



UNIVERSITY OF LEEDS

This is a repository copy of *From the Shopping Mall to the Street Corner: Dynamics of Exclusion in the Governance of Public Space*.

White Rose Research Online URL for this paper:
<http://eprints.whiterose.ac.uk/76504/>

Version: Published Version

Book Section:

Crawford, A (2011) *From the Shopping Mall to the Street Corner: Dynamics of Exclusion in the Governance of Public Space*. In: Crawford, A, (ed.) *International and Comparative Criminal Justice and Urban Governance*. Cambridge University Press , 483 - 518 (35). ISBN 0521116449

Reuse

Unless indicated otherwise, fulltext items are protected by copyright with all rights reserved. The copyright exception in section 29 of the Copyright, Designs and Patents Act 1988 allows the making of a single copy solely for the purpose of non-commercial research or private study within the limits of fair dealing. The publisher or other rights-holder may allow further reproduction and re-use of this version - refer to the White Rose Research Online record for this item. Where records identify the publisher as the copyright holder, users can verify any specific terms of use on the publisher's website.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



eprints@whiterose.ac.uk
<https://eprints.whiterose.ac.uk/>

From the shopping mall to the street corner: dynamics of exclusion in the governance of public space

ADAM CRAWFORD

Perceptions of security and order increasingly inform how urban spaces are imagined, designed and governed. Drawing on insights from two research studies, this chapter charts the manner in which dynamics of exclusion previously confined to the shopping mall and other examples of ‘mass private property’ are gradually being extended into the public realm.¹ It outlines the privatisation of public spaces, the emergence of novel forms of spatial exclusion and the growing importance of conditionality as the basis for access to resources, goods and services. Attracting ‘good customers’, whilst intercepting and deflecting ‘flawed consumers’, is an increasingly dominant logic of contemporary urban governance. Consideration is given to the politics of behaviour as institutionalised in the British antisocial behaviour agenda and its comparative implications. In particular, the chapter focuses on the ways in which young people as ‘non-consumers’ are problematised and policed. It is argued that strategies and technologies of ‘preventive exclusion’ deployed and developed on private property now routinely inform the governance of public spaces. Public streets are being ‘reordered’ through the banning and dispersal of those who do not conform to the consuming majority or those whose appearance jars with the prevailing vision of an ordered world in which security pervades urban environments. However, the chapter highlights the ambiguous relationship between order and urban consumption suggesting that in certain contexts and at certain times, the logics of security get in the way of, and disrupt, the demands of business, such that urban spaces – particularly in the night-time

¹ I am indebted to my colleague Stuart Lister who worked on both these projects for his research assistance and insights. I am also grateful to Sarah Blandy and Phil Hadfield for comments on an earlier draft.

economy – are informed by paradoxical forces that, on the one hand, seek moral cleansing but, on the other hand, generate disorder, antisocial behaviour and a loosening of moral restraint.

‘Place as product’

For some, cities are places of difference, excitement, spontaneity, play and even unpredictability, where diverse populations come together, co-exist and interact in uncertain encounters (Sennett 1992). Increasingly, however, the imagining of a city – particularly its urban core – has become bound up with strategies for ‘reclaiming’ civility, order and security, whilst ‘designing out’ uncertainty, risk and difference. The pervasiveness of concerns about security and order has led some critics to lament the sameness and sterility that mark many contemporary urban centres (Minton 2009). From Koolhaas *et al.*'s (1995) ‘generic city’ to Sorkin’s (1992) ‘variations on a theme park’, many urban scholars have sounded a requiem for the city as a place of diversity and bemoaned a farewell to urban civil culture. A central recurring feature of this lament has been the redrawing and blurring of contours of public and private space, in which the privatisation of public space has been a dominant factor and securitisation has been a driving force. De Caeter (2005) evokes this mourning in his description of the ‘capsular civilisation’, whereby the city has seen the evacuation of the public domain and the ‘encapsulation’ of artificial ambient spaces entailing minimal communication with the outside in the form of ‘an isolated environment of its own’ (*ibid.*: 29). There are direct parallels here with Shearing’s (1995) ‘bubbles of governance’ in which discrete zones of privatised urban life are structured around the provision and embedding of security (see also Rigakos and Greener 2000; Johnston and Shearing 2003). These “‘fortified cells’ of affluence’ (Davis 1990) are loosely connected by safe conduits and transits between controlled zones. This process of encapsulation is simultaneously prompted by an ‘ecology of fear’ (Davis 1990) and an ‘ecology of fantasy’ (Crawford 1991). On the one hand, perceptions of insecurity demand reassurances and the proactive policing of deviations and deviants. On the other hand, urban spaces evoke a consumer paradise in which the atmosphere is ordered and orderly and there is little place for unplanned spontaneity. De Caeter (2005: 62) describes these two faces of the city as the ‘heterotopias of illusion’ – including shopping malls, theme parks and department stores – and the ‘heterotopias of deviation’ – such as prisons, asylums and other

panopticon-like architectures of control. Here, de Cauter draws explicitly on Foucault's earlier thoughts on heterotopias – literally interpreted as 'other places' that are counter-posed to the unreal space of Utopia.² Heterotopias describe spaces that have more layers of meaning or relationships to other places than is immediately apparent. What is insightful from this discussion is the manner in which the heterotopias of illusion and deviation can be seen to co-exist and become infused within representations of real urban spaces. As I will demonstrate, this sometimes takes form in awkward combinations.

As a response to the emergence of privatised out-of-town retail and leisure outlets, and in part in competition with other cities for new positions of influence and wealth in the reorganised national and international economy, cities have become a focus of concern. The repositioning of city centres has been an important element in the competition for inward investment, the generation of local employment and the regeneration of urban spaces. In the UK, as in North America, the pressure to re-organise has been acutely felt in old industrial cities especially where there are nearby large regional shopping centres. For such cities, regeneration and re-branding have been fundamental to their urban fortunes. Place has become a product, to be branded and sold. A central element of this reimagining has been the capacity to present a city as a 'safe place' to visit, shop and do business. Consequently, concerns about security have become vital components of urban regeneration that inform 'marketing the urban experience' (Neill 2001).

The preoccupation with regulating urban disorder takes distinct cultural and local expressions in different cities and across different jurisdictions. Nevertheless, there are common referents that have been influenced profoundly by the assumptions informing Wilson and Kelling's (1982) 'broken-windows' thesis. This is particularly evident in the strategies of local and national governments. It finds expression in the diffusion, emulation and appropriation of 'zero tolerance'-inspired policies with their focus on policing incivilities and 'civility laws' aimed at enhancing security and order (Dixon and Maher 2005; Newburn and Jones 2007; van Swaaningen 2008; Beckett and Herbert 2008; 2010). Evidently, many municipal governments across Europe, North America and Australasia have deployed technologies, developed strategies and trained energies on ordering contested urban spaces. However, any rush

² Originally outlined in a lecture in 1967, in his later work, Foucault (1977) went on to elaborate on the panopticon as a paradigmatic heterotopia of modernity.

to conclusions about global policy convergence must be wary that much of this circulation may be understood more as a matter of ‘talk’ and symbolism than reflecting everyday practices (Jones and Newburn 2007). Rather, attention needs to be paid to the manner in which the reception and adaptation of safety technologies has been conditioned by their alignment with political struggles and resonance with local cultural values.

In Britain this concern with urban security, has recently taken the particular, and rather peculiar, form of the ‘antisocial behaviour agenda’ and subsequent ‘Respect’ programme. Tackling ‘antisocial behaviour’ has been a central plank of the ‘New Labour’ political programme in which the government has sought to frame its relationship with the electorate increasingly in terms of safety and civility. The first decade of the twenty-first century saw the proliferation of programmes and new powers and technologies designed to tackle behaviour defined as ‘anti-social’ in public places. This ‘post-class’ *politics of behaviour* (Field 2003) reflects a preoccupation in which the ambitions of governing and statecraft have narrowed to a focus on individual behaviour as the crucible in which the fortunes of government are forged. In the face of apparently uncontrollable flows of capital, goods, people and risks, both municipal and national governments have re-sighted their energies on the management of public displays of behaviour. Being seen to be doing something tangible in response to local demands and to assuage public perceptions via the micro-management of uncivil behaviour have become an increasingly prominent governmental *raison d’être*. An analysis of public policy pronouncements and initiatives would illustrate abundantly the manner in which this obsession with the ‘politics of behaviour’ has engendered a period of ‘hyper-innovation’ in the context of ‘hyper-politicisation’ (Crawford 2006a). However, this is not the focus of my current argument. Rather, I want to show how the new hybrid tools of regulation have not only been fostered by government initiatives but have also – and more fundamentally – been shaped by the appropriation and flow of technologies from the field of private regulation into the public sphere.

