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Networked governance and the post-regulatory state?

Steering, rowing and anchoring the provision of policing and security

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Abstract

This article engages with insights from the '(post-) regulatory state' literature in critically exploring the changing face of policing and security. It subjects notions of 'networked governance' and 'responsive regulation' to empirical examination in the British context. The article illustrates the manner in which state anchoring constitutes a distinctive characteristic of contemporary security governance. It suggests that far from state withdrawal, in relation to the regulation of social behaviour, the British state is engaged in ambitious projects of social engineering in which the deployment of hierarchy, command and interventionism are prevalent. Recent trends in social regulation have seen hyper-innovation against a background of the politicization of behaviour. In this context, the article highlights concerns about the feasibility of 'responsive regulation'.

Key Words

behavioural control • hyper-innovation • networked governance • plural policing • post-regulatory state

Introduction

There is a growing body of literature that suggests the past two decades have seen significant changes in regulation within and beyond the state, the

British state in particular. We are said to live in an era of the 'regulatory state' (Majone, 1994; Braithwaite, 2000; Moran, 2001) or now in some versions the 'post-regulatory state' (Black, 2001; Scott, 2004). The notion of the regulatory state contrasts *old style*—ineffective and defective—hierarchical command and control modes of regulation through the 'public-bureaucratic welfare state' with *new style* decentred regulation through non-state, as well as state, auspices, operating through networks and hybrid alliances.

In parallel with much of the governmentality literature (Rose, 1999), the notion of the 'post-regulatory state' suggests a pluralistic understanding of regulation freed from its (conceptual) chains to the sovereign state and a recognition that regulation operates through complex forms of 'private government' (Macaulay, 1986).[1] In this vein, Grabosky (1994, 1995) criticizes the regulatory state concept, by highlighting the significant involvement of non-state actors in regulatory governance. Most recently, Levi-Faur (2005) and others (Braithwaite, 2005) have preferred the notion of 'regulatory capitalism' to emphasize this apparent growth of non-state regulation.

Within some of this literature it is sometimes difficult to disentangle, on the one hand, conceptual thinking about regulation and its normative and diagnostic possibilities from, on the other hand, empirical descriptions of change. Julia Black (2001), for example, in delineating core elements of 'decentring', appears to vacillate between outlining the parameters to a shift in thinking and a description of social change. This ambiguity is evident in her claim that:

> 'Decentring' thus refers to changing (or differently recognised) capacities of the state and limitations on those capacities. Essentially, decentred regulation involves a shift (and recognition of such a shift) in the locus of the activity of 'regulating' from the state to other, multiple, locations, and the adoption on the part of the state of particular strategies of regulation. (2001: 112)

Decentring, thus conceived, appears simultaneously as a change in the way of looking at things and a changed order of things.

In this article, I offer some critical reflections on insights provided by contemporary debates about the 'regulatory' and 'post-regulatory state', specifically the notion of 'networked' or 'nodal' governance (Rhodes, 1997a; Johnston and Shearing, 2003; Shearing and Wood, 2003; Burris et al., 2005) and the idea of 'smart' or 'responsive regulation' (Gunningham and Grabosky, 1998; Braithwaite, 2002a). I suggest that as descriptions of, and ways of understanding, the British state they both illuminate and shade from view certain aspects of contemporary developments, notably with regard to security and policing, which are my primary focus of concern. Finally, I raise a number of concerns regarding the importation of ideas about regulation into a criminological context. However, I offer these

observations in the firm belief that much of the scholarship around these and allied terms has been at the forefront of conceptual thinking in a vital and vibrant field. This scholarship, undoubtedly, deserves critical attention.

First, let me be clear that I am restricting my comments to the British state (primarily England and Wales) and the sphere of security, community safety and policing. I am not suggesting that at the level of supra-national governance networks, nodes and smart regulation are not increasingly salient ways of thinking about, promoting and doing regulation. My contention is that much of the regulatory and governance literature tends to overstate the direction and impact of recent trends and underplays its politically ambiguous, contested and volatile nature. My concern is first, to re-embed understandings of strategies of control and regulation in the cultural, political and institutional contexts that generate, nourish and sustain them, and, second, to root these in empirical research findings. There is all too often a danger of theory construction as butterfly collecting in which the exhibits are plucked from the very environments that they inhabit and through which their lives make sense (Crawford, 2002). Consequently, I will draw explicitly and implicitly from a completed three-year study of plural policing in the UK (Crawford et al., 2005) and more broadly from wider research I have conducted into the regulation of anti-social behaviour and community safety over the years (Crawford, 1997, 2003).

In that my focus is primarily upon national policies and political developments, a few cautionary comments should be sounded. Insufficient attention inevitably will be accorded to the contested manner in which the developments outlined are, and have been, resisted, refashioned and played out through regional contexts, local infrastructures and organizational practices, often influenced by distinct institutional cultures and traditions and divergent penal narratives. As research into the implementation of recent legislative reforms to the youth justice system in England and Wales concluded, it is unwise to discount the role of local dynamics in the moulding of policies and the shaping of practices:

> In numerous ways they acted to transform, subvert or redirect the intentions of policy in different ways: sometimes inadvertently, sometimes due to administrative necessity and sometimes for ideological reasons . . . In this way, some of the expectations of Whitehall were modified and given positive and concrete form in Swindon and Nottingham, Cardiff, London and elsewhere.
>
> (Crawford and Newburn, 2003: 236)

This reinforces the importance of not assuming the effectiveness of central government intentions or ambitions, notably those set down in legislation. The history of crime control policy is replete with examples of weak

application, implementation failure, perverse effects and unintended consequences. Intentionality should not be mistaken for effectivity.

Steering and rowing

At the heart of all forms of regulation and governance is the problem of control. Broadly defined, regulation encompasses intentional activity that seeks to control, direct or influence behaviour and the flow of events (Black, 2001). It entails three core constituents (Hood et al., 2001: 23–7): a *goal component*—the rule, standard or set of values against which behaviour or action is to be compared and contrasted; a *monitoring component*—some mechanism or process of feedback for monitoring or evaluating what happens in pursuance of the goal; and a *realignment component*—some form of corrective action or response that is designed or attempts to realign the subjects of control where deviation from the goal is perceived; namely a mechanism for enforcing rules. Regulation is a narrower concept than social control, which extends to the exercise of power or authority by an individual or organization with effects upon the flow of events regardless of whether its exercise is intentional, purposive or rule-like. Thus understood, regulation parallels pre-19th-century concepts of policing as used by the likes of Bentham, Adam Smith and Patrick Colquhoun (Neocleous, 2000).

The regulatory triptych is reflected in the principal concerns within the regulation literature, which coalesce around the effectiveness, responsiveness and coherence of regulatory regimes (Parker et al., 2004: 11). Here effectiveness is understood as the impact of regulation on the social world and the extent to which targeted populations comply with regulation. It provokes questions about the consequences (intended or otherwise) of regulation on society. Responsiveness, by contrast, refers to the manner in which regulatory regimes fit with, and relate to, other forms of regulation. This prompts descriptive questions about the resonance or dissonance between different systems of control, as well as normative questions about how better systems of regulation can work with and through existing systems of control rooted in social, economic and cultural life. Finally, coherence is concerned with the logic and consistency of the norms and values within a system of regulation; the extent to which the norms interact with each other to produce an integrated whole. The traditional lens of regulation, like that of policing, over the last two centuries has focused upon the role of the state in setting goals, monitoring compliance and realigning divergences. Command and control-based mechanisms are believed to have been the principal regulatory tools at the state's disposal.

