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Chapter 4

Anti-social Behaviour and 'Civilizing' Regulation in the British City: Comparing Victorian and Contemporary Eras

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Introduction

Urban history has always been concerned with the governance of 'unruly spaces, marginal subjects and deviant practices' (Crook, 2008: 414). Precedents for the governance of anti-social behaviour in the Victorian and our contemporary period may be found in preceding eras, including the annoyance juries of the mid-eighteenth century regulating minor neighbour disputes and the Disorderly Houses Act, 1752 responding to concerns about alcohol and drug misuse, riotous conduct and sexual promiscuity and commercialisation (Cockayne, 2007; Cruickshank, 2009). The end of the Georgian era and early Victorian period were characterised by a reframed consciousness about urban improvement with new forms of civic morality and new models of urban management to address the challenges of urban and commercial expansion; symbolised by the emergence of police as a broad mechanism of urban governance, rooted in concerns with criminality, anti-social behaviour and the urban poor (Barrie, 2010).

The chapter begins by summarising the contemporary governmental architecture and apparatus to address anti-social behaviour that was constructed in the New Labour period and has continued under the Conservative-Liberal Democrat Coalition Government that came to power in 2010. It then explores the historical problem figuration of anti-social behaviour, drawing on the work of the German sociologist Norbert Elias and other theorists. Both the precedents and key differences of Victorian and contemporary periods are examined in turn. The chapter concludes that the wider contemporary urban context increasingly resembles the landscape and circumstances of Victorian British cities and that a sociological focus on longer-term historical

figurations can illuminate our understanding of the continuities and discontinuities of these two eras.

The contemporary governance of anti-social behaviour

Tackling anti-social behaviour was a major priority of the New Labour governments between 1997 and 2010 (see Flint, 2006; Squires, 2008; Millie, 2009a and 2009b), operationalized by a range of new governmental mechanisms. These included Anti-social Behaviour Orders (ASBOs), Dispersal Orders, Parenting Orders, Acceptable Behaviour Contracts and strengthened powers of housing management, including enhanced eviction and tighter tenancy eligibility, surveillance and controls. There was also an expansion in the use of intensive family intervention projects, using key workers to investigate all elements of a household's circumstances and offer holistic packages of support and sanction (Flint, 2012).

The Conservative-Liberal Democrat Coalition Government, that came to power in 2010, has maintained a governmental focus on anti-social behaviour and a new Anti-social Behaviour, Crime and Policing Act 2014 received Royal Assent in March 2014 (House of Commons Library, 2013a). This Act streamlines 19 existing legislative powers into six: Injunctions to Prevent Nuisance and Annoyance; Criminal Behaviour Orders; Community Protection Orders; Public Space Protection Orders; Closure Notices/Closure Orders; and Dispersal Powers. The Coalition Government critiqued New Labour's enforcement approach, arguing that it failed to address the underlying causes of anti-social behaviour, emphasising the need to prioritise prevention and 'a second chance society' and making the economic case for intensive intervention. The Government has also sought to facilitate an enhanced role for the community, voluntary and private sectors in addressing anti-social behaviour (Home Office, 2011, 2012). Similar to New Labour, housing remains a central element of governmental intervention; with a new emphasis on rogue landlords and anti-social

behaviour in the private rented sector (Communities and Local Government, 2011; DCLG, 2012a; House of Commons Library, 2013b).

In combination with the new Anti-social Behaviour, Crime and Policing Bill, the Coalition's flagship initiative is the £448m Troubled Families Programme (TFP), coordinated by the Troubled Families Unit which aims to 'turn around the lives' of 120,000 families during the 2010–2015 Parliament (CLG, 2012). Every local authority in England is required to identify their most troubled families, appoint a coordinator and design and deliver services and interventions, with a new payment by results mechanism that proportionately funds local authorities depending on (self-verified) reductions in anti-social behaviour, school exclusions and truancy; engagement in work programmes and/or movement off out of work benefits (Communities and Local Government, 2011; DCLG, 2012b). The Scottish Government (2009) has also prioritised prevention and engagement in its framework for tackling anti-social behaviour, 'Promoting Positive Outcomes.'