Cross-fertilisation and the private–public divide

In the re-engineering of contemporary cities, ‘local growth coalitions’ have played a crucial role, combining municipal authorities and commercial interests in public–private partnerships. As Logan and Molotch (1987) argue, the ‘urban fortunes’ of cities – and cities within cities – are

often structured by such 'local growth coalitions'. Cities differ, and by implication, need to be studied (and compared), in terms of the organisation, lobbying, manipulating and structuring carried out by key actors that form growth coalitions. Local community safety partnerships and security networks have become essential components in such coalitions (Crawford 1997). These public-private networks constitute crucial conduits through which control technologies of urban governance have been transferred, adapted and instigated. A number of developments in urban governance and property relations have encouraged a cross-fertilisation of preventive technologies, practices and mentalities of control. Whilst the flow has not been solely one-way (Crawford *et al.* 2005),³ many of the preventive innovations in governance which first emerged in the private realm, derived from private property rights, have increasingly informed the regulation of public places. A number of formal conduits have facilitated this cross-fertilisation through the development of public-private networks. The first has been a gradual expansion in 'mass private property' (Shearing and Stenning 1981) and its growing role in hosting and structuring key amenities, goods and resources that the public access in everyday life. As a result, there has been a growing rupture between the legal definition of property ownership and its intended use as well as expectations of access. A second factor has been the development of public-private partnerships at the level of urban governance and city administration – including Town Centre Management (TCM) initiatives and policing/security partnerships that have facilitated closer working relations within and between municipal authorities and private businesses.⁴ Thirdly, recent years have seen the implementation of Business Improvement Districts (BIDs) as designated areas of town and city centres that are managed through the payment of a levy by local businesses. BIDs explicitly aim to improve the 'trading environment' for businesses by providing additional services. A key element of this management invariably relates to security. Hence, BIDs frequently pave the way for forms of private security and policing. In the UK, BIDs are different from their US counterparts, notably in that UK

³ Public police and organisations such as community safety partnerships – which are largely public sector dominated – are the repositories of considerable local information valued by private businesses. They constitute what Ericson and Haggerty (1997) describe as 'information brokers' for the purpose of private security.

⁴ Policy development and lessons have been diffused within networks such as the British Association of Town and City Management (UK) and the International Downtown Association (US).

BIDs levy revenue from business occupiers rather than owners.⁵ Finally, we have seen the expansion of privately owned and managed parts of city centres. This most extreme form of privatisation of public space occurs where, in parts of city centres, the land is leased by councils to a private landlord. Such transfers of ownership and management have on occasions been accompanied by compulsory purchase orders and the provision of additional bye-laws to assist governance.

In certain British cities there has been something of a developmental sequence whereby TCM partnerships have spawned BID subsidiaries, often with policing and security agendas (Cook 2010).⁶ BIDs represent a more formalised relationship of 'contractualism' between key actors within a defined urban locale in which the nature of the public interest is reconfigured in that 'a different set of norms, professional values and behaviours are brought to bear in defining and resourcing what are determined as the local priorities' (Peel *et al.* 2009: 417). Here, creating an environment conducive to the targeted consumer audience is a key refrain. In the USA, where their growth occurred both earlier and more extensively, BIDs have been dubbed 'malls without walls' (Graham and Marvin 2001). Just as we might see shopping malls as examples of *quasi-public space* whereby public access is provided to private property, so we might understand BIDs as *quasi-private space*, that is 'spaces that are formally owned by the state, by the public, but are subject to control and regulation by private interests' (Mitchell and Staeheli 2006: 153).

Privately owned and managed parts of city centres take the privatisation of public space to a different realm, constituting a form of modern 'enclosure' (Crawford 2006b), as a result of which previously public space passes into private hands and becomes subject to private forms of regulation. Often this occurs without the symbols traditionally associated with private property – i.e. gates, walls or even notification. Nevertheless, upon entering such spaces, individuals implicitly 'agree' to be bound by the rules that govern them and the private interests that police and enforce them. Early examples included the Broadgate Centre, London, a thirty-acre site owned and managed by development

⁵ This model was deemed to fit more closely with the existing system of collecting local business taxation through business occupier rates in England and Wales. However, it does create the potential that occupiers end up paying for longer-term benefits (in business value) that accrue to owners.

⁶ By the beginning of 2008 over 60 BIDs had been established across England, Wales and Scotland. Most are in town centres. Coventry One is purported to be the largest BID in the UK and is currently in its second term 2008–13. To date, most ballots have been successful. Details on the range of BIDs are available at www.ukbids.org/BIDS/index.php.

company Broadgate Estates. The Broadgate Centre is patrolled twenty-four hours a day by private security and is aimed specifically at attracting what it describes as 'high-earning people'. Also in London are the Stratford City site (170 acres) being developed for the 2012 Olympics and the seventy acres of land in the King's Cross redevelopment area. In the north of England, Liverpool ONE is being delivered by the Paradise Project, the development vehicle created by Grosvenor (owned by the Duke of Westminster) and its investment partners. The Paradise Project is responsible for regenerating forty-two acres into 1.6 million square feet of shopping. Grosvenor has a 250-year lease from Liverpool City Council, in return for which the city council has secured the renovation of a rundown area, costing almost £1 billion. In a city with a reputation for high levels of crime and antisocial behaviour, presenting the city centre as a safe place has been a key feature of the Liverpool ONE regeneration. Consequently, proactive policing strategies are seen as integral to its success.

For TCM partnerships, BIDs and lease agreements, providing reassurance and presenting a place as safe affords a competitive advantage in luring people, capital, consumers and investors. In Harvey's terms (1989: 157) they are concerned with the 'production of preconditions' by creating a conducive environment for consumption, investment and business profitability. Hence, security as a commodity has been important in establishing a competitive advantage over rival cities within local, national and global economies. Here, the commercial sector has, to some degree, set the agenda from which the public provision of security in urban areas has borrowed. TCMs for example, often ape modes of regulation and policing deployed in privately owned out-of-town shopping centres through the provision of 'city guards', 'street wardens' and city 'ambassadors' to make the city a more attractive and apparently safer place.

Providing 'reassurance' in contested public spaces through visible policing has also been a central feature of recent government initiatives. The introduction of Community Support Officers (CSOs), as a new breed of police officer dedicated to visible patrols and with limited powers has been pivotal in delivering high visibility 'reassurance policing' (Crawford 2007).⁷ Reflecting a further blurring of public and private forms of control, CSOs now provide the public police with a

⁷ There are currently over 16,000 CSOs across England and Wales. Their powers are largely restricted to issuing penalty notices for disorder and to requesting the name and address of a person acting in an antisocial manner.

‘commodity’ with which to enter the security marketplace and to compete with private and municipal policing providers.⁸ Councils and private businesses across England and Wales part-fund CSOs to provide visible patrols. Here we see evidence of both the public policing of private property and public policing entangled in private interests.

Not only has there been an expansion in the private (or hybrid) spaces of consumption, leisure and entertainment, but so too there has been an expansion in market-based modes of control (Crawford 2009a). One of the most important research findings regarding private policing is that the strategies of commercial security tend to differ significantly from those of the traditional police in that they are more instrumental than moral, offering a proactive rather than reactive approach to problem-solving (Johnston and Shearing 2003; Wakefield 2003). They tend to be concerned with loss prevention and risk reduction rather than with law enforcement or the detection and prosecution of offenders. In mass private property the regulatory force of ‘membership’ and ‘access’ is a powerful mode of control. If the law is invoked it is often likely to be property or contract law, rather than criminal law. The powers of removal, dismissal and exclusion – whether from a nightclub or shopping mall – are potent administrative tools of policing.

Security as ‘positional good’?

In the dystopian image presented by Davis (1990) security is a ‘positional good’ defined by wealth, access to protective services and membership of secure enclosures. In this context, “security” has less to do with personal safety than the degree of personal insulation in residential, work, consumption and travel environments, from “unsavoury groups” and individuals, even crowds in general’ (*ibid.*: 224). Davis describes the ‘obsession with physical security systems’ and the ‘architectural policing of social boundaries’ as constituting a ‘zeitgeist of urban restructuring’ and a ‘master narrative in the emerging built environment movement’ (*ibid.*: 223). Accordingly, he pays not as much attention to the less visible and ‘softer’ forms of exclusion and social control at play in urban environments. This focus on the visible and the symbolic representations

⁸ This ‘subcontracting’ has been stimulated by the short-term nature of initial government funding for CSOs which necessitates that police forces and police authorities increasingly look to external income generation to sustain current commitments to CSO numbers. The Home Office has explicitly sought to encourage matched funding arrangements (Home Office 2006).

of exclusion – in what Davis (1998) calls the ‘fortress city’ – is to be found elsewhere among critical urban scholars, most notably in discussions about ‘gating’ where much greater attention has been accorded to the gates and guards (walls and armed security) rather than the processes of governance and control that operate within such spaces (see Atkinson and Blandy 2005; Blandy this volume).⁹

This theme has been picked up also in the context of Los Angeles, by Flusty (1994) who charts the evolving shape and form of what he calls ‘interdictory space’; defined as ‘selectively exclusionary space’ that is:

commonly designed, built and administered by those affluent enough to do so, and with the wants and sensibilities of the similarly affluent consumer in mind . . . [It] functions to systemically exclude those adjudged unsuitable and even threatening, people whose class and cultural positions diverge from the builders and their target marketsm . . . In short, difference is fine, so long as it is surrendered at the gate. [2001: 659]

Contrary to Davis’s ‘militarisation’ thesis, Flusty argues that ‘interdictory space’ has adapted to become more socially agreeable. He highlights two components through which forms of surveillance and control have become rendered ‘publicly acceptable’. These he refers to as including, first, a ‘process of naturalisation’, whereby ‘control becomes so deeply embedded in our daily lives that we simply fail to notice it’ and, secondly, a dynamic of ‘quaintification’ by which forms of control that are too harsh to fade into the background ‘are symbolically rehabilitated as both unthreatening and even laudatory’ (Flusty 2001: 660). In relation to the latter, he notes the ‘ongoing application of a cutely human face to the spaces and technologies of selective exclusion’ (*ibid.*: 661). He suggests that, in LA at least, the progression from visible and hard forms of security (as outlined by Davis) to ‘quaint policing’ constitutes a distinct phase in development of ‘interdictory space’. He concludes that the ‘banality of interdiction’ is becoming a defining feature of urban spaces.

