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## **The war on antisocial behaviour rationeles underlying antisocial behaviour policies : comparing British and Dutch discourse analyses**

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## 6 | Assimilation of results and Conclusion

### 1 SUMMARY OF THE RESULTS

When studying crime policies, an analysis of governmental rationales underpinning them, should be inevitable (Rose, 2006). This thesis examines the implicit reasoning behind the measures fighting the so-called antisocial behaviour by youngsters on the street (in this thesis ASB in short). At first sight, there appears to be a consensus on certain developments concerning this kind of ASB. New and often more repressive policies are introduced to tackle the assumed problem. These policies often presuppose rising crime rates, more ASB and more public anxiety, as also Garland (2001) identified.

It is important to scrutinise these patterns concerning crime and ASB. After all, patterns are easily taken for granted. Particularly with respect to regulating youthful behaviour, underlying rationales appear to go unchallenged. In this context, ASB is believed to wreck communities and to constitute a pathway to criminality (e.g. Burney, 2009; Crawford, 2009). Increasingly, deviant subcultures are thought too robust to be changed by means of rehabilitative strategies (Young, 2007; van Stokkom, 2007). The introduction of the ASBO in the UK is an example of this frame of mind.

In this thesis, the rationales underlying the policies to address ASB were identified within the Dutch discourses and compared on critical points to the British situation. Both the British and Dutch discourses (legal, political, media and public debate) on ASB were analysed. The objective of this study is to discuss these rationales of ASB policies, within the context of a Culture of Control. Analysing the discourses helps explain the emergence and construction of a problem. In other words, analysing how we talk about policy (in politics, media and public) and how certain conduct is socially built. As the summary of the discourse analyses will show, this mixture of rationales is far more complex than is frequently assumed.

#### 1.1 Rationales in legal discourse

In Chapter 2 the question *what kind of laws and measures were introduced to tackle ASB in the Netherlands and the UK and what are the possible effects*, was examined.

First, the debate around the implementation of the new measures like the British Antisocial Behaviour Order (ASBO) has been analysed. In short; ASBOs

have a minimum duration of two years, can last indefinitely and contain prohibitions believed to be necessary to prevent repetition of the behaviour. A civil court, -via, for example, the Social landlord- imposes the ASBO; and breaching is a criminal offence.

Secondly, the recent Dutch law (Measures to Combat Soccer Vandalism and Severe Antisocial Behaviour; henceforth *law to combat severe ASB*) addressing ASB was studied (see appendix II and III). This law also grants more power to local authorities. For instance, mayors can issue restraining orders, without the interference of a judge and for a longer period of time than before.

The analysis demonstrated, that, although the ASBO is a mixture of civil and criminal law rather than administrative and criminal law, as is the case in the Netherlands, the policy rationales behind them are very similar.

First, in both countries, improving the living conditions for inhabitants of rough urban neighbourhoods was said to be the starting point of the ASB policies. The ASBO and the recent Dutch law was introduced to make these areas more liveable and raise the feelings of security in the public domain. Secondly, in both cases, local authorities are accorded more responsibilities. This is in line with Garland's responsibilisation strategy, in which community agencies complement and extend the more formal control of state agencies in the fight against crime. The primary objective of this approach is to spread responsibility for crime control onto agents outside the criminal justice state. The recurrent message is that the state alone is not, and cannot, be responsible for controlling crime and ASB.

Furthermore, the measures are presented as an administrative (civil) not a criminal weapon against crime, ASB and feelings of insecurity. The idea is that by avoiding criminal law it is easier (faster) to address the problem.

The discourse analysis in Chapter 2, illustrated that the reforms and policy proposals have come under heavy criticism because of unexpected and paradoxical consequences. For instance:

- I In the UK, the strategy of off-loading the judicial system had a reverse effect. Ashworth (2004) and Steventon (2007) argue that it did not diminish the power of the state, but rather enhanced it. They refer to this effect as the net widening of the law. They motivate that more ASB is being addressed by the law, instead of by social policies. Indeed, research showed that, social measures addressing the root causes of ASB, such as parenting orders, are less likely to be used (Donoghue, 2008; Burney, 2009; Matthews, 2007).
- II The British ASBO and the Dutch restraining order are respectively a civil and an administrative order, but to breach either one is a criminal offence. The analysis demonstrated that in the UK this two-step approach had been fiercely criticized (in the Netherlands this method already exists). Especially, the idea of admitting hearsay evidence in the criminal proceedings has come under heavy criticism. As a result, researchers argue, these British administrative measures can be more far-reaching than those of criminal

sanctions, while the safeguards of due process are considerably less so (Burney, 2009). In 2004, the Commissioner for Human Rights Gil-Robes, expressed concern about this ASBO practice.

- III Another point of critique is that the ASBO in practice is not the silver bullet for the complex social issues that determine the living conditions in rough neighbourhoods. The day-to-day-reality is far more complex than the policy motivations suggested. For example, some teenagers wore the ASBO as a badge of honour. They were proud of this confirmation of their toughness. In addition, social workers complained youngsters are criminalised (seen as criminals by the neighbourhood) for otherwise typical juvenile behaviour.
- IV Furthermore, the definitions of the behaviour, activities, and situations that the measures aim to counteract are often vague, which can lead to a *net-deepening* of the law. In the UK, more behaviour that is otherwise lawful can be criminalised when the term of an ASBO is breached. A range of examples of how ASBOs have been applied confirm this thought. Such as restraining orders preventing prostitutes from standing on a street corner or carrying condoms, two young people banned from walking their local streets which effectively prevented them from attending school (e.g. Ashworth, 2004; Burney, 2009). The issue of legal certainty was also addressed by the Council of Europe on Human rights and the members considered the ASBO a cause for concern.

For Dutch politicians these points of critique could lead to the conclusion that 'the grass is not always greener on the other side of the fence'. As Chapter 3 demonstrated, the majority of interviewed politicians do not seem to take these issues into consideration.

In Chapter 2, not only a comparison between the UK and the Netherlands was made. In addition, a parallel within the Netherlands was drawn, with the application of the BIBOB tool<sup>1</sup> addressing organized crime. This tool, an administrative decision, is also said to be an effective method to reduce levels of crime, in this case organized crime, without bringing criminal law into play. The analyses demonstrated that the same paradoxical net-widening results came up and that rather than being autonomous instruments of crime control, the tools can be viewed as an extension of criminal justice. Thus the case of 'reactions to ASB' is not so unique in the current crime policy climate.

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1 The BIBOB Act allows administrative authorities to refuse and withdraw licenses and subsidies.

## 1.2 Rationales in political discourse

The analysis of the Dutch political discourse (the breeding ground of policies) in Chapter 3 presented one very dominant rationale; the need to cater to the inferred anxieties of the voter. This is similar to the UK discourse. Almost identical ways of reasoning (see following rationales 1-5) and the same solutions (behavioural contracts) were observed in the political discourse. These rationales for addressing ASB can be grouped as:

1. Measures are needed because the present arsenal is not effective enough.
2. ASB is increasing. The problem is getting worse by the day.
3. Quality of life argument. ASB makes people fearful and miserable and therefore should be tackled.
4. The broken window theory. If ASB is left unattended, it leads to serious crime.
5. Economic reasons. By addressing ASB, the cycles of economic and social decline in neighbourhoods can be reversed.

These results appear to confirm the idea of a *common* Culture of Control. However, as stated in Chapter 1, in comparative research there is tendency of exaggerated claims, assumed from similarities in policy rhetoric. This discourse analysis shows that there are remarkable differences between the two countries as well.

