform Trust, 2011). Prior to returning a child to court that appears not to be complying with the particular order, the formation of multi-agency panel meetings with the child, parent/carer and interested parties – brought together to discuss appropriate alternatives to formal breach – may be appropriate (Prison Reform Trust, 2011). Indeed Youth Offending Services will be supervising the new Civil Injunctions, and are thus arguably the most able to provide an insight into possible solutions. Rather than punishing the action as a contempt of court practitioners will need to ensure that they devise suitable, appropriate ways of dealing with the issue. The Anti-Social Behaviour, Crime and Policing Act (2014) provides practitioners with the space to do this mainly because the process has been streamlined and bureaucracy appreciably reduced. Despite these very promising developments an issue of concern that remains from the previous regime is that of publicity afforded to children and young people. Those who offend and appear in the youth court are

“usually” anonymous, however, this is not to be the case in relation to Civil Injunctions and CBO (as of course was the case with ASBOs). This is disconcerting on a number of counts not least because a child whose activities and vulnerabilities are widely publicised could attract the wrong sort of attention and be at greater risk of sexual exploitation. Furthermore, there are concerns over the potential labelling effect such negative press coverage can have on a child growing up, particularly in the “age of the internet”. Such children and their families may be stigmatised and bullied as a result of their identity being publicised by the press. It is thus important to recognise that a child, their family or professional would need to apply to the courts for a Section 39 order (Children and Young Persons Act 1933) for anonymity to be granted. Hopkins Burke and Hodgson (2013) in their study of repeat victims of anti-social behaviour propose a more comprehensive and inclusive radical moral communitarian intervention in the lives of perpetrators – in particular, in the case of children and young people – which incorporates a whole raft of interventions including housing, education, training, employment and any welfare needs that may be required. A comprehensive intervention that fully meets their needs and rights but also addresses their responsibility to the communities in which we live. It is thus appropriate here to explore the notion of radical moral communitarianism a little further.

## Towards a radical moral communitarianism intervention

Orthodox communitarianism – as we briefly observed above – emerged as a political philosophy in the USA during the 1980s as a response to what its proponents considered to be the limitations of liberal theory and practice. Significantly, diverse strands in social, political and moral thought, arising from very different locations on the political spectrum – such as Marxism (Ross, 2003) and traditional “one-nation” conservatism (Scruton, 2001) – can be identified within communitarian thought. The general concept thus has support across political boundaries but nevertheless with significant differences in emphasis. The two dominant themes are first, that the individual rights promoted by traditional liberals need to be balanced with social responsibilities to the communities in which we live and second, autonomous individual selves do not exist in isolation but are shaped by the values and culture of communities in which we live. The key proposition is that unless we redress the balance towards the pole of community our society will continue to become normless, self-centred and driven by special interests and power seeking at all levels in the social world (see Etzioni, 1993, 1995a, b). These ideas became very influential with governments during the 1990s in both the USA (the Clinton administrations and subsequently Obama) and in the UK with New Labour hence the use of the term “orthodox”. In a pamphlet written shortly after he became Prime Minister, Tony Blair (1998, p. 4) demonstrated his communitarian or “third way” credentials:

We all depend on collective goods for our independence; and all our lives are enriched – or impoverished – by the communities to which we belong (...). A key challenge of progressive politics is to use the state as an enabling force, protecting effective communities and voluntary organisations and encouraging their growth to tackle new needs, in partnership as appropriate.

The most familiar and evocative, of the “abstract slogans” used by Blair in the promotion of the importance of community was the idea that rights entail responsibilities and this was taken directly from the work of Etzioni. Dissenters nevertheless subsequently observed that the implementation of the New Labour agenda took a rather more authoritarian course than that proposed by orthodox communitarianism with Hopkins Burke (2014a, b) arguing that the balance between rights and community have subsequently shifted excessively and unhealthily towards the pole of the latter with a much greater emphasis on the responsibilities of individuals to the detriment of their rights. Indeed some have argued that the last decades of the twentieth century and beyond have seen “welfarism” as a regime of social regulation replaced by neoliberalism in post-industrial western societies (see Lacey, 2013) with the latter significantly responsible for the harsher penal regime of the last few decades (Cavadino and Dignan, 2006) which has helped discipline and tutor a recalcitrant (often not) working class population in the interests of the neoliberal economy (Wacquant, 2009).