In contrast to command and control, regulation is said to become 'responsive' where regulators recognize and respond to the conduct of those they seek to regulate in ways that are sensitive to the conditions in which regulation occurs and the capacity of the regulated for self-

regulation (Braithwaite, 2002a: 29). Such responsiveness, where it involves co-operation, will produce more legitimate and effective regulation. As Lacey (2004: 148–9) notes, however, this contrast between hierarchical command and control versus 'responsive regulation' often masks the role of social norms, voluntary compliance and the ordinary citizenry in regulating through traditional criminal law-based sanctions. It also implies something of an historic rupture in modes of social regulation.

Osborne and Gaebler's (1992) nautical analogy of the state as performing steering functions while leaving the rowing to others is a common reference point within the contemporary literature. It is useful as it links the language of governance with the regulatory state. Regulation has become 'steering'; governing by setting the course, monitoring the direction and correcting deviations from the course set. What the analogy draws to attention is the need for those steering to:

- be explicit about the direction—the goals, norms and values involved—and for this to be conveyed to those rowing;
- establish mechanisms for checking, verifying and monitoring performance against the goals, norms and values set;
- use the latent knowledge, resources and capacities of those doing rowing;
- design regulatory institutions and processes of control that stimulate and respond to the regulatory capacities latent within and around those rowing.

Here, the task of regulation is redefined. Now, the aim is to regulate 'self-regulation' (Black, 2001: 128). It is assumed that the traditional methods of command and control, backed up with the threat of coercive sanctions, are inefficient, ineffective and inappropriate under current conditions of 'governance'. It also assumes that, ultimately, voluntary compliance and self-regulation are preferable. Yet, this implies a very benign idea of self-regulation. As Moran (2003: 4) has recently shown in the British context, self-regulation through what he terms 'club government' was 'informal, oligarchic and secretive'—the antithesis of participative democracy. Moreover, as my own and other people's research into community self-governance in the context of crime prevention has shown, communities can be wonderfully conciliatory, egalitarian and democratic but they can also be parochial, intolerant, hierarchical and punitive (Crawford, 1997).

Problematically, Osborne and Gaebler's analogy is often interpreted as somehow descriptive of *the way things are*, rather than reflecting a prescription of *how things could, and* (in their view) *should, be*.[2] It is here that much of the literature assumes, rather than documents, that there has been a movement away from:

- hierarchy;
- command;
- interventionism; and
- ambitious social engineering.

Implicit is some notion of state *withdrawal*, even if it is only a withdrawal from the rowing seats. Related is the idea that the new regulatory tools, by engaging with the regulated constituents and enlisting their self-regulatory capacities, are 'smarter', more effective and better suited to the contemporary tasks. Working in the field of environmental policy, Gunningham and Grabosky (1998) identify a number of attributes of what they term 'smart regulation'. This approach recognizes regulatory pluralism and is defined by the use of a mixture of regulatory instruments. In this, it is 'the mix that matters' (Rhodes, 1997b). What is needed is a wide diversity of regulatory tools that can complement and reinforce one another, as well as respond to particular, context-dependent features of the policy sector. Mobilizing, empowering and harnessing 'third parties' that can act as surrogate regulators by reinforcing norms and helping to monitor compliance is a key theme.

In part, the idea of withdrawal is encouraged by the focus of many commentators on 'regulating privatization'; namely, the novel forms of regulatory control directly spawned by the privatization programmes of the 1980s and 1990s—in Britain most notably associated with the Thatcherite 'rolling back the state'. As commentators like John Braithwaite (2000, 2005) have correctly noted, these reforms did not lead to deregulation as some of its promoters and critics implied, but to new forms of regulation that did not fit the traditional command and control model and that often straddled the conventional public/private divide.

Less attention has been given to two other regulatory developments: first, 'regulation within government', which as Hood et al. (1999) have shown blossomed in the UK; and second, the 'regulation of civil society'. In Britain, at least, both of these have become *more extensive*. Furthermore, both (but notably the latter) have seen the considerable deployment of hierarchy, command, interventionism and ambitious social engineering.

Even here, however, some commentators have interpreted developments as a shedding of state responsibilities and subsequent blame for failure. In this vein, Hugh Collins suggests that the growing use of contractual arrangements as institutions for organizing and co-ordinating social life reflects deeper uncertainties on the part of governments as to how best to order social relations and direct social standards: 'By permitting contractual relations to flourish, the state effectively delegates to individuals as many choices as possible as to the nature of the social relations into which they may enter' (Collins, 1999: 19). Yet, what this ignores is the fact that the new contractualism seeks to govern through the 'conduct of conduct' (Foucault, 1991). It gives rise to technologies that seek to shape, mould and direct the behaviour and conduct of individuals and groups. These *behavioural* contracts espouse a deeply moral dimension, embodying virtues and values, as well as a performative idea of citizenship. They give rise to a paradox of liberal intent producing illiberal outcomes (Freedland and King, 2003). Rather than standing back from directing social standards—as some kind of relativistic bystander—'contractual governance' promotes a par-

ticular moralized conception of agency, order and active responsibility (Crawford, 2003). This is particularly prevalent in relation to families and parenting (to which I return later). Less associated with 'delegation', as Collins suggests, behavioural contracts may be better understood as forms of 'enforced self-regulation'.

Far from being dead, in the UK, ambitious interventionist government is alive and well. A few examples will suffice. First, we have witnessed the expansion of state control into institutions previously shielded from the force of government control, notably in school education—but universities have not been immune to this, although they have been better at capturing the regulatory tools imposed upon them (most notably the Research Assessment Exercise). Schools in Britain have become the subjects of a revolution in regulation, which has seen self-regulation replaced by an elaborate and complex mosaic of micro-management by government. The Education Reform Act 1988 and the Education (Schools) Act 1992 introduced a new style and density to school governance (Wilcox and Gray, 1996). Crucial to this was the establishment in 1992 of OFSTED as an institution separated from the traditional interests within education, which introduced a more judgemental system of school-by-school evaluation and review. The recently published 2005 Schools White Paper prescribes tighter government control in the name of 'setting schools free' (DfES, 2005).

Second, the last decade has seen what can only be described as the 'politics of behaviour', in which the vacuum created by the demise of class politics has been quickly filled by a focus on, and contested debate about, behaviour (Field, 2003). This has not been restricted to the behaviour of the poor and 'usual suspects' of state preoccupation, as codes of conduct have proliferated in political and commercial life. Throughout the 1990s there was a succession of attempts to draw up codes of business behaviour with enquiries chaired by Cadbury, Greenbury and Hampel. In the realm of politics and public affairs the Committee on Standards in Public Life, initially established in 1994 under the Chair of Lord Nolan, also represents a shift to a more formal approach to regulation. In its wake there has been a more explicit regulation of Parliamentary[3] and local government behaviour.