Despite the Coalition Government's rhetorical differentiation from New Labour, the rationalities and techniques being deployed retain key elements of the previous regime, including an emphasis on early intervention, intensive whole-family projects and a belief in 'non-negotiable' support and the deterrence powers of sanctions (Home Office, 2011, 2012). In contrast to the Coalition's rhetorical critique of the punitive elements of existing powers, the new powers being introduced actually broaden the range of behaviours that may be defined as 'anti-social,' lower thresholds and burdens of proof, and extend the geographical reach of intervention. These techniques of governance reflect the broader figuration of the nature of anti-social behaviour as a problem, to which the chapter now turns.

Problem figuration

Figuration is the term used by Elias to refer to 'the modes of living together of humans' (Elias in Kilminster, 2014: 6). It emphasizes the dynamic nature of human relations with figurations in a

state of flux as power relations shift, altering the nature of the social interdependencies between individuals and groups (see Elias, 1978; 2000). There are many similarities in the Victorian and contemporary 'problem figuration' (Van Wel, 1992: 148) of 'anti-social' families requiring intervention: that is the socially constructed nature of the images of problematic households and the nature, causes and implications of the problem to be addressed, which as Fritz Van Wel (1992) argues, have always comprised both rational and fictional elements. Firstly, in both eras, the efforts of the police, courts, local authorities and philanthropic organisations were and are primarily focused on regulating the 'rougher' or 'outsider' elements of working-class culture; seeking to exert control over public spaces and streets by clamping down on vagrancy, begging, disorderly behaviour, prostitution and illegal drinking practices (Barrie, 2010). For example, Andy Croll emphasises the importance of public space to the Victorian sensibility and understandings of the social order. Prostitutes, corner gangs and public drunks were characters who could 'invert the norms of civilised street behaviour' and challenge the assumptions informing 'respectable street etiquette' (Croll, 1999: 257).

Secondly, both Victorian and contemporary governmentalities were and are underpinned by a 'civilizational perspective' (Mandler, 2000) in which anti-social behaviour is juxtaposed against wider progress in a self-consciously civilising society (Crook, 2008). New Labour's Respect Agenda, which framed its governance of anti-social behaviour, was premised on a belief that 'values necessary to support respect are becoming less widely held' and that there is 'an increase in disrespectful behaviour' (Respect Task Force, 2006; Millie, 2009a). Similarly, current Prime Minister David Cameron, in defining the need for a 'Big Society' as a solution to social problems in Britain (2010) and in his immediate rhetorical response to the riots and disorder in English cities and towns in the summer of 2011 (Cameron, 2011) has described a 'Broken Britain' characterised by 'a complete absence of self-restraint' and 'a slow motion moral collapse' (see Flint and Powell, 2012). For Victorian observers, high levels of self-control and conformity were demanded of 'respectable'

males (Wise, 2012), but the city could turn the 'civilized man back almost into a savage' (de Tocqueville, quoted in Hall, 1998), and addressing the housing conditions of the working-class was a response to 'homes being the cause of moral degradation' (Smith, 1980). In both eras, thresholds of decency were believed to have changed, linked to nostalgia for previous times of civility and the need for a polite ethos (Pearson, 1983; Sweet, 2002).

Thirdly, the primary understanding of the causes of anti-social behaviour is the 'character' of individuals (Crook, 2008; Riots Communities and Victims Panel, 2012), with a focus on domestic and family orientations and practices. The recent report by Louise Casey, Head of the Troubled Families Unit (DCLG, 2012c) identified the troubles of families 'arising from their home life,' with an emphasis on individuals 'not being very good at relationships' and 'dysfunctional peers' and references to incest. This mirrors very long standing tropes of deviant sexuality and domesticity (see Wise, 2009 on Victorian London) and the 'chaotic lives' of families in contemporary policy discourse have their precedents in Victorian concerns about the inability of 'anti-social' individuals to plan for the future (Crook, 2008). Such a problem figuration frames the 'disciplinary individualism' (Poovey, 1995) underpinning the techniques for regulating conduct deployed in both eras.