- I Other than in the UK, in the Netherlands the motivations for introducing ASBO-type measures are tied up with difficulties with ethnic minorities. Interviewees from all political parties (left and right wing alike) link ASB to particularly (second generation) Moroccan youths. In the UK, ASB is less coupled with immigration issues. As stated in Chapter 3, a reason for this could be that the social problems in British inner cities are of a different order (considering the English class society). On the infamous housing estates unemployment, crime and ASB trouble all sections of the population; British and immigrants alike. However, ethnic and/or racial minorities are over-represented in the judicial systems of both countries. In paragraph 1.3 more attention will be paid to this issue.
- II Furthermore, the comparative research shows that most Dutch politicians stress 'legitimacy of the government' as a reason for tackling ASB. They feel that in order to keep (or restore) the faith of the people, new repressive actions against crime and ASB are vital. For the UK politicians this appears a less acute problem. This difference is significant because, in their statements, the Dutch respondents often use the ASBO as a legitimating power.

The disparity between the British and Dutch discourses on the issue of legitimacy of the government could originate from the so-called Pim-Fortuyn revolt in the Netherlands. Several scholars debated that after his murder and after attacks like 9/11 (and within the fight against terrorism) there is tendency

among Dutch politicians to react to crime problems with strong measures (e.g. Punch, 2005; van Swaaningen, 2008; Pakes, 2005). Almost all the Dutch interviewees confirmed this idea of following trends in harsher crime control, in order to keep the credibility of the government.

On the other hand the political discourse analysis showed that the *soft* practices of the historic strong social policies in Dutch neighbourhoods are not completely abandoned. Two left-wing politicians argued that the new stricter laws should be combined with more social community work, stressing that ASBO-inspired measures can only work when social agencies work together to address the root problems as well. However, nowadays in general, Dutch politicians focus more on repressive measures.

The discourse analysis demonstrated further that most politicians, Dutch and British alike, do not need real evidence for the effectiveness of the ASBO. Tackling ASB both embodies a personal gut feeling and an appeal to popular sentiments. The myth of its success is enough. Dutch policy transfer of anti-ASB measures, appears to be more a form of gaining inspiration than real lesson drawing. An explanation for this line of reasoning can be the idea of precautionary logic, as among others suggested by Pieterman (2008), where the lack of scientific evidence is not an excuse for inaction (see Chapter 3). Furthermore, this result is in line with Garland's ideas on the process of politicisation of crime policies, in which criminological knowledge is downgraded and ideas originating from individual experiences become the norm. In paragraph 2.2. these identified political rationales will be discussed further within the context of a Culture of Control.

### 1.3 Rationales in media discourse

In Chapter 4 it became clear that the media can be the prime movers of new policies but at the same time can also be the interpreter of political views (the seeds of the policies). The question *how the discourse on ASB developed in the British and Dutch media*, was addressed. The comparison between media discourses in the UK and the Netherlands showed that in both countries ASB is seen as a major problem that is on the rise, even though the ASB that is actually experienced is decreasing or remaining at the same level.

However, there is a blatant difference in the discourses as well. Although ethnic and/or racial minorities are over-represented in the judicial systems of both countries, the media approach to ethnic minorities is strikingly different. In the British media discourse on ASB, ethnic minorities hardly play any role at all. Instead, a link is drawn between this kind of behaviour and white youngsters from problem neighbourhoods. In the Netherlands though, the recent focus on ruffians with a Moroccan background has mushroomed in the press and among national politicians.

This outcome raises another question; how can there be such a sizable difference between the British and Dutch media discourses on ASB on the street and the role of minorities when the problems and policies are so similar? In the Netherlands, the explanation given by various local politicians, policy-makers and researchers is that the image that has emerged of ASB in the media and political discourses is an erroneous one. Youngsters from Moroccan background are associated with ASB with disproportionate frequency and they are often better integrated than suggested.

Several studies (e.g. Blom, 2005; Jennissen & Blom, 2007) confirm that first and primarily second-generation immigrants from Morocco are more frequently crime suspects than native Dutch youngsters. The authors did not include any specific information on ASB. However, although they show that there is a problem with some young Moroccans, generalising statements about the link between ethnicity and crime are often incorrect or flawed (e.g. Engbersen, 2007). According to additional figures, on the whole ASB remains the same (or in some cases is decreasing) though the number of news items on ASB continues to grow.

The British respondents have also been asked to explain the difference. All of them indicate that British institutions and media are afraid of being accused of racism. Due to the collective sense of guilt about the plight (as a result of the colonial past) of ethnic minorities in British society, troublemakers from this group are treated more like victims than as a kind of Folk Devils (Cohen, 1973), as is the case in the Netherlands, according to some respondents.

Certainly, there is nothing new about this observed sense of guilt. Various researchers (Isal, 2006; Matthews, 2007; Millie, 2006; Spalek, 2006) have noted the great sensitivity in UK when it comes to matters of ethnicity and crime/ASB. This description of guilt is interesting because of course the Netherlands has a colonial past as well, but Dutch media nowadays exercise less restraint.

Another explanation can be that the British situation in the inner cities in essence, cannot be equated with the Dutch. Due to a mixture of reasons – as discussed in Chapter 4 – the socio-economic differences between the neighbourhoods are much greater than in the Netherlands. There is a larger group of white people whose socio-economic position is poor and British cities are more segregated than Dutch ones. As suggested in Chapter 4 perhaps British institutions and media are aware of how explosive the situation can be in the cities and exercise a form of self-censorship on this subject. Considering the, in general, aggressive British tabloids, this form of restraint is less likely.

#### 1.4 Rationales in public discourse

The measures of regulation to fight the so-called street terror are often legitimatised with a supposed public anxiety, as also Garland identified. The study in Chapter 5 showed a more nuanced and mixed local public debate

on this shifting policy landscape than politicians would like us to believe. The research took place on eleven sites in the four largest Dutch cities (Amsterdam, Utrecht, Rotterdam and The Hague) from the official list of the so-called *40 districts approach*. The focus was on these largest cities because they play a prominent role in the political and media debates. The areas can be seen as extreme cases with an expected concentration of ASB problems. Although these problem areas were explicitly selected, only in three urban areas ASB strongly dominated the public debate. The popular picture of neighbourhoods that resemble ghetto's where groups of immigrants terrorise the locals, has not been supported. This is not the same as denying problems of disorder, but only in three out of the eleven neighbourhoods more persistent stories of intimidation and threats that seem to be in line with the claims made by politicians, rose to the surface.

When summarising the highly diverse accounts of respondents, the attraction of tough and repressive measures was considerably lower than expected beforehand. Although, there was a certain level of support for ASBO-inspired laws and regulations in particular with retailers and shop owners, the attraction appears far greater for national politicians (see Chapter 3) than for most people locally concerned. Many residents were well aware of policy measures that were taken already and many claimed to have witnessed improvements rather than deterioration over the years prior to the research.

This is in line with earlier research that demonstrated the well established position of the Dutch government in disadvantaged areas (Burgers, 2009). On the other hand it was in contrast to British findings, where awareness of measures to tackle ASB tends to be low, with most survey respondents (59%) saying they do not feel informed about what is being done to tackle ASB in their area. This rises up to 64% among those who think ASB is a problem in their local area (Ipsos Mori, 2010).