A dominant characteristic of this banality has been the embedding of forms of security and policing into the design, layout and physical structure of the urban environment. The role of ‘architecture’ in influencing the flow of events and shaping human interactions has become increasingly recognised (Lessig 1999).¹⁰ Stimulated by ‘defensible space’ theory (Newman 1972), an array of design practices clustered

⁹ Low’s (2004) analysis of gated communities is a rare exception.

¹⁰ It is, however, hardly new as medieval town planning and Bentham’s infamous Panopticon testify.

under the heading of ‘crime prevention through environmental design’ and situational crime prevention seek to embed control features through the creation of a physical and social fabric that fosters informal policing and removes opportunities for deviancy. This includes ‘designing out’ crime and disorder features of the physical environment and capitalising upon civilian or ‘natural’ surveillance. As elsewhere in the field of security and crime prevention, the commercial sector has often been at the forefront of innovations. In this shift from overt forms of disciplinary control to more subtle and nuanced types of social sorting, we see de Cauter’s ‘heterotopias of illusion’ overlaid on ‘heterotopias of deviation.’

The power of private property

As the epitome of privately owned spaces to which the public have liberal access with a decidedly public character, shopping malls have been the subject of considerable debate, both in urban studies and criminology. They reflect both the enclosure of erstwhile public spaces and the development of ‘commercial clubs’ with their own conditions of entry. As such, shopping malls represent a conspicuously symbolic test of the limits of private ownership and the legitimacy of exclusion.

In the UK, private property vests an almost unqualified common law privilege to exclude or eject strangers arbitrarily, without good reason or objective rational justification. Property law provides owners with powers to exclude derived from trespass, a long-established tort at common law. The owner may give a licence to enter, but once that licence is revoked then the visitor is a trespasser and can be removed without any reason having to be given, let alone without the need to obtain a court order. However, as the Grays (Gray and Gray 1999a) argue, public space, in the sense of space controlled by public authorities, is space that carries a presumption ‘for’ access, unless and until it is withdrawn. Despite the Grays convincing arguments that ‘The term property is simply an abbreviated reference to a quantum of socially permissible power exercised in respect of socially valued resources . . . [and that] it is beginning to be agreed that the power relationship implicit in “property” is not *absolute* but *relative*: there may well be *gradations* of “property” in a resource’ (Gray and Gray 1999b: 12), nevertheless the common law ‘has not uniformly incorporated or internalised this understanding of the deep structure of property’ (*ibid.*: 13).

This has been reaffirmed in European and British case law. The leading case, *Appleby and ors v. United Kingdom*,¹¹ involved a previously public urban centre – most of the town centre of Washington, Co. Durham, known as ‘the Galleries’ – that had been privatised in 1987, when Postel Properties purchased it from the Washington Development Corporation. This decision, as required under the legislation, was approved by a government minister. Postel Properties subsequently banned a group of campaigners from protesting within the town centre against the closure of a local playing field. The protestors petitioned the European Court of Human Rights on the grounds of breach of Articles 10 and 11 of the European Convention which relate to interference with the freedom of expression and assembly, respectively. The Court held that the relevant articles do not bestow any ‘freedom of forum’ for the exercise of those rights and that so long as ‘alternative means’ for the expression of the rights exist there was no obligation on the British government to interfere with the applicants’ exercise of their rights. According to the Court, the applicants were not ‘effectively prevented from communicating their views to their fellow citizens’. The Court seems to have agreed with the British government’s contention that it was not ‘for the Court to prescribe the necessary content of domestic law by imposing some ill-defined concept of “quasi-public” land to which a test of reasonable access could be applied’.

In his dissenting judgment, Judge Maruste argued: ‘The old traditional rule that the private owner has an unfettered right to eject people from his land and premises without giving any justification and without any test of reasonableness being applied is no longer fully adapted to contemporary conditions of society.’ According to him, public authorities continue to bear responsibility for deciding how the forum created by them is to be used and for ensuring that public interests and individuals’ rights are respected. This view appears more in line with developments in other parts of the common law world, where courts have begun to demarcate certain kinds of location as ‘quasi-public’ spaces to which citizens must be allowed access on a non-discriminatory basis and from which they can be evicted only for good cause. In the US case law, the terminology of ‘quasi-public’ property has become more commonplace in relation to shopping malls and retail outlets that present themselves as open to the public.¹² This provides some legal protection insofar as

¹¹ Application No. 44306/98, ECHR.

¹² E.g. in the case of *Pruneyard Shopping Center v. Robbins* (1980), the Supreme Court held that the mall owners could not claim complete supremacy of property rights and could only limit free speech and assembly so long as the regulations were not ‘unreasonable,

eviction and exclusion should be objectively and communicably reasonable. Importantly, the more inclusive the invitation and open the access offered by the mall, the higher the standards for protecting free speech and assembly rights. Nevertheless, US cases such as *Virginia v. Hicks*¹³ reinforce the extent to which private property, through the judicial process, routinely ‘trumps’ other kinds of rights and interests.

In Britain, private property remains tantamount to raw exclusive power. This legal position is rendered more problematic by the trend to ‘privatise public space’ either by transferring ownership – as in the *Appleby* case – or by devolving greater powers to private businesses through developments such as BIDs. The creeping privatisation of public spaces, therefore, raises fundamental questions about the effectiveness of constitutional protection of individual liberties in spaces of ‘private government’ (Kohn 2004).

From the shopping mall . . . inclusion and exclusion

At their heart, shopping centres embody a tension between the liberality of their inclusive invitation to the general public and their commercial desire to keep out ‘undesirables’ or at least those that jar with the prevailing image of the place as a safe environment.¹⁴ As citadels of consumption, their imperative is to encourage public access and foster commerce, but also to present the image of a place that is safe and orderly. People and things that detract from the presentation of a safe environment are ‘bad for business’. Central to this notion of good order is mobility and free movement (Levi 2008); people and things that get in the way of the circulation of people and goods or that idly loiter without active commercial purpose disrupt orderliness. Consequently,

arbitrary, or capricious and the means selected shall have a real and substantial relation to the objective sought’ (cited in Kohn 2004: 73).

¹³ 2003, 123 S. Ct. 2191. In this case the Supreme Court upheld the right of local governments to enforce laws such as trespass exclusions, asserting that such practices reflect ‘legitimate state interests in maintaining comprehensive controls over harmful, constitutionally unprotected conduct’. The case involved the transfer of public housing projects including public streets in the City of Richmond, Virginia, to the Richmond Redevelopment and Housing Authority which enforced its new property rights by writing rules that made it illegal for any person, other than a resident or employee of the housing projects, to enter without a ‘legitimate business or social purpose’ (Mitchell 2005). Anyone without such a purpose could be served with a ‘barment notice’. If breached the individual could be arrested for trespassing.

¹⁴ The discussion that follows draws upon the Nuffield Foundation-funded *Plural Policing* study (Crawford *et al.* 2005).

enticements to 'good customers' within shopping centres are frequently mirrored by subterranean interdictions aimed at the 'unwelcome' or what Bauman describes as 'flawed consumers'. He notes: 'Consumers are the prime assets of a consumer society; flawed consumers are its most irksome and costly liabilities' (2004: 39). Identifying and pre-emptively excluding the 'irksome' thus become a concern of those managing private security. Doing so, in an aesthetically pleasing and consumer-friendly way is the primary challenge.

Responses to this challenge are well illustrated by examples drawn from recent research into the diverse forms of control and policing operating in shopping malls, such as the MetroCentre in Gateshead.¹⁵ Given the commercial imperative to foster free movement of visitors into and within retail complexes, as in Wakefield's (2003: 226) study, the dominant approach to security was based not on filtering and sorting risks 'at the door' – as in the case of bars and clubs (Hobbs *et al.* 2003; Hadfield 2008) – but on the close monitoring and regulation of individuals once inside the premise. An example of this fine balance between open invitation and exclusion was apparent in the MetroCentre's decision in 2004 not to ban all young people under eighteen from the centre after 6.00 p.m. at night (when the shops closed) in response to a number of incidents of disorder and despite police suggestions to adopt such a course of action. To do so, centre managers argued, would adversely affect some outlets where young people spent money; it would get in the way of business.¹⁶ Instead, more nuanced strategies were demanded. One example of this involved security guards asking young people in the centre after a certain time if they had any money on their person. If the young person did not possess significant financial resources (or was unwilling to co-operate), they were likely to be escorted off the premises. Hence, a variety of informal and formal strategies were deployed as the following CCTV operator explains:

¹⁵ MetroCentre, Gateshead, is one of Europe's largest out-of-town shopping and leisure centres, attracting more than 25 million visitors a year and employing over 6,000 people. It was one of the first major shopping centres in Britain to enter into an agreement with its local police authority to finance a team of community beat managers and form a public-private partnership. The contracted police officers adopt the role of 'village bobby' within the communal areas of the MetroCentre, in a vivid example of a 'heterotopia of illusion'.

¹⁶ Interestingly, some shopping malls in the US have begun to implement curfews for youths. E.g. the Mall of America (the largest mall in the US) implemented a 'parental escort policy' for young people under 16 in the evenings (Freeman 1998).

There's lots of things you can get them on. There's a bye-law which says you are not allowed to have more than three people in your group. So if there is more than three people 'split up or get out'. You are not allowed to have a Ghetto Blaster or radio or anything like that . . . We'll get a camera on them and the guard disappears round the corner and they don't realise they are being watched and you can get them doing all sorts of things. 'Right, let's kick them out.' It's usually only little scrotes! Six years up to 15 or 16. After that then it's drink [related problems]. It's just the little scumbags really. Rowdy. Not good for the image. So we kick them out.

