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Theoretical Criminology 2007 11: 221
DOI: 10.1177/1362480607075849

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Symbolizing crime control

Reflections on Zero Tolerance

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Abstract

The term *Zero Tolerance* has become a familiar feature of the crime control landscape. In recent times it has been deployed regularly by politicians, police managers, policy-makers and the media. Though it has been used in connection with a number of different policy initiatives, Zero Tolerance is most closely associated with policing and, in particular, with a set of policing strategies adopted by the New York Police Department in the 1990s. This article explores the origins of this most potent of crime control symbols, and examines how it has subsequently been developed, deployed and disseminated. It concludes with an examination of how and why policy actors deploy symbolically powerful terms in the context of contemporary crime politics in the USA and UK.

Key Words

penal policy • policing • policy entrepreneurs • policy transfer • symbolic politics • Zero Tolerance

The need was for a leader ... to set standards, enforce discipline, create checks and balances, establish quality controls, communicate a zero tolerance for abuse of detainees, and enforce that policy by quickly and efficiently punishing offenders.

(The Fay-Jones Report into Intelligence Activities at Abu Ghraib)¹

I think there ought to be zero tolerance of people breaking the law during an emergency such as this, whether it be looting, or price-gouging at the gasoline

pump or taking advantage of charitable giving, or insurance fraud. And I've made that clear to our attorney general.

(President George W. Bush speaking about the aftermath of Hurricane Katrina, 31 August 2005)²

It is our legendary phenomenon, our great thing, our world-famous impossibility ... It is, however, as human things go, very real, surreal. What is barely hinted at in other American cities is condensed and enlarged in New York.

(Saul Bellow, 1970/1994: 217)

Introduction

As the first two quotations indicate, the term Zero Tolerance is now regularly deployed in a wide range of circumstances when there is a need to indicate strong measures and clear resolve. More particularly, the term has become a recognizable feature of the crime control landscape. Used by politicians, policy-makers, police officers and others, the signals it sends about toughness have been enormously seductive in these punitive times. Though it may seem to many observers to be a relatively new term, it has a fairly lengthy history. Our concern in this article is with the different contexts in which Zero Tolerance has been used and within this to explore the emergence of the term in its particular, recent form.

For some time now we have been concerned with the diffusion of criminological ideas: how some ideas become popularized at particular moments, how their popularity, or at least usage, spreads and what happens to them in the process of dissemination (see, for example, Jones and Newburn, 2007). The initial uses of the term Zero Tolerance in North America were in connection first with the war on drugs and then later with specific campaigns against violence against women. During the 1990s, however, the term came to be closely associated with police reforms in New York City and the various attempts that have been made to develop similar approaches in other parts of the world. It is this manifestation of Zero Tolerance that forms our focus here. In the first part of this article, we provide a genealogy of the term and some of the practices associated with it. As we shall see, it has a varied history, having been used in a number of different policy contexts. In the second section, we examine what the story has to say about ways in which criminological ideas and innovations emerge and travel across jurisdictional and policy boundaries. In the final section, we explore the ways in which powerful symbols such as Zero Tolerance are deployed, who deploys them and why.

The genealogy of Zero Tolerance

Zero Tolerance and the war on drugs

It is difficult to specify a particular set of policy interventions that characterize Zero Tolerance anti-drug policies. The term has been used primarily

as a rhetorical device, used to signal uncompromising and authoritative action by the State and its agencies, against an external and internal enemy. It has denoted an unambiguous faith in a criminal justice response to the problem of drugs, diversion of resources to enforcement from other responses (such as treatment), harsher punishments and a weakening of 'due process' considerations in favour of those of 'crime control'.

The term Zero Tolerance first gained prominence during the US 'war on drugs' initiated under the Reagan administration. The 1986 Anti-Drug Abuse Act recommended the establishment of a cabinet-level 'drugs czar' and very significant increases in the drugs law enforcement and interdiction budgets. Central to the changes in US drugs policy was pressure and influence exerted by the parents' movement, including groups such as PRIDE (Parents Resource Institute for Drug Education) and the NFP (National Federation of Parents for Drug-Free Youth). These groups emphasized total opposition to drug use, and promoted Zero Tolerance in as far as 'they regarded full opposition as the only acceptable course' (Massing, 2000: 151). The US First Lady, Nancy Reagan, made a key intervention following her widely reported visit to a school in Oakland, California, when she stated: 'We only make this trip once. Let's make it count and *just say no* to drugs' (quoted in Massing, 2000: 174, emphasis added). Following this, 'Just Say No Clubs' for schoolchildren proliferated and the term 'Just Say No' became everlastingly attached to the First Lady. Though there is no record of her using the phrase Zero Tolerance, her campaign and her rhetoric were at one with the sentiment. During this time, the US Customs Commissioner, William Von Raab, was attempting increasingly to militarize his department's role in the war on drugs.³ Inspired by the policy of a San Diego District Attorney whereby all drugs offenders were being prosecuted and, wherever possible punished, no matter how minor the offence, he decided on a similar approach for the Customs Department. He also persuaded the State Department to revoke passports of those convicted of drugs offences. According to Baum, he 'cast around for a name for his policy and remembered that in the Nixon White House, chief of staff Bob Haldeman had a policy he called "zero defect". Von Raab decided to call his policy "zero tolerance"' (1996: 244). The 1986 Act had established a conference, to be called the White House Conference for a Drug-Free America (WHCDFA), which sat during 1987 and early 1988, and reported in June 1988. Among its conclusions was an explicit statement that: 'The U.S. national policy must be *zero tolerance* for illegal drugs' (WHCDFA, 1988, emphasis added).