In relation to individual behaviour the current anti-social behaviour agenda has seen a profusion of new technologies for seeking to manage 'troublesome' behaviour; including fixed penalty notices for disorder, acceptable behaviour contracts, anti-social behaviour orders (ASBOs), dispersal orders, parenting orders, etc.[4] In its recently launched 'Respect' programme, the Government spelt out its intention to go 'broader, deeper and further' in its interventionist fervour against anti-social behaviour (Home Office, 2006). *Making People Behave*, the apt title of a new book on the subject (Burney, 2005), nicely captures what is at stake here, 'self-regulate or else . . .!' This is the British state in ebullient command mode. Behind the 'or else' stands the ultimate sovereign sanction—the prison.

There are apparently few aspects of social life that have been left out of this zealous gaze. The family, once perceived as the bastion of private life into which the state had no right to intervene except to protect life and limb, now is the site of much government activity and intervention. Not only does the state see fit to try to regulate what people put on their dinner tables with endless (and often contradictory) advice and guidance, but it has taken a much more proactive role in parenting. 'Parenting orders', first introduced by the Crime and Disorder Act 1998 have been extended under the Anti-Social Behaviour Act 2003.[5] Parenting orders are available to the courts where the young person has been involved in crime, anti-social behaviour or where a pupil has been excluded from school for serious misbehaviour. They entail sending a parent—usually the mother—on a programme of parenting classes and, in some instances, providing limited support for parents (Ghate and Ramella, 2002). According to the recent White Paper, parenting orders are to be extended, so that schools can use them to make parents take responsibility for their children's bad behaviour in school prior to exclusion (DfES, 2005). Parenting orders are supplemented and often preceded by 'parenting contracts' as semi-voluntary mechanisms for regulating behaviour, albeit the big stick of coercion is never far away, as breach of a contract will usually trigger a parenting order (Crawford, 2003). Recent years have seen parents sent to prison for the persistent truancy of their children and on-the-spot fines for parents of persistent truants.[6] All these initiatives expose the same central paradox of *imposing civility through coercion*.

This is allied to a third development, welfare contractualism, which has seen welfare benefits and services becoming increasingly conditional upon conduct. Most notable has been the development of workfare programmes that are designed to turn passive recipients of unemployment benefit into active jobseekers. Analogous developments are currently being mooted in relation to housing and disability benefits. Crucially, these developments exalt the idea of promoting civic virtues through welfare reform and social policy. As Jayasuriya notes: 'Social policy is seen as the means through which individuals can achieve responsible social conduct' (2002: 312). Different levers are being used but this is ambitious state-sponsored social engineering none the less.

This reflects what Moran (2003) has aptly described as 'hyper-innovation' in a context of 'hyper-politicisation':

> After the great crisis of the 1970s, the state in Britain did indeed scale down many of its central ambitions, but . . . it also acquired some startling new ones. It did indeed renounce many responsibilities, notably some that lay at the heart of the Keynesian welfare state, but the turn to a regulatory mode also greatly widened the range of social and economic life that was subject to public power. The regulatory state is a colonising state with its own utopian projects . . .
>
> (Moran, 2003: 6)

The frenzied pace of policy developments in the field of behavioural control eminently fits this picture. Furthermore, the dramatic explosion in the number of pieces of legislation, somehow related to themes of crime, insecurity and policing, is also testimony to the traditional role of command and control and law, as well as to the politicization of the regulation of social conduct. This politicization has seen concerns about anti-social behaviour, crime and insecurity colonize and seep deeply into diverse arenas of social life and policy debate, which had previously been largely sheltered from them, such as housing, education, health provision, urban policy and planning. This is not to assert a prior absence of established traditions and mechanisms for governing conduct in these wider fields of regulation (see Flint, 2006) but rather to highlight that these are being reconfigured in novel ways such that there is a greater emphasis upon governing through crime and disorder.

Rather than 'smart regulation', this frenetic pace of regulatory innovation is the product of the politicization of behaviour, the greater saliency of 'uncertainty, insecurity and unsafety' (Bauman, 1999) and the need for government to be seen to be 'doing something'. Doing something, for government, invariably means reasserting state authority (or at least attempting to do so), often by invoking 'more law', and frequently, 'more criminal law'. The number and range of new criminal laws that have been created in recent years is testimony to the enduring recourse to command supported by threats of criminal sanctions (Lacey, 2004: 163). It is estimated that in the years since New Labour came to power in 1997 until 2005, over 1000 new criminal offences have been created and 43 crime-related pieces of legislation have been passed.

The essential problem of the British regulatory state is its attempts to reconcile its project of high modernism—of achieving its ambitions of control and social ordering—with its limited capacities to effect change. Far from these being ever smarter forms of control, many criminological commentators have noted the increasingly volatile and contradictory nature of state regulation in the field of crime and security (Garland, 1999; O'Malley, 1999; Crawford, 2001). This is a picture that accords well with Moran's 'frenetic selection of new institutional modes, and their equally frenetic replacement by alternatives' (2003: 26). This is more likely to produce raised public expectations, unintended consequences and 'policy fiascos', as the state over-extends itself. In the field of policing and security, we repeatedly confront the dilemma of government pertaining to govern at 'arm's length' but ending up 'hands on' (Crawford, 2001). For governments, the British government in particular, '"hands off" is the hardest lesson of all to learn' (Rhodes, 2000: 361).

One further contemporary example of the state over-extending itself comes in the shape of the recently launched reassurance policing agenda, in which the Holy Grail of crime reduction is to be supplemented (supplanted?) by 'public reassurance'. As David Blunkett, the then Home Secretary, announced when launching the programme, in March 2004:

'only when people begin to feel safer will we know that we are beginning to make a real difference'.[7] What this amounts to is a stretching of the already 'vast and unmanageable social domain' of policing (Manning, 1977) into newer, more impossible realms, namely the management of public and private anxieties (Crawford, 2006b). It posits not merely a police solution to crime (an illusory goal in its own right) but a police solution to perceptions about fear and insecurity.

Anchoring

Clifford Shearing (2006a) is surely correct to lambaste the manner in which state-centred thinking has dominated the social sciences and blinded much research from understanding the governing capacities of diverse forms of 'private government'. Consequently, there is a pressing need to develop refined conceptual tools and normative designs that better allow us to break free from the traditional embrace that state-centred thinking has held and permit us to understand the limitations and possibilities of different sites of governance. Nodal governance is

> intended to enrich network theory by focusing attention on and bringing more clarity to the internal characteristics of nodes and thus to the analysis of how power is actually created and exercised within a social system. While power is transmitted across networks, the actual points where knowledge and capacity are mobilized for transmission is the node.
>
> (Burris, 2004: 341)

From this perspective a primary task is to map out the relationships between such nodes as both auspices and providers. The framework is empirically eclectic. The relationship between different nodes, it is assumed, will vary across time and space. Accordingly, any understanding of the role of the state and its relationship or otherwise to other nodes should be an empirical question. Here, the state is seen as 'one node amongst many' (Johnston and Shearing, 2003: 148). There is much value in defining governance as 'the property of networks rather than as the product of any single centre of action' (Johnston and Shearing, 2003: 148). Moreover, there is considerable merit in not according conceptual priority to the state in order to highlight the range of governmental nodes that exist and the relationships between them. Importantly, this perspective challenges us to think critically about the distinctiveness or uniqueness of state action within contemporary governance. It is this challenge that I wish to explore in the context of security and policing. In so doing, I believe it would be foolish to 'throw out the state' with the governance or governmentality (Rose, 1999, 2000) bath water. As Bayley has rightly warned, we should not get carried away with 'a giddy sense at the moment among many intellectuals that the state is passé' (2001: 212). I wish to argue that the role occupied by the state, with regard to governance within its territories, is distinctive (see Loader and Walker, 2001, 2004).