The most routine form of exclusion, therefore, is ejection of perceived 'undesirables' from the premises on the basis of private property rights asserting a civil trespass order. Those deemed 'not good for the image' of the centre are 'asked to leave' as a type of pre-emptive exclusion of those who have no commercial value or who are not seen to 'belong'. One of the centre's security guard explained:

The kids, especially in the winter, seem to roam around, they don't do anything. We actually have the power to chuck them out if they are not taking part in any MetroCentre activities and if they have got no money on them, they can't take any part in the MetroCentre activities, i.e. cinema, GMX Superbowl, going for a burger. So: 'Get out. You are not doing anything here. We don't want you in.' We can actually do that.

The extent to which young people with little or no money to spend are routinely ejected from, or denied access to, shopping malls is hard to quantify. However, Wakefield's (2003: 228) somewhat sanguine conclusion that such things generally do not occur is belied by the more robust practices of preventive exclusion identified in the MetroCentre. Whilst the liberal enticement to enter and permissive access remain the pervasive commercial credos, the less visible hands of social sorting through strategies of security remain both evident and a veiled potential.

At a second-tier, more formal, level 'exclusion notices' were sent by centre management to individuals' home addresses. These are categorised as being triggered either by a crime-related arrest or an ejection due to 'disorder'. Formal exclusion notices stated:

you are hereby given notice that, with immediate effect, the implied invitation to enter the MetroCentre is, in your case, withdrawn. That means that you are no longer welcome at the MetroCentre and should you enter within the period of the ban, one year, you will be considered to be a trespasser and will be escorted from the premises. Consideration will also be given to taking legal action against you.

Records and images of individuals were kept on file in what was known as the 'rogues gallery' and policed through the extensive CCTV system and the large number of security guards (uniformed and undercover), as well as public police officers contracted to the shopping centre. Security guards in the centre boasted how they often informed those who had been ejected or banned that the MetroCentre had face-recognition technology so that they would be spotted if they violated their ban, although at the time of the research this was not actually the case. It is only when private means of control fail that recourse is made to formal legal (civil and criminal) interventions, as a security manager explained:

The vast majority of people will take heed of the exclusion orders but the ASBOs are for people who've got no regard at all for exclusion notices or for the law . . . There's a whole range of measures that the magistrates can impose and the one that we're most interested in is keeping them [troublemakers] away from the MetroCentre.

This ambiguity of inclusion and exclusion reflects Young's (1999: 81–8) image of the 'bulimic society' – that ravenously consumes but also spews out; that concurrently absorbs and rejects. At one moment, it assimilates whilst at another point it expels. This social system as bulimia is emblematically represented in the contemporary shopping mall. Developing this analogy, Young notes: 'The very intensity of the forces of exclusion is a result of borders which are regularly crossed rather than boundaries which are hermetically sealed' (2007: 34). This 'precariousness of inclusion' captures well the liberal invitation to shop and the associated forces of order through exclusion – the dual processes of 'inviting and uninviting people' which frames such places (Staeheli and Mitchell 2006: 985). Hadfield (2008: 433) illustrates this precariousness of inclusion in the context of the private governance of elite members' clubs in central London, where commercial pressures conspire to demand the exclusion of 'the many' rather than 'the few'. Here, social sorting and stratification operate 'not merely in relation to assessments of *threat*, but also in relation to status entitlement and the *promise* of their potential spending power' (*ibid.*: 437). Rather like gated communities, access to these more exclusive zones is tightly controlled. And whilst the conditions of membership may be more elaborate and intrusive, they provide members with privileges not available to non-members or 'outsiders'. This reinforces the fluid interplay between inclusion and exclusion found in diverse types of 'communal spaces' and expressed in different aspirations of community to which they appeal.

In this context, as Kohn suggests, community 'collapses the distinction between public and private. It fulfils peoples' longing for sociability in a context that incorporates the appeals of private life: security, familiarity, identity, and (for some) control' (2004: 193).

The shopping mall constitutes an iconic crucible in which perceptions of safety, commercial imperatives and dynamics of exclusion collide. It also illustrates the manner in which consumerism and enticements to spend can be criminogenic. Crime and disorder may be accepted (and acceptable) by-products of 'doing business'. Security managers at the MetroCentre frequently bemoaned the strategy adopted by many retail outlets within the centre in placing tempting and vulnerable goods at the entrance to the shops. While this practice affronted the sensibilities of police and security officers' schooled in ideas of opportunity reduction and target hardening by making theft easier and more likely, it was seen as a worthwhile risk for store managers as it provided a crucial way of luring customers into the shop. In a shopping centre where customers are provided with diverse competing outlets in which to spend their money, getting people across the threshold becomes a major achievement. In the calculations of retail managers, the cost of crime is only one factor in a much wider cost equation.

In other ways also, too great a concern for security can be bad for business. Overt forms of security can undermine perceptions of safety. The very pursuit of security can be both self-reproducing in the sense that it requires not only an absence of (sometimes unidentifiable) threats but also a utopian illusion of total safety. The pursuit of security is both insatiable and can be self-defeating, in that symbols of security remind people of their own vulnerabilities to sources of harm. As Zedner notes, it is deeply ironic that quests for security tend to increase subjective insecurity by 'alerting citizens to risk and scattering the world with visible reminders of the threat of crime' (2003: 163).

Managers of commercial outlets and shopping centres are acutely aware of the potential negative implications of intrusive or overly harsh security measures. They are often more aware of the communicative properties and symbolic messages given out by physical and tangible forms of security and associated information. A Northumbria Police Officer working in partnership with the MetroCentre noted this different mentality:

It's important that we recognise that the MetroCentre have a much greater concern for their image, for the power of PR, and advertising,

than perhaps we're used to dealing with. They want to avoid bad PR at all costs. I think in the past there have been difficulties . . . where we wanted to put up notice boards saying 'look after your valuables, watch where you park in the MetroCentre' and that sort of activity just seems absolutely impossible because you can imagine the negative impact that they would see that having.

An environment that suggests danger through overt security is less likely to constitute a conducive place in which to spend and consume. A senior Security Industry representative highlighted the conundrum presented by selling and delivering security *qua* commodity:

Two big problems you have when delivering security services are: first, the better you are at it, the less there appears to be a need for it; and the second thing is that it has to be possible, the more you put in security measures, the more restricting it becomes to other people. So it's getting the balance – security must be understood and appreciated, unpredictable but reliable.

There is, thus, a paradox in rendering security simultaneously apparent but non-intrusive; in reassuring users (customers) of protection from unpredictable and unknown risks or unpleasant encounters with 'others' but at the same time offering an aesthetically pleasing, enticing and not overtly hostile environment. Some leisure outlets and retail units prefer not to associate themselves too closely with overt security, for fear that potential customers may be put off by the impression this may give about a place being insecure. For example, MetroLand (a leisure theme park in the MetroCentre) did not have officially titled security officers. Rather, security was a latent function of all employees, albeit some more than others. In part, this is because MetroLand managers were wary of presenting an image of a place where security is necessary as it may make customers feel that the MetroLand is an unsafe place:

We don't have them in security uniforms. We have our own uniforms . . . We don't want to look as if we need a high presence of security because that tends to make people think. There's two ways of looking at it. You either feel very secure or you think there's a problem and that's why you've got extra security. [MetroLand Manager]

This echoes with Shearing and Stenning's (1987) analysis of Disney World, where embedded policing take a particularly 'cute' form. In these and analogous places, features of embedded security constitute core elements of the cultural experience and attraction, encouraging a more pervasive but consensual style of policing. Consequently, designated

guards may be replaced (or supplemented) by the dispersal of security arrangements into the fabric of the environment and the occupational responsibilities of all employees.

In places like the MetroCentre, as in Disney World, rules of acceptable behaviour are set out in elaborate 'codes of conduct', backed up by forms of surveillance, monitoring and enforcement, some elements of which are more or less overtly visible than others. They represent a particular type of space in which people are invited to conform to certain defined norms of civility. Here, powers of 'contractual governance' (Crawford 2009a) operate in which the regulatory force of 'membership rules' contain behavioural preconditions. The cornerstone of conditionality is supported by forms of 'preventive exclusion' (von Hirsch and Shearing 2000) on the basis of either an individual's profile or because of some act he or she has committed, as a result of which they are deemed to constitute a 'bad risk'. Preventive exclusion forecloses disruptive behaviour by turning it away.

There are also ways in which private forms of control seek to induce conformist behaviour, often by appealing to instrumental compliance. Private security inscribes incentives for orderly conduct in what Kempa *et al.* refer to as a 'rewards infrastructure' (1999: 206), not only in terms of the goods on offer but also by way of 'experience'. For example, MetroCentre security also participated in 'soft' forms of control through schemes to encourage 'pro-social' behaviour amongst young people, such as the SMART card initiative to promote 'good citizenship'.¹⁷ In a highly instrumental fashion this scheme sought to inculcate a consumerist logic among young people; one of commodity exchange – behaviour for rewards. This is a good example of the potential elision between public values and private concerns, but also the role of private interests in welcoming 'good consumers' whilst preventing security risks.

