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ANTI-SOCIAL BEHAVIOUR, BEHAVIOURAL EXPECTATIONS  
AND AN URBAN AESTHETIC

ANDREW MILLIE\*

*In recent years, the phrase ‘anti-social behaviour’ (ASB), as understood in a public order enforcement context, has gained prominence in the United Kingdom, to the extent that it is claimed we now live in an ‘ASBO nation’. In this article, the meaning of ASB is explored as a contested concept. The focus is on urban spaces, where it is argued that understandings of ASB are very much dependent on people’s behavioural expectations for a particular space and time. Moreover, what is regarded as anti-social is also determined by social and cultural norms of aesthetic acceptability. A differential interpretation perspective is suggested, in which the same behaviour can be censured as ASB (or crime), tolerated, or even celebrated. The consequences are discussed.*

Over the last decade, there has been a great deal of political interest in the United Kingdom, from all parties, in anti-social behaviour. This is reflected in the sheer number of legislative powers that have been introduced to tackle anti-social behaviour, including: injunction powers for registered social landlords to remove anti-social tenants (1996 Housing Act); powers for the police to disperse groups thought likely to behave anti-socially (2003 Anti-Social Behaviour Act); and, most notably, the introduction of the Anti-Social Behaviour Order, or ASBO, to restrict the movement and behaviour of people deemed to be anti-social (1998 Crime and Disorder Act). Within a relatively short period of time, the phrase ‘anti-social behaviour’—as used in this public order enforcement context—has become part of the common lexicon. More particularly, the term ‘ASBO’ is now in regular usage, as noted by Bright *et al.* (2005):

It’s official. We are now living in ‘ASBO Nation’ ... in a week when the word ‘ASBO’ entered the Collins English Dictionary and a Hull poet researching dog names for a literary festival discovered a Staffordshire bull terrier called ASBO.

While the phrase ‘anti-social behaviour’ (henceforth ASB) is a relatively recent addition to popular discourse in the United Kingdom, it is, of course, hardly a new phenomenon (Pearson 2006). Nonetheless, defining what is currently meant by ASB is not straightforward (e.g. Bland and Read 2000; Harradine *et al.* 2004; Ramsay 2004; Millie *et al.* 2005a). Common understandings are vague at best, leading to difficulty in deciding what is, or is not, anti-social. Criminologists and legal philosophers have, for decades, been debating the precise nature and limits of criminal activity (Garland 2002). For instance, Feinberg (1984; 1985) produced some very useful guiding principles for criminality, summarized as the ‘harm principle’ and the ‘offence principle’; for example, a burglary or assault is criminal because it causes harm and offence to the victim and to society at large. Everyday reality is, of course, more complicated and Feinberg also

\*Department of Social Sciences, Loughborough University, Loughborough LE11 3TU, Leicestershire; a.e.millie@lboro.ac.uk.

explored the constituent elements and ethical consequences of harm and offence, such as seriousness of offence and whether the failure to prevent harm is criminal (see von Hirsch and Simester 2006). Both harm and offence are relevant to discussions about ASB; however, ASB is often below the level of criminality. The inherent subjectivity of ASB means that it becomes even more difficult to pin down.

While people certainly do behave anti-socially, the problem of definition is compounded when it is acknowledged that the label 'anti-social behaviour' can also be regarded as a politically packaged set of very different concerns (Burney 2005). In this sense, ASB is a label of convenience for disparate forms of activity in the same way that categories of crime are the creation of the criminal justice system (Hulsman 1986). But the limits to what can be considered anti-social are more elastic, ranging from minor irritations to daily life, through to serious criminal activity. For instance, if I am rude to someone, then I am being anti-social. But, similarly, if I break into someone's house, take their car keys and steal their BMW, then my behaviour is also clearly anti-social. Both behaviours can cause harm and offence, but the extent to which they require censure will be quite different. Legislation introduced to tackle ASB, however, is not normally interested in either behaviour, with the rudeness being too trivial and the burglary and car theft being adequately covered by criminal law. Instead, ASB legislation tends to focus on unacceptable behaviour somewhere in between. None the less, the provisions of the 2002 Police Reform Act allow for ASBO applications post-criminal conviction (criminal ASBOs, or CrASBOs), meaning that I could conceivably receive an ASBO in addition to a standard sentence for the burglary or BMW theft in an effort to prevent future offending. Perhaps, in this instance, the term 'anti-social' is used on the wrong context and, instead, such offenders should be given what could be termed a 'Crime Prevention Order'. As has been well documented (e.g. Brown 2004; Burney 2002; Flint 2006; Macdonald 2006; Millie 2006), the result has been a blurring of boundaries between what is considered criminal and anti-social behaviour.