Reflecting upon this question of the position occupied by the state in determining and providing security, Loader and Walker (2006) have usefully deployed the concept of 'anchored pluralism'.[8] While they use the term in a normative sense to explore the role that the state should play as the anchor of collective security provision, I think it quite usefully describes distinct attributes of the state in regulation and governance. It is also a term which links nicely back to the steering and rowing analogy. The boat now is not free floating but has points of anchorage. In pursuing this further, we can identify a number of ways in which state ordering and regulation as anchoring is exceptional:

- in its symbolic power and cultural authority;
- in its legitimacy claims and public perceptions of its legitimacy;
- as a distinctive (tactical) resource and source of information through which interests are pursued;
- in its residual position as a back-up of last resort with regard to other forms of control.

In governing security, the state is 'a kind of *eminence grise*, a shadowy entity lurking off-stage', as Hawkins (1984: 190) described the role of law in the regulation of water purity.

I do not have the space, here, to expand fully on all these forms of anchoring, but let me try to provide some illustrations. Take, for example, one of the most significant and pervasive forms of 'governance beyond the state' that impinges on and shapes diverse walks of life, namely insurance (Ericson et al., 2003). Who do we find anchoring the insurance of insurance once the commercial reinsurers calculate the risks as too high for the marketplace to absorb? The state! This is precisely what happened in London in the light of the IRA bombing at St Mary Axe in the heart of the financial square-mile in 1992. Through the Reinsurance (Acts of Terrorism) Act 1993, the Government decided to act as 'insurer of last resort'. The vehicle for government intervention was to be a new reinsurance company, *Pool Re*, to ensure that terrorism insurance would continue to be available, following withdrawal of insurers from provision of terrorism insurance for commercial property.[9] It was initially intended as a temporary measure. Walker and McGuiness conclude their review of subsequent developments noting:

> State intervention and leadership is essential to constitute the scheme. But, having been constituted, the state then attempts to retire from the spotlight and hopes that its shadowy backstage presence will instil in the leading actors, commercial insurers and reinsurers, sufficient confidence to play their parts.
>
> (2002: 256–7)

However, despite the decline of risks from Irish Republicanism, *Pool Re* was expanded significantly in 2002 in response to the attacks of 11 September 2001 in the USA. It now covers not only commercial property-

damage and business-interruption losses due to terrorism but also many more risks, such as damage caused by chemical, biological and nuclear contamination (HM Treasury, 2002).[10]

By studying networked governance for its own sake and in its own terms of reference, we can come to miss the manner in which networks supplement (and supplant) the formal authority of government. While Shearing and colleagues' conceptual lens offers a useful corrective to much state-centred literature, notably in the field of policing studies, the empirical evidence from the UK at least is that co-ordinated security networks are the exception rather than the norm (Jones and Newburn, 2002). Let us briefly consider some of the evidence.

Community safety partnerships

The emergence of community safety partnerships in Britain in the 1980s and their establishment across the whole country in the late 1990s was hailed by many commentators, myself included, as examples of emergent—if not full-blown—security networks (Crawford, 1997; Garland, 2001; Johnston and Shearing, 2003). There are now some 374 Crime and Disorder Reduction Partnerships (CDRPs) across England and Wales. In linking together multiple partners from the police, local authorities, health, fire and youth services, probation, education, the voluntary sector, business and local communities, they forged new horizontal relations that cut across traditional hierarchies. They appeared potentially to offer:

> a fundamental shift in the way we govern crime and its prevention ... afford the potential to encourage a stronger and more participatory civil society and challenge many of the modernist assumptions about professional expertise, specialisation, state paternalism and monopoly.
>
> (Crawford, 1998: 4)

And yet, the reality is that, in most instances, they have singularly failed to meet even the most limited aims of networks. They lack significant autonomy from central government, and can hardly be described as 'self-organizing'. Under pressure from government to prioritize national targets that reflect a preoccupation with police-recorded reductions in crime, the community safety remit of CDRPs has narrowed to a focus on crime reduction (Hope, 2005; Stenson, 2005). As the Audit Commission noted in its review:

> The focus of many partnership agencies is compliance with national performance indicators. Inevitably, there is a tension between the national performance indicators relating to crime reduction and the broader delivery of community safety. Partnerships that focus too narrowly on national issues alone will fail to attend to local priorities and will not serve local people well.
>
> (2002: 12)

By and large, their engagement with the private sector is minimal, voluntary sector input is often marginalized and community involvement largely non-existent (Phillips, 2002). They have begun to look more like emergent bureaucracies—often delivering their own services—than delayered alliances of joined-up networked governance (see Fleming and Rhodes, 2005).

Maybe we should not be so surprised, they were after all the creation of, or reconstituted by, state command: the Crime and Disorder Act 1998, which placed a statutory duty upon the central partners, the police and local authority, to form local partnerships, consult with wider constituencies and develop strategies. But it has been the continuing use of central government command and direction, together with financial inducements, rather than mutual trust and reciprocity or game-like interactions, that has largely held them together. This is evidenced by the fact that since the original legislation, a similar statutory duty to participate in partnerships has been extended to police authorities and fire authorities as of April 2003 and Primary Care Trusts (representing the health service) a year later.[11] Demands for such legislative obligations emerged precisely because these partners were not deemed to be playing their part. Such has been the political disappointment with community safety partnerships—despite the steady decline of aggregate crime rates since the mid-1990s—that in late 2004, the Government announced a major review of their activities, governance and accountability, acknowledging that: 'a significant number of partnerships struggle to maintain a full contribution from key agencies and even successful ones are not sufficiently visible, nor we think accountable, to the public as they should be' (Home Office, 2004: 123).[12] In part, the failings of community safety partnerships can be attributed to the inconsistent and contradictory burdens imposed by central government and the lack of genuine autonomy of partnerships under Home Office micromanagement, as well as broader dilemmas associated with governance (Crawford, 2001; Fleming and Rhodes, 2005). Regardless, conceiving of them as a node in the governance of safety potentially overlooks the central dynamics of, and questions about, relations with government.