The Zero Tolerance rhetoric established under Reagan was continued by George Bush (who as Vice-President had taken the lead on drugs policy). In the Anti-Drug Abuse Act of 1988, Congress voted to increase massively the budgets for enforcement and punishment. Continuing the approach, the subtitle of the 1998 Act was the 'Drug-Free America Policy'.⁴ In his first television address to the nation on 5 September 1989, President Bush said:

All of us agree that the gravest domestic threat facing our nation today is drugs ... The rules have changed: if you sell drugs, you will be caught; and

when you're caught, you will be prosecuted; and once you're convicted, you will do time. Caught, prosecuted, punished ... American cocaine users need to understand that our nation has zero tolerance for casual drug use.

(Bertram et al., 1996: 114)

He continued, 'Zero tolerance isn't just a policy, it's an attitude. My administration will be telling the dealers: whatever we have to do, we'll do, but your day is over, you're history' (Baum, 1996: 244).

Following President Bush's inaugural address there were fewer references to Zero Tolerance in relation to drugs. Indeed, from that stage on the term appeared in other settings, usually where the speaker wished to indicate a firmness of resolve without having to set out detailed policy prescriptions. For example, it was reported in early 1990 that a Commission appointed by President Bush to investigate aviation security in the aftermath of the Lockerbie disaster recommended that the USA should adopt Zero Tolerance to terrorism by engaging in pre-emptive and retaliatory strikes like the 1986 bombing raids on Libya.⁵

Zero Tolerance and violence against women

The second crime context in which Zero Tolerance appears is in connection with work and campaigning around violence against women. Two campaigns, the first in Canada, the second in Edinburgh, Scotland, used the term as a core part of their strategies to publicize the problem of women's violent victimization and to signify the unacceptability of such violence.

In Canada, a number of high-profile initiatives in the early 1990s sought to improve the level of awareness of violence against women. The Canadian Panel on Violence Against Women was established in 1991 by the Prime Minister, and reported in 1993 (Canadian Panel on Violence Against Women, 1993). This report presented a National Action Plan, at the heart of which was a policy of Zero Tolerance signalling 'that no level of violence is acceptable, and women's safety and equality are priorities' (1993: Part Five: 3). Health Canada (1999) acknowledged that 'the term was originally used in the United States as part of the War on Drugs strategy' and their approach was to commandeer the term and rework it to fit the needs of the new context. Again it signalled intolerance: on this occasion not intolerance by the State of certain forms of offending, but rather intolerance by women of men's violence. It also signalled the aim that such intolerance should be much more widely shared throughout civil society.

Almost simultaneously with the Canadian campaign, though clearly influenced by it, the Zero Tolerance Campaign (ZTC) was launched in Edinburgh in November 1992 by the City Council's Women's Committee. The Edinburgh ZTC was the first major UK crime prevention campaign to focus on the issue of male violence against women. The campaign aimed to raise awareness about the extent and nature of male violence against women and children, to send out a clear message that such crimes should

not be tolerated and to promote a national strategy to combat male violence. ZTC used posters, billboards and cinema advertising, all carrying a stark Z symbol, to carry the central message of the campaign that male abuse of power is a crime. In 1995 the Zero Tolerance Charitable Trust was established following the success of the Edinburgh campaign (see <http://www.zerotolerance.org.uk/>). The campaign was taken up by many local authorities in Scotland and continues today, having spread through the European Union in the late 1990s and internationally as far as South Australia and, intriguingly given what has happened since, New York City. The adoption of the term by women's groups is testament both to its power and to its flexibility. This is a phrase that can be deployed in various national settings, speaking to different audiences, but conveying a determination to use the criminal law to 'crack down on' something that has previously flourished.

Zero Tolerance and policing

Zero Tolerance and New York City

The policing practices that became associated with Zero Tolerance policing (ZTP) were introduced to the New York Police Department (NYPD)⁶ following the election of Rudolph Giuliani as Mayor in 1993, and the appointment of William Bratton as his first Chief of Police in early 1994 (Silverman, 1999). During his 1993 election campaign, Giuliani had met with Bratton, then Chief of Police in Boston, and the criminologist George Kelling, to discuss policing initiatives, asking if it was 'conceivable to assign police officers to the task of restoring order on the streets', removing 'the panhandlers and squeegee operators' (Barrett, 2000: 244). The focus upon 'quality of life' offences derives from Wilson and Kelling's (1982) 'Broken Windows' thesis, which emphasized the role of informal social controls in helping contain crime in local neighbourhoods. A key theme in this work was the ways in which routine minor incivilities and disorder (such as vandalism, graffiti and litter) are the basis of a vicious circle. It is argued that increasing fear of crime related to disorder leads to a growing reluctance among many citizens to use public space, which in turn reduces natural surveillance in local areas, which then heightens the risk of further increases in disorder and eventually, of more serious crimes. This thesis provided the justification for public police resources to be targeted upon problems that perhaps, over recent decades, had received less attention than serious crime. The renewed focus upon the ideas of 'Broken Windows' chimed with other developments in New York at the time. For example, New York Senator Daniel Patrick Moynihan published an influential report in 1993 in which he talked of 'defining deviancy down'. Moynihan argued that increasing levels of crime and deviance in the USA had led to such behaviour being generally viewed as 'normal' with the result that the public (and police) had become overly tolerant of previously unacceptable forms of conduct

(Moynihan, 1993). The phrase ‘defining deviancy down’ quickly became a central feature of debates about crime and disorder, particularly within New York. For example, it was explicitly used by Rudolph Giuliani in 1994 to justify the more intensive policing of ‘squeegee pests’ (Karmen, 1994).