In a simple Venn diagram, there would be a clear overlap between behaviour that is defined under law as criminal and behaviour regarded as anti-social. But there would also be an overlap between ASB and behaviour that is non-criminal and, in certain circumstances, also non-antisocial. For instance, Burney (2006) has observed that spitting can be quite acceptable in some situations, such as a footballer clearing his throat. However, it can also be offensive to the extent that it is uncivil, anti-social or even criminal. Continuing the footballing theme, Burney recounted the following examples:

Arsenal's Patrick Viera received a six-game suspension and a £45,000 fine for spitting at another player, and the Liverpool player El Hadji Diouf was fined £58,000 by his club for spitting at Celtic supporters. ... when photography recorded the spray of spittle directed at rival fans by Wayne Rooney, the 17 year-old Everton player was given a police warning. (Burney 2006: 196)

What was it that made these acts of spitting unacceptable that they required censure and, in the case of Rooney, censure from the police? Quite obviously, there was an element of offence on the part of the persons being spat at, but also the disgust of those who witnessed the spitting that made the incidents anti-social. The behaviour was beyond conventional norms of acceptability and it was beyond people's behavioural expectations for that particular environment.

The central theme of this article is people's behavioural expectations. More specifically, the focus is on ASB within urban spaces, as such environments have always attracted

people with differing expectations and contested understandings of what is acceptable or unacceptable activity; as Warpole and Greenhalgh (1996: 40) have observed, ‘Public space will always be a site of conflict, between different groups pursuing different interests’. In this article, it is argued that what is, or is not, regarded as anti-social can be very context-specific. This, in itself, is not a new observation (e.g. Burney 1999; Whitehead *et al.* 2003; Millie *et al.* 2005a; Macdonald 2006); however, it is also argued that a key factor in determining ASB is its aesthetic acceptability. The implications of this are discussed.

### *The Meaning of ASB*

Before going any further, it is useful to discuss definitions and meanings of ASB that have been suggested. An early definition was put forward by the Chartered Institute of Housing (1995) that ASB is ‘Behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community’. This definition highlighted the importance of housing in ASB discourse (see Flint 2006), but otherwise failed to limit the behaviour considered anti-social, beyond it having something to do with people’s rights to good quality of life. Concerns were also extended to the community—although ‘community’ is something else that is not easy to define (see Crawford 1997; Jones and Newburn 2001). The next, and most significant, development came with the 1998 Crime and Disorder Act brought in by the Labour government. ASB was deemed to be acting in ‘a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as [the perpetrator]’. The phrase ‘harassment, alarm or distress’ was borrowed from earlier Conservative legislation—the 1986 Public Order Act. While this provided continuity of legal language, it did not help to define the nature of ASB; after all, what causes me harassment, alarm or distress can be quite different for the next person. In a subsequent government report (Social Exclusion Unit 2000: 14), the definitional problem was conveniently side-stepped, stating that ‘There is no single definition of anti-social behaviour. It covers a wide range of behaviour from litter to serious harassment’.

In work associated with a pan-London ASB Strategy (Millie *et al.* 2005b: 9), ASB was defined as behaviour that causes harassment, alarm or distress to individuals not of the same household as the perpetrator. This kept the legislative limits to ASB, but minus the ‘or was likely to cause’ component. The definition was further limited to behaviour:

... such that it requires intervention from the relevant authorities; but criminal prosecution and punishment may be inappropriate because the individual components of the behaviour:

- are not prohibited by the criminal law or
- in isolation constitute relatively minor offences.