Plural policing

Considering policing developments in the UK, we see that while the private security industry has blossomed over recent years (Jones and Newburn, 2002), so too the provision of public policing has expanded significantly (Figure 1). British Security Industry Association (BSIA, 2005) figures show that the number of employees in the security guarding sector (among their UK members) more than doubled between 1988 and the end of 2004, from 30,400 to 75,600. According to the Security Industry Authority (SIA), some 91,000 private security employees were licensed across England and Wales by the end of March 2006, the official deadline for compulsory

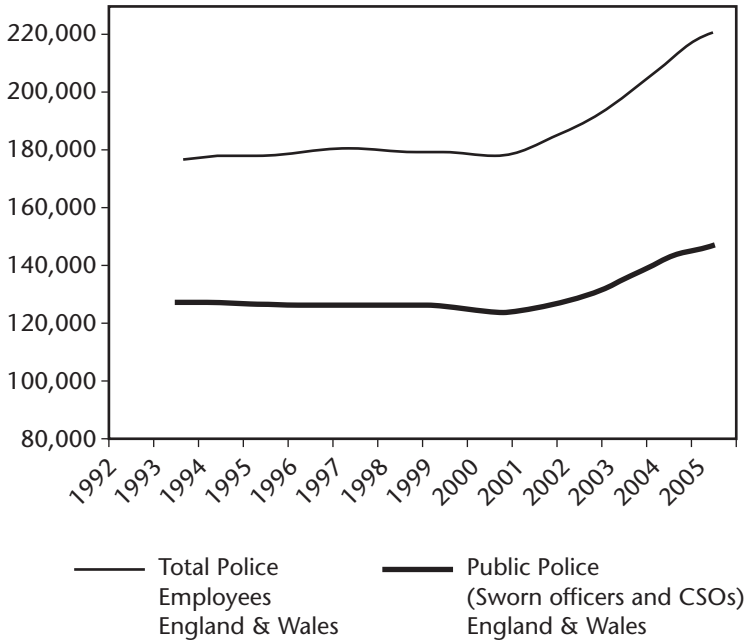

Figure 1 Number of police employees and police officers (1992–2005)
Source: Christophersen and Cotton, 2004: 13; Bibi et al., 2005.

licensing under the regulatory regime established by the Private Security Industry Act 2001. The SIA began work licensing and regulating the sector in April 2003. Since late March 2006 it became illegal to work as a security guard without an SIA licence, which requires limited training and a criminal records check. The ex-Chair of the SIA, Peter Hermitage, estimates that there are some 170,000 security personnel that fall within the scope of compulsory licensing, which importantly does not include 'in-house' staff.[13] By contrast, there are now over 220,000 police employees in England and Wales, a 24 per cent increase on the figure a decade earlier, and over 147,000 front-line police officers. Furthermore, this number is set to continue to rise, at least until 2008, with the Government's commitment, in the 2004 Spending Review, to increase the number of Community Support Officers (CSOs) by an additional 20,000.[14]

Inevitably, there are important definitional and methodological difficulties in estimating the size of the private sector and drawing direct comparisons with the public police. Most obviously, such an enterprise focuses solely on those with specialist security functions, rather than those (public and private) agents with latent or secondary policing functions (Jones and Newburn, 2002). For example, it discounts the recent revival of intermediaries, such as neighbourhood wardens,[15] concierges and other caretakers. It also focuses upon the question of who employs officers rather than the interests (public or private) that they serve. Nevertheless, these

figures show that it would be injudicious to suggest that the private sector has clearly surpassed the size, role and importance of public provision, as some within the industry and academia claim. Furthermore, the recent expansion of the police reflects an organization confident in its capacity to respond to, and compete with, the private industry, notably through the commercial contracting out of CSOs (Crawford and Lister, 2006), rather than one that is shrinking in the face of overwhelming competition. It serves to illustrate that the, much vaunted, arguments about the eclipse and withdrawal of the state are somewhat misplaced in relation to British policing. As Sir Ian Blair, the Metropolitan Police Commissioner, declared with much satisfaction: 'the Met[ropolitan Police force] is bigger than the Royal Navy; we are the largest single employer in London; in another world, we would be a FTSE 100 company. We are a similar size to the BBC' (Blair, 2005).

It is undoubtedly true that recent reforms to the police and shifts in the mixed economy of security in the UK have witnessed both a dramatic marketization of state policing and simultaneously a publicization of private security. This is creating a new and complex division of labour in the field of security provision in which public values coalesce around, and collide with, private interests. Moreover, it has provoked new alliances and relations between the multiple auspices and providers. Our *Plural Policing* research found not only significant public-sector purchase of private security (to the tune of about 60 per cent of BSIA members' contracts) but also the private- and voluntary-sector purchase of public police (Crawford et al., 2005).[16]

Why would the largest shopping mall in Europe—the *MetroCentre* in Gateshead (a British example of 'mass private property' *par excellence*)—with its sophisticated security and surveillance systems, complex technologies of control and small army of security guards, nevertheless, want to purchase 12 police officers from Northumbria Police? This they have been doing for some years now.[17] The answer lies in a combination of the symbolic power, cultural authority and public legitimacy that the British 'Bobby' affords, together with the access to sources of information and intelligence (notably crime-related data) that it facilitates. As Ericson and Haggerty (1997) note in relation to Canada, the police act as important repositories of much sought-after data; they are 'information brokers'. If you employ police as part of your operations, you get a direct route into and access to that informational resource. Furthermore, not only was the presence of police officers within the malls perceived to be 'good for business' in terms of reassuring the public and fighting crime, but they also acted as important 'honest brokers'—independent third parties—in endeavours within the mall to co-ordinate the collective security interests of the various shops and leisure outlets, many of which had their own security issues, responses and concerns. In the MetroCentre, as in our other research sites, the police were able to facilitate security 'club' formation and advance 'club' interests in the face of potential free-riders, by steering,

facilitating and stimulating collective actions, in ways that those with narrower sectional interests are less able to do (Crawford, 2006a). Here, as elsewhere, the police were a tactical resource to be deployed by private auspices for strategic, often parochial, ends.

Just as there are examples, from our research, of public police (and the courts) being used to further private ordering, so too there were examples of private security being harnessed to public goals. One significant development in this regard is the accreditation of non-state policing personnel from private security firms or municipal policing agencies (under the Police Reform Act 2002). Community safety accreditation schemes afford accredited persons to have limited powers to issue fixed penalty notices for minor offences of disorder and anti-social behaviour.[18] Not only will accredited officers be granted certain 'public' powers over and above those exercisable by ordinary citizens, but also the manner in which they exercise their powers will be caught up in public interest requirements. Despite the fact that the Act does not specify that accredited people are caught by section 6 of the Human Rights Act 1998, nevertheless it seems clear that private employers and their accredited employees will be treated as 'public authorities' for the purpose of the human rights legislation. This illustrates the publicization of private actors through the extension of public law norms (see Freeman, 2003 for analogous developments in the USA).

There was also evidence of a merging and borrowing of public and private styles of policing, as well as different cultural sensibilities to the delivery of policing and order maintenance. This 'cross-fertilization' effect works both upon the police and private security. One consequence is that the distinctiveness of state policing practices has become more circumspect. It is less easy to differentiate between an understanding of public policing as inherently focused on moral order through reactive and coercive techniques, as contrasted with private security driven by an instrumental, risk-reduction and future-oriented mentality with and emphasis on consensual order (Shearing and Stenning, 1981). Such distinctions, while conceptually useful are more complex in practice. For me, this suggests the need to develop conceptual parameters for thinking about both the publicness of private forms of policing and the privateness of the public police, without discarding the distinctiveness of state action (Freeman, 2003). This I have sought to do elsewhere through notions of 'policing as a club good', which allows us to focus upon the degrees of exclusivity that forms of modern policing herald, as well as the complex relations between state and non-state governance (Crawford, 2006a).