Houdt and Schinkel (2013) take this all a step further and pertinently observe that neoliberalism is not separate from but actually operates in combination with communitarianism with the emphasis on “responsibility” in the latter compatible with the notion of “responsibilisation” in the former, in other words, a neoliberal communitarianism: a strategy of governmentality that combines the main features of neoliberal governmentality (Foucault, 2004) with those of governmental communitarianism (Delanty, 2003; Ross, 2003; Adams and Hess, 2001; Van Swaaningen, 2008) and which consists of a combination of the new public management and the outsourcing of responsibility to a plethora of agencies and organisations. It is part of a disciplinary tutelage project that combines scientific measurement and the treatment of social problems with the stimulation of notions of “active citizenship” and the rational governing of community.

Hopkins Burke (2015) cites a range of contemporary economists both in the USA and the UK who support the notion that the social and economic costs of neoliberal fiscal policies – the sustaining of a large economically non-productive and socially excluded population controlled and “looked after” by another expensive non-productive population – have come to outweigh any benefits other than for a small group of powerful economic players. It is argued that the time has thus come to find another way of doing things for both economic reasons (i.e. neoliberalism no-longer provides an appropriate context for effective capital reproduction) and the practical, pragmatic normative reasons that should motivate those working in the community safety and youth justice world

(i.e. the introduction of appropriate and effective interventions that are balanced and fair to both perpetrator and the wider community). Clearly the large-scale macro changes suggested from a radical moral communitarian perspective are beyond the scope of professionals and practitioners working in the youth justice field and have merely been introduced here to offer explanatory context, but the implications at the micro level of intervention are still valid and highly applicable not least because the contemporary youth justice system has very strong (albeit orthodox) communitarian foundations.

When we consider that a significant proportion of children and young people who have received an ASBO have experienced family breakdown, educational difficulties, resided in “high crime” areas and are invariably among that 3-4 per cent of young offenders who never seem to grow out of criminality with a plethora of factors of social exclusion present in their lives (Hopkins Burke, 2008), a radical moral communitarian intervention that addresses all of these issues – while encouraging the child to accept the appropriate level of responsibility for their actions – would appear to be eminently sensible appropriate. Thus, any measures to deal with issues of anti-social behaviour need to be sensitive to the needs of young people and acknowledge that such individuals are likely to have experiences of poverty, inequality and social disadvantage. Family intervention projects (FIPs), through offering support to families experiencing a range of issues, including that of anti-social behaviour have shown promising signs of effectiveness (Nixon et al., 2010). Indeed, there is evidence that such projects do work in terms of improving positive outcomes, namely in relation to health, wellbeing and education. Moving beyond enforcement, FIPs appear to comprise packages of support that are capable of tackling the underlying causes of crime by working with the most “anti-social families” in a caring, preventative way. Notwithstanding such important developments, the “troubled families” initiative, it has been argued, was rolled out rather hastily shortly after the Summer Riots in 2011 as a quick fix solution. Concerns have been raised over such programmes as they appear to embrace a deficit-led model, laced with neoliberal communitarian undertones operating by “targeting some 120,000 families who were seen to be undermining the fabric of society as well as wasting the resources of the state” (Collett, 2013). Here there exists a disproportionate emphasis on mechanisms of control rather than proper care where notions of family inadequacy and “fecklessness” feature heavily (Collett, 2013). Furthermore, the intention appears to be to deal with “future problems” rather than meet the present welfare needs of children and families which compounds the issue of “securing inclusion”. Problems are depicted as individualistic divorced from the structural environment of which rather ironically children and families – rather like the professionals and practitioners to which we refer above – have very little ability to change (Furlong and Cartmel, 2007). The emphasis is thus on the responsibility of the individual and their family to the community and the wider society in which they live but which in reality is giving little back other than inadequate, incrementally reducing welfare benefits. Legitimate appropriate employment, good quality education and housing are in increasingly short supply and rarely on the agenda.

Radical moral communitarianism, on the other hand, prioritises an agenda which promotes a way-of-life founded on notions of appropriate contributions to society on the part of the individual (obligations and responsibilities), appropriate fair rewards (rights) and the development of a consensual interdependency with others we all recognise, identify and respect as fellow citizens and social partners, not as people of no consequence to be ignored, avoided and, in criminological terms, identified as potential legitimate crime targets or to be subjected invariably without thinking to anti-social behaviour. It is the basis of a fair, legitimate contemporary social contract between the individual and society.