This recognized the role of authorities in intervening. Also, while the earlier footballing examples were one-off incidents, it seems that it is usually the *persistence* of ‘unacceptable’ non-criminal or minor criminal behaviour that makes it anti-social. The types of behaviour that this *tends* to involve include the following:

- interpersonal or malicious ASB—directed at individuals, groups or organizations, such as threats to neighbours, hoax calls or vandalism directed at individuals or groups;

- environmental ASB—such as noise nuisance, abandoned vehicles, graffiti or fly-tipping; and
- ASB restricting access to public spaces—including intimidating behaviour by groups on the street, aggressive begging, street drinking and open drug use. (Millie *et al.* 2005*b*: 9)

In wider criminological debate, ASB has a lot in common with incivilities and certain types of disorder. However, this still leaves room for subjectivity. In a recent focus group with former homeless people in London (Millie *et al.* 2005*b*: 8), one respondent described ASB as ‘other people’s stuff’. He may have been onto something; as Whitehead *et al.* (2003: 4–5) have observed, ‘virtually any activity can be anti-social depending on a range of background factors, such as the context in which it occurs, the location, people’s tolerance levels and expectations about the quality of life in the area’.

It is important to have limits on what is regarded as anti-social, as, for example, the consequences of an ASBO breach can be very serious. The ASBO acts as a two-step prohibition (Simester and von Hirsch 2006) in that it is a civil order in the first instance, but a breach of the order is a criminal offence and can lead to a prison sentence of up to five years. The past few years have witnessed the emergence of an ‘ASBO industry’ (Squires and Stephen 2005); and there have been some quite remarkable examples in which non-criminal activity has been ‘up-tariffed’,<sup>1</sup> or criminalized, for the individual on the ASBO. For instance, in one case, an 18-year-old was given an ASBO with the condition not to congregate with three or more other youths. According to a dossier of cases collected by the probation trade union NAPO (Fletcher 2005), he breached his order by entering a youth club and was arrested. Similarly, street sex workers have been imprisoned for breaching their ASBO conditions banning them from certain areas or from soliciting. Street people have also been targeted with, for example, one alcoholic with mental health problems imprisoned for four weeks for consuming alcohol in a city centre in breach of his ASBO (Jones and Sager 2001; Macdonald 2006). In reference to the use of ASBOs, the Council of Europe Commissioner for Human Rights (Gil-Robles 2005: 37) has stated: ‘I was surprised by the enthusiasm I encountered amongst the executive and the legislature [in the UK] for this novel extension of civil orders to such a wide range of offensive, if not necessarily offending, behaviour.’ Gil-Robles noted the offensiveness of this behaviour. But did the offensiveness of having prostitutes working the street, or an alcoholic drinking in public, warrant a prison sentence? As Feinberg stated over 20 years ago:

Because of legislators’ tendency to overreact to offensiveness we should approach the subject with the greatest caution. Any legislator who votes to punish open lewdness or disrespect to the flag with prison terms far greater than those provided for genuinely and deliberately harmful acts of battery or burglary must be simply registering his hatred, revulsion, or personal anxiety rather than rationally applying some legislative principle to the facts. (Feinberg 1985: 5)

From a political point of view, there are advantages to using civil powers, as their lower burden-of-proof requirements mean that potentially lengthy and expensive criminal proceedings can be bypassed. This is also a reason suggested for keeping the definition of ASB as vague as possible, as it allows for flexibility in policy and in the local

<sup>1</sup>The use of ASBOs post-criminal conviction (as with CrASBOs) runs the risk of ‘down tariffing’. An offence that is clearly criminal is treated in legal language as if it is merely an anti-social problem.

identification of problems. As the Home Office ‘Respect Coordinator’ has noted, ‘the legal definition of antisocial behaviour is wide. And rightly so’ (Casey 2005). Vagueness also allows civil powers associated with ASB legislation to be used in tackling more serious criminal activity. Others have rightly expressed concern over such avoidance of due criminal process (e.g. Ashworth *et al.* 1998; Gil-Robles 2005).

### *Anti-Social Behaviour in an Urban Context*

Recent research has pointed to the spatiality of people’s concerns and experiences of ASB, which tend to be more prominent within certain deprived and/or urban neighbourhoods, as well as in town and city centres (e.g. Upson 2006; Millie *et al.* 2005a; Millie 2007a). While it may be stating the obvious to point out that ASB can also occur in more rural or out-of-town locations, there could be something in the urban context that makes concern about ASB more likely. How we use and enjoy our urban spaces is largely dictated by our expectations and understandings of others’ behaviour. And, within an urban context, there are likely to be people with differing expectations and contested understandings of what is acceptable or unacceptable activity. In essence, the behaviour of others may be seen as anti-social simply because it does not fit our *particular* cultural and social understandings of norms of behaviour.