Codes of conduct: 'no hoodies'

A further example of the finely grained nature of the ambiguous relationship between commercial imperatives and security was apparent in the public furore that accompanied the Bluewater shopping

¹⁷ The SMART card initiative was aimed at 7–17-year-old youths and designed to reward good behaviour with points that could be converted into money and used in shops in the MetroCentre. Points could also be removed for bad behaviour.

centre's banning of 'hoodies'. In May 2005, it was reported that managers at the Bluewater shopping centre in Kent had drawn up a code of conduct for the centre which outlined conditions of entry. People contravening it would be asked to leave the complex. The rules outlined the standard of behaviour expected, including not smoking, leafleting or canvassing on site. Guidelines said that intimidating behaviour by groups or individuals, antisocial behaviour and wearing clothing which deliberately obscures the face, such as hooded tops and baseball caps, were not allowed.¹⁸ In addition to banning head coverings (other than those used for religious purposes) and swearing, the code declared that 'groups of more than five without the intention to shop will be asked to leave the centre'.¹⁹ The Bluewater property manager explained the thinking behind the code: 'We're very concerned that some of our guests don't feel at all comfortable in what really is a family environment.' The local police commander added: 'By clearly setting acceptable standards of behaviour, this code will allow staff and police officers to work together in maintaining the quality of experience for guests.'²⁰

In the wider media the ban was largely interpreted as an attack on young people. Whilst some commentators noted the irony that the centre, in essence, was banning the wearing of items that were sold in the shops in the centre, others encouraged young people to use their commercial power to boycott the centre. Kathy Evans, Policy Director of The Children's Society was quoted as saying: 'We urge children and young people to use their yearly spending power of £70 million to reverse the ban on so-called "yob" clothing at Bluewater shopping centre.'²¹ Given the potential commercial fallout, Bluewater hastily responded by saying it was not a complete ban and it was not solely directed at children. However, they also declared that 22.6 per cent more shoppers went through the doors in the weekend following the ban compared with the same weekend the previous year.²² Whilst the then prime minister, Tony Blair, endorsed the ban and other centres came out in support – Trafford Centre declared that it had been operating a ban since it opened in 1998 – others preferred not to be associated with such sweeping bans and negative publicity.

¹⁸ <http://news.bbc.co.uk/1/hi/england/kent/4534903.stm>.

¹⁹ www.msnbc.msn.com/id/7897532/.

²⁰ <http://news.bbc.co.uk/1/hi/england/kent/4534903.stm>.

²¹ <http://news.bbc.co.uk/1/hi/england/kent/4545657.stm>.

²² www.telegraph.co.uk/news/uknews/1490357/Bluewater-profits-from-hoodies-ban.htm.

Exclusion from public spaces

Notable examples of the manner in which dynamics of exclusion from public spaces have become key elements of contemporary urban governance are to be found in a variety of antisocial behaviour interventions that have been introduced in recent years.²³ The capacious definition of 'antisocial behaviour' extends to a wide range of activities, incivilities and crimes. In legislation, it is defined as behaviour that 'causes or is likely to cause harassment, alarm or distress' to others. This broad characterisation is both subjective and context-specific as it rests on the perceptions of others. In this, British developments have parallels with 'civility laws' in the USA (Beckett and Herbert 2008). In the UK, interventions and orders tend to take one of two forms either by targeting identified individuals or by focusing on designated places. In addition to dispersal orders (discussed below), place-based restrictions include curfew orders, designated public places orders (DPPOs)²⁴ and alcohol-related directions to leave an area.²⁵ Person-specific restrictions include the antisocial behaviour order (ASBO), a civil order for those aged ten or over which prohibits stated conduct for at least two years – often including bans from designated areas.²⁶ Breach of the order is a criminal offence with a possible five years' imprisonment. In addition, acceptable behaviour contracts (ABCs) are increasingly widely utilised. These are 'voluntary' agreements and as such do not have direct legal consequences, but may lead to, and inform, an ASBO application. Like ABCs, exclusion from public and private places may be written into or attached to criminal sentences, youth offender contracts and bail conditions. Collectively, these new regulatory tools muddy the traditional distinctions between civil remedies and criminal sanctions and introduce a form of preventive exclusion that seeks to govern future behaviour

²³ This is not to suggest that exclusion from public places is a wholly novel development. There is a long history of public powers to exclude from public space, for example the Riot Act, public order powers and s. 222 Local Government Act 1972 which gives local authorities the right to apply for an exclusionary injunction.

²⁴ DPPOs were introduced by s. 13 Criminal Justice and Police Act 2001 and give police powers in designated areas in relation to alcohol drinking in public places. Failure to comply with an officer's requests to stop drinking or surrender alcohol without reasonable excuse is an offence.

²⁵ This grants police powers (under s. 27 Violent Crime Reduction Act 2006) to give directions to leave a locality for up to 48 hours to someone aged 16 or over who is likely to cause or to contribute to the occurrence of alcohol-related crime or disorder in that locality. No prior designation is required.

²⁶ Introduced by s. 1 Crime and Disorder Act 1998.

rather than regulate past conduct. They also cede considerable discretion and quasi-judicial decision-making authority to non-judicial officers and seek to enlist informal social control, by prompting action by members of the wider community. Echoing the broken-windows thesis, the meaning of acts or omissions derives less from what they are than from what their consequences are or might be, largely due to the ways in which they are interpreted by others. The shift in focus no longer entails a concern to know or account for past or present incidences but rather to disrupt, reorder and steer possible futures.

Rather than review the full panoply of powers and strategies (see Crawford 2009b), I will illustrate the use of two developments with particular implications for the ways in which young people as 'non-consumers' are problematised and policed: the dispersal order and the Mosquito, the former the creation of government and the latter the invention of private enterprise.

The dispersal order²⁷

The Anti-Social Behaviour Act 2003 provides police in England and Wales with powers to disperse groups of two or more people from designated areas where there is believed to be significant and persistent antisocial behaviour and a problem with groups causing intimidation.²⁸ The powers are exceptional in that they are both time-limited and geographically bounded to specific areas that have been authorised for their use. Within a designated zone a police constable or CSO may disperse groups where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. The officer may direct people in the group to disperse and prohibit anyone who do not reside in the designated area from returning to the relevant locality for a period up to twenty-four hours. No offence is committed if an officer chooses to use the power to disperse. If individuals refuse to follow the officer's directions, however, they will be committing an offence.²⁹ The Act provides additional powers for police to remove young people aged under sixteen without

²⁷ The discussion that follows draws upon the Joseph Rowntree Foundation funded research into *The Use and Impact of Dispersal Orders* (Crawford and Lister 2007).

²⁸ Analogous (although slightly less extensive) powers are available in Scotland. For an analysis of the differences between the legislation in Scotland and England and Wales, and an assessment of the case law development, see Crawford (2008).

²⁹ Punishable by up to 3 months imprisonment and/or a fine of up to £5,000.

a parent or responsible adult to their home address from the authorised area between the hours of 9.00 p.m and 6.00 a.m. Although commonly referred to as 'a curfew power', this element of the legislation differs significantly from earlier 'child curfew orders', which remain unused in England and Wales. According to Home Office estimates, between their introduction in January 2004 and April 2006, some 1,065 areas were authorised as dispersal zones across England and Wales (Home Office 2007).

Preventive exclusion

Rather like the ordinances introduced in the USA to deal with gangs, as Levi (2009: 132) highlights, dispersal orders were designed to police the 'doing of nothing', not only to prevent what might happen, the 'doing of something', but also to address the perceived affront to local social order and perceptions of intimidation represented by the visible presence of young people congregating in contested public places. As such, dispersal powers, like forms of exclusion from private property, have a decidedly preventive and pre-emptive logic. They are justified in terms of preventing people from feeling fearful and, hence, discouraged from using public spaces or forestalling an escalation of antisocial behaviour and crime. Rather than sanctioning specific behaviour, what is called into question is 'the failure to reassure' on the part of certain individuals and groups deemed risky. 'Liability for failure to reassure someone in authority about your future conduct', as Ramsay (2008: 120) notes, 'is a legal burden akin to a presumption of guilt. It reverses the onus of proof in respect not of accusations about the past, but of fears about the future'. Not affronting prevailing sensibilities regarding visible representations of local social order becomes a precondition for access to and use of certain urban spaces.

In tandem with other civil preventative orders and antisocial behaviour interventions, dispersal orders seek to govern future behaviour primarily on the basis of exclusion from specific places for a certain (limited) period of time. They constitute a form of 'preventive exclusion' that implies a 'precautionary approach' (Sunstein 2005). Consequently, the 'likelihood' that future acts might cause 'harassment, alarm or distress' and 'preventing' the occurrence of certain behaviours become the touchstones for intervention. People (youths) are judged in terms of what they *might* do. Anticipating and forestalling potential harm constitute a form of temporal and conceptual 'pre-crime' implied in quests for security (Zedner 2007).

In governing the future, however, uncertainty prevails. Whilst the science of 'prediction' has begun to enter the world of governing human affairs, including policing (Harcourt 2007), in reality the scientific knowledge-base for prevention and pre-emption remains too ambiguous to be reliable. In the absence of 'rationalistic' science to inform risk calculations, subjective public perceptions become the volatile basis for this predictive governance. The wide-ranging restrictions attached to ASBOs are a testimony to the precautionary principle in operation. The dispersal order takes this logic further by implicitly clearing certain contested streets of young people as a precaution that they might intimidate others. There is no necessary attempt to induce changes in behaviour by appeals to normative standards or inculcate moral values, merely a command to 'keep out'. Consequently, dispersal powers bypass the agency of the individuals concerned. The precautionary logic of public protection and reassurance takes precedence over attempting to know or understand individuals or their motivations. However, once the individuals have been given a direction to leave a dispersal zone they are treated as wilful and rational actors who either comply with or flout the conditions set down. Their agency becomes crucial to their prospects of criminalisation. A key element of the dispersal order, therefore, lies in the manner in which future conduct is regulated through the discretionary conditions attached to the direction to disperse.

Who is welcome in the city?