## Conclusion

In many respects, we have rehearsed some familiar lines of argument and analysis. Indeed, many of New Labour’s anti-social behaviour measures were counterproductive, particularly in the case of children and young people. More specifically by subjecting children to formal sanctions unnecessarily (i.e. for incidents of trivial behaviour) the likelihood of offending was increased rather than curtailed (McAra and McVie, 2007). Understanding this we propose that it seems logical where at all possible to deal with anti-social behaviour informally outside the formal anti-social behaviour framework and in the context of radical moral communitarian values. Indeed with regard to informal measures “episodes of aberrant behaviour should trigger a multi-agency assessment and referral to the most appropriate service through the children in need process – not the criminal justice system” (Payne, 2003, p. 323).

There has been “little systematic evidence available regarding the impact of antisocial behaviour-related interventions on different groups in the population” (Pople, 2010, p. 154) – as these have not “been robustly tested with longer term follow-up of outcomes” (Wigzell, 2014, p. 76). This lack of proper investment to establish what works has been described as “wilful neglect” by New Labour (Crawford, 2008, p. 745). That said, research evidence and practice experience seems to show that responses to such behaviour can be more “effective” when they are “informal”, that is, dealt with outside the formal anti-social behaviour framework (see Centre for Social Justice, 2012, for example). With regard to the introduction of the new measures we argue that if a formal anti-social behaviour measure is being considered, practitioners at the Youth Offending Team should have a say in the decision-making process, including whether a child should be “named and shamed” or not. Furthermore, we argue that there needs to be a stronger emphasis on engaging young people who are subject to anti-social behaviour measures in order to ensure the child complies. However, it is not clear whether children who are subject to a formal anti-social behaviour measure will have their welfare needs assessed and this could be

seriously problematic. If a needs-assessment is not conducted with the child and their family, professionals may experience difficulties tailoring support to a child's ability level and what is achievable from their perspective. This could compound issues of engagement, compliance and active participation.

Finally, the radical moral communitarian perspective is not – and certainly should not be seen as – a soft option. Children and young people – like all citizens but clearly at rather different levels of culpability – have responsibilities and there is need for them to accept this. US middle-class academics and social commentators expect this from our own children – and while accepting that significant allowances might need to be made for those from very difficult backgrounds and considerable support provided to enable them to take on the full mantle of responsibility – to suggest that the disadvantaged cannot be coached to do this is some form of inverted elitism. But with this acknowledgement of the need for responsibility comes the difficult bit for the community and wider society, the need to fully address their rights and provide them with the incentives to compete in – and be part of – an inclusive social world. The provision of a proper income, where possible linked to meaningful employment, an appropriate affordable place to live, proper educational and training opportunities linked to their capacities and potential and to be treated with respect by fellow citizens and professionals working with them are all significant issues which can be addressed and be the basis of getting the young person to accept what they might now consider in this context to be legitimate responsibilities. This calls for a proper comprehensive and inclusive multi-agency response by those given real powers to make changes. As we observed above, the wider call for macro social change is clearly beyond the capacity of those front-line practitioners charged with addressing the anti-social behaviour. The proposals made in this paper are nevertheless not fanciful and overly idealistic but practical albeit challenging modes of intervention.