These norms of acceptability become very context-specific, as demonstrated with the earlier footballing example. To transfer this notion to the urban situation, what tends to be seen as ‘normal’ or ‘anti-social’ is dependant on the types of behaviours that are *generally* expected or tolerated in a particular locality. For instance, the fact that groups of youths will hang around at an urban skate park is entirely normal, expected and, generally, tolerated. We can understand this behaviour and accept it (and, if we don’t like it, we can avoid it). Groups of youths hanging around in a shopping mall may be similarly ‘normal’, but there is less scope for avoidance. The young people and other users of the mall all have legitimate, but competing, claims to use that particular place—in effect, it becomes a contested space (e.g. Aitken 2001; Hadfield 2006). The presence of groups of youths seems to carry with it symbolic cues hinting at intimidation, rudeness and general unpleasantness, be it the language of fashion, mannerisms, or the way young people talk—irrespective of actual threat, which tends to be extremely low.<sup>2</sup> Thus, what is regarded by the majority as anti-social includes behaviour *perceived* to be problematic—and this perception can be strongly influenced by sensory, or *aesthetic*, cues.<sup>3</sup> This is clearly not a very satisfactory position, as it has the potential to lead to the labelling of all young people in groups as anti-social.

There is long-established concern about the behaviour of youths in such urban spaces (e.g. Phillips and Cochrane 1988). And, more recently, such concerns have led to the banning of certain youthful activities from urban areas, through, for example, the use of dispersal powers. Within a designated Dispersal Order area, groups may be dispersed:

... if a constable<sup>4</sup> in uniform has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place in the relevant locality has resulted, or is likely to

<sup>2</sup>Such behavioural expectations are no doubt influenced by media portrayal of young people as problem groups—for instance, the ‘moral panic’ around ‘Chav’ culture and the wearing of hoodies in the UK (e.g. Pearson 2006).

<sup>3</sup>Other influences would include personal experiences, experiences of friends and the reported experiences and comments in the media.

<sup>4</sup>Also a Community Support Officer (CSO).



result, in any members of the public being intimidated, harassed, alarmed or distressed. (2003 Anti-Social Behaviour Act, Pt 4, s. 30(3))

Crawford and Lister (2007) have expressed concern recently that there is little distinction between ‘presence’ and ‘behaviour’, and that young people are punished for just being there, on the assumption of what they might do. The result has been the exclusion of some groups of young people (see also Rogers and Coaffee 2005; Smithson and Flint 2006; Woolley 2006) and, arguably, the over-estimation or miss-identification of ASB (Millie 2007a).

This is not solely a youth issue. It is possible that *anyone* whose behaviour is regarded as ‘different’, or outside the norm, can be labelled as anti-social, potentially leading to spatial and social exclusion. Young people, particularly when in groups, are often regarded as fitting this category, but, similarly, the homeless, street sex workers, those with mental health problems, or other categories of ‘them’—a theme to which I shall return. According to Jock Young (1999: 98), ‘To know that there are indeed other ways of doing things which in their own world are considered just as everyday as one’s own takes away security’. It is the contested nature of different people’s ‘everyday’ activities within urban spaces that can lead to certain groups’ behaviours being labelled as anti-social.

#### *Anti-Social Behaviour and an Urban Aesthetic*

While there may be certain anti-social behaviours that are not open to debate, the subjectivity and context specificity of ASB means some behaviours will be unacceptable in one situation, but accepted, or even celebrated, in another context—as demonstrated by the example of groups of youths congregating in a shopping mall or skate park. As Whitehead *et al.* (2003: 5) observed, this will be dependent upon people’s ‘tolerance levels and expectations’. Another clear example here would be graffiti. This may come under anti-social or criminal damage legislation and the artist or tagger<sup>5</sup> could face civil or criminal censure; however, people’s tolerance or acceptance of graffiti, especially if aesthetically pleasing, is such that it may also be celebrated. Jeff Ferrell (1993), writing about graffiti writers in Denver, recognized the importance of aesthetics and style in determining criminality: ‘... graffiti writing stands doubly as a “crime of style”; for back alley graffiti writers and white-collar anti-graffiti campaigners alike, style matters’ (Ferrell 1993: 160). According to Halsey and Young (2002: 165), deciding what to do with graffiti can be tricky:

... the diversity of graffiti—in terms of its authors, styles and significance—poses a number of problems for agencies attempting in the first instance to classify graffiti (as ‘crime’ or ‘art’) and in the second to control its occurrence (whether to ‘eradicate’ or ‘permit’).