Although, as we see later, the main players in the New York policing story distanced themselves from the term Zero Tolerance, it became inextricably associated with the policing approaches developed under Bill Bratton. Although often simplistically portrayed as a rigorous enforcement-oriented mode of policing, the key elements of ‘quality of life’ policing in New York (which came to be (mis)labelled ‘Zero Tolerance’) were more complex than this. They included the following elements:

- vigorous law-enforcement responses to minor crime and disorder;
- the use of civil remedies against those perceived to be involved in criminal activities;
- enhanced accountability, using Compstat (see later), of local police managers for crime and disorder in their areas;
- public target setting in relation to crime reduction;
- conspicuous use of the media as a public relations tool on behalf of the police and policing strategies; and
- aggressive enforcement action against street crimes.

A central element of this approach involved ‘crackdowns’ on public begging, low-level incivilities, public drunkenness and urination, fare dodging and, most famously of all, ‘squeegeeing’. It was these crackdowns, and related actions against more serious offences that became closely associated with Zero Tolerance. The fifth of the eight new policing strategies published by the NYPD at this time was called ‘Reclaiming the Public Spaces of New York’. It was, according to Bratton, the ‘lynchpin’ strategy in New York City: ‘We were going to fix the *broken windows* and prevent anyone from breaking them again’ (Bratton with Knobler, 1998: 229, emphasis added). A second theme to the New York policing reforms was significantly increased use of the civil law as a mechanism for reducing crime or criminal opportunities (Kelling, 1998). This strategy was initially developed under Bratton’s predecessors as Commissioner of the NYPD, Lee Brown and Ray Kelly. The third component of the NYPD’s approach involved the development of a management information and control system for regulating and directing policing at precinct level—Compstat (Bratton, 1997; Silverman, 1999). Bill Bratton described the twice-weekly Compstat meetings as requiring precinct commanders ‘to be ready to review their up-to-date computer-generated crime statistics and relate what things are going to be done to achieve crime reduction’ (1997: 38). Although arguably less reported than the more intensive focus upon ‘quality of life’ offences, Giuliani, Bratton and senior members of Bratton’s team attributed a significant degree of credit to Compstat for the crime reductions in New York City (Bratton with Knobler, 1998; Maple, 2000; Kirtzman, 2001). Another part of the policing approach in New York involved highly publicized target setting for himself and his Department. This involved regular use of the

media as a key element by which he communicated both with his Department and with the citizens of New York. The final core element of the strategy involved high visibility order maintenance involving a specialist NYPD team called the ‘Street Crimes Unit’. This was a plain clothes elite unit that worked across the city—rather than being located in particular precincts or even boroughs. The unit was tasked with aggressive action against street crime, focusing in particular upon stopping and searching young men suspected of carrying concealed firearms. Although credited with many successes, the unit also contributed to many of the less positive aspects of ‘quality of life’ policing, not least the shooting of Amadou Diallou, an unarmed 22-year-old black man shot 19 times by street crimes unit officers.

Zero Tolerance in the UK

In the UK, experiments with so-called ZTP have been limited to a few localized initiatives that have in practice adopted only elements of the New York approach. The Metropolitan Police in King’s Cross, London, undertook a vigorous campaign to ‘clean up’ the area by focusing as much on minor infractions and incivilities as on major crimes. One of their operations, entitled Operation Zero Tolerance, ran for six weeks in late 1996 and involved 25 police officers who were tasked ‘to clamp down on all crime in the area, however apparently trivial or irrelevant’ (‘The petty crime way’, *Guardian* 21 November 1996). The only major explicit attempt to introduce a form of ZTP occurred in Hartlepool, in the north of England, under the guidance of Detective Superintendent Ray Mallon, one of the few British police officers of any seniority to have embraced the idea of Zero Tolerance. According to him, what this meant in Hartlepool was ‘that the police would “return peace to the streets” by controlling minor situations in the interest of the “decent” and “respectable” citizen’ (Dennis and Mallon, 1997: 65). The majority of senior British police officers, however, were openly sceptical about notions of Zero Tolerance, and there has been considerable resistance to the idea of importing wholesale ‘New York’-style policing practices (see Griffiths, 1997; Pollard, 1997). The then Deputy Commissioner of the Metropolitan Police, Ian Blair, typified such views when he argued that,

normally liberal New Yorkers and their media were prepared [in the 1990s] for policing tactics that would not be acceptable in London or anywhere else in the UK. Zero tolerance is a misnomer: it actually means targeted intolerance, and New York’s finest did not always tread lightly.

(2002: 22)

In contrast to senior police officers, however, from the mid-1990s many politicians enthusiastically deployed Zero Tolerance terminology. Jack Straw, then Shadow Home Secretary, visited New York in July 1995 and following this delivered a speech in which he attacked the ‘aggressive begging of winos and addicts’ and the ‘squeegee merchants who wait at large

road junctions to force on reticent motorists their windscreen cleaning service ... Even where graffiti is not comprehensible or racist in message' he went on, 'it is often violent and uncontrolled in its violent image, and correctly gives the impression of a lack of law and order on the streets' (quoted in Newburn, 1998: 201). Echoing his Shadow Home Secretary, Tony Blair made a controversial speech in January 1997 in which he outlined his view of Zero Tolerance. Asked by the editor of the *Big Issue* whether he supported the policy, he replied: 'Yes I do, it is important that you say we don't tolerate the small crimes. It says you don't tolerate the graffiti on the wall.'⁷ He continued: 'Obviously, some people will interpret this in a way which is harsh and unpleasant, but I think the basic principle is here to say: yes it is right to be intolerant of people homeless on the streets.' During the election campaign, while appearing in Hartlepool, Jack Straw sought to soften the message of intolerance by pointing out that New Labour's strategy was much broader: 'Tackling youth crime is an integral part of our strategy to reduce anti-social behaviour and create a more decent society.' This he called 'zero tolerance with a British face'.⁸