In London during the year 2006–7 the majority of the eighty-five dispersal zones were authorised in shopping areas, town-centre locations and around train/bus stations. In these settings, dispersal powers were invariably targeted at identified groups of perceived 'troublemakers'. These groups were routinely informed of the powers and dispersed whilst other people using or visiting the areas were unaffected by, and often oblivious to, the existence of the order. In one city-centre location in the north of England, groups of teenagers were targeted as much for their appearance as anything else. The dispersal authorisation had been prompted by large gatherings of youths known as 'moshers'³⁰ around the entrance to a shopping arcade. Police managers acknowledged that part of the problem was one of managing the image of places as conducive to

³⁰ An alternative teenage youth subcultural group that wear black clothes and have a reputation for looking depressed!

business rather than actual levels of crime and antisocial behaviour caused by the youths:

A lot of this is around the moshers . . . Actually, in terms of their involvement in crime and such, [there are] no issues at all, but they do cause, by their behaviour and the fact that they are gathering in very large groups up and around the [shopping arcade], a great deal of concern for certain groups of people.

A shopkeeper within the arcade identified the wider economic pressures that informed the instigation of the dispersal order:

It's not about youth, it's not about how people look, it's not even necessarily about how individuals behave, it's about the slow death of the [shopping arcade] . . . The last 15 years has seen a slow succession of owners hiking the rents more and more and have made it even harder for us to survive . . . Now if you take that situation and plonk any mass group outside the front door that reduce the number of people coming into the centre, it's just going to get worse.

It was somewhat incongruous that congregations of pasty-faced teenagers 'hanging around' were being dispersed whilst groups of evening revellers and university students that visited neighbouring bars and clubs – whose drunken antics often took the form of genuine antisocial behaviour – were courted and welcomed. The difference was that the latter came to spend money in the city's burgeoning night-time economy; an accepted by-product of which appears to be the toleration of significant levels of crime and disorder (Hadfield 2006).

This reinforces the inherent messages sent out by dispersal orders concerning who is deemed to be welcome within particular public places and whose presence is regarded as inappropriate, less because of their behaviour and more because of the way others perceive them. It would appear, that dispersal orders fit within a wider trend of urban renaissance in which: 'The culture of respect is manifest largely as a mode of conduct – namely, consumption' and 'the streets are being reclaimed through the exclusion of those who do not conform to this mode of conduct' (Bannister *et al.* 2006: 924). The dynamics of exclusion previously confined to the insides of shopping malls and other examples of 'mass private property' gradually are spilling out into the public realm. The tensions apparent there are now being exposed in public streets where dispersal orders are in operation in commercial areas. The liberality of the inclusive invitation to visit and consume is mirrored in a darker subaltern desire to eject 'failed consumers' and ban 'undesirables'.

There are evident parallels between the British dispersal powers and anti-loitering laws in the USA, such as the Gang Congregation Ordinance enacted in Chicago in 1992. The ordinance had required police to order any group of people standing around ‘with no apparent purpose’ to move on if an officer believed at least one of them belonged to a criminal street gang. Those who refused to comply promptly with such an order were committing an offence and could be arrested.³¹ The ordinance was introduced against the background of a considerable surge in gang-related violence (fuelled by the sale and distribution of crack cocaine) and prompted by a series of public meetings at which residents and aldermen called for legal action to curb gang activities (Levi 2009). By 1995, Chicago police had issued 89,000 dispersal orders under the ordinance and made 42,000 arrests (Harcourt 2001: 51). Most of those arrested were Black or Latino. In a landmark judgment in the case of *Chicago v. Morales* (1999)³² the Illinois Supreme Court struck down Chicago’s anti-loitering ordinance, asserting that it was unconstitutionally vague³³ and provided law enforcement officials too much discretion to decide what activities constitute loitering. It was deemed too vague because it proscribes no unlawful conduct in addition to the act of loitering. In delivering the main opinion for the majority, Justice John Paul Stevens declared: ‘If the loitering is in fact harmless and innocent, the dispersal order itself is an unjustified impairment of liberty’, even if it did reduce crime. He went on to add: ‘It criminalized status, not conduct . . . It allows and even encourages arbitrary police enforcement.’

In a dissenting judgment, Justice O’Connor detailed how Chicago might have drafted the ordinance so as to withstand constitutional scrutiny by specifying those that loiter in order to ‘establish control over identifiable areas or to intimidate others from entering those areas’. This was taken up by city officials who drafted a new ‘dispersal order’ which defined gang-loitering in a narrower way to mean ‘remaining in any one place in circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable a criminal street gang to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities’ (Palomo 2002: 746). A revised ordinance was passed by the city council in February 2000

³¹ Chicago Municipal Code 8-4-015 (1992) Gang-Related Congregations. Penalties for violation included a fine of between \$100 and \$500 or imprisonment up to six months, or both.

³² 527 U.S. 41. ³³ Under the Due Process Clause of the Fourteenth Amendment.

which restricts enforcement to use in particular 'hot spots' (as defined by the police superintendent) and to specified times periods rather than across the entire city. This narrowing of the powers has been argued by some as threatening to blur an already fading line between the generalised criminal law and more particularised and targeted injunctions with implications for the racialised differential policing of urban spaces (Strosnider 2002). Nevertheless, this revised dispersal power is defined noticeably more restrictively than its British equivalent, as well as being targeted at significantly more serious forms of criminal behaviour.

The Mosquito

An ultrasonic device known as a 'Mosquito' entered the market, providing an apparent technological 'solution' to the perceived problem of loitering youths. The device emits high-frequency screeching sounds that carry over a distance of roughly twenty metres, which are audible only to those under about twenty to twenty-five years of age. Developed by its inventor Howard Stapleton in Merthyr Tydfil, it was first installed outside a Spar shop in Barry, South Wales.³⁴ Introduced into the British market in 2006, the Mosquito is marketed through a company, Compound Security Systems, which claims to have sold over 3,500 units across the UK in the first year of sales. The product is being marketed in Canada, USA, Belgium, France and the Netherlands. The company's website proudly boasts:

The Mosquito™ ultrasonic teenage deterrent is the solution to the eternal problem of unwanted gatherings of youths and teenagers in shopping malls, around shops and anywhere else they are causing problems. The presence of these teenagers discourages genuine shoppers and customers from coming into your shop, affecting your turnover and profits. Anti social behavior has become the biggest threat to private property over the last decade and there has been no effective deterrent until now.³⁵

The device purports to afford a technological means of dispersing youths regardless of their motivation or behaviour in an impersonal and indiscriminate way. As a mode of control it is unconcerned with and bypasses

³⁴ It was subsequently removed, however, at the insistence of the local community safety partnership.

³⁵ www.compoundsecurity.co.uk/teenage_control_products.html.

individuals, their motivations or agency. It manages youths as a population group. It does so without any notion of what to say to them, how to engage and reason with them or even how to socialise them. It lacks any attempt to inculcate pro-social behaviour or moral values, but instead emits a droning noise that implicitly says 'go away'. This would appear to reflect a rather hollow approach to young people on the part of adult society.³⁶

In February 2008, a national campaign entitled 'BUZZ OFF' was formed to seek a ban on the Mosquito product, led by the Children's Commissioner, the National Youth Agency and Liberty. At the launch, Shami Chakrabarti, Liberty's director, posed the following poignant question:

What type of society uses a low-level sonic weapon on its children?
Imagine the outcry if a device was introduced that caused blanket discomfort to people of one race or gender, rather than to our kids.
The Mosquito has no place in a country that values its children and seeks to instill them with dignity and respect.³⁷

Nevertheless, the device has been enthusiastically embraced by some retailers and police forces. In a statement issued in response to the above campaign, the government released a statement saying: "Mosquito alarms" are not banned and the government has no plans to do so.³⁸

However bizarre and controversial, in essence, the Mosquito is not new as a technology of control but rather borrows from and adapts established strategies deployed in privately managed shopping centres. Often referred to as the 'Manilow method', many shopping centres have deliberately played music that is unpopular with young people thereby encouraging them to move away. It appears that local councils have picked up on this idea. It was reported in 2006 that the Local Government Association had compiled a list of such songs for councils to play in trouble spots in order to move youths on, including Lionel Richie's 'Hello' and St Winifred's School Choir's 'There's No One Quite Like Grandma!'³⁹

Like dispersal orders, the Mosquito and analogous strategies are designed to keep young people on the move, to stop them from loitering and idly congregating in a 'liquid modern' city (Bauman 2000) that

³⁶ In an interesting adaptation of technology, anecdotal evidence suggests that some young people record the Mosquito sound on to their mobile phone as a ring tone, so that they can hear the phone ring without attracting the attention of a teacher!

³⁷ www.liberty-human-rights.org.uk/campaigns/buzz-off/index.php.

³⁸ <http://news.bbc.co.uk/1/hi/uk/7241527.stm>.

³⁹ According to Matthew Norman in the *London Evening Standard*, 12 June 2006.

celebrates mobility, movement and circulation. In this context, 'doing nothing' whilst simultaneously disrupting the free circulation of people and goods constitutes a threat to 'good order'.

The urban night-time

They said it changes when the sun goes down.
Around here.

Arctic Monkeys, *When the Sun Goes Down* (2005)

Commentators who suggest that urban centres are becoming cleansed of disorder and sanitised by forms of zero-tolerance policing and civility laws (Smith 2001; Eick 2006) must however, confront the fact that the night-time economy, so vital to the fortunes of most British urban centres, constitutes a place in which disorder is an essential by-product of a brand of alcohol-infused consumption, in which normal constraints of social behaviour are loosened. The revitalisation of British city centres in the 1990s was directly coupled to the expansion of the night-time economy, with the alcohol industry playing a pivotal role in this regeneration. Pubs, clubs and other night-time outlets have become important elements of post-industrial urban prosperity by attracting inward flows of capital investment and new consumers. Between 1992 and 2001 there was a 328 per cent increase in the capacity of licensed premises in the West End of London, whilst the number of premises licensed to operate beyond 1.00 a.m. doubled between 1993 and 2001 (Hadfield 2006: 52). This 'progression of a commercial frontier' has been actively facilitated by the local state's deregulatory stance and its encouragement of 'municipal entrepreneurship' (Hobbs *et al.* 2003). The trend towards market-led liberalisation of the retailing of alcohol was further advanced by the Licensing Act 2003, which introduced '24-hour' drinking. It is estimated that in England and Wales alone the licensed trade employs around 1 million people and creates one in five of all new jobs, whilst the pub and club industry presently turns over £23 billion, equivalent to 3 per cent of the UK gross domestic product (Hayward and Hobbs 2007: 448).