Precedents and parallels

Urban conditions in contemporary British cities increasingly resemble some aspects of Victorian cities, including the precarious labour market circumstances for growing sections of the population (Standing, 2011) and a housing crisis in which the private rented sector again becomes increasingly prominent in providing accommodation to the poorest households. The growth of the private rented sector has increased the visibility of significant problems of exploitative rent levels and tenancies, overcrowded and poor quality accommodation, illegal migration and benefit fraud. The New Labour administrations and the current Coalition Government have responded by introducing

legislative powers including mandatory and additional licensing of Houses in Multiple Occupation and Special Interim Management Orders. The government now explicitly identifies rogue landlords as a source of anti-social behaviour (DCLG, 2012a; House Commons Library, 2013b; Minton, 2012), as well as seeking to enhance the responsibilities and capacities of private landlords to regulate and manage anti-social behaviour. This expansion in the private rented sector and the growing reliance on private and voluntary provision for housing the most vulnerable families is combined with the growth of gated communities, Common Interest Developments and the privatisation of urban space, including privately managed residential complexes (Minton, 2012). Such an urban landscape is reminiscent of the Victorian period of slum landlordism, refuge shelters provided by philanthropic organisations and private and commercial 'common lodging houses' (Crook, 2008; Wise, 2009; Wohl, 1977). The growing use of private security and management instruments illustrates the limitations of state power, which were apparent in the Victorian era. For example, the power of the University of Cambridge to regulate conduct in the town in the nineteenth century included appointing special constables, identifying and regulating suspected houses of ill fame and brothels and operating 'the Spinning House' a university-run prison for prostitutes (Oswald, 2012).

Both Victorian and contemporary periods are further characterised by the limited sovereignty of state authorities to regulate conduct (Stenson, 2005) and the resistance of different sections of the population to governmental interventions. Figures of public authority including police officers and park wardens were regularly subjected to ridicule and on occasion assault, mechanisms such as bye-laws and naming and shaming techniques used in Victorian local newspapers were subverted (Croll, 1999; Marne, 2001) and Metropolitan Police officers were frequently outnumbered by crowds when attempting to apprehend suspects and these suspects were often 'rescued' by these crowds (Wise, 2012). This challenge to the power and legitimacy of policing processes in the Victorian era provides a precedent for the contemporary concerns about

dwindling 'respect' for authority figures that characterises discourse about anti-social behaviour and the responses to the riots in urban England in 2011. But in the Victorian period there was also resistance from the middle and upper classes to forms of state intervention that could open up private and domestic lives to the scrutiny of bureaucratic strangers (Wise, 2012: xx; Flint, 2012). This state role in family life, for example to protect women and children from violence and in sexual matters or lunacy inquisitions, challenged what a Medical Times 1848 Editorial described as humanities' desire to 'draw a veil over domestic calamity' (Wise, 2012: 87).

The parallels in the techniques utilised to regulate conduct are also often striking (see Powell and Flint, 2009; Flint and Powell, 2012 for further accounts). Police courts in the 1880s regularly dealt with minor disputes between neighbours, indicating that conflicting lifestyles and orientations to neighbourliness are not confined to our own era (Cockayne, 2012). Indeed, the Coalition Government's new Community Trigger mechanism requiring authorities to take action where complaints about the same source of anti-social behaviour have been received from five households, has its precedent in the Nuisance Removal Act (1855) which required the complaints of two neighbours for nuisance inspectors to follow up a report. Similarly, female district visitors and Octavia Hill's housing officers in the Victorian era (see Cockayne, 2012; Flint, 2012) preceded the role of key workers in Family Intervention Projects today.