Chapter 5 showed a wide gap between the cluster of media/political debate on the one hand and local experiences on the other. It became clear that the views of the public (the roots of the policies) that are frequently used as a justification for crime policies are translated by politicians. The analysis of the public discourse and public demands within the neighbourhoods concerned, shows that the public voice is often represented in a biased and incomplete way. Several inhabitants explained this gap by claiming their neighbourhood is being used for political gains.

## 1.5 Overview of the rationales found in the discourses

The above discussed analyses presented a construction of the problem of ASB. In every separate discourse specific assumptions underlying the policies were recognised. In order to assess these rationales within the context of a Culture of Control, an overview is presented. The six main rationales as identified in



Chapter 3 serve as a guideline for this summary, with further motivations for ASB policies as found in the four discourses, completing the picture.

Table 6.1 – Summary of presented results

<i>Dutch political rationales for tackling ASB as identified in Chapter 3</i>	<i>Additional results found in the discourse analyses of this thesis</i>
1. One loud public call for tougher action	The public discourse is more diverse than politicians appear to believe. The media do articulate this call for necessary action.
2. Individual experiences are important in political debate	Politicians and media downgrade criminological findings.
- a. ASB is a growing issue	Politicians and media dismiss the research that shows ASB on the street is not rising. Some (local and national) politicians suggest that maybe <i>attention</i> for ASB is increasing, not so much the <i>actual</i> problem.
- b. especially tough measures are necessary	Politicians and media dismiss the research that shows that repressive measures alone are not effective. In day-to-day practice the more 'soft' approach still exists.
3. New and more action is necessary, otherwise the credibility of the government will be undermined	Respondents in deprived urban neighbourhoods mention so much is done already.
4. Close link ASB and particularly Moroccan youths	Confirmed by all politicians, regardless of their political affiliation. Equivocal statistics on possible over-presentation of young Moroccans regarding ASB. Several local key figures (police and politicians) claim ASB problems get disproportionate amount of attention. In general, the figures on ASB remain the same, but number of news items keeps growing.
5. Close link ASB and crime	The legal discourse showed ASB definitions are vague and sometimes include criminal behaviour. More ASB than before is criminalised <sup>2</sup> and more (young) people are stigmatised.
6. Cycle of economic and social decline should and can be reversed	Is politically linked with ideas on restoring community feelings and importance of social capital.

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2 Criminalising not in the sense of penalising behaviour but of labeling behaviour as criminal.

## 2 THEORETICAL IMPLICATIONS

In order to answer the overarching research question, *which rationales underlying the policies to address antisocial behaviour by youngsters on the street can be identified within the Dutch discourses and how can these rationales be assessed within the context of a Culture of Control*, the following step is to combine these identified rationales within the context of a Culture of Control.

Intrinsic to this research question and chosen research methods, are complex and detailed results. This complexity is sometimes overlooked in publications which confirm the Culture of Control, although Garland stressed before, the field of crime policies is multifaceted, and often has a contradictory character. This thesis, as will become clear in following paragraphs, undeniably identified a complex network of policy rationales. This is in part in line with Garland's so-called schizophrenic crime control complex. To prevent any lack of clarity in discussing these complicating and sometimes conflicting results, first an overview of the primary observations will be presented.

Table 6.2 – Overview of assessing rationales within the context of a Culture of Control

<b>Garland's observations of selection of changes (as addressed in Chapter 1)</b>	<b><i>In relation to rationales as identified in the Dutch discourse analyses in this thesis</i></b>
<i>Changes in emotional tone of crime policy discourse.</i>	Identified in political and media debate, but public is less angry and fearful than Garland described (see I in following paragraph).
<i>Protecting the public as a perennial concern of crime policy.</i>	Indeed public fear is presented as motif by politicians (although more often in practice the media is their main concern) (see I ).
<i>Politicization of crime policies and the new populism.</i>	ASB appears a tool for political gain (I & III) Criminological knowledge is more and more ignored, populism in politics is still rising although public more nuanced (II).
<i>Expanding infrastructure of crime prevention and community safety (including civil society).</i>	Partly identified in local areas (VII).
<i>A continuous sense of crisis.</i>	In political and media analyses a strong rise in attention for ASB is identified (IV).
<b>Policy responses to change according to Garland (Chapter 1)</b>	<b><i>In relation to rationales as identified in the Dutch discourse analyses in this thesis</i></b>
1. <i>adaptation</i>	
- <i>responsibilisation strategy.</i>	In line with Garland; community agencies, other than the state agencies, help to fight crime (V).
- <i>defining deviance down.</i>	Policy discourse showed more ASB than before is criminalised (III).
- <i>focus on effects of crime rather than its causes.</i>	In the four discourses causes for ASB appear less relevant.

<i>2. non-adaptive responses</i>	
- denial of described predicament and reinstate myth of strong state (net-widening).	This process occurs, although ASB policies in some respect also more socialised (for instance, parental support) and are in practice often not that tough (V & VII).
- government acting out (symbolic policies; in relation to concept of moral panic).	Politicians introduce measures as new and tough (acting out) but often policies are not brand new but fine-tuned. Although elements of concept of moral panic are present; there is not a <i>massive</i> call for tough action (VI).
<b>In Chapter I identified discrepancies in Garland's analyses of Culture of Control (CofC)</b>	<i>Thesis results</i>
1. Actors in policy process did not get equal attention in his study.	By addressing four discourses a more complete picture of differing reactions and views on ASB policies arose; also undercurrents in the CofC identified. <i>Not-so rational</i> rationales come into view (I – IX).
2. Assumption <i>new social fact of high crime rates</i> difficult to judge on empirical level.	Judging the results, high (sub) crime rates have not become a social fact in all discourses, especially in the public discourse a more subtle approach to the problem was identified (I-IX).
3. Empirical evidence for statement on level of influence of the media is poor.	It is not so much the supposed rising rates of ASB and crime that changed how people think, but more the media and politicians that produced these changes.
4. Not many comparisons between Anglo Saxon situation and European countries.	Different divergences (more populism and social exclusion) than Garland expected (IX).
<b>In Chapter 1 identified discrepancies in possible Dutch version of CofC</b>	<i>Thesis results</i>
1. Uniqueness of role of young immigrants is not questioned.	Dutch media and politicians pay more attention to ASB & young immigrants (compared to the British situation) and attention is of a different, more stigmatising, nature (VIII).
2. Little empirical research on the role of media and politicians in construction of the problem of ASB.	Media discourse analysis demonstrated that intensive media attention for ASB leads to policy changes and introduction of new laws (i.e. law to combat severe ASB). Politicians consider the media to be the spokespersons of the public, only the public and local politicians do not feel represented by the media (IV & VIII).

Of course this summary can not be complete. To identify the reasons behind the policies for and construction of ASB, the results in the above presented overview will be discussed in more detail in the next two paragraphs. This approach makes the necessary differentiations possible and will shed light on the different shades of meaning.

## 2.1 Discrepancies in the debate on the Culture of Control

As was argued in Chapter 1 and presented in table 6.2, it is difficult to support or contradict some claims made by Garland. Several ideas such as the reemergence of punitive sanctions, expressive justice, the return of the victim and politicisation of crime issues are widely supported. Others, like for instance, the level of social acceptance of high crime rates are criticised. Garland himself makes critical remarks on his own study too. He acknowledges that he focuses more on the established policies than on the one that failed to gain support and that a study of patterns in defined locales could provide more evidence for the structural developments he identified (Garland, 2004).