As early as December 1995, Tony Blair had signalled his willingness to use the term in a much broader manner to signify a more general style in which New Labour would operate. Launching proposals for improving educational standards, he promised to 'sweep away the second rate and tackle head-on the half-baked and the ineffective', adding: 'There will be zero tolerance of failure from any government I lead.'⁹ The same message eventually found its way into the Labour Party election manifesto in 1997, a section on schools being entitled 'Zero Tolerance to Underperformance'. Later in the manifesto, the party reiterated its support of a crackdown approach to 'quality of life' offences:

The Conservatives have forgotten the 'order' part of 'law and order'. We will tackle the unacceptable level of anti-social behaviour and crime on our streets. Our 'zero tolerance' approach will ensure that petty criminality among young offenders is seriously addressed.

It was at this stage that Zero Tolerance as political rhetoric really took off. Though both the Conservative Home Secretary and his Shadow visited New York and made positive statements about what was happening there, the term 'Zero Tolerance' was appropriated primarily by New Labour. This period from mid-1995 to late 2000 was the high point for deployment of the term. The period was ushered in by Straw and Blair, using the language of Zero Tolerance as part of New Labour's strategy to outflank the incumbent Tories. The era ended with an internal squabble within the Conservative Party. At the Party's annual conference in 2000 the Shadow Home Secretary, Ann Widdecombe, announced a 'Zero Tolerance policy' on all drugs, including cannabis. Despite the standing ovation she received in the conference hall, there was what some journalists described as 'widespread alarm in the party' when the potential implications of the proposal became apparent together with the revelation that she had failed to consult either the Shadow

Cabinet or the police prior to the speech.¹⁰ She was quickly ordered to backtrack and in due course the policy was quietly dropped.

In more recent times, talk of Zero Tolerance has lessened, though it still reappears from time to time in connection with matters such as abuse against public sector workers,¹¹ especially within the NHS¹² and discipline in schools.¹³ Wherever it is deployed the 'New York miracle' is almost always invoked. Speaking in Hartlepool in August 2004, and flanked by the City's mayor, Ray Mallon, Michael Howard summarized much of the recent story of ZTP:

We need to police our streets—not de-police them. We need a police force which intervenes, confronts and challenges every kind of crime and disorder—from graffiti and litter to burglary and robbery. In short we need zero tolerance policing. As Ray has shown in Middlesbrough, and Rudi Giuliani showed in New York, by challenging disorder you begin to claim ground back from the jobs and hoodlums controlling our cities. You demonstrate that there is a line people cannot cross—and as police confidence rises in challenging unacceptable behaviour, so public confidence rises in the police. By challenging so-called small crimes head-on, you push back the burglars, car thieves and drug dealers responsible for so much of the crime in Britain today.¹⁴

Continued sightings of the term are testimony to its enduring power and resonance. Nevertheless, Ann Widdecombe's speech in 2000 undoubtedly marked the point at which the term Zero Tolerance began to lose some of its lustre in British political life. Having surveyed briefly the different contexts within which Zero Tolerance has been used and the various practices associated with it, we turn our attention now to what this story has to tell us about the ways in which criminological ideas emerge and cross jurisdictional boundaries and what happens to them when they travel.

The international diffusion of Zero Tolerance

In a recent study of policy transfer and criminal justice, we concluded that there was clear evidence of some degree of policy transfer between the USA and UK in the case of Zero Tolerance policing (Jones and Newburn, 2007). Overall, we found that the timing of developments on either side of the Atlantic, and degrees of policy similarity (on a number of dimensions) were consistent with a picture of possible policy transfer. Second, there was substantial evidence of extensive transatlantic contact connected with these policy developments, including visits to New York City by civil servants, politicians and police officers from the UK with the explicit aim of observing and drawing lessons from policing approaches in the NYPD (Jones and Newburn, 2007). Within this broad picture, however, there were a number of particular features of diffusion of policy ideas between the USA and UK regarding ZTP.

First, as we have seen, policy transfer was most apparent in the use of *rhetoric* and *symbols*, rather than in the more concrete manifestation of

policy content and instruments, at least in the realm of policing policy (Jones and Newburn, 2007). Despite the extent of the British 'policy tourism' to New York City during the late 1990s, and significant efforts to sell ZTP in the UK by policy entrepreneurs from the USA, sightings of 'New York Style' policing have been rare in the UK. Many senior UK police officers, the majority of whom embraced a post-Scarman report, community policing-oriented consensus, have found the more abrasive elements of Zero Tolerance problematic. Though there have been one or two minor and conspicuous exceptions, police forces in Britain have rejected both the terminology and the practices associated with Zero Tolerance. Even in the most conspicuous exception to this pattern, the policing initiative conducted under Detective Chief Inspector Ray Mallon in Hartlepool which embraced the idea of Zero Tolerance, there is relatively little evidence of 'hard' policy transfer, in terms of direct importation of concrete policies from the USA (Jones and Newburn, 2007). Thus, to the extent that anything directly crossed the Atlantic it was terminology and ideas (if we incorporate 'Broken Windows' in the broader sphere of influence) rather than policies and practices. The phrase Zero Tolerance proved to be particularly popular with politicians and, though less so today, is still occasionally wheeled out when particular figures are seeking to emphasize their toughness in the law and order arena. Having said this, however, there was clear evidence of substantial 'soft transfer' in the broader ideas and principles associated with the Broken Windows approach that have gone on to be enormously influential in UK crime control beyond the domain of policing.