More recently, Halsey and Young (2006:285–6) have indicated the importance of aesthetics, with graffiti writers themselves being ‘seen to formulate quite complex criteria for determining whether an image enhances or detracts from a particular aesthetic’. Halsey and Young note that:

Graffiti exists as a paradoxical phenomenon—as both aesthetic practice and criminal activity. Its practitioners often vigorously assert its visual merit and its cultural value. Its detractors recommend its removal from urban streetscapes and the prosecution of graffiti writers. (Halsey and Yung 2006: 275)

<sup>5</sup> Graffiti taggers leave their ‘tag’ or signature in as many places as possible. The tags are done at speed and, consequently, are usually regarded as having low aesthetic or artistic merit.

A case in point is the work of Bristol-based graffiti artist Banksy. When an example of his work appeared on a building owned by Bristol City Council in 2006, the council decided to ask the public whether it should stay or go (see Figure 1, which also shows typical ‘tagging’ for comparison). According to their online consultation:

Council Policy is to remove graffiti, seen as an act of vandalism to private property. However, some forms of graffiti are becoming more accepted as a vibrant urban ‘art’ form and colourful way of expression in the city. Follow the link to Ask Bristol and join the discussion, give us your opinions on graffiti, and just what is ‘art’ anyway?

Out of 203 responses, 197 were positive, with the result that the graffiti was allowed to stay.<sup>6</sup> The reasons given for keeping it centred on its artistic merit, that Banksy is from the city and that the ‘art’ had tourist potential. According the council’s consultation report:

... many participants argued that there is a large difference between graffiti as vandalism (i.e. tagging) and street art of the kind created by Banksy. ... A number of users stated that they believed the council should focus its efforts on cleaning up tag graffiti and encourage more artistic graffiti. (Hayward 2006)

Bizarrely, in January 2007, it was reported in *The Argos* of Brighton that ‘Two men have been convicted of criminal damage after painting over one of Brighton’s most photographed pieces of graffiti’—another Banksy piece, depicting two policemen



FIG. 1 Banksy’s graffiti in Bristol (left), and typical tagging graffiti (right).

<sup>6</sup>BBC Bristol ran a similar survey, receiving 501 responses, of which 467 (93%) said that the graffiti should stay (Hayward 2006). See also BBC online, July 2006.



kissing. Both acts would fulfil criteria for being ASB, or criminal damage, but it was the latter case that faced censure, not the original vandalism. A year earlier, the same newspaper reported that:

A Graffiti vandal has been jailed for 90 days in what police believe is a new ‘get tough’ approach to the crime by courts. One senior policeman said: ‘It is very unusual to see a tag “artist” put behind bars but we are delighted—graffiti blights our city.’

There is much research that backs the senior policeman’s sentiment, that graffiti can blight our cities. Following standard takes on ‘broken windows’ and spirals of decline perspectives (Wilson and Kelling 1982; Skogan 1990; Taylor 1999), such incivility is thought to be indicative of an area’s decline, possibly attracting further incivility and crime, thus leading to more decline. In October 2007, this argument was used to justify the painting-over of some of Banksy’s graffiti in Tower Hamlets, London. A local councillor was reported as saying ‘We need to be clear here, graffiti is a crime. It spoils the environment, makes our neighbourhoods feel less safe, and costs thousands of pounds each year to clean’ (BBC Online 2007). However, other local authorities, like Bristol, take a different view and it appears that vandalism becomes publicly accepted ‘art’ if it follows an agreeable urban aesthetic. As noted, the importance of aesthetics has been recognized from the point of view of the vandal (see also Allen and Greenberger 1978); however, it seems it is also important in dictating public acceptability. Writing in *The Guardian*, Germaine Greer (2007) has added her thoughts on the subject, asking the question: ‘Instead of spending a fortune getting rid of graffiti, why don’t we just give it marks out of 10?’ To place such an emphasis on aesthetic acceptability turns the act of graffiti vandalism into a high-stakes gamble. It is true that much graffiti will go unpunished (and generally unnoticed); however, the same action may be celebrated and seen as public art, or penalized to the extent that the perpetrator can end up in jail. The subjectivity of what is good or bad graffiti—or what is art or ASB—can therefore have serious consequences.