Some of his statements are indeed difficult to judge on an empirical level. For example, Garland did not provide much empirical evidence for his statement on the level of influence of the media and politics. Also his basic assumption of 'high crime rates becoming a social fact'<sup>3</sup> is actually not so explicitly grounded. He did not clarify the term 'social fact' and left questions like whether the crime rates were ever doubted or were just assumed to be true, unanswered. He also did not study in detail the construction process of this problem becoming a social fact.

Furthermore, his idea on the Culture of Control having a wide appeal for countries besides the USA and the UK, was not empirically tested. This study of the Dutch situation unraveled the way people, politicians and media talk about, discuss and construct views on ASB on the street, outside the Anglo Saxon world. Analysing these British and Dutch discourses shed light on the possible (dis) similarities in responses to ASB in the two different countries.

## 2.2 Complex policy patterns within the context of a Culture of Control

I

As pointed out in Chapter 1, the distinction between discourses is a heuristic device; in reality, discourses are not that uniform. The actors involved do not form the same views, along the same lines. It is therefore not surprising to find a variety of ideas within one particular discourse. However, this study showed that politicians tend to ignore this diversity of opinions within the

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3 For more discussion see paragraph 4.2.

public debate. They claim, or at least suggest, that there is one loud call for tougher action, especially in crime-ridden urban areas.

Although Dutch politicians– at least the one's that were interviewed– motivate their repressive approach to ASB with reference to widespread public opinion, in fact the public discourse is far more diverse than politicians appear to believe. This discrepancy is one of the more salient results of the discourse analyses in this present study.

The political rationale of 'acting tough because the public asks for it' confirms Garland's observation of the changes in the emotional tone of crime policies. He identified a fearful, angry public that has a direct impact on politicians and policy- and lawmaking.

However, in this study it became clear that the public debate, at any rate in the Netherlands, displays a wide range of opinions. Even in rougher neighbourhoods, many respondents do not take an extreme position on how to tackle the problem. The attractiveness of tough and repressive measures was considerably lower than expected beforehand. Across the board these reactions do not resemble Garland's picture of a fearful, angry public. In the political discourse in the Netherlands, these nuances within the public discourse do not trickle through. In the interviews, Dutch politicians explained that they feel they have to respond to outcries in a) the media– although in essence the media are a second-hand source of information, they are often the primary source for politicians; and b) to the requests of voters who email them. Forms of direct contact with neighbourhood residents is limited.

This information gap could be the reason for a rather limited political understanding of the public debate, and allows political motives to gain the upper hand in the construction of the problem. For example, respondents from the more conservative parties (VVD and PVV) claimed young Moroccans are the biggest problem where ASB is concerned. Although they were not the only politicians to say so, one of them explicitly linked this to their political issue of restricting immigration, stating that for those troublemakers sending them back to Morocco was an option.

In short, the analyses of the public and political discourses demonstrated that in some cases, the problem of ASB is framed in a way that makes it possible to exploit it as a tool for political gain. This charged political climate surrounding ASB creates an opportunity to further inflate the problem. Garland and other criminologists (Loader & Sparks, 2010; Simon, 2007) observed that crime politics and the policy debate around crime in general are heating up. However, the results in this study showed that not only the debate is heating up, but also the problem itself is actually getting warmer. Thus, by framing a problem in a certain way– in this case ASB – the problem actually does increase, because of the media and political attention it receives. Here the well-known principle of the sociologist William Thomas (1928) comes to mind: 'If men define situations as real, they are real in their consequences'. This does not imply that the problem of ASB does not exist but that the political inter-

pretation and the media's framing of the problem act to accelerate the action. This process will be explicated further in the following analysis.

## II

Garland argued that in this process of politicising crime policies, criminological knowledge is downgraded and commonplace notions become the norm. This was unmistakably true for the political discourse in question. Both British and Dutch politicians rejected the importance of thorough scientific research and confirmed their preference for action. Accordingly, they dismissed research showing that the problem of ASB on the street is not growing, and that repressive measures alone are not effective. The respondents value political advantage over the views of experts and the evidence of research. The majority of the politicians argued that they know from their *own* experience that ASB is a major problem that has to be addressed.

This political undervaluation of research is relevant in the context of public criminology; that is, in the debate about what role criminologists can play in pursuing a better (in the sense of better informed) politics of crime (Barak, 2001; Braithwaite, 2005; Uggen & Inderbitzin, 2006; Tittle, 2004; Burawoy, 2005; Groombridge, 2007; Loader & Sparks, 2010).

According to this idea of a public criminology, criminologists are supposed to supply ready-to-use information on how to deal with crime and ASB. Public criminology, from this perspective, is not a debate about whether criminologists should try to engage a broader non-academic audience, but whether and how criminological knowledge can contribute more successfully to the public debate, given the hot climate in which it must operate. Thus, Loader and Sparks (2010) see public criminology as a possible cooling device for the hot political climate. Tonry (2010) rightly points out that certain kinds of criminology research have evidently had influence on crime policy. For example, governments have clearly followed findings of research that focused on crime prevention (particularly situational prevention).

However, the analyses in this thesis demonstrated that even if the information on crime developments is accurate and available, politicians only tend to use it for their own political goals. The hot political climate surrounding crime is not cooled down effectively by (fairly) credible statistical evidence (for example the not proven effect of ASBOs or figures that do not endorse the general idea of a major problem of ASB).

In general, the effort to rationalise politics ignores the cultural sources of crime politics, such as the potential political benefits and the role that media attention plays for politicians. It simply assumes that crime and ASB are what they are, rather than being attentive to how ASB is constructed and framed as a social subject in the different discourses.

From an evidence point of view, ASB on the street is a relatively minor threat (in the sense of growth and scale) and one that is already targeted by various crime-reducing policies. However, the heated media reports and

political discourses on the effects of the ASB have little to do with the facts, and cannot easily be cooled down by more facts. For example, when confronting the politicians in the interviews with more evidence on the unchanging status of ASB, they simply dismissed it with the argument that from their own experience they know it is a growing problem and that social science is often inconclusive. They argued that not reacting to the problem would undermine the credibility of the government and therefore the introduction of the new law to combat severe ASB was justified.

What do these results mean for public criminology? In theory, criminologists should probably take the more 'emotional' elements of politics into account in their efforts to cool down the hot crime issues. But this is easier said than done. It is nearly impossible for researchers, when presenting research results, to deliberately weigh their potential effect on the construction of the problem. It could even undermine the academic impartiality of criminologists if they do consider the effects of their research.

A more effective approach could be to enhance the public role of criminologists. They should not only make more knowledge available for politicians and policymakers but also provide facts and data on crime to the media. In other words, they might educate the media so as to contribute to a cooler politics of crime; for example by organising special crime issue groups where scientists and media representatives come together to discuss outcomes of recent criminological research. Consequently, the media will be better positioned to interpret the results and to contribute constructively to policy-making.

Although in essence perhaps a somewhat naive suggestion, this may still prove a more effective way to influence the course of events. After all, as emerged through the discourse analyses, the media appear to be prime movers in this debate.<sup>4</sup>

### III

To sum up I and II, Dutch politicians base their arguments on a) a public outcry that is more diverse (as the field work showed) than they seem willing to acknowledge and b) a feeling of urgency that is not corroborated by statistical data on increasing ASB problems. This is a relevant observation, especially because – as the legal discourse analysis revealed – deviance is defined down, as Garland also identified. More behaviour is being criminalised<sup>5</sup> than before and more (young) people are stigmatised as a result. Garland described this

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4 In the US, a start has been made by founding an organisation (The Campbell Collaboration) devoted to collecting relevant evaluation research (not only on crime) and making this available to policymakers and media sources. In the Netherlands this initiative was followed with the founding of the *Erkenningscommissie Gedragsinterventies Justitie*.