Second, the limited degree of hard transfer in the arena of ZTP reflects the contrasting political, legal and cultural contexts in which policing takes place, and these present difficulties for straightforward importing of policies and practices from abroad. For example, we suggest that the constitutional position of the police in the UK, and in particular the relative autonomy of senior police officers from direction by populist politicians, contributed to the limited degree of emulation of specific policing policies and practices developed in New York.

Third, the Zero Tolerance story sheds light on the part played by policy transfer in the complex processes of public policy formulation. In particular, it sheds some light on the roles of policy entrepreneurs, politicians, practitioners and 'public intellectuals' in the diffusion of policy ideas and practices. It is clear that the influence of certain key academics was vital, both in terms of the original formulation of the ideas and their later promotion. As we have outlined earlier, the policing approaches that became associated with Zero Tolerance have often been justified with reference to the ideas of two US academics, James Q. Wilson and George Kelling. The original 'Broken Windows' article was published in 1982 and, though it received some coverage, was by no means immediately influential, nor was it necessarily expected to be. As George Kelling noted in an interview, 'Jim Wilson and I at times chuckle about the legs of the article. Had we known it was going to have the legs that it has, we might have been a little more

cautious in our writing at times!’ The ideas within the article did not emerge from a programme of systematic empirical research. Rather they were a series of hypotheses that were to some degree extrapolated from the reported experiences of front-line police officers, and residents of housing estates with whom Kelling, in particular, had contact in the course of his academic research. The development and spread of ideas that became associated with Zero Tolerance provides an interesting and rare example of ‘public intellectuals’ having a very major impact on crime control policy. Kelling had already developed a close relationship with Bill Bratton during the latter’s earlier incarnation as Chief of the New York Transit Police. As he explained himself:

Can you imagine an academic having an idea and being asked by the New York City subway system to implement that idea ...? This is, for an academic, like going to heaven because this is the media capital of the world.

(George Kelling, research interview)

Bratton confirmed the importance of the influence of Wilson and Kelling’s ideas upon his approaches, and in particular his relationship with Kelling, who had been a key adviser during his time at the Transit Police and later the NYPD. For Bratton,

Kelling articulated and put into beautiful words what I had found from experience. I supported what he wrote because I had already lived it ... We began to apply [the ideas] to crime in the subways. Fare evasion was the biggest broken window in the transit system. We were going to fix that window and see to it that it didn’t get broken again.

(Bratton and Andrews, 1998: 138–9, 152)

Kelling also made efforts to promote his ideas abroad, addressing senior police officers and attending meetings with high-level politicians in the UK for example. This all occurred during a period in which many academic criminologists, who would probably subscribe to the importance of ‘public sociology’ (Burawoy, 2005), despaired of the possibility that their ideas and research might have a major influence over crime policy in the UK. Paradoxically, the ideas associated with ZTP and Broken Windows were subjected to major criticism from academic criminologists on both sides of the Atlantic, who brought into question both the empirical justification for such policing approaches as well as the political assumptions that underpinned such notions (see, for example, Bowling, 1999; Harcourt, 2001). And yet it seemed that the more that academics lined up to attack Broken Windows policing and its variants, the more attractive the ideas became to politicians (if not to senior police officers in the UK).

Finally, a process of ‘elite networking’ was essential to the dissemination of the initial ideas that had originated in the USA (Jones and Newburn, 2007). In particular, a number of free market think tanks—the Manhattan Institute in the USA and the Institute of Economic Affairs (IEA) in the UK—were centrally involved in the promotion of ‘quality of life’ policing, and the

ideas that underpin such approaches (Wacquant, 1999a). The Manhattan Institute promoted the work of James Q. Wilson and George Kelling (a Fellow of the Institute) via a series of seminars aimed at politicians, policy-makers and criminal justice professionals (see Mone, 2002). Rudy Giuliani was one high-profile participant in these seminars. The Manhattan Institute was both a contributor to Giuliani's mayoral campaign (Barrett, 2000) and provided financial support for and promoted George Kelling and Catherine Coles' book that followed up the original *Atlantic Monthly* article, *Fixing Broken Windows* (Kelling and Coles, 1996). After his period as Commissioner of Police under Giuliani, Bill Bratton became a regular lecturer at Manhattan Institute events and later an 'international consultant' in urban policing. Through seminars at this and other similar organizations like the Heritage Foundation (Bratton, 1996) and articles in the Manhattan Institute's house magazine, the *City Journal* (see, for example, Bratton and Andrews, 1998), Bratton became the key proselytizer on behalf of 'quality of life' policing (Wacquant, 1999b). Myron Magnet, Editor of the *City Journal*, described part of its activities in the following way:

One of the things that we do at the Manhattan Institute, and this is not my department so I'm not quite sure how it's organized, but we go down to South America with Bill Bratton and some of his former lieutenants, and try to help them. And this is not national governments, but this is city governments in various Latin American cities, ... like Rio, where crime is just off the chart, and try to teach them how to police. And, you know, they're incredibly receptive to it.
(Myron Magnet, research interview)

Bratton subsequently, through his autobiography (Bratton and Knobler, 1998), and widespread travels, took his message around the world. In the UK the key event was a seminar organized by the IEA in London in 1997.¹⁵ In an interview, Bratton explained the genesis of the event and the role of the two think tanks in bringing ZTP to public attention in the UK:

A sister institution ... the Manhattan Institute, that puts out a *City Journal* and through that group I came over [to England] with the editor ... Myron Magnet, and the president of the Manhattan Institute ... They're both [Manhattan Institute and IEA] conservative think tanks, the Manhattan Institute had significantly influenced a lot of Giuliani's thinking, social and crime policies, and so we were asked to come over. Steve Goldsmith, the mayor of Indianapolis, came over to talk about privatization of city services, I was asked to speak on crime, and that's how that conference came about, and [the *Zero Tolerance*] book actually.