The British approach to licensing and regulation has framed alcohol consumption in terms of increasing tourism and economic development rather than disorder (Roberts 2009). As a result, the city at night has become 'a spatial and temporal location where the routine restraints of the day are supplanted by a *mélange* of excitement, uncertainty and pleasure' (Hayward and Hobbs 2007: 442). In late-night city centres,

types of disorder, antisocial behaviour and violence associated with excessive drinking are acted out, heralding new security demands. But order is not the prerequisite for the night-time leisure experience that it is for the day-time shopper. The commercial imperative of the night-time economy is 'the exploitation of hedonism' (Measham and Brain 2005: 275). In the night-time the city centre becomes transformed into a different place in which reordered behavioural norms, interpersonal interactions and instruments of social control both circulate and are normalised. As such, the night-time city centre attracts and is used by different types of consumers. The young patrons of the night-time are attracted and lured by the thrill, risk and hedonistic enjoyment that such 'liminal places' offer. The seductions of the city 'when the sun goes down' are not the cleansed and sanitised spaces of Relph's (1987: 253) 'Quaintspace' or Disney World but the more edgy, carnivalesque qualities of transgression and 'urban excess' (Presdee 2000). As Hobbs *et al.* argue, 'consumers of the night-time leisure experience are encouraged to regard our urban centres as liminal zones: spatial and temporal locations within which the familiar protocols and bonds of restraint which structure routine social life loosen and are replaced by conditions of excitement, uncertainty and pleasure' (2003: 43). This engenders a tense relationship between the market-driven and cultural processes that foster alcohol-related excess and disorder and those forces that seek to exert some form of control and order over the resultant drink-induced problems.

Here consumer culture and security are more ambiguously juxtaposed. Capital accumulation, with its potential crimogenic qualities, may prevail over orderliness. The moral injunctions to comportment, discipline and productivity recede in the face of the alcohol industry's brand of 'marketized liminality' (Hayward and Hobbs 2007: 439). Transgression itself becomes commodified: 'Rather than attempting to curtail the excitement and emotionality that, for many individuals, is the preferred antidote to ontological precariousness, the market chooses instead to celebrate and, very importantly, commodify these same sensations' (Hayward 2004: 173). When the sun goes down, the liberal invitation to spend and consume shifts a gear and takes a different orientation. Order is less the prerequisite that it is in the daytime. Rather, disorder becomes an integral part of the allure of consumption.

These 'crimogenic zones' are not peculiarly British (see Campo and Ryan 2008; Hadfield 2009), albeit they express a particular British cultural phenomena and sensibilities. But ultimately, it is the reality of

consumption rather than the chimera of carnival that prevails. Contrary to Flusty's contention that cities are becoming places where 'excitement is unmarred by uncertainty and risks are ultimately riskless' (2001: 664), the alcohol-drenched urban centres of British cities are far from being 'cozily familiar and candy-coated' places. Nevertheless, there are distinct control efforts to contain these 'designated zones of patterned liminality' (Hayward and Hobbs 2007: 443) as discrete micro-districts 'protected' from other locations in which social norms associated with contemporary city life prevail. This reinforces the point that Young makes about the permeable and shifting boundaries of contemporary exclusions. The urban borders that separate rich and poor 'are not islands of isolation: they are porous vessels in which osmosis of a very calibrated kind occurs' (Young 2007: 31). Furthermore, in given contexts these 'vessels' must be understood as determined not only spatially but also temporally.

Conclusion

I have sought to illustrate the manner in which strategies and technologies of 'preventive exclusion' deployed and developed on private property now routinely inform the governance of public spaces. Through urban 'growth coalitions', public-private partnerships and novel developments in property relations, we have seen a cross-fertilisation and blurring of public and private modes of regulation and policing. Commercially oriented strategies that combine dynamics of inclusion and exclusion now increasingly structure city centres and street corners. In the process, urban spaces are being 'reordered' through the banning and dispersal of those who do not conform to the consuming majority or those whose appearance jars with the prevailing vision of an ordered world in which security pervades urban environments. However, as I have sought to highlight, the relationships between inclusion and exclusion on the one hand and commercial imperatives and security demands on the other are ambiguous. In specific contexts and at certain times, the logics of security get in the way of, and disrupt, business interests. Disorder, itself can become both a prerequisite for, and a by-product of, consumption. Consequently, cities (British cities at least) remain variegated places in which a culture of consumption both demands dynamics of finely graded and sometimes porous preventive exclusion and simultaneously entices disorderliness. It hosts both sanitising and de-sanitising impulses. Hence, the shapes taken by contemporary urban exclusions are at once more intense and deeply implicated

by the needs of consumption and yet have permeable and shifting temporal and spatial boundaries rather than solid and fixed contours.

Contemporary efforts to revitalise or 'aestheticise' public space are informed by particular understandings of 'place as product' in which prevailing commercial imperatives and security demands have implications for styles of governance. Forms of preventive exclusion, filtering and conditionality increasingly structure the urban landscape. This increasing dominance of a commercial logic in the branding and governing of urban spaces reinforced an image of youth as problematic and young 'non-consumers' as unwanted. In inferring to young people that they are not welcome in certain essential public places, we may not only be criminalising youth sociability and alienating swathes of young people on the basis of adult's anxieties and assumptions about what young people might do, but we may also be conveying stark messages about the status and value of young people more generally. There are evident concerns that in the haste to create aesthetically pleasing and orderly environments 'flawed consumers' are being pushed to the margins, out of sight and out of mind. In the rush to 'make a difference' and do something about public anxieties, normative questions of constitutional principles, rights of assembly, free movement and expression and proportionality have largely been swept aside. Troublesome, irksome and disturbing behaviour no longer serves as a reminder of the need for a politics of social solidarity and care, but is seen as an outcome of personal choice in which individuals appear as the authors of their own predicament. Containing the social threat they pose and excluding those unwilling or unable to meet the conditions of belonging appear to be becoming the order of the day.

References

- Atkinson, R. and Blandy, S. (2005) 'International perspectives on the new enclavism and the rise of gated communities', *Housing Studies*, 20(2), 177–86.
- Bannister, J., Fyfe, N. and Kearns, A. (2006) 'Respectable or respectful? (In)civility and the city', *Urban Studies*, 43(5/6), 919–37.
- Bauman, Z. (2000) *Liquid Modernity*, Cambridge: Polity Press.
- (2004) *Wasted Lives: Modernity and its Outcasts*, Cambridge: Polity.
- Beckett, K. and Herbert, S. (2008) 'Dealing with disorder: social control in the post industrial city', *Theoretical Criminology*, 12(1), 5–30.
- (2010) *Banished: The New Social Control in Urban America*, Oxford: Oxford University Press.

- Campo, D., and Ryan, B. (2008) 'The entertainment zone: unplanned nightlife and the revitalization of the American downtown', *Journal of Urban Design*, 13(3), 291–315.
- Cauter, L. de (2005) *The Capsular Civilization: On the City in an Age of Fear*, Rotterdam: NAI Publishers.
- Cook, I. R. (2010) 'Policing, partnerships and profits: the operation of business improvement districts and town centre management schemes in England', *Urban Geography*, 31(4), 453–78.
- Crawford, A. (1997) *The Local Governance of Crime*, Oxford: Clarendon Press.
- (2006a) 'Networked governance and the post-regulatory state?: Steering, rowing and anchoring the provision of policing and security', *Theoretical Criminology*, 10(4), 449–79.
- (2006b) 'Policing and security as 'club goods': the new enclosures?' in J. Wood and B. Dupont (eds.), *Democracy, Society and the Governance of Security*, Cambridge: Cambridge University Press, 111–38.
- (2007) 'reassurance policing: feeling is believing' in A. Henry and D. J. Smith (eds.), *Transformations in Policing*, Aldershot: Ashgate, 143–68.
- (2008) 'Dispersal powers and the symbolic role of anti-social behaviour legislation', *Modern Law Review*, 71(5), 753–84.
- (2009a) 'Restorative justice and anti-social behaviour interventions as contractual governance' in P. Knepper, J. Doak and J. Shapland (eds.), *Crime Prevention, Surveillance, and Restorative Justice: Effects of Social Technologies*, Boca Raton, FL: CCRC Press, pp. 167–94.
- (2009b) 'Governing through anti-Social Behaviour: Regulatory Challenges to Criminal Justice', *British Journal of Criminology*, 49(6), 810–31.
- Crawford, A. and Lister, S. (2007) *The Use and Impact of Dispersal Orders: Sticking Plasters and Wake-Up Calls*, Bristol: Policy Press.
- Crawford, A., Lister, S., Blackburn, S. and Burnett, J. (2005) *Plural Policing: The Mixed Economy of Visible Patrols in England and Wales*, Bristol: Policy Press.
- Crawford, M. (1991) 'The fifth ecology: fantasy, the automobile, and Los Angeles' in M. Wachs and M. Crawford (eds.), *The Car and the City*, Ann Arbor: University of Michigan Press.
- Davis, M. (1990) *City of Quartz: Excavating the Future in Los Angeles*, London: Verso.
- (1998) *Ecology of Fear: Los Angeles and the Imagination of Disaster*, New York: Metropolitan Books.
- Dixon, D. and L. Maher (2005) 'Policing, crime and public health: lessons for Australia from the "New York miracle"', *Criminal Justice*, 5(2), 115–43.
- Eick, V. (2006) 'Preventive urban discipline: rent-a-cops and neoliberal glocalization in Germany', *Social Justice*, 33(3), 66–84.
- Ericson, R. (2007) *Crime in an Insecure World*, Cambridge: Polity Press.
- Ericson, R. and Haggerty, K. (1997) *Policing the Risk Society*, Oxford: Clarendon Press.