5 Criminalising, not in the sense of actually penalising behaviour but of labeling behaviour as criminal.

*adaptive* response to these (sub) crimes as well; only he did not relate this to the political rationales as discussed above. If the two observations, a) more behaviour is criminalised on b) ill-founded motivations are combined, a rather bleak picture of Dutch policy processes and political motives in the field of ASB emerges.

The picture is clouded further by the fact the majority of the interviewed Dutch politicians (regardless of their political orientation) stick to the view that more repressive measures are still necessary to tackle ASB and at the same time right-wing politicians in the UK acknowledge the undesirable course that ASB policies have taken and are suggesting a return to a more rehabilitative and restorative approach (all the more remarkable since it is generally the leftist political parties that advocate this 'softer' approach to crime). It should be noted that the reason for these differences between the two countries could be that the UK embarked on its anti-ASB policies much earlier, and that these policies have simply worn out. This idea will be discussed further in paragraph 6.3.

Garland's observation that a tough approach to (sub) crime policies is no longer restricted to right-wing political parties can in part be derived from the political discourse analysis as well, although this is even more ambiguous than Garland already presumed. Left-wing politicians still indicated their preference for policies with a social character but explained that these had to be coupled to more repressive measures, such as the new law to combat ASB; again a demonstration of the so-called *adaptive* responses to crime.

#### IV

The analysis of the media discourse has theoretical implications as well. As was mentioned earlier, in both countries ASB is seen as a major problem that is on the rise, even though the ASB that is actually experienced is decreasing or remaining steady. A major disparity between the two countries is the media approach to ethnic minorities. In the British media discourse on ASB, second-generation immigrants do not appear on the front-page. In the Netherlands however, media attention for rascals from Moroccan backgrounds has exploded.

Garland explicitly desists from only pointing the finger at media attention for the complex system of crime policies. He states that the media did not produce this change but tapped into it. Garland blames 'the social fact of high crime rates', that is, the social acceptance of supposedly *higher* crime rates, for the schizophrenic crime policies. According to his line of thought, high crime rates are interpreted as signs that crime control is based on a model that is inadequate to its tasks. Consequently, he argues that the public has lost confidence in the criminal justice system and in the politicians that are responsible for it.

Nevertheless, in the case of ASB (and of crime, for that matter) the general picture is one of unchanging figures; so this is probably not the primary cause



of the above-identified political rationales. It thus looks like the Dutch media play a bigger role in the described political climate than Garland assumed in his theory. A letter to Parliament from Wim Cornelis, Mayor of Gouda, a city with much publicised cases of street terror, confirms this line of thought. He states that the media are overly negative about how Moroccan teenagers in his city terrorise people on the streets, and that they are publishing increasingly alarming articles on the problems (letter dated 7 October 2008). As a result of this alarmist tone in the media, political reactions are 'out of proportion', according to Cornelis. Police Chief in Central Holland, Jan Stikvoort, similarly accused Parliament of blowing the problems with Moroccans out of proportion; 'When people including politicians make rash statements without any qualifications and are quoted in the media, a whole unwarranted media hype is created. Things are improving and there has been a decrease in the number of criminal charges that are filed. This is not the same as denying there is a problem, but it is not nearly as serious as people say' (*de Volkskrant*, 4 October 2008). These quotes (among others see Chapter 4) point to a mediatisation of politics, as will be discussed further in the next paragraph (3). Earlier criminological research already revealed that the media indeed tend to exaggerate the proportions of crime (e.g. Jewkes, 2004; Carrabine, 2008; Greer, 2010). It is generally acknowledged that the risk of crime as portrayed in the media is both quantitatively and qualitatively more serious than the official statistically recorded picture (Matheson, 2005; Vasterman, 2005; Scheufele, 2007). The analyses of the media discourse demonstrated that intensive media reactions can have far-reaching policy consequences. Politicians consider the media to be the spokesperson of the public; even if the public and local politicians do not feel represented by the media.

## V

These latter observations of local politicians echo earlier findings on the tension between national and local politics. Local practitioners translate national policies in a variety of ways. This result relates to Garland's claim that national crime control strategies are accompanied by on-going, low-key local efforts to build up the social control within neighbourhoods. He attributes this *adaptive* (*acknowledging the changes and adjusting to them*) policy response more to the administrative machine of the state (for example, the street level bureaucrats who are faced with various forms of deviance on an everyday basis and have more pragmatic approaches to crime control) (2001, p. 112).

Other researchers (Jacobson, 2008; Crawford, 2009) also identified this gap between policy intent and its implementation on the ground. Crime policies are set at the national level but the actual fight against nuisance and insecurity takes place at a local level. This process is also referred to as local governance of crime (van Swaaningen, 2005). Local authorities have continued to pursue social policies in spite of their tough rhetoric. This is not surprising, as also Uitermark and Duyvendak (2005) argued, since new policies are introduced

within the context of the former ones. Despite the fact of a shift in politics, at the actual implementation level policies are far more practical, for example at the level of local civil servants. This is particularly so because the old programmes are not disqualified officially and seem to work in practice.

Thus, although the interviewed national politicians want to expand the options in tackling ASB, local practitioners and politicians tend to stick to the already available possibilities. This is probably due to the fact that the day-to-day local problems are far more complex than the policymakers at national level (can) take into consideration. Although several *local* politicians do not deny that there are problems with these groups, they also state that numbers are decreasing.

With this in mind, some respondents argued that more repression in small urban communities could lead to more ASB problems (see Chapter 5). To some extent local authorities fear that the new measures and laws like to one to combat severe ASB, may undermine police-community relations and leave young people feeling resentful and unfairly stigmatised, and they will therefore prefer to stick to the old ones.

## VI

In this present study, politicians claim they heed the wishes of the people, but as became clear, they appear to be conditioned by the alarmist media reactions. This is in line with Garland's argument that there is a tendency to focus on politicians as the prime movers in bringing about penal change, but in reality they are often the final movers rather than the primary ones. In this situation the concept of a *moral panic*, as Garland also suggested (2008), comes to mind. The literature around this issue has many dimensions and not all are important for this study (e.g. Cohen, 1973, 2002; Waddington, 1986; McRobbie & Thornton, 1995; Thompson, 1998; Ungar, 2001). Furthermore, although this concept is often more an observation than an explanation and has attracted a number of recurring criticism (e.g. Goode & Ben Yehuda, 1994) it still can be relevant for this study. Especially because several respondents claimed that the size and tone of the reactions to ASB contain elements of a moral panic (see chapter 4 and 5).

However, one of the main conditions of a moral panic, a moral public *outrage* as described by Stanley Cohen (1973; 2002), was not found in the analyses. Undeniably, dissatisfaction with various forms of ASB was noted in the public discourse, but a *massive* call by the Dutch public for tough action was not detected. Consequently, other qualities of exaggeration and alarm, often provided by moral panic analyses, are also not relevant for this study. Because when a problem is all in all not perceived as alarming the often discussed question of (dis) proportion of the reaction is beside the point. In other words when the public does not feel the extent of the conduct or the threat it poses is a major predicament, the reaction can never be an exaggeration.