Underpinning these similarities in governance techniques between the two eras is a common assumption of moral and social decline, or of decivilizing tendencies in society, which draws upon exaggerated fears about the depacification of public space and the loss of self-restraint among sections of the population (see below for a discussion of socialisation processes). Both periods exhibit a heightened level of fear related to gang violence on British streets. As Andrew Davies (1998: 351) notes, 'scuttling gangs were neighbourhood-based youth gangs which were formed in working class districts across the Manchester conurbation' in the late nineteenth century. Indeed, there is a clear resonance with twenty-first century anti-social behaviour discourses in Davies's

account of the way in which the respectable are clearly distinguished from the anti-social or morally unsound minority. Davies also acknowledges the way in which Victorian perceptions were informed by gendered constructions of 'problem' behaviour and parenting discourses – both of which are central to debates about anti-social behaviour and street violence today. Indeed, in a 2007 speech the Conservative Party MP Alan Duncan argued for the 'need to re-civilise the nation' implying that the United Kingdom is in the midst of a decivilizing process (or what he termed 'a real life Lord of the Flies'); a reversal in the overall direction that British society was heading. Thus, each era understands 'itself as standing at a point of radical discontinuity with the past' (Pearson, 1983: 210).

Yet there is more than enough existing evidence to refute the claim that western society is becoming more violent and less civilized. Two extensive, wide ranging and meticulously researched accounts of the long-term decline of violence, written over 70 years apart, provide ample evidence of the long-term trajectory of western societies towards a more peaceful coexistence of citizens (Elias, 2000; Pinker, 2011). At the same time, Geoffrey Pearson's wonderfully detailed history of respectable anxieties from the Victorian period onwards skilfully articulates 'a seamless tapestry of fears and complaints about the deteriorated present' from the Victorian era to the contemporary period (Pearson, 1983: 207; 2009). So, if the 'decline of the present' is a stable and ubiquitous, albeit mythical, aspect of the British way of life, what is different about the 'current crisis' and in what respect does the post-1997 period diverge from the familiar and repetitious complaints of the Victorian era? For, 'it is one thing to wriggle free of the ageless mythologies of historical decline. It is quite another to leap into the arms of the equally pernicious social doctrine that nothing ever changes' (Pearson, 1983: 223). With Pearson's warning in mind, we now turn to the differences between the two periods.

Differences between Victorian and Contemporary eras

A significant difference between the Victorian and contemporary periods is the direction of societal and governmental shifts. While above we have identified striking similarities in the governmentality of regulating conduct and the techniques deployed to do so, these commonalities and parallels, taken as a snap shot of two specific periods, mask directly contrasting shifts. The Victorian period was characterised by the precarious and transient existence of the urban poor, a housing crisis fuelled by laissez-faire economics and rogue landlordism, and a deliberate distancing (through the moralisation of poverty) of state and government from the causes of, and responsibility for responding to, the urban crisis. However, it was partly the recognition that local mercantile philanthropy and self-regulation were limited and inadequate to respond to the scale of crisis that instigated the process of first local municipalisation and, subsequently, national state intervention, including policing, public housing and the welfare state (see Hunt, 2004). So, for example, in the context of episodic rioting in Manchester in the first half of the nineteenth century, the traditional 'civic force of the town' became viewed as being ' totally inadequate to defend property from the attacks of lawless depredators' and unable to construct 'good order' (Briggs, 1963: 92). Such an understanding influenced the subsequent Borough Police Act, 1844 and the Sanitary Improvement Act, 1845 which sought to provide a municipal framework for regulating conduct in Manchester (Briggs, 1963).

The Victorian era was also characterised by a constant exploration of the boundaries and limitations of urban governance and the role of the state, with particular incursions into domestic residential spheres. These included growing state authority in regulating mental health, including in middle-class households (see Wise, 2012); and the housing and incarceration of the poor through by-laws, mechanisms of surveillance, a prison, asylum and sanitation inspectorate, registration and certification schemes and the building of 'model' and municipal lodging houses (Crook, 2008; Foucault, 1977), supported by an expanding legislative framework such as the Common Lodging Houses Act, 1853 and the later Public Health Act, 1875. There was also increasing

scrutiny by the Home Office and the development of uniform national regulations and a centralised inspectorate for lunacy asylums. The Victorian age of incarceration (Foucault, 1977) was equally a project of inspection and the move towards national standardisation. This rise in municipalisation and state power may be symbolised by the demolition of Cambridge University's Spinning House' in 1901 and its replacement by a police station (Oswald, 2012).