(Bill Bratton, research interview)

According to David Green, who worked at the IEA at that time, the personal impact of Bratton was considerable:

[W]e had two or three seminars, lunchtime seminars, evening things and a big conference, which was mainly attended by police, about a hundred and

odd people from ... various police forces in England and Wales, and he was a very impressive guy. He just stood up, walked away from the lectern, stood in the middle of the stage at the front ... you know, didn't have any notes, just spoke as if he were ... briefing his chaps before he sent them out on the street. You know there were all these constables, sergeants and inspectors. He was a very impressive person. You could see how he would be an inspirational leader. And I think that had some kind of influence. Ray Mallon also spoke that day.

(David Green, research interview)

The association of the term Zero Tolerance with developments in New York arises partly from media fondness for the term. But this has been explicitly encouraged by the conscious framing of much of the dissemination activity outlined earlier. In particular, many of the public seminars and conferences designed to generate interest in these forms of policing actively promoted the term. Such events, and the publications associated with them (Dennis, 1997) have been vital in disseminating the idea of ZTP. Bratton's many well-publicized trips to the UK, including to the event organized by the IEA in 1997, have all involved the term Zero Tolerance in some shape or form. The IEA conference for example, the most highly publicized of all, was organized to coincide with the publication of a short book entitled: *Zero Tolerance: Policing a Free Society*, though Bratton commented that he 'did not know that was going to be the title of the book' and in its second edition explicitly sought to distance himself from the term. Indeed, Bratton argues that he never consciously used the term in relation to the strategies adopted by the NYPD under his command:¹⁶

The term was used in New York and applied to the issue of police corruption which we had a major problem with, a major scandal back in '93/94, and the use of drugs by police officers. New York City has a zero tolerance policy for use of drugs—[use drugs and] you're fired. Other cities they give you a second chance. So the term zero tolerance was used, to my awareness, in those two arenas ... I can't find any place where I used it, in terms of writings or speeches. There were seven written strategies put out when we came in—on drugs, youth crime, etc. And I think it may have been used there ... Did Giuliani possibly use it? Possibly, but I don't have a recollection of hearing him saying it either.

(Bill Bratton, research interview)

The IEA event garnered significant publicity. According to David Green, it was attended by a number of influential journalists including, John Witherow (one-time editor of the *Sunday Times*), Sir David English (editor-in-chief of Associated Newspapers) and Conrad Black (the owner of the *Telegraph* titles). With connections such as these, policy entrepreneurs like the Manhattan Institute and the IEA played a crucial role in generating publicity for the particular brand of policing associated with the crime decline in New York. Almost without exception, articles in the British newsmedia subsequent to the

IEA event used the term Zero Tolerance as their preferred means of describing such policing strategies and; as we have seen; a number of very senior politicians all embraced the terminology. Nevertheless, it remains the case that it is at the level of rhetoric rather than policing practice that Zero Tolerance was primarily influential; and the next question to address, therefore, is why has it; been so powerful a symbol?

The symbolic power of Zero Tolerance

In general we can identify at least five major reasons why the term Zero Tolerance became so popular:

- 1 it is an apparently simple notion;
- 2 it is flexible—it has no fixed meaning;
- 3 it has strong symbolic potential;
- 4 in policy terms it became associated with a clear ‘meta-narrative’; and
- 5 it resonates with contemporary concerns.

Let us take each of these in turn. First, one of the central reasons for the popularity of the term Zero Tolerance is the apparently simple message that it conveys; the message being that some form of conduct will no longer be accepted. Thus, governments wishing to indicate that they will seek to end illicit drug use, women’s groups campaigning for an end to men’s violence against women and politicians wanting to indicate that antisocial conduct will be swept from the streets can all do so by utilizing this term. That they can do so illustrates the second reason for its popularity: its flexibility. The term, albeit in different guises, has survived several mutations over a lengthy period. That Zero Tolerance as a crime control term has been with us for the best part of three decades is testimony to its fecundity. In relation to policing it has been found, in various forms, across the UK, in France, Italy, Germany, Sweden and other parts of the European Union, as well as in Latin America and Australia (Wacquant, 1999a; Dixon and Maher, 2005). Arguably, it is this very flexibility that has enabled it to spread so widely. Although much of the literature on policy transfer is concerned with how faithfully policies are copied from one jurisdiction to another, it may be that it is only in relation to concrete policies, where programmes of action are concerned, that fidelity is especially important (Deacon, 1999). By contrast, in the area of symbols and rhetoric, such as this, it can be argued by contrast that it is precisely the ability to be flexible in copying concepts and ideas that allows them to survive. A term like Zero Tolerance may shift from jurisdiction to jurisdiction, but its meanings will almost certainly vary with context. Yet the concept may retain its plausibility irrespective of the faithfulness of the copy in existence.