Nevertheless other defining elements of a moral panic do flow from the analyses. For instance, the relevant behaviour, in this case ASB;

- 1) *has existed for some time but suddenly appears in the limelight.*  
ASB has always been a part of daily life but now is at the centre of political and media attention (see Chapters 2, 3 and 4).
- 2) *becomes defined as a threat to societal values and interests.*  
ASB is politically linked to crime, economic and social decline, the credibility of the government and problems with the integration of minorities (see Chapter 3).
- 3) *is presented in the mass media in a stereotypical fashion.*  
The analyses of the media discourse illustrated that ASB was often dubbed 'street terror'. ASB became a symbol of societal decay. Media reports left little room for differentiation or counter-voices (see Chapter 4).
- 4) *leads to real changes in legal and social policy.*  
Several new measures and laws, were introduced to tackle ASB, although some older forms of policies were left relatively unchanged (see Chapter 2).

These last four points are more or less true for the Dutch case of ASB. But again, one of the main conditions of a moral panic, a wide public *outcry*, in the sense of a massive outrage over the scale of ASB, could not be detected in the public discourse. The media and the politicians (triggered by media reports) claim a public moral outcry, but the public itself leaves more room for nuances and mixed approaches to the problem of ASB. The public reaction is less consensual, and more or less divided. These mixed views do not always trickle through in the media, which could lead to a distorted picture of events, with several politicians believing that some Dutch streets are terrorised by youngsters.

To conclude, on the one hand the *broad* social reaction can not be described as a *classic* consensual moral panic, and as Garland (2008) mentioned, these are perhaps decreasingly common in complex contemporary societies. While on the other hand, the social reaction in a *limited* sense (restricted to the political and media reaction) does contain many qualifications of a *classic* moral panic. Thus, one can argue that for the establishment of a moral panic an outraged public is not longer a necessity.

## VII

Another noteworthy result from the analyses is that the policies tackling ASB are not as tough as the political rhetoric suggests. The various continuities/discontinuities in crime policies that have been identified not only exist at a general level between different policy domains, but also out on the street, in their implementation. On the one hand, the results demonstrate how social policy is becoming criminalised, in the sense of 'using' social institutions, such as social services and local departments of education, in the fight against crime and ASB (see paragraph 2.2.2).

On the other hand, there is evidence of crime policy becoming socialised. This means that what is defined by the political and media discourses as a crime problem (ASB), is also addressed through strategies and technologies associated more with social policy. For example, the approach of the 'Foundation to Address ASB in Amsterdam' (Stichting Aanpak Overlast Amsterdam; SAOA) combines street surveillance (essentially a crime-fighting instrument) by especially trained locals (*straat coaches*) with house visits by official care providers (originally social services). These two strategies are also the spearheads of official policies introduced by the collaboration of 22 city councils to tackle problems with Dutch Moroccan youths (Ministerie van VROM, 2009).

What is more, several Dutch policies to tackle ASB did not intrinsically change, but were more or less fine-tuned. For instance, the new law to combat severe ASB gives *more* power to local authorities. Mayors can issue restraining orders for people who have displayed ASB, without the interference of a judge and for a *longer* period of time than the current law permits. The restraining order can be issued for a year and must be reviewed every three months.<sup>6</sup> If the order is breached, it becomes a criminal act (on the basis of the *already existing* article 184 Sr) and the case can be brought before a criminal court.<sup>7</sup> This is more about expanding the possibilities of tackling ASB than introducing entirely new measures. These adjustments were presented in the media and political discourse as necessary and significant changes. The existing measures were dismissed as ineffective and insufficient. The general idea is that 'politicians have to do something', and that this *acting out* emphasises the capacity of the government to control crime.

## VIII

The Dutch public discourse analysis illustrated that the groups that are most affected by the newly adapted policies and laws, are the ones that lack political power. In half of the observed neighbourhoods, including those with the strongest complaints, problems are associated primarily with Moroccan youth. These young immigrants do not have voting rights yet and feel in a way isolated from Dutch society. According to some interviewed youngsters the police react aggressively at the slightest provocation.

This observation is in line with Garland (2001, p. 135). He argues that the *denial* strategy (the government acting out) is possible because of these targeted groups that lack political power. He states that they are portrayed in the media as dangerous and undeserving. The newly introduced policies effect them, but according to him, they do not have the (legal) means to react or protest. Garland described them as vulnerable, but considering their sometimes strong language and obvious presence on the streets, probably exposed is a better description.

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<sup>6</sup> Or one can be ordered to report at certain times.

<sup>7</sup> A prison sentence up to three months or a fine can be the end result.

The media discourse analysis demonstrated how in the Netherlands, ethnic youngsters are indeed frequently portrayed as dangerous in the newspapers and are linked with supposed societal developments like neighbourhoods falling into disrepair or the general coarsening of manners. In addition, while analysing the political discourse it became clear that they often are the targets (although not always explicit) of new policies.

These results are, besides confirming Garland's ideas, also in line with Cohen (1973; 2002) who described similar marginalised groups in the centre of reactions and debates around crime and named them Folk Devils. He stated that the concept of a Moral Panic and their Folk Devils have interactive relationships. He described a looping effect of deviance amplification that occurred when media attention and increased control lead to the hardening of the original deviance.

The public discourse analysis in this thesis demonstrated that some of the targeted youngsters indeed tend to behave accordingly to the media image. Several young respondents complained about negative media attention and they did not seem to have a clue about how they could use the media attention in ways that would benefit them more. They responded rather cynically to questions about attempting to use the media to express their own opinions. The media are predominantly seen as 'looking for sensation' and 'reinforcing the negative stereotypes of the neighbourhoods'. A few of the interviewed Moroccan youngsters expressed feelings of isolation and stigmatisation. Some of them mentioned that they did not bother to adapt their ASB because the police would keep addressing them as troublemakers anyway (see Chapter 5).

## IX

Another line of inquiry of this thesis involved comparing the Dutch and British situation. Garland argued that crime control strategies in different Western countries are in many ways the same. Indeed, the overall currents of change, like those in the emotional tone of crime policy and the politicisation of crime polices, appear similar on the surface. However, at a 'lower' (local) research level, differences became clear. For example, the previously mentioned content of media discourses differs considerably, as does the implementation of policies between the two countries.

This is again in line with Garland who argues that despite a rather limited variety of adaptive patterns, there may well be differences between European and Anglo-Saxon nations in their versions of the Culture of Control. Only the differences are not the ones he expected. According to Garland, European nations typically have omnipresent state bureaucracies and multiple-party political systems and are therefore less exposed to popular pressure and so less susceptible to punitive populism. He states that – thanks to their educa-

tional system – (especially northern<sup>8</sup>) European countries do not produce underclass populations excluded from the social and economic mainstream the way Anglo-Saxon nations do. However, the discourse analyses showed that populist views on ASB (and crime) have a wide appeal in the Netherlands as well and that social exclusion sometimes is a day-to-day reality (although on a different scale than in the UK).

So to conclude, several elements of the Culture of Control can be recognised in the Dutch discourses as well, but all in all they appear even more ambiguous. Media attention plays a bigger role in Dutch ASB (crime) politics than Garland described for the UK; high ASB (crime) rates are less of a social fact; politicians not only ignore but almost despise criminological research, and they claim to act on behalf of a public outcry that in reality is not that loud. Adaptive and non-adaptive policies on paper coexist but in daily practice the more pragmatic *soft* approach is often preferred. Minorities are more frequently connected to ASB in Dutch discourses than in the UK. This consequently leads to processes of isolation, in some cases resulting in a looping effect, with youngsters tending to behave in accordance with the media image. This behaviour could further deteriorate if control (new/adapted laws and measures) is tightened further.