Social theorists going back to Kant (1764/2004) have questioned the subjectivity of aesthetics and taste. In fact, there is a whole branch of sociology that concerns itself with the aestheticization of culture (and even the aestheticization of sociology). This takes aesthetics into a much broader arena than I wish go to with this article, where I see aesthetics as being concerned with taste, with the subjective and emotive value attached to sensory encounters. A useful review of sociology and aesthetics is provided by de la Fuente (2000). The most well known contribution came from Pierre Bourdieu (1979/1984: 16), who identified a progression of taste from ‘popular’, through ‘middle-brow’, to ‘legitimate’. Following survey work, Bourdieu identified clear social snobbery in notions of taste, that ‘all cultural practices (museum visits, concert-going, reading etc.), and preferences in literature, painting or music, are closely linked to educational level ... and secondarily to social origin’ (1979/1984: 1). That legitimate taste is restricted to those with high cultural capital—the educated or those of higher social standing—implies that any taste below that is illegitimate (see, e.g. Featherstone 1992). To return to the aesthetics of graffiti, it may be that most graffiti is sub-popular, as it lies below the Bourdieu level of ‘popular’ aesthetic norms. In this view, the tagging shown in Figure 1 would fall into the sub-popular camp, whereas the Banksy graffiti demonstrated popular acceptance. By being lauded by Germaine Greer and others—including the actors Angelina Jolie and Brad Pitt, who are purportedly big fans—it also gained the kudos

needed to start creeping up the scale to middle-brow and legitimacy. More recently, Prior (2005: 123) has presented a post-modernist take on art perception, stating that ‘the relationship between perception and stratification is somewhat looser than connoted in Bourdieu’s work’. There could be some truth in this when only certain forms or styles of graffiti vandalism gain legitimacy.

*The Urban Streetscape: A Tidy Aesthetic*

The examples that I have focused on thus far have been activities dominated by young people—hanging around in groups, skating, graffiti. It is worth noting that there are also now many skaters in their thirties and beyond, and Banksy has been producing graffiti for so long that he isn’t likely to be very young. But, using the words of Elias and Scotston (1965/1994), instead of focusing on youth, perhaps it’s a question of ‘the established’ versus ‘outsiders’, of ‘us’ and an anti-social ‘them’ (see also Becker 1963/1991). In the context of the urban streetscape, and to borrow Ferrell’s (2001) terminology, categories of ‘them’ will include anyone that could pose a threat to the ‘aesthetics of authority’—such as the young, the homeless, street drinkers and street sex workers. According to Bannister *et al.* (2006), such groups are a threat to the ‘consuming majority’. In reference to the government’s ASB-centred ‘Respect’ agenda, Bannister *et al.* (2006) note:

... the respect agenda taps into longstanding economic and political concerns about the vitality of city centres. There is a zero tolerance of those who are perceived as inhibiting the process of revitalisation, of deterring the consuming majority. ... The streets are being reclaimed through the exclusion of those who do not conform to this mode of conduct, but at what cost? (Bannister *et al.* 2006: 924)

The regeneration and marketing of urban centres in the United Kingdom have been a focus for government policy for the past 10–15 years, as a response to the threats<sup>7</sup> of out-of-town shopping and entertainment centres, and also to draw people back to city-centre living.<sup>8</sup> The agendas have shifted from a focus on ‘vital and viable’ town centres (URBED/DoE 1994), to ‘urban renaissance’ (Urban Task Force 1999) and, more recently, to ‘cleaner, safer, greener’ town centres (ODPM 2005). Tackling ASB is now seen as an important element of this process; and there is a clear logic to linking ASB strategies with regeneration programmes (Millie 2007*b*). However, there are risks in focusing solely on the views of the majority in terms of what constitutes ASB, and thereby having a streetscape ‘cleansed of difference’ (Bannister *et al.* 2006: 924). In effect, the untidy are removed or hidden from view so as to beatify the city. ‘Popular’ aesthetics are catered for in the creation of a safe and sanitized streetscape, acceptable to the shopping, business, leisure and residential majority.