In contrast, we are now witnessing a period of active de-municipalisation, in which, through the tropes of the Big Society and localism, the governance of anti-social behaviour, and accommodating the poor and vulnerable, is increasingly returned to private and charitable organisations and local residents. For some urban scholars this is seen as a key and distinctive characteristic of the neoliberal period and calls for 'linking changing forms of urban marginality with emerging modalities of state-crafting' (Wacquant, 2014: 9). It is also illustrative of the problematic nature of state intrusion upon private property and domestic realms (see Wise, 2012) which was as prominent a site of contestation in Victorian times as our own era.

As well as these governmental shifts, it is also crucial to consider changes in wider social processes and it is here that Elias's theoretical work is instructive. Elias's figurational sociology provides a useful framework for understanding the differences between the two eras; a framework which places power relations and the changing nature of social interdependencies at the centre of any understanding of behavioural and societal change (Elias, 2000). Here we use the example of *informalization* and the changing nature of socialisation processes in illustrating the merits of Elias's approach, and particularly the way in which wider social changes are inextricably linked to changes in behavioural standards and human orientation.

It is clear from the preceding discussion that claims over moral decline are closely linked to nostalgia, emotions and their relationship to group relations and conflict: territorial, intergenerational, class etc. So addressing the question of why people behave or act 'anti-socially' requires an understanding of how codes of conduct are defined and when these codes are

challenged and transgressed by groups. Regardless of the timeframe, in Elias' terminology, the views of the complainants are invariably those of the 'established' (middle-classes) and the targets are the lower classes, or 'outsiders.' In Elias's detailed analysis of the *Civilizing Process* (2000) he illustrates how the dominant long-term trend within western European societies is towards a stricter and more rigid control over emotions and behaviour linked to the increasing complexity, differentiation and interdependence within society. 'Put briefly, in the course of a civilizing process the self-restraint apparatus becomes stronger relative to external constraints. In addition, it becomes more even and all-embracing' (Elias, 1996: 34). However, Elias also detailed the related process of *functional democratization* whereby the relative power balances between different groups in society are lessened as society becomes increasingly differentiated. This process is accompanied by a corresponding shift in the relations between generations and sexes and an emancipation of emotions (Wouters, 2007). For example, young women are less bound by the strict rules and etiquette of previous generations as they experience a relative increase in power, undergo an 'individualization boost' and consequently face greater demands and responsibilities in negotiating their own decision-making processes.

The Dutch sociologist Cas Wouters has developed Elias's notion further through his theory of informalization which refers to 'the trend towards diminishing formality and rigidity in the regimes of manners and emotions and towards increasing behavioural and emotional alternatives' (Wouters, 2007: 8). These social processes are beset by tensions however as: 'people can frequently see nothing in these changes other than degeneration into disorder. It appears merely as an expression of a loosening of the code of behaviour and feeling, without which a society must fall into destruction' (Elias quoted in Mennell and Goudsblom, 1998: 245).

Historical accounts drawing on documentary evidence from the Victorian era are littered with reference to the 'unrestrained liberty' and 'irresponsible freedom' of the nation's youth facilitated by a growing economic independence and the opportunities of factory employment for

young women (Pearson, 1983; Croll, 1999). Similar accusations are also levelled against the youth of today with a lack of self-restraint and consideration for others, often linked to deficient parenting, being dominant themes within contemporary discourses (Respect Task Force, 2006; DCLG, 2012c; Riots Communities and Victims Panel, 2012). The empirically and historically informed work of Elias and Wouters however, highlights the changing nature of the social interdependencies between groups as a key consideration in understanding the perceived 'relaxation' in social standards. As Alexis de Tocqueville noted ‘manners are softened as social conditions become equal’ (quoted in Kilminster, 1998: 149). Similarly, during waves of informalization:

> [...] the upwardly mobile strata have risen in social strength and self-awareness to such a clear degree that their members orient themselves more to each other and toward their own life-styles and modes of conduct, and reject attempts from above to colonize or discipline them as being overly patronizing or imperialistic. Members of the higher strata are forced to adopt an attitude of greater restraint, and withdraw in joint defence. In this phase the tensions in society become stronger (Wouters, 1986: 6).