The following paragraph compares more recent developments in the two countries and will expose more differences between these two.

### 3 RECENT DEVELOPMENTS AND DISCUSSION

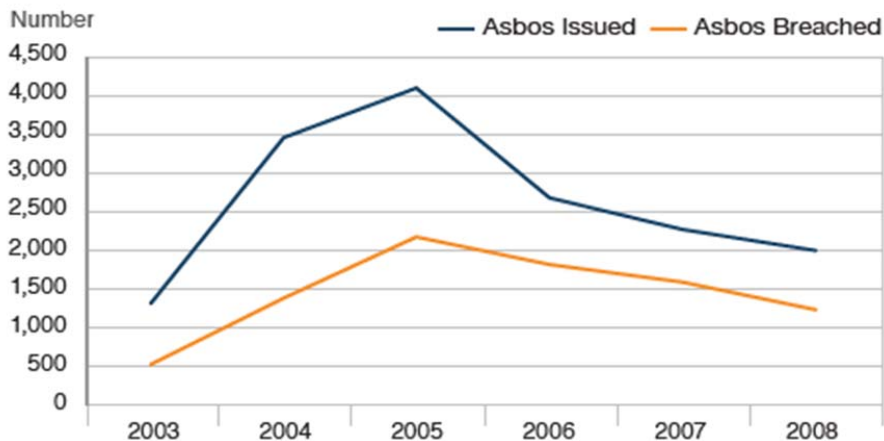
The articles, as presented in the different chapters, have been published in a two years period, from 2008 till 2010. In these years, ASB turned out to be a hot political, media and public topic. The debate on the issues concerned did not suddenly stop in mid-June 2010. Therefore it is relevant to give a short overview of the more recent developments including some points of discussion.

I) As became clear in Chapter 2, the ASBO promised much but, in the eyes of the new British conservative government (installed in 2010), has delivered little. With the ASBO, right at the heart of the New Labour project, the idea was that one could stop young thugs in their tracks before they became career criminals. After the introduction in 1998, the ASBO developed into a mixture of measures aimed at nipping community disorder in the bud. People clearly liked the theory, but the problem turned out to be in the actual practice (see Chapter 3). British Ministry of Justice figures show 55% of the almost 17,000 ASBOs issued between June 2000 and December 2008 were breached, leading to an immediate custodial sentence in more than half of the cases.

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8 In this context he refers directly to Scandinavia and Germany, and indirectly to the Netherlands (2004).

### Asbos issued and breached in England and Wales 2003-2008



Source: Home Office

(Home Office, 2010 (as seen at BBC news, July 28, 2010))

In reaction to these figures, the home secretary Theresa May, has suggested an end to the use of ASBOs in England and Wales (BBC news, 28 July 2010). May said punishments should be 'rehabilitative and restorative', rather than 'criminalising'. However Labour, which devised ASBOs, said they had made a 'huge contribution' to cutting crime. Shadow home secretary Alan Johnson (Labour) said there was no doubt that the introduction of the ASBO has made a huge contribution towards tackling crime and ASB. Thus tackling this behaviour is still at the top of the UK's political agenda despite the absence of empirical data on the nature and extent of the problem and the lack of correct evaluation of the measures introduced (Parr, 2009).

In the Netherlands, the discussion on ASB is still an actuality as well, although the line of approach is completely different. Here, the repressive measures are not abandoned. On the contrary, in November 2010 the new rightwing government (installed in September 2010) introduced a new bill in parliament extending the period of restraining orders imposed by a judge for ASB from three months to two years (Kamerstukken, 2008).<sup>9</sup>

Therefore, although in both countries new conservative governments were installed, their rationales are diverse in character. While the British Conservative party focused on returning to policies of a rehabilitative and restorative nature because of the criminalisation effect of the new repressive measures, the Dutch cabinet still believed in a more repressive approach to tackle ASB. In reactions in the media<sup>10</sup> (8 November 2010) and in a debate in parliament

<sup>9</sup> Mayor already has the power to impose this (law to combat severe ASB).

<sup>10</sup> <http://nos.nl/artikel/196770-wijkverbod-voor-lastige-jongeren.html>

(15 December 2010) the Minister of Justice and Security Ivo Opstelten defended the new law with arguments like 'the government must be capable of addressing ASB' and 'the people say enough is enough'. These are in line with earlier identified rationales like legitimacy of the government and enhancing the equality of life.

An explanation for the recent divergent developments- between the Dutch and British crime politics- could simply be that the Culture of Control in the UK is changing because it started earlier. In crime policies, such as in other societal developments, several successive and sometimes ambiguous trends can be identified. Within criminology, long-term alternating conjunctures from repressive to more lenient approaches to crime have been observed, also referred to as control waves (e.g. Prior & Spalek, 2008; van Swaaningen, 2005; Garland, 2008). Perhaps, in the UK, the time for a repressive mood in politics is altering. In addition, from a Conservative perspective, these policies needed a new approach, because these measures were symbols of former Labour politics.

In general, a period of lesser control develops in juxtaposition to the preceding decade of strong crime policies. Then a tough approach becomes less popular and the UK being the trendsetter for Dutch politics (as became clear in Chapter 4) is an early adapter (or instigator) of this new trend.

Various scholars identified a tendency among Dutch politicians to swiftly pick up new trends from abroad (Devroe, 2008; van Swaaningen, 2008; Pakes, 2005). If this is indeed true, than softer crime policies on a national level can be expected to be on the rise soon in the Netherlands as well. On a local level these developments can already be identified. For example, the local 5 years-action plan for ASB in Rotterdam presented in 2010, sticks to combination of restrictive and preventive policies but in addition adds softer approaches (Gemeente Rotterdam, 2010). For instance, the introduction of a talk group where elderly citizens and youngsters can discuss local issues. The aim of this monthly get-together is to enhance mutual understanding and create more tolerance on the street.

Notwithstanding these new local social policies, the original ideas on prevention and social policies to prevent crime and ASB were not dead in the first place, as has been discussed in the former paragraph. Only these policies were not emphasised by national politicians, probably out of fear of being characterised as soft.

II) The mediatisation of politics as identified in the former paragraph has developed further. For example, as Uitermark and Gielen (2010) in their study on the role of the Islam in the local politics also argued, conflicts over the actions of young migrants in Western societies have become increasingly mediatised.

The here presented analysis of the media discourse confirmed this mediatising of the debate on ASB by young Moroccans. Events concerning



ethnic youth are brought to the public's attention by means of alarming headlines, as the ones quoted earlier.

More and more, the media have become a prime battle ground for political struggles concerning ASB. Politicians claim they have to react to confirm the capacity of the government to control crime. Garland states that these *non-adaptive* measures can be best described as 'the government *acting out*', with for example, symbolic police actions to impress. The very fact of acting is enough. The capacity of the government to control crime, however doubtful, is constantly emphasised. Crawford (2009) also refers to this symbolic role of ASB legislation. He states that in the UK, to keep the faith of the public in the democratic process, action against ASB was necessary and extensively discussed in the media.

Although these policies are not surprising, -did a government ever admit that they could not control crime? -, the foundation of them changed. Symbolic policies, in the sense of acting out because the public demands it, are not new but in the creation of them the media play a bigger role than Garland assumed. The discourse analyses demonstrated the influence of the way a topic is constructed in the media and its effect on policymakers and politicians.