Interestingly, the use of exclusion as a principal tool in managing order vested in the power of private property and deployed routinely through informal and formal practices has increasingly become a prominent feature of regulating public spaces. This is particularly reflected in the growing use of ASBOs[19] (see Figure 2) with the restrictions they afford in relation to where people can go, their conduct, who they can associate with and their deportment (i.e. clothing). Initially little used, more recently there has been

a steep increase in the application of ASBOs. Between April 1999 and June 2005, some 6500 ASBOs were issued in England and Wales, with a 154 per cent increase in the number issued in 2004 compared with the previous year. Nevertheless, current figures fall far short of the anticipated 5000 per year that the Government initially predicted would be the appropriate take-up rate. The use of ASBOs varies considerably across the country. Manchester leads the way with more than one in seven of all ASBOs having been imposed within the city. Approximately half of all ASBOs are given to young people aged 10–17. Breach of an ASBO may result in imprisonment for up to five years, even though the behaviour that triggered the order initially may not have been criminal per se. To the end of 2003, some 42 per cent of ASBOs had been breached and of those 55 per cent were given custodial sentences (cited in Burney, 2005: 96). If ever there were one, the ASBO is an exemplary illustration of the command and control state intervening in the micro-governing of conduct.

The recently introduced 'dispersal order' takes this exclusionary logic a step further, by providing powers (via the Anti-Social Behaviour Act 2003, s. 30) to the police to disperse groups of two or more people from a 'designated area' where their *presence* or behaviour has resulted, or *is likely to* result, in a member of the public being 'harassed, intimidated, alarmed or distressed'. Anyone not resident within the zone can be directed to leave it and not return for a period of up to 24 hours. Failure to comply with

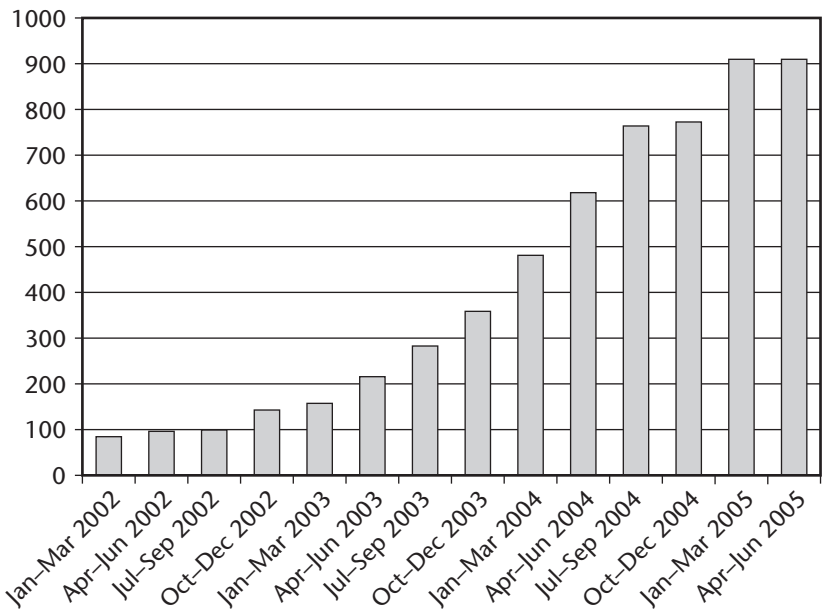

Figure 2 The total number of ASBOs issued at all courts in England & Wales (2002–5)
Source: http://crimereducation.gov.uk/asbos2(cjs)jun05.xls.

directions issued under an order gives rise to an arrestable offence.[20] While ASBOs require some evidence of past individual conduct upon which the exclusion is based, the dispersal order does not. In that sense it is preventative, authorizing intervention before anything may have actually happened—where people's presence alone may be perceived to be distressing or 'anti-social'. More generally, as Ayling and Grabosky (2006) highlight, there are diverse novel ways in which command and coercion are increasingly deployed by states (in various jurisdictions) to enhance law enforcement efforts on the part of 'third parties'.

In response to the injunction of Shearing and colleagues to study the relationship or otherwise between governing nodes as an empirical question, let us consider the relationship between state and other forms of policing in the UK, drawing on our research findings. I think that we can identify five models:

- A *monopolistic* model whereby forms of policing are integrated within the hierarchical state police organization—the favoured model of the current Metropolitan Police Commissioner Sir Ian Blair (2003) (see Kempa and Johnston, 2005: 183)—in a quest to reassert police control over policing.[21] This model is being pursued through the dramatic expansion in the number of CSOs.
- A *steering* model whereby the police seek to 'govern at a distance' the policing activities of others: what we might call 'third-party policing' in which state agencies seek to further public ordering objectives through mobilizing non-state resources (Mazerolle and Ransley, 2005). A key element in this strategy is the accreditation by the police of the policing activities of others. Accredited community safety officers will only partly be under police direction, and hence, accreditation represents a form of 'arm's length' governance. This model assumes a relationship in which policing beyond the police serves as the professional police's 'junior partner' (Cunningham and Taylor, 1985).
- A *networked* or *nodal* model whereby plural policing providers link together in horizontal partnerships in the co-production of security. In line with Johnston and Shearing's (2003) conceptual model, this variant presupposes an element of co-ordination.
- A *market* model whereby competition (and conflict) structures relations between divergent providers/auspices.
- A *private government* model where state policing is shut out or has relinquished authority—only to enter where invited or called upon to do so.

The research found examples of all these models, sometimes co-existing in more-or-less awkward relations, forming a complex mosaic. In large part, ambiguity is reflected in central as well as local government policies and initiatives, as well as developments in the security market. However, we found 'little evidence of a networked model of policing as a dominant or prevailing reality' (Crawford et al., 2005: 90). 'Private governments', as suggested earlier, rather than excluding public policing efforts frequently

seek to use them in advancing their own interests, and reliance upon the state for risk management, here, is often a 'back-up of last resort'.

Our research found that plural policing relations are poorly organized and co-ordinated, suffer duplication and are marked by competition and mistrust. The market commonly fosters fragmentation, rendering co-ordination problematic. Inversely, co-ordination efforts may produce anti-market tendencies, such that the public police prefer to work with a small number of providers. For example, on the Trafford Park Industrial estate (the largest in Britain), the sheer diversity of private security firms presents acute co-ordination problems. This prompted Greater Manchester police into a series of attempts to reduce and consolidate the number of different private-sector providers (Crawford et al., 2005: 69). Fragmentation is exacerbated by the short-term nature of security contracts and government initiatives that engender a piecemeal approach, generating turnover and flux. The mixed economy of plural policing has become highly competitive, as different providers vie to access finite public and private resources; particularly given the growing entry of the police into the security market.

In the context of this complex division of labour in which public values jostle with private and parochial interests, it is less easy to differentiate between styles of policing dependent upon, or reducible to, the characteristics of those who provide or even authorize policing agents. Consequently, there is a need to map out empirically and reflect normatively about the nature of relations between, and the interests served by, plural forms of public and private policing. While this task lies beyond the scope of this article, such an exposition should encompass the conceptual parameters for thinking about both the public goals and interests served by private forms of policing and the private or parochial nature of the public police.

Importantly, the nodal governance perspective cautions us to acknowledge that the types of anchoring described above may not be immutable or permanent features. The commodification of public policing, along with the dilution of the state police brand and image—through the employment of second-tier community support officers and the accreditation of third-party policing—may have adverse implications for the legitimacy claims, cultural authority and symbolic power of the British Bobby of the future. The distinctiveness of the police as they increasingly enter the commercial world of buying and selling while working alongside other policing providers is likely to become less, rather than more, evident. As private security clubs become more prevalent, the public police may slip further into a residual position of back-up of last resort, focused upon the policing of those excluded and ejected from realms of club government and the pathways between them. Conversely, the introduction of licensing and regulation of the private security industry may bring with it greater public legitimacy. For the moment, however, the outcome of this tussle remains unresolved.