## References

- Adams, D. and Hess, M. (2001), "Community in public policy: fad or foundation", *Australian Journal of Public Administration*, Vol. 60 No. 2, pp. 13-23.
- Blair, T. (1998), *The Third Way: New Politics for the New Century*, The Fabian Society, London.
- Burney, E. (2002), "Talking tough, acting coy: what happened to the anti-social behaviour order?", *The Howard Journal*, Vol. 41 No. 5, pp. 469-84.
- Burney, E. (2005), *Making People Behave: Anti-Social Behaviour, Politics and Policy*, Willan, Cullompton.
- Cavadino, M. and Dignan, J. (2006), *Penal Systems: A Comparative Approach*, Sage, London.
- Centre for Social Justice (2012), *Rules of Engagement: Changing the Heart of Youth Justice. A Policy Report of the Youth Justice Working Group*, Centre for Social Justice, London.
- Collett, S. (2013), "Riots, revolution and rehabilitation: the future of probation", *Howard Journal*, Vol. 52 No. 2, pp. 163-89.
- Cooper, C., Brown, G., Powell, H. and Sapsed, E. (2009), "Exploration of local variations in the use of anti-social behaviour tools and powers", *Research Report 21*, Home Office, London.
- Crawford, A. (2008), "Dispersal powers and the symbolic role of anti-social behaviour legislation", *Modern Law Review*, Vol. 71 No. 5, pp. 753-84.
- Creaney, S. (2014), "The benefits of participation for young offenders", *Safer Communities*, Vol. 13 No. 3, pp. 126-32.
- Creaney, S. and Smith, R. (2014), "Youth justice back at the crossroads", *Safer Communities*, Vol. 13 No. 2, pp. 83-7.
- Delanty, G. (2003), *Community*, Routledge, London.
- Etzioni, A. (1993), *The Spirit of Community: The Reinvention of American Society*, Touchstone, New York, NY.
- Etzioni, A. (Ed.) (1995a), *New Communitarian Thinking: Persons, Virtues, Institutions and Communities*, Charlottesville, University of Virginia Press, Charlottesville, VA.
- Etzioni, A. (1995b), *The Parenting Deficit*, Demos, London.
- Foucault, M. (2004), *Naissance de la Biopolitique: Cours au Collège de France, 1978–1979*, Seuil/Gallimard, Paris.
- Furlong, A. and Cartmel, F. (2007), *Young People and Social Change: New Perspectives*, Open University Press, Maidenhead.
- Heap, V. and Smithson, H. (2012), "We've got to be tough, we've got to be robust, we've got to score a clear line between right and wrong through the heart of this country": can and should the post-riot populist rhetoric be translated into reality?", *Safer Communities*, Vol. 11 No. 1, pp. 54-61.