Empirical evidence seems to support this perspective with action against ASB having a particular impact on ‘outsider’ groups. For instance, according to the British Institute for Brain Injured Children (2005), from a survey of 54 Youth Offending Teams, a third of young people aged under 17 who had been given ASBOs had a mental health disorder

<sup>7</sup>Threats concerning the economic, social and environmental survival of urban centres.

<sup>8</sup>In some way influenced by Jacob’s much earlier call for more ‘eyes upon the street’ (1961/1992: 35) in order to create safer sidewalks, and Newman’s (1972) emphasis on ‘natural surveillance’—exemplified by the various ‘living over the shop’ initiatives of the 1990s (e.g. Goodchild 1998).

or accepted learning disability. The earlier examples of ASBOs that had been given to street sex workers and to an alcoholic with mental health problems also illustrate this point. These are not uncommon targets; as one male respondent in a recent focus group with former homeless people has stated:

Every Friday night I walk in Soho and I see [people] kicking the shit out of each other and the police don't seem to be handing out anti-social behaviour orders to them. They're handing out anti-social behaviour orders to people who are homeless and badly dressed rather than people in suits yeah .... They're effectively isolating people who are already pretty isolated. These are social discrimination orders. (Millie *et al.* 2005b: 32)

Dispersal Order powers have also been used to remove people—especially young people—who don't fit in and are perceived to be behaving anti-socially. According to urban writers on the subject (MacLeod 2002; Holden and Iveson 2003; Rogers and Coaffee 2005), the net result has been a blurring of boundaries between urban renaissance objectives to regenerate cities and revanchist desires to reclaim public spaces from undesirables. According to MacLeod:

If the renaissance of those tenderly manicured landscapes alongside the active introduction of business improvement districts has done much to recover the exchange and sign value of many city centres, questions remain about the legitimate use-value of such spaces for a wider citizenr .... Not least in that the fragile maintenance of value inscribed into this recommodification of space is ever more intricately dependent on a costly system of surveillance ... seemingly designed to inculcate “acceptable” patterns of behavior commensurate with the free flow of commerce and the new urban aesthetics. (MacLeod 2002: 605)

Now, this is where I hold my hands up and admit that, like many other consumers, I want to live and work somewhere that is aesthetically pleasing, even beautiful. Also, if a city is clean, has minimal graffiti and fulfils my idea of an urban aesthetic, then I am more likely to visit. But, if the ‘new urban aesthetics’ is exclusionary, then perhaps I need to question my own perceptions. Cities are meant to be places where my behavioural—and aesthetic—expectations are challenged, rather than being places where risk is minimized (CABE 2005), where urban spaces are sanitized and are simply unchallenging. Over 45 years ago, in her famous critique of urban living in America, Jane Jacobs declared that:

... wherever the old city is working successfully, is a marvellous order for maintaining the safety of the streets and the freedom of the city .... This order is all composed of movement and change, and ... we may fancifully call it the art form of the city and liken it to a dance—not to a simple-minded precision dance with everyone kicking up at the same time, twirling in unison and bowing off en masse, but to an intricate ballet in which the individual dancers and ensembles all have distinctive parts which miraculously reinforce each other and compose an orderly whole. (Jacobs 1961/1992: 50)

Jacobs admitted that ‘the old city’ she praised was not always successful. And such fluidity in the urban streetscape will invariably lead to contest over limits of acceptable behaviour. But, is this necessarily a bad thing? I would say not.

### *Discussion*

This article has argued that there are links between behaviour regarded as anti-social and people's behavioural expectations for a particular location, and that these

expectations can be very context-specific. Moreover, what is considered anti-social, or what is tolerated or even celebrated, is dependant on norms of aesthetic acceptability for that place. To take this argument a stage further, behavioural and aesthetic acceptability can also be temporally specific. For instance, loud and boisterous behaviour by groups of young men and women may be integral to the night-time economy and be tolerated—or even celebrated—by the ‘consuming majority’ at 2 am. However, such activity is usually<sup>9</sup> outside the norms of acceptability at other times of the day. Clearly, there is activity during the evening and night that is unacceptable, including some very serious anti-social and violent behaviour as a result of heavy drinking, and this will deter others from visiting the city centre at this time (e.g. Bromley *et al.* 2000). Here, there would be little argument over the appropriateness of civil or criminal censure; but it is behaviour below this that forms a huge gray area.