Wouters identifies waves of informalization which correspond to a heightening of fears and anxieties expressed by ‘established’ groups whose behavioural standards are being challenged and who face pressures to accommodate other behaviours (Wouters, 2007). Victorian respectable fears related to the working classes were often based on the idea 'that they were getting above their station in life, or that they were encroaching upon previously reserved territories of the middle class' (Pearson, 1983: 65). At the same time, the automatic identification with the standards of the established on the part of the lower strata of society, as detailed by George Orwell (1970: 411–12), is broken:

> I did not question the prevailing standards, because so far as I could see there were no others. How could the rich, the strong, the elegant, the fashionable, the powerful, be in the wrong? It was their world, and the rules they made for it must be the right ones.[i]

The 1890s and the 1920s, as well as the 1960s and 1970s, are all earmarked by Wouters as specific waves of informalization where the challenges to prevailing standards and tensions between generations and groups are more discernible, but which are ultimately part of a longer-term, gradual process of social levelling. In this sense an appreciation of long-term social processes helps to explain the remarkably similar rationalities and governance projects of different governments across the two eras and points to the dangers of short-term (and often ideologically driven) social misdiagnosis (Kilminster, 2008), while also illuminating the discontinuities between the two periods. While we can only scratch the surface within the confines of this chapter, we would suggest that Elias's sociology offers huge potential to the longer-term study of anti-social behaviour and the social construction of deviance more broadly.

Conclusions

The history of the governmental construction of and response to anti-social behaviour is not one of cumulative acquisition of knowledge and insight about families with problems (Van Wel, 1992). Rather it reflects the particular 'structure of bias' or 'rational fiction' of the problem figuration in particular historical periods. As John Welshman (2012) argues, conceptualisations and rhetorical accounts of anti-social behaviour have always been linked to notions of a social residuum or 'underclass,' perceived as being distinct from a broader working class. Though he identifies at least eight major reconstructions of the underclass debate since the later Victorian period of the 1880s, with continuities and discontinuities with previous formulations, the alleged behavioural

inadequacies of the poor and the belief in inter-generational continuities have been consistently dominant themes. Both Van Wel and Welshman also powerfully argue that anti-social behaviour has often primarily served as a symbol and metaphor for urban fears and anxieties without empirical reality being established and with a failure both to fully investigate and understand the complex lives of marginalised groups, and to link these lives to wider structural societal change, and the role of government within them. It is through a focus on figurations – how wider societal change is related to individual human orientation and conduct – that the sociology of Elias and others influenced by his ideas offers a framework for such understanding.

The precedents and parallels in the framing and governance of anti-social behaviour in Victorian and contemporary periods are striking and we have sought to illustrate these. However, there are also important differences. Perhaps the central distinction is that, despite aspects of urban contexts in our own time increasingly resembling those of Victorian cities, the late Victorian response to urban crisis, including anti-social behaviour, was to construct an enhanced role for the state, at local and national levels. In contrast, current governmentalities are framed within a problematization of government itself and a promotion of non-state actors, including private and charitable (third sector) organisations, to govern conduct. This specifically includes governing anti-social behaviour as evidenced in the Government's policy and good practice papers (Home Office, 2011, 2012; DCLG, 2012b, House of Common Library, 2013b) and the new Anti-social Behaviour, Crime and Policing Act 2014 (House of Commons Library, 2013a) The new powers established in the Act broaden the range of behaviours that may be defined as 'anti-social', lower thresholds and burdens of proof, increase requirements for conditional positive behaviours and extend the geographical reach of intervention. A new discretionary ground for possession will be created where a tenant or person living with them has been convicted of an offence committed at the scene of a riot anywhere in the UK- a response to the riots in urban England in 2011. The Coalition Government has also recently focused on rogue private landlords as a causal element of criminality

and anti-social behaviour and emphasised enhancing the responsibilities and capacities of private landlords to regulate conduct and manage anti-social behaviour, once again illustrating the parallels with the urban housing circumstances and regulation of conduct in the Victorian era.

http://services.parliament.uk/bills/2013-14/antisocialbehaviourcrimeandpolicingbill.html

[i] We would like to thank Cas Wouters for bringing this George Orwell quote to our attention.