Third, although some of the more concrete policies and practices associated with the term have clearly been promoted by academics and police practitioners, Zero Tolerance has been most often deployed by politicians.

Bill Bratton drew attention to the political power of such symbolism when he noted that: '[Giuliani] didn't understand quality of life [policing] ... but he was a sponge ... He caught the wave. He understood about the frustration about fear of crime. He understood that Republicans needed to do something about it' (Barrett, 2000: 345)—and, he might have added, needed to be *seen to be* doing something about it. It is here that the concept really works, because it has considerable symbolic power. 'Zero Tolerance' has become a staple of political and policy discourse—particularly in the area of crime and criminal justice. The first sighting of the term occurred during the ratcheting up of the 'war on crime' under President Reagan in the early 1980s. And, yet, as the brief genealogy of the term earlier illustrated, it is sufficiently flexible and powerful to be usable in relation to a range of public policy issues covering such matters as drug control, violence against women, policing antisocial behaviour, looting in the aftermath of a natural disaster and responses to the carrying of handguns in schools. It is worth noting in this regard one important distinction between the use of Zero Tolerance in the context of drug policy in the 1980s and domestic violence in the 1990s as against its more recent policing-related guise. In the first two major crime control contexts in which Zero Tolerance terminology appeared, it was invested with a degree of literalness. As the US anti-drug legislation of the 1980s indicated, those that framed it really did believe that the aim of a 'drug-free America' was appropriate—however difficult to achieve. Similarly, the feminist campaigners behind the Zero Tolerance campaigns were clear that *Zero Tolerance* was the appropriate moral position to take. By contrast, the idea of Zero Tolerance policing is altogether more problematic. There is no practical possibility of engaging in any form of *Zero Tolerance* policing: it is simply not possible for the police to enforce all laws, or alternatively, to enforce some laws, all the time. Nor is it wise, many would argue, to imply that such things might be possible or desirable. In part, this is perhaps the reason that senior police figures have tended to shy away from using the term, yet politicians continued to find it seductive. According to George Kelling:

I never used [the term Zero Tolerance], Bratton used it once when he referred to corruption. Giuliani used it sparingly and finally focused on ... the term Quality of Life ... But I think Zero Tolerance gained currency because it was liked by both the Left and the Right.

(research interview)

Given how seldom the term appears to have been used, how did it come to have such currency? The answer in part lies with the crime drop in New York in the 1990s and the way in which a specific style of policing became so closely associated with such perceived success. Though policing tactics were undoubtedly important, they are far from the whole story. In fact, the so-called 'New York miracle' was perhaps at least as much a political miracle as a social one (Lardner and Reppetto, 2000). Zero Tolerance in this context is very much a dramaturgical device (Manning, 2001). It is a symbol, used to

convey a mood and to impress an audience rather than in any concrete way to describe a set of policies or to frame particular objectives. In the main, therefore, it has been politicians, whose stock-in-trade is rhetoric and symbolism, who have been the most frequent users of this terminology.

The fourth factor we wish to draw attention to in this brief review of the power of the Zero Tolerance is its foundation upon a clear and apparently plausible 'policy narrative'. A policy narrative is a 'story (scenarios and arguments) which underwrite and stabilize the assumptions for policy-making in situations that persist with many unknowns, a high degree of interdependence, and little, if any, agreement' (Roe, 1994: 34). Emery Roe argues that the pressure to develop 'policy narratives' is directly linked to the ambiguity of the decision-maker's experience. The more uncertain things seem to the decision-maker at both the micro- and macro-level, the greater is their need for an 'explanatory narrative' that can be 'operationalized into standard approaches with widespread application' (1994: 36).

Of what, then, does the narrative behind Zero Tolerance consist? The specifics concern a number of fairly well-worn themes, including: crime control can be managed by criminal justice agencies (or, certainly, the State); toughness is important; being punitive is effective; respectability and order can be (and should be) imposed. In its most recent guise, the overall meta-narrative of Zero Tolerance has, we would argue, three main components:

- 1 crime was reduced dramatically in New York in the 1990s;
- 2 the decrease was due in large part to strategies employed by the police; and
- 3 if it worked there, it can work here.

A number of authors have examined these claims and unpicked them one by one (Bowling, 1999; Young, 1999; Karmen, 2000). In the area of the policy narrative, however, this is not the central issue. As Roe argues, a convincing policy narrative can persist in the face of strong empirical evidence against its storyline. 'Policy narratives can be representationally inaccurate—and recognizably so—but still persist, indeed thrive' (Roe, 1994: 51). The strength of the policy narrative that lies behind Zero Tolerance (i.e. its ability to conjure up the image of the New York 'miracle') is, in part, what gives it much of its strength and helps it endure.

There are a number of factors that help sustain this narrative. First, crime did go down, and dramatically, in New York (Zimring, 2006). Second, senior figures in New York worked tirelessly with sections of the newsmedia to promote the idea that policing was central to the crime drop. In this they were extremely successful, and politicians in Britain and elsewhere were quickly and lastingly persuaded by the story of the 'New York miracle'.

The fact that the crime 'miracle' occurred in New York was itself culturally important. Not only is New York the media capital of the world, but it is also the source of many of our most enduring fictional images of crime and crime-fighting. The stark lawlessness of Gotham City on the one hand, and of its eventual rescue by superheroes who refuse to give in to the 'bad guys' is a storyline that has been rehearsed so frequently that it neatly frames many of our fears and our hopes about crime and its control.