I started this article by considering the definitional issues with ASB. And, drawing on the work of Feinberg (1984; 1985), there seemed to be two key constituents for criminal behaviour, these being harm and offence. Both elements are also important in determining the limits of ASB; however, it seems that ASB is also largely dependent on context-specific behavioural and aesthetic expectations. In simple terms, different people can interpret behavioural and aesthetic cues quite differently. A differential interpretation

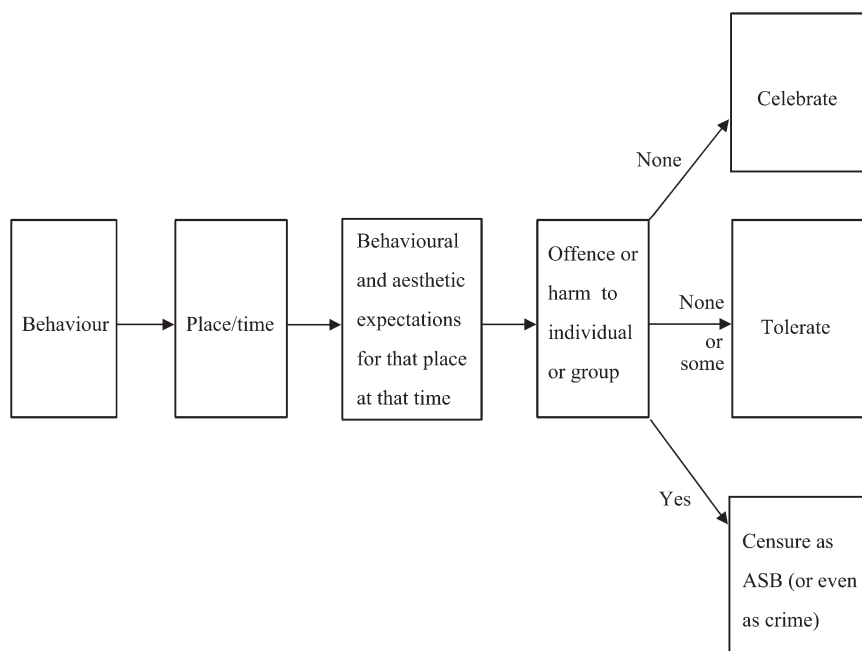


FIG. 2 A differential interpretation perspective of acceptable or anti-social behaviour.

<sup>9</sup>I say usually, as a crowd of rugby or football supporters may fit a similar description, making their way home from a game.

perspective is given in Figure 2. While this schematic is not perfect, it demonstrates that each ‘behaviour’ occurs within space and time—what, in crime-prevention terms, would be regarded as its ‘situation’. There are both behavioural and aesthetic expectations specific to that place, and, at that time, that can—or are perceived to—cause offence or harm to others. Interpretation will vary between different people or groups and will be influenced by persistence of exposure.<sup>10</sup> This differential interpretation will lead to calls for the same behaviour to be censured as ASB (or as crime), tolerated, or even celebrated. Deciding who is right is not easy; however, it should not be a case of simply going with the majority. As noted with the earlier discussion of graffiti, the consequences of this outcome can be serious, indeed, with some perpetrators receiving jail terms.

While some behaviours will always be anti-social, it needs to be recognized that much that is currently included under the label of ASB is inherently subjective. The postmodern take on this would be that there are plural norms of acceptability (e.g. Boutellier 2002). And, in order to engender an urban culture of mutual respect (cf. Sennett 2003), there needs to be an appreciation that ‘there are indeed other ways of doing things’ and that this does not necessarily have to ‘take away’ one’s own security (Young 1999: 98). According to Warpole and Greenhalgh (1996: 44):

Cultural diversity and cosmopolitan values are more than just aesthetic sensibilities; the homeless, the poor and the marginalized also have a stake in successful urban policies. Ethics are as important as aesthetics; in fact they properly reinforce each other.

Different people have different behavioural and aesthetic expectations for their cities and, while it will always be tempting to go with the view of the majority, the danger is that ASB will be over-identified. Ethics become important here, as only particular aesthetics tend to be catered for and certain ‘others’ are invariably seen as breaching these aesthetic (and behavioural) norms, and thereby viewed as perpetrators of ASB.

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<sup>10</sup>For instance, if Banksy’s graffiti were everywhere, the novelty could wear off—it is possible that some of those who currently celebrate, or tolerate, his work might change their position and call for its removal.

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