As was also argued in Chapter 1, the described discourses overlap, because players such as politicians, journalists and city residents constantly react to each other's statements and influence one another. How these lines of influence actually function was not an object of this study and the lines are often empirically difficult to disentangle, but the analyses demonstrated their intertwinement.

At first sight, politicians emerge as the primary actors in the construction process of ASB on the street, legitimising their action by referring to the assumed public outcry as presented in the media. However, these media representations do not one-on-one reflect local realities and public views. The results show that consequently, the increasing attention for ASB in the media transformed the logic of politics. By giving ASB much attention (far more than a decade ago, although the statistics do not justify this change) the media 'stimulated' politicians in taking harsher measures than probably necessary and by that potentially escalating the conflict. This process makes politicians followers rather than movers of change.

In 2004, (3 years after his book *The Culture of Control*) Garland described the solutions that materialize out of such a complex construction process as *rational-within-views*, meaning that every solution is based upon a perception of the problem it addresses. Political actors patch together workable solutions to problems they encounter, coping with their workload, pleasing their voters, in other words; doing the 'best' job concerning the circumstances. This can be identified within the Dutch discourses as well.

## 4 CONCLUSIONS

### 4.1 General research question

The study showed, in short, how policies addressing ASB on the street and its perpetrators (troublesome youth) are constructed and addressed within the different discourses and in different settings. It answered the question which rationales can be identified within the Dutch discourses and how these rationales can be assessed within the context of a Culture of Control.

The analyses showed that both British and Dutch governmental rationales focus on the need for tough action and new measures, in response to a media outcry and a purported public outcry. Young people are potentially criminalised on account of the anxieties generated among the public by groups congregating in public places. However, the local Dutch public discourse presented a more nuanced and mixed view on this shifting policy landscape than politicians would like us to believe.

To sum up, the concept of unprecedented proportions of ASB, as is constructed in the media and political discourse, is used to preserve the idea 'of the capacity of the government to control crime'. This is completely in line with Garland's ideas of the Culture of Control and his views on adaptive and denial crime policies. However, the discourse analyses also demonstrated that the Dutch (crime) policy culture is even more complex than Garland assumed. Media exposure plays a bigger part in Dutch ASB (crime) politics; ASB (crime) rates are less of a social fact; politicians prefer own experience above scientific results and claim to act on behalf of a public outcry that in reality is not that loud. Tougher measures are introduced but in daily practice the more pragmatic soft approach is often favoured. Minorities are portrayed more negatively in Dutch discourses than Garland expected to see.

The empirical research also identified undercurrents in the Culture of Control. These currents include a public that does not dismiss social policies for addressing ASB, local politicians and civil servants travelling the same *softer* path, and British politicians turning away from repressive policies.

In conclusion, the construction process of ASB policies is more complex than one might expect within the context of a Culture of Control. The analyses identified a multifaceted field of actions, reactions, opinions and debates and demonstrated a very complicated process. As the four discourses showed, the Dutch actors have to deal with, for instance: 1) underlying conflicts (competing (political) interests), 2) chronic uncertainty (about effects of measures) 3) daily practice (old measures still work), 4) media attention (focusing on the ethnic youngsters) 5) current taboos (on issues like soft policies towards crime).

These *not-so rational* rationales do not easily surface with quantitative research approaches. Therefore, these results demonstrate the added value of the chosen qualitative methods. A triangulation of methods like content

analyses, interviews, observations and comparative research did justice to the complexities that characterise this construction process.

In conclusion, although the Culture of Control is certainly not gone, it is starting to mix with old and new policies, measures and actions. Furthermore, this thesis demonstrated that the high level of 'social acceptance of high (sub) crime rates' as a basic assumption for the Culture of Control, is questionable. Judging by the results, high (sub) crime rates have not become a social fact in all discourses. Not so much the (purported) high rates of ASB changed how people think or feel, but more the way the media and politicians have responded to ASB changed the public's views. Creating a looping effect; basic assumptions such as a 'public cry for new measures' were no longer questioned and eventually did result in the implementation of real new measures and laws.

Returning to the starting point of the thesis – local politician Verburg's claim that 'the ASBO helps in the fight against young people terrorising the street' – can be refuted in various ways. First, the problem of ASB is less a pressing issue than Verburg assumed. Secondly, although annoyed by ASB the public is not terrorised in the actual meaning of the word and thirdly, the effectiveness of British ASBO is questionable. These results demonstrate that when studying (sub) crime policies one should be aware of the underlying suppositions.

Dutch politicians should remember the well-known saying that the grass is not always greener on the other side of the fence. While working in the garden, one should not underestimate the quality of one's own lawn. The traditional Dutch situation with a combination of soft and hard policies tackling ASB is not such a bad approach after all. As Voltaire described in *Candide* (1759), cultivating our own garden (*il faut cultiver notre jardin*) is, although a modest goal in life, not a less rewarding and effective one.

In conclusion, this thesis focused on local developments, drew international parallels and consequently identified divergent undercurrents. These and similar empirical comparative studies are essential for recognising nuances in general trends.

## 4.2 Future research

The *critical* aim of this thesis was to prompt readers to think differently about the Culture of Control and to identify the range of choices and actions actors in the different discourses have and follow. The *analytical* aim was (in line with Garland, 2004) to enable readers to see beyond policymakers and politicians to the social and cultural conditions that structure political decisions. The *practical* aim was to examine the assumptions on ASB and to present a balanced picture of this alleged urgent problem.

I wanted to show that a historical approach in combination with criminological theory and methods can yield more insight into the rules of thought and action that shape crime policies. As an historian one should be a dispassionate observer, meaning an observer with a passion for the subject but at an appropriate distance to enable one to identify the complexities. As a criminologist one should be a crime myth buster, meaning a critical observer of the rationales of crime policies, making more knowledge available for politicians, policymakers, public and media alike. A combination of these two disciplines could lead to more analyses of crime policy constructions. Relatively newly identified crime problems like some financial crimes, crimes against the environment and crimes against humanity could benefit from discourse analyses of their construction processes.

Another path to explore in a future study is how the lines of influence between the discourses actually function. The extent of mutual influence was not a subject of this thesis. The intertwining of the discourses was obviously discussed but how exactly these lines work needs more exploration. However, how these lines of influence actual function is empirically difficult to analyse. A suitable method to examine this further would be to analyse several case studies. For example, one could study in detail how a number of events concerning ASB evolved over the last decade. Which event triggered a media hype around the problems of ASB? In what way did the actors in the discourses react to each other? The concept of a moral panic or in some cases the concept of a Culture war could be useful analytical tools (Garland, 2008). How the media reconstruct these problems strongly determines what people consider to be an appropriate reaction to the problem.

The present thesis did not give full attention to situations where the problems of ASB developed differently. For example, one could compare the Dutch situation to a country where at first sight there appears to be no problem with ASB at all, for instance Singapore. Here, harsh crime policies, (half) censored media coverage and a tighter social control create a totally different research field.

Another path that could be explored is to compare the British and Dutch situation with countries where the problem of ASB actually got out of hand. For example, in France the problems of ASB and ethnic minorities escalated in 2005. The coverage of the events by French journalists has been criticised. One of the mayor complaints was the overuse of sensationalism by journalists and the simplification of the causes of ASB (Begag, 2007). Research questions could be: How did the role of the media develop? How did politicians react and what are the similarities and differences with the Dutch discourses?

The answers to these questions will provide valuable insights for future ASB policy makers and will further elucidate the sometimes opaque ways in which social construction processes and general crime trends develop.