Finally, therefore, we would argue that the power of Zero Tolerance is to be found in the way in which both the term and the meta-narrative underpinning it speak to a number of our most crucial contemporary concerns. Manning (2001) has detailed the ‘spectacle politics’ of crime control under Giuliani and Bratton in New York during this period and has argued, convincingly we think, that part of the appeal of this drama was that it resonated with ‘basic concerns—fear, security, change, “the other”, and with structural features of life that recycle, reappear, change form and transmogrify’ (2001: 327). As Roe argues, the real strength of particular stories emerges ‘when one narrative more than any other becomes the way we best articulate our “real” feelings or make sense of the uncertainties and ambiguities around us’ (1994: 51). It is uncertainties and ambiguities that underpin what Jock Young has described as our current ‘general cultural predisposition to believe in the easy miracle and the instant cure’ (1999: 130). Zero tolerance is one of a series of ideas that functions particularly effectively in this (late modern) environment. It does so in a number of ways. It provides a political means of increasing public trust in criminal justice agencies and crime control following the crisis of confidence in the ability of the State to guarantee security. In this conception, ‘policymaking becomes a form of acting out that downplays the complexities and long-term character of *effective* crime control in favour of immediate gratifications of a more *expressive* alternative’ (Garland, 2001: 134, emphases in original).

More broadly, its function is, in part, to reaffirm faith in the rationality and effectiveness of the political system; individual wants and desires are being transformed into public policy. In this sense Zero Tolerance is an example of what Murray Edelman calls a ‘condensation symbol’: ‘symbolic forms that merge diverse anxieties and emotions with a shared expectation about the time, the place, and the action that will evoke common support and a common perception of an enemy’ (1971: 135). One of the reasons for the power of the notion of ‘Zero Tolerance’ is its simplicity and its implicit association, through the language of ‘intolerance’, with the metaphor of ‘war’. The successful spread of Zero Tolerance rhetoric around the globe has, as we have argued, much to do with the coupling of the terminology with the emerging narrative of the ‘New York miracle’, aided and abetted by the moral entrepreneurship of Rudy Giuliani and Bill Bratton, both of whom have carved out lucrative businesses in ‘selling’ Zero Tolerance-related policing strategies in several continents. A highly plausible policy narrative became firmly attached to a powerful dramaturgical symbol and was promoted by influential and media-literate moral entrepreneurs. There are few more potent mixtures.

Conclusions

The story of Zero Tolerance raises important issues concerning the diffusion of policy ideas and practices, the complex nature of the public policy process and the influence of public intellectuals within this. First, it is

important not to over-estimate the degree of coherence of the policy-making process. The idea of 'evidence-led' policy-making can be associated with a highly rational model of public policy formulation in which policy emerges from a distinct set of problem-solving processes: problem definition, formulation of alternative solutions, weighing up the implications of alternatives and experimentation with the preferred choice. Although having some analytical value, this view is overly mechanistic and simplified as a model of how policy-making actually works in practice. The content of policies is negotiated continuously in the problem definition, legislation, regulation and court decisions, and again in the decisions made by street-level bureaucrats (Lipsky, 1980). Moreover, policy outcomes are frequently an unintended by-product, or simply emerge very gradually. Understanding the frequently serendipitous and unpredictable nature of policy-making should make those who seek to influence think carefully about how such objectives might be achieved.

Second, under anything other than the most auspicious circumstances, influencing policy almost certainly requires considerable (moral) entrepreneurial activity. Put crudely, it is far from sufficient to publish and disseminate research in traditional forum and anticipate that this will reach and influence key stakeholders. In the case of Broken Windows and Zero Tolerance, a significant amount of sustained activity, in different ways by both authors of the original article, went into promulgating the ideas. One apparently particularly effective form of such activity is 'elite networking': working directly with those whose job it is to attempt to influence policy, such as think tanks and pressure groups. Free market think tanks such as the Manhattan Institute and the Institute of Economic Affairs were able to provide forums locally and internationally, in which ideas could be discussed and promoted. More particularly, they provided means for two other forms of elite networking—direct work with practitioners and use of the newsmedia—both of which arguably play a vital role in the promotion of ideas. The third point concerns the importance of thinking about what is likely to be attractive to policy-makers. This is inherently problematic, given that 'most researchers and policy makers ultimately inhabit different worlds which differ significantly in terms of aims, values and interests' (Maguire, 2004: 226). The realities of the world of policy-making, particularly in the unpredictable arena of crime politics, help explain the apparent attractiveness and influence of the ideas associated with Zero Tolerance. In this context, ideas which can be promoted using simple phrases and attractive metaphors—'hot spots', 'signal crimes', 'repeat victimization'—appear to have a greater chance of influence than the unfiltered complexities of empirical research.

Finally, and related to the previous point, one of the crucial lessons emerging from the story of Zero Tolerance is the importance of 'policy narratives'. Whether it be the ease with which the notion of Zero Tolerance took hold in the UK, or the more substantive influence of the Broken Windows philosophy, it is undoubtedly the case that both gained from their association with one particular reading of the 'New York miracle'. A relatively simple and plausible policy narrative almost certainly both increases the likelihood

that particular ideas will take hold and, once they do, will remain influential (unless superseded by an equally powerful alternative narrative). Clearly, in order to have an impact on public policy it is not sufficient simply to have a powerful narrative. There must also be a 'policy window' (Kingdon, 1995) that provides policy entrepreneurs with particular opportunities in the context of a favourable constellation of political forces, combined with the main problems arising on the agenda of politicians and policy-makers and the various solutions that are currently being offered. These windows of opportunity provide space for advocates of particular ideas and approaches, but it still remains for such people to take advantage of them. In many