

Disciplining women: gender, silence and anti-social behaviour

Caroline Hunter and Judy Nixon draw attention to evidence that suggests anti-social behaviour is a gendered issue.

The policy and media concern with anti-social behaviour (ASB) is well-documented. There has also been a growing body of research into the use and effects of instruments to tackle ASB – notably the Anti-Social Behaviour Order (Squires, 2008). Within both the official and the academic discourses there has, however, generally been a failure to consider the importance and consequence of gender. In the first section of this article, we draw on empirical findings from a three year evaluation of six Family Intervention Projects (FIPs) which were pioneering a 'new' form of ASB intervention by providing families at risk of eviction with intensive support to help them address behavioural and other problems to explore how ASB is experienced by lone parent women at risk of losing their homes (Nixon et al., 2006; Nixon and Parr, 2008). By way of contrast in the second part of the article we focus on 14 Court of Appeal ASB judgements made between 2001 and 2007 highlighting the ways in which judges (almost always male) apportion culpability and responsibility.

One of the dominant features of ASB discourses is the ubiquitous call for increased self-regulation, reinforced by a demonising rhetoric about those who fail to regulate their behaviour in line with normalised standards. The 'anti-social' are presented as dangerous, threatening individuals and agents of moral decline (Flint, 2006). Thus a Home Office Press Release in 2007 stated:

Problem families can disrupt the quality of life of whole communities and make the lives of residents around them miserable. They also put themselves at risk of losing their home, their children at risk of being taken into care...or having enforcement action such as ASBOs taken against them. (Home Office, 2007)

The use of such demonising descriptions completely fails to take account of the complex material realities of anti-social behaviour in which 'perpetrators' may be also be 'victims' and 'victims' 'perpetrators'. Rather, political discourses can be seen to silence the voices of those accused of behaving in an anti-social manner and render invisible the incoherence and complexity that characterises the enactment of ASB policy on the ground. As women working with FIPs told us their stories, it became clear that ASB is a site where women are simultaneously characterised as victims and villains, responsible

adults and dysfunctional parents, active citizens and outsiders. They are both subjects and objects of abuse.

As with other social policy and criminal justice arenas, in official ASB discourses the line between victim and perpetrator is sharply drawn. Such distinctions were not reflected in women's accounts as to why they had been referred to the FIP. Indeed many women told us that in addition to being the subject of complaints (most of which focused on the behaviour of their children or male partners) they were also victims of domestic violence and of ASB.

Scrutiny of individual families' project case records revealed that in 47 per cent of families women were suffering from a history of or were currently subject to some form of domestic violence. Despite this shockingly high incidence rate project workers frequently presented the issue of violence within the home as a peripheral one with little causal primacy attributed to the impact of violence *within* the family on behaviour *outside* of the family home. There was little evidence in case files of referrals being made to

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domestic violence units and many women in our study reported that they had received no help in dealing with violence from their partners (which often spilled out of the home and led to complaints from neighbours about ASB). In particular there was a marked silence about the issue of

inter-generational violence involving threats posed by teenage children. One woman explained:

It was like when I first phoned up Social Services, I said to them 'it's going to be him [her son] or me'

because he had a knife up at me at one point...that's how it was going next with things getting that bad and he was that violent towards me...but even then...they [Social Services] didn't want to know.

Such reports are reminiscent of responses to domestic violence prior to the 1970s (Dobash and Dobash, 1979) and caused us to reflect on why nearly 40 years later women continue to experience such difficulty in accessing support to deal with violence in the home. One possible explanation is that once families are labelled as 'anti-social' this effectively prevents the development of a more subtle and nuanced understanding of their problems.

In addition to being powerless to prevent violence within the home women were also vulnerable to

becoming victims outside the home. In 60 per cent of families one or more members of the household were victims of ASB. The issue of victimisation led some interviewees to consider that complaints of ASB were a product of personal vendettas or intolerant neighbours. Even where members of the household were the subject of harassment they reported

that they were frequently not believed. Once again the experience of not being heard was directly related to being labelled 'anti-social' and it was strongly felt by many families that no one was prepared to hear their side of the story. These experiences left many women feeling

further marginalised and powerless to defend themselves.