Like the post-regulatory state thesis, a nodal governance perspective highlights the importance of non-state authorities and auspices, as well as their relations with state-centred initiatives, for an understanding of contemporary crime control and policing. It reinforces the manner in which diverse sites and forms of control operate often with competing logics, mentalities and objectives. It also cautions us to look beyond the narrow field of crime to connect with wider regulatory developments and shifts in informal control. Braithwaite (2003) reminds us that there is a very different history of policing to be derived from the field of business regulation as distinct from the 'police–prisons' arena. Much criminological theory has been slow to connect with the historical lessons and insights drawn from the diverse body of regulatory agencies, especially with regard to the manner in which they have prioritized non-punitive modes of enforcement, preferring strategies rooted in persuasion through market-based disciplines and mentalities. In understanding the inter-relationships between the shifting forms of regulatory governance, looking to regulation studies might help develop finer and more appropriate analytical tools.

The smart state?

What, then, are the implications of the preceding account of the British 'post-regulatory state', in the field of social control and policing, for contemporary understandings of 'smart' or 'responsive regulation'? Ayres and Braithwaite (1992: 35) in thinking about the appropriateness of given regulatory 'tools' to specific regulatory tasks propose the model of a 'regulatory pyramid'. Initially developed in relation to business regulation, Braithwaite (2002a) has adapted this to the regulation of individual behaviour and linked it with ideas of restorative justice. In the regulatory pyramid, persuasion precedes punishment, both temporally and in terms of seriousness. There is a presumption to commence at the base of the pyramid and that most regulatory action will occur near the base with various attempts to coax compliance through persuasion. Only when dialogue and voluntary compliance fail ought there to be incremental movement up the pyramid: 'When the cooperative approach fails, the regulator escalates up the pyramid' (Braithwaite, 2002b: 21).

This prescription of 'smart regulation' (Gunningham and Grabosky, 1998) seeks better to enhance voluntary compliance and harness enlightened self-interest. Command and sanction do not disappear altogether; rather, they are restricted to the tip of the pyramid. Braithwaite goes on to argue that 'persuasion will normally only be more effective than punishment in securing compliance when the persuasion is backed up by punishment' (2002b: 19). Command and coercion remain in the background as a tool of last resort. Far from undermining negotiation this can facilitate it: 'Speaking softly and carrying sticks' can be mutually supportive

(Braithwaite, 1997). The presence of the stick in the background may provide those seeking to negotiate with additional authority when attempting to secure voluntary compliance. Braithwaite suggests that the effectiveness of ordering at the base of the pyramid is dependent upon the credible capacity of escalation up the pyramid. Escalation should be responsive to the degree of uncooperativeness of the regulated, as well as to the moral and political acceptability and credibility of the response. While the virtues of parsimony are extolled and less interventionism is to be preferred, power lies in, and is exercised through, the hands of 'benign big guns' (Braithwaite, 1990). The gun—or stick (to mix metaphors)—is ever-present, even if only passively or implicitly.

My concern is less with the prescriptive adequacy of this account, which has much to commend it, but rather with what happens when you place a regulatory pyramid into the messy reality of policing and social control, especially in a political context that demonizes much youthful behaviour.[22] Undoubtedly, as the preceding discussions have sought to show, we now have a tool box brimming over with diverse novel technologies of control. But it is not clear to me, in among all this 'hyper-innovation', whether the various regulatory tools fit neatly into a hierarchy of the kind envisaged in the ideal of a 'regulatory pyramid'. Rather, different tools become easily interchangeable. Conceptually, a pyramid structure is enticing but it rarely reflects empirical reality. Moreover, it implies that the presence of different norms, values and procedures higher up the pyramid do not undermine or emasculate those further down. This suggests a benign, rather than corruptive, relationship between co-operation and coercion.

Responsive regulation vests considerable discretion in the hands of 'street-level bureaucrats' (Lipsky, 1980) and regulators in selecting the appropriate tool of regulation and in their capacity not to escalate unduly or, conversely, not to escalate where this may be more appropriate (notably in the business realm). The demand for contextual specificity of the appropriate regulatory response and sensitivity to the regulatory capacities of the regulated may serve to cloud accountability. In practice, there may be organizational interests and imperatives that confuse and influence such judgements, ones that have little to do with effective regulation. In a risk-averse culture, regulators may often prefer to adopt the easiest options rather than the most appropriate ones.

Furthermore, the notion of a regulatory pyramid does not address the problem of the shifting sands that lie beneath it and the capacity of the pyramid to sink deeper into its social foundations; intensifying the extent of regulation, lowering the threshold of intervention over behaviour and conduct and the formalization of previous informal responses. The logic of, what Krauthammer (1993) termed, 'defining deviancy up' is all too evident in government anti-social behaviour reforms. What are the implications of transforming the tacit into the explicit, as the increasing resort to regulation (notably the use of contractual forms of self-governance) imply? A

shift 'from manners to rules' undoubtedly has social and cultural consequences beyond questions of regulatory effectiveness. There is also the danger of regulatory overload in the search for ever-smarter forms of control, especially at the base of the pyramid. This may mean that the transaction costs involved in regulation, notably at the bottom of the pyramid get in the way of the effective flow of events. In Power's *Audit Society* (1997) there are more people auditing, inspecting or regulating activities, than there are actually 'doing' them. More regulation may not necessarily be an unequivocal good.

There are dangers that regulators, in order to cover their backs in a context of uncertainty and hyperactivity, deploy numerous tools in the hope that one will be effective. Gunningham and Sinclair (1998) go as far as to advocate a 'smorgasbord' approach whereby 'complementary instrument mixes' are preferred over 'single instrument approaches'. They do, however, recognize the dangers of (incorrect) assumptions that all instruments should be used rather than the minimum number necessary to achieve the desired result. This is an acute danger in the context of heightened sensitivities about young people, crime and anti-social behaviour. Better to harness (shackle?) the regulated in a type of shotgun approach than to allow the problem to escalate, may be the thinking that informs regulators.

We also need to be aware of the conceptual limitations of much of the regulation literature when applied to the government of 'problematic populations' and the policing of the poor. The main focus of the regulation literature is the government of powerful institutions and commercial businesses, not relatively powerless young people and their parents who are the subjects of the types of social regulation and policing discussed here. Where the historic tendency of regulators has been to work co-operatively with big business and the regulated—often to the point of regulatory capture—the history of policing and social control is largely concerned with the use of coercive force over members of the perceived 'dangerous classes'. The very different power relations between the regulator and regulated in these contexts is considerable. Moreover, the motivations and capacities on the part of the regulated will often be significantly different. Regulatory models borne in one context may not transfer easily or unproblematically to another without producing divergent effects or unintended outcomes. As Braithwaite and Drahos note in concluding their extensive review of *Global Business Regulation*:

> When the strong have wanted regulation, very often it has been to protect their monopoly; when they have wanted regulation it has been to save them from paying for the burdens they inflict on ordinary citizens. Consequently, most citizens of the world—men and women, black and white—rightly want the opposite: deregulation of monopoly privilege and strengthened regulation to protect the community from the abuse of corporate power.
>
> (2000: 629)

Conclusions

Without wishing to discount the importance of regulation beyond government, I have sought to highlight the danger of running away with the sense that the state as a conceptual entity and empirical reality is becoming redundant. Recourse to command and control continues to occupy a prominent place within the contemporary social regulation armory. In many tangible ways, the state retains an anchoring role in the provision of security even with regard to much private governance. In the field of policing, it remains not only a resource of last resort, when all else fails, but also one that is symbolically and culturally distinct.

In Britain, state ambitions with regard to social ordering have not been reduced, but rather extended. However, government's capacity to deliver, always limited, has become more evidently so. In this mix, the law and command continue to be significant—if blunt—regulatory weapons. In certain areas state intervention is being *withdrawn*, in other areas it is *redrawn*, and in still others it is being *extended*. It is the latter than I have deliberately focused on. What we see resulting is not the state becoming 'weaker' or necessarily 'smarter', but rather diverse forms of a more frenetic, volatile, contradictory and politicized regulation of behaviour. This hyperactivity, its ambiguous consequences and uneven implementation have largely been overlooked by proponents of the post-regulatory state thesis and networked governance. Yet this frenzied quest for ever newer and more capacious modes of control has become a defining logic in the governmental anchorage of the governance of conduct in Britain. This constitutes the context in which both specific new technologies of regulation and regulatory practices need to be evaluated not only for their effectiveness and responsiveness, but also for the incoherent conception of 'state craft' embedded in the clash between ambitions and limited capacities.

Notes

A version of this article was presented to the Regulatory Institutions Network Conference, Canberra, 7–8 December 2005. It was written while I enjoyed a visiting fellowship in the Research School of Social Sciences at the Australian National University and while I was the recipient of a Leverhulme Trust Major Research Fellowship award into the 'contractual governance of anti-social behaviour'. It has benefited significantly from various conversations with, and comments from, John Braithwaite, Jenny Fleming, Peter Grabosky, David Levi-Faur, John Flint, Stuart Lister, Tim Newburn, Rod Rhodes, Clifford Shearing, Laureen Snider, Peter Vincent-Jones, Jennifer Wood and Lucia Zedner, for which I am most grateful. Any errors are mine.

1. There are, of course, important differences and inflections between the post-regulatory state—which is my primary focus of analysis—and governmentality literatures. What they share, I suggest, is a particular conception

of authority, regulation and control as primarily, and increasingly, lying 'beyond the state'. Rose and Miller, for example, note that from their govenmentality perspective the state is reduced to the status of having no 'essential necessity or functionality' (1992: 176).

2. Although, they seek to show through selective examples that many of the tenets of 'entrepreneurial government' were already evident in the USA, *Reinventing Government* is essentially a manual designed to prompt reform.
3. Notably with the establishment of a Parliamentary Commissioner for Standards.
4. Figures show that in addition to the use of ASBOs, some 13,000 acceptable behaviour contracts, 800 dispersal orders and over 170,000 fixed penalty notices for disorder were issued in the 2 years to the end of 2005 (Home Office, 2006: 6).
5. Under the 1998 Act, parenting orders resulting from criminal conduct or anti-social behaviour are available in any court proceedings where: a child safety order has been made; an anti-social behaviour order or sex offender order has been made in respect of a young person; or a young person has been convicted of an offence. The availability of parenting orders was further extended by the Anti-Social Behaviour Act 2003 and the Criminal Justice Act 2003 to allow their use at an earlier stage of intervention.
6. Notoriously, in May 2002 Patricia Amos became the first woman to be sentenced to prison for failing to ensure that her two daughters attended school.
7. In February 2006, Tony Blair articulated a similar paradox in a speech to a conference by Safer Croydon partnership:

> the other thing I have learnt in over 8 years of being Prime Minister is that you can argue about statistics until the cows come home and there is usually a very great credibility gap between whatever statistics are put out and whatever people actually think is happening, but the real point is not about statistics, it is about how people feel . . . because the fear of crime is as important in some respects as crime itself.
>
> (http://www.pm.gov.uk/output/Page9040.asp)

8. Shearing (2006b) has himself used this metaphor in suggesting that while pluralism is indeed anchored, it has multiple state, supra-state and non-state anchors: 'What we find in practice is not a single anchor that directs the steering of governance but multiple anchors each contesting to realize competing governing agendas.'
9. *Pool Re* operates a 'retention' under which insurers bear the first amount of any claims for an event covered by the scheme.
10. *Pool Re*'s Chief Executive, Steve Atkins, said of the extensions:

> Taken together, they are a comprehensive response to the main difficulties faced by our Members in offering terrorism insurance for commercial property risks. They enable *Pool Re* to continue to play the fullest

> role in providing the reinsurance support needed by this sector of the insurance market.
>
> (cited in HM Treasury, 2002)

11. By means of the Police Reform Act 2002.
12. Ironically, the White Paper went on to highlight the perceived need to 'strengthen the ability of the Home Office (working through the Government Offices for the Regions and the Welsh Assembly Government) to actively monitor partnership progress, taking action to address poor performance' (Home Office, 2004: 123).
13. Personal communication, 25 April 2006. This figure includes those working across a wide array of activities some of which are much broader than police functions, including: door supervisors; vehicle immobilizers; security guards involved in manned guarding, cash and valuables in transit, close protection and CCTV monitoring; key-holders; private investigators and security consultants. The number of in-house security guards is estimated to be up to 100,000.
14. Community Support Officers (CSOs) are a new type of civilian police employee dedicated to visible patrolling, introduced by the Police Reform Act 2002 (s. 38). Without the full powers or training of a sworn police officer, CSOs seek to provide public reassurance by being dedicated to patrol, can issue fixed penalty notices for disorder and have powers to detain suspects for up to 30 minutes pending the arrival of a police constable. The first CSOs started work on the streets of London in September 2002 (see Crawford et al., 2004).
15. By late 2004, there were approximately 250 schemes funded through central government, employing more than 1500 street or neighbourhood wardens. In addition, there were an estimated 250 further schemes, employing some 2000 other wardens funded through diverse local sources (Crawford, 2006c).
16. The Police and Magistrates Court Act 1994 (s. 9) allowed the police much greater commercial freedom to charge more widely for goods and services, including the contracting out of police officer time (Crawford and Lister, 2006).
17. Nor is this a unique development, similar initiatives exist in the Bluewater centre in Kent and at other large-scale 'mass private property' venues.
18. Before establishing a community safety accreditation scheme, the chief police officer must consult with the police authority of that force and all the local authorities that lie within the police area. The legislation requires that employers of accredited persons make suitable arrangements to supervise the use of their conferred powers when carrying out community safety functions and have suitable arrangements for handling complaints.
19. ASBOs were initially introduced by the Crime and Disorder Act 1998 (s. 1) and subsequently extended. Recent Home Office guidance explicitly encourages councils to use publicity to help enforce individual ASBOs (Home

Office, 2005), enlisting third parties into the task of policing behavioural controls.

20. For an area to be designated a dispersal order zone, there must be evidence that anti-social behaviour has been a 'significant and persistent problem'.
21. Monopoly is by no means achieved in any sense but importantly remains a symbolic or mythical aim.
22. In May 2005 in an interview with the *Observer*, the Chair of the Youth Justice Board, Rod Morgan, called on politicians and the media to stop calling children 'yobs' and warned that Britain risks demonizing a generation of young people (Bright, 2005).

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