- Hodgkinson, S. and Tilley, N. (2011), "Tackling anti-social behaviour: lessons from new labour for the coalition government", *Criminology and Criminal Justice*, Vol. 11 No. 4, pp. 283-305.
- Home Office (2012), "Putting victims first: more effective responses to anti-social behaviour", available at: [www.official-documents.gov.uk/document/cm83/8367/8367.pdf](http://www.official-documents.gov.uk/document/cm83/8367/8367.pdf) (accessed 4 July 2014).
- Home Office (2014), "Anti-Social Behaviour, Crime and Policing Act 2014: reform of anti-social behaviour powers statutory guidance for frontline professionals", available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_\\_2\\_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf) (accessed 30 November 2014)
- Hopkins Burke, R.D. (2008), *Young People, Crime and Justice*, Willan, Cullompton.
- Hopkins Burke, R.D. (2014a), *An Introduction to Criminological Theory*, 4th ed., Routledge, Oxford.
- Hopkins Burke, R.D. (2014b), "The case for a radical moral communitarianism", *British Journal of Community Justice*, Vol. 12 No. 3, pp. 5-16.
- Hopkins Burke, R.D. (2015), "Theorising the radical moral communitarian agenda", *British Journal of Community Justice*, Vol. 13 No. 1, forthcoming.
- Hopkins Burke, R.D. and Hodgson, P. (2013), "Responding to repeat anti-social behaviour and moral communitarianism", paper given to the British Society of Criminology conference, "Criminology of Trial", University of Wolverhampton, Wolverhampton, 1-4 July.
- Hopkins Burke, R.D. and Morrill, R. (2002), "Anti-social behaviour orders: an infringement of the Human Rights Act 1998?", *The Nottingham Law Journal*, Vol. 2 No. 2, pp. 1-16.
- Hopkins Burke, R.D. and Morrill, R. (2004), "Human rights vs community rights: the case of the anti-social behaviour order", in Hopkins-Burke, R.D. (Ed.), "Hard Cop/Soft Cop" Dilemmas and Debates in Contemporary Policing, Willan Publishing, Cullompton, pp. 226-41.
- Lacey, N. (2013), "Punishment, (Neo) liberalism and social democracy", in Simon, J. and Sparks, R. (Eds), *The SAGE Handbook of Punishment and Society*, Sage, London, pp. 260-79.
- McAra, L. and McVie, S. (2007), "Youth justice? The impact of system contact on patterns of desistance from offending", *European Journal of Criminology*, Vol. 4 No. 3, pp. 315-45.
- Matza, D. (1964), *Delinquency and Drift*, Wiley, New York, NY.
- Ministry of Justice (2011), *Anti-Social Behaviour Order Statistics: England and Wales 2009*, Ministry of Justice, London.
- Ministry of Justice (2013), *Criminal Justice Statistics England and Wales 2012*, Ministry of Justice, London.
- Muncie, J. (2009), *Youth and Crime*, 3rd ed., Sage, London.
- Nixon, J., Pawson, H. and Sosenko, F. (2010), "Rolling out anti-social behaviour projects in England and Scotland: analysing the rhetoric and practice of policy transfer", *Social Policy and Administration*, Vol. 44 No. 3, pp. 305-25.
- Payne, L. (2003), "Anti-social behaviour", *Children and Society*, Vol. 17, pp. 321-4.
- Pople, L. (2010), "Responding to antisocial behaviour", in Smith, D. (Ed.), *A New Response to Youth Crime*, Willan Publishing, Devon, pp. 143-79.
- Prison Reform Trust (2011), "Into the Breach: the enforcement of statutory orders in the youth justice system", available at: [www.prisonreformtrust.org.uk/Portals/0/Documents/Into%20the%20Breach.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Into%20the%20Breach.pdf) (accessed 30 November 2014).
- Robinson, A. (2014), *Foundations for Youth Justice: Positive Approaches to Practice*, Policy Press, Bristol.
- Rogowski, S. (2013), "Radical/critical social work with young offenders: challenges and possibilities", *Journal of Social Work Practice: Psychotherapeutic Approaches in Health, Welfare and the Community*, Vol. 27 No. 1, pp. 7-21.
- Ross, P. (2003), "Marxism and communitarianism", *Imprints*, Vol. 6 No. 3, pp. 215-43.
- Scruton, R. (2001), *The Meaning of Conservatism*, 3rd ed., Palgrave, Houndmills.
- Smith, R. (2014), "Reinventing diversion", *Youth Justice*, Vol. 14 No. 2, pp. 109-21.
- van Houdt, J.F. and Schinkel, W. (2013), "A genealogy of neoliberal communitarianism", *Theoretical Criminology*, Vol. 17 No. 4, pp. 493-515.
- Van Swaaningen, R. (2008), "Sweeping the street: civil society and community safety in Rotterdam", in Shapland, J. (Ed.), *Justice, Community and Civil Society: A Contested Terrain*, Willan Publishing, Devon, pp. 87-106.
- Wacquant, L. (2009), *Punishing the Poor: The Neoliberal Government of Social Insecurity*, Duke University,

Durham, NC.

Walker, A., Flatley, J., Kershaw, C. and Moon, D. (2009), "Crime in England and Wales 2008/09", Home Office Statistical Bulletin 11/09, Home Office, London, available at: [http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16\\_07\\_09\\_bcs.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16_07_09_bcs.pdf) (accessed 4 July 2014).

Wigzell, A. (2014), "Moving beyond the ASBO? A review of the proposed anti-social behaviour measures and their implications for children", *Safer Communities*, Vol. 13 No. 2, pp. 73-82.

### Further reading

Bateman, T. (2011), "We now breach more kids in a week than we used to in a whole year: the punitive turn, enforcement and custody", *Youth Justice*, Vol. 11 No. 2, pp. 115-33.

Cohen, S. (1985), *Visions of Social Control*, Polity Press, Cambridge.

Durkheim, E. (1893/1933), *The Division of Labour in Society*, Free Press, Glencoe.

HM Government (2013), "Anti-social behaviour, crime and policing bill", explanatory notes", available at: [www.publications.parliament.uk/pa/bills/cbill/2013-2014/0007/en/14007en.pdf](http://www.publications.parliament.uk/pa/bills/cbill/2013-2014/0007/en/14007en.pdf) (accessed 8 July 2014).

Home Office (2011), "More effective responses to anti-social behaviour", available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118296/asb-consultation-document.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118296/asb-consultation-document.pdf) (accessed 4 July 2014).

UN Committee on the Rights of the Child (2008), *Forty-Ninth Session: Consideration of Reports Submitted by States Parties Under Article 44 of the Convention – Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, United Nations, Geneva.