- Field, F. (2003) *Neighbours from Hell: The Politics of Behaviour*, London: Politico's Publishing.
- Flusty, S. (1994) *Building Paranoia: The Proliferation of Interdictory Space and the Erosion of Spatial Justice*, West Hollywood, CA: Los Angeles Forum for Architecture and Urban Design.
- (2001) 'The banality of interdiction: surveillance, control and the displacement of diversity', *International Journal of Urban and Regional Research*, 25(3), 658–64.
- Foucault, M. (1977) *Discipline and Punish*, London: Penguin.
- Freeman, A. (1998) 'Go to the mall with my parents? A constitutional analysis of the mall of America's juvenile curfew', *Dickinson Law Review*, 102, 481–539.
- Graham, S. and Marvin, S. (2001) *Splintering Urbanism*, London: Routledge.
- Gray S. F. and Gray, K. (1999a) 'Civil rights, civil wrongs and quasi-public space', *European Human Rights Law Review*, 3(1), 46–102.
- (1999b) 'Private property and public propriety' in J. McLean (ed.), *Property and the Constitution*, Oxford: Hart Publishing, 11–39.
- Hadfield, P. (2006) *Bar Wars: Contesting the Night in Contemporary British Cities*, Oxford: Oxford University Press.
- (2008) 'From threat to promise: nightclub "security", governance and consumer elites', *British Journal of Criminology*, 48(4), 429–47.
- (2009) *Nightlife and Crime: Social Order and Governance in International Perspective*, Oxford: Oxford University Press.
- Harcourt, B. (2007) *Against Prediction: Profiling, Policing and Punishing in an Actuarial Age*, Chicago: University of Chicago Press.
- Harvey, D. (1989) *The Urban Experience*, Baltimore: John Hopkins University Press.
- Hayward, K. (2004) *City Limits: Crime, Consumer Culture and the Urban Experience*, London: Cavendish Publishing.
- Hayward, K. and Hobbs, D. (2007) 'Beyond the binge in "booze Britain": market-led liminalization and the spectacle of binge drinking', *British Journal of Sociology*, 58(3), 437–56.
- Hirsch, A. von and Shearing, C. (2000) 'Exclusion from public space' in A. von Hirsch, D. Garland and A. Wakefield (eds.), *Ethical and Social Perspectives on Situational Crime Prevention*, Oxford: Hart Publishing, 77–96.
- Hobbs, D., Hadfield, P., Lister, S. and Winlow, S. (2003) *Bouncers: Violence and Governance in the Night-time Economy*, Oxford: Oxford University Press.
- Home Office (2006) *Good Practice for Police Authorities and Forces in Obtaining CSO Funding*, London: Home Office.
- (2007) *Tools and Powers to Tackle Anti-social Behaviour*, London: Home Office.
- Johnston, L. and Shearing, C. (2003) *Governing Security*, London: Routledge.
- Jones, T. and Newburn, T. (2007) *Policy Transfer and Criminal Justice*, Maidenhead: Open University Press.

- Kempa, M., Carrier, R., Wood, J. and Shearing, C. (1999) 'Reflections on the evolving concept of "private policing"', *European Journal on Criminal Policy and Research*, 7(2): 197–223.
- Kohn, M. (2004) *Brave New Neighborhoods: The Privatization of Public Space*, London: Routledge.
- Koolhaas, R., Mau, B., Werlemann, H. and Sigler, J. (1995) *S, M, L, XL*, Rotterdam: 010 Publishers.
- Levi, R. (2008) 'Loitering in the city that works: on circulation, activity, and police in governing urban space' in M. D. Dubber and M. Valverde (eds.), *Police and the Liberal State*, Stanford: Stanford University Press, 178–99.
- (2009) 'Making counter-law: on having no apparent purpose in Chicago', *British Journal of Criminology*, 49(2), 131–49.
- Lessig, L. (1999) *Code: And Other Laws of Cyberspace*, New York: Basic Books.
- Logan, J. R. and Molotch, H. (1987) *Urban Fortunes: The Political Economy of Place*, Berkeley, CA: University of California Press.
- Low, S. (2004) *Behind the Gates*, New York: Routledge.
- Mayer, C. (2008) 'Britain's mean streets', *Time Magazine*, 2 April.
- Measham, F. and Brain, K. (2005) "'Binge" drinking, British alcohol policy and the new culture of intoxication', *Crime, Media, Culture*, 1(3), 262–83.
- Minton, A. (2009) *Ground Control: Fear and Happiness in the Twenty-first-Century City*, London: Penguin.
- Mitchell, D. (2005) 'Property rights, the First Amendment, and judicial anti-urbanism: the strange case of *Virginia v Hicks*', *Urban Geography*, 26(7), 565–86.
- Mitchell, D. and Staeheli, L. A. (2006) 'Clean and safe? Property redevelopment, public space and homelessness in downtown San Diego' in S. Low and N. Smith (eds.), *The Politics of Public Space*, London: Routledge, 143–70.
- Neill, W. J. (2001) 'Marketing the urban experience', *Urban Studies*, 38(5), 815–28.
- Newburn, T. and Jones, T. (2007) 'Symbolizing crime control: reflections on zero tolerance', *Theoretical Criminology* 11(2), 221–43.
- Newman, O. (1972) *Defensible Space: People and Design in the Violent City*, London: Architectural Press.
- Palomo, E. (2002) "'The sheriff knows who the troublemakers are. Just let him round them up.' Chicago's new gang loitering ordinance", *University of Illinois Law Review*, 729–60.
- Peel, D., Lloyd, G. and Lord, A. (2009) 'Business improvement districts and the discourse of contractualism', *European Planning Studies*, 17(3), 401–22.
- Presdee, M. (2000) *Cultural Criminology and the Carnival of Crime*, London: Routledge.

- Ramsay, P. (2008) 'The theory of vulnerable autonomy and the legitimacy of civil preventive orders' in B. McSherry, A. Norrie and S. Bronitt (eds.), *Regulating Deviance: The Redirection of Criminalisation and the Futures of Criminal Law*, Oxford: Hart Publishing, 109–39.
- Relph, E. (1987) *The Modern Urban Landscape*, Baltimore: Johns Hopkins University Press.
- Rigakos, G. S. and Greener, D. (2000) 'Bubbles of governance: private policing and the law in Canada', *Canadian Journal of Law and Society*, 15, 145–85.
- Roberts, M. (2009) 'Planning, urban design and the night-time city: still at the margins?', *Criminology and Criminal Justice*, 9(4), 487–506.
- Sennett, R. (1992) *The Conscience of the Eye: The Design and Social Life of Cities*, New York: WW Norton & Co.
- Shearing, C. (1995) 'Reinventing policing: policing as governance' in F. Sack, M. Vob, D. Frehsee, A. Funk and H. Reinke (eds.), *Privatisierung Staatlicher Kontrolle: befunde, konzepte, tendenzen*, Baden-Baden: Nomos Verlagsgesellschaft, 70–87.
- Shearing, C. and Stenning, P. (1981) 'Modern private security: its growth and implications', *Crime and Justice*, 3: 193–245.
- (1987) "'Say cheese!': The Disney order that is not so Mickey Mouse' in C. Shearing and P. Stenning (eds.), *Private Policing*, London: Sage, 317–23.
- Smith, N. (2001) 'Global social cleansing: postliberal revanchism and the export of zero tolerance', *Social Justice*, 28(3), 68–75.
- Sorkin, M. (1992) (ed.) *Variations on a Theme Park: The New American City and the End of Public Space*, New York: Hill and Wang.
- Staeheli, L. A. and Mitchell, D. (2006) 'USA's destiny? Regulating space and creating community in American shopping malls', *Urban Studies*, 43(5/6), 977–92.
- Strosnider, E. (2002) 'Anti-gang ordinances after *City of Chicago v. Morales*: the intersection of race, vagueness doctrine, and equal protection in the criminal law', *The American Criminal Law Review*, 39, 101–46.
- Sunstein, C. (2005) *Laws of Fear: Beyond the Precautionary Principle*, Cambridge: Cambridge University Press.
- Swaaningen, R. van (2008) 'Sweeping the street: civil society and community safety in Rotterdam' in J. Shapland (ed.), *Justice, Community and Civil Society: A Contested Terrain*, Cullompton: Willan, 87–106.
- Wakefield, A. (2003) *Selling Security*, Cullompton: Willan Publishing.
- Wilson, J. Q. and Kelling, G. (1982) 'Broken windows', *The Atlantic Monthly*, March, 29–37.
- Wood, J. and Shearing, C. (2007) *Imagining Security*, Cullompton: Willan Publishing.

- Young, J. (1999) *The Exclusive Society*, London: Sage.
(2007) *The Vertigo of Late Modernity*, London: Sage.
- Zedner, L. (2003) 'Too much security?', *International Journal of the Sociology of Law*, 31, 155–84.
(2007) 'Pre-crime and post-criminology', *Theoretical Criminology*, 11(2), 261–81.

PROOF