Nonetheless, despite this, powerlessness women were also resistant to being labelled 'anti-social' which they found to be 'humiliating', 'upsetting' and 'embarrassing'. Women were aware of the binary oppositions that are employed to distinguish the 'anti-social' from the 'responsible' neighbour and were anxious to affirm that they and their children conformed to norms of conduct, making clear distinctions between their own behaviour and their constructions of behaviour which could legitimately be described as anti-social:

what I say's anti-social is like, say...neighbours have got disputes, so that you're going onto their property shouting, screaming, banging doors,

causing trouble and things like that...If you are playing music really loud and things like that, fair enough, that is anti-social behaviour. But I know for a fact I don't do that. I won't expect someone to do it to me, so I don't do it to them. I expect to be treated the way I treat people. I always have, I were brought up like that.

As women told us their stories it was

clear that narratives of struggle were interwoven with examples of resistance and personal agency. A common theme emerging from interviews was the need to stay strong in the face of numerous adversities as one woman with six children explained:

when it is all going on and like when you're actually stood there and you're in shock and you're panicking because nobody believes you...I've got six kids. I can't afford to like breakdown or anything else and then the kids are going to get took off me, so I just have to stay strong.

On-going concerns about personal safety compounded by fear of loss of their home dominated women's account of their lives. However as outlined earlier, in seeking to protect themselves and their children many women disputed the allegations made by neighbours and felt they had been unfairly targeted and singled out for intervention. Such responses sit uneasily with the requirement that in order to protect themselves and their children from eviction women are required to exhibit remorse and it is to this issue that we now turn.

Examination of the Court of Appeal decisions illustrate how unless women accept that they are responsible and wish to change (themselves and more particularly their children) they can expect to lose their homes. Here the vulnerability of the woman tenant is irrelevant. Thus a single mother who had learning difficulties, which meant she was unable to read or write and had to be represented in court through a litigation friend, was evicted for the behaviour of her adult son. As the Court of Appeal put it:

*There is no express restriction on the making of an order for possession...simply because the tenant, **for whatever reason, cannot control that other person's behaviour.***

(Knowsley HT v. McMullen [2006] HLR 43, emphasis added)

Vulnerability (and indeed being a victim of domestic violence) was not a matter that could affect the decision-making. Again we find a silencing of the realities of women's lives. What was important was that the women performed their gender appropriately. This required remorse for the behaviour of their children and/or partners. In *Manchester CC*

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v. Higgins [2006] HLR 14, the Court of Appeal changed a suspended possession order to an outright order. In doing so the Court stated (at para. 43) that the:

recorder found that 'the defendant did have a significant personal responsibility' She was herself without remorse and at all time totally indifferent to the effect her children's behaviour was having on her neighbours.

Here it becomes apparent that women defendants are faced with a conundrum – they need to be assertive in their control over their children but at the same time express remorse for their apparent failure to take personal responsibility for their children's behaviour. It is striking that in none of the Court of Appeal cases was the failure to control the children ascribed to the father. What is clear is that the impulse to resistance illustrated in our interviews with women working with FIPs is entirely the wrong response to any court proceedings.

While there is now a growing body of work examining how the state seeks to control ASB, to date little attention has been paid to the

way in which such interventions have had a disproportional impact on women-headed households. In contrast to the highly politicised constructions of domestic violence, anti-social behaviour discourses remain largely un-gendered, where the failure of women to control the behaviour of members of their families is presented as a failure of parenting and citizenship. When framed in these terms women become the villains and are thus the legitimate targets of state intervention. Equally, while the rationalities informing Court of Appeal judgements are highly gendered, women's lack of remorse and their inability to control the behaviour of children and partners serves as the prime justification for the loss of home. What both discourses share is a construction of the problem, which denies complexity. That lone parent women can be both simultaneously 'victims' and 'villains' has not been recognised by New Labour politicians or the media who predominantly portray perpetrators of ASB in negative and demonising ways. A feminist analysis is also largely absent from the research literature and such an approach would we suggest help

develop a more finely nuanced gendered analysis in this under theorised field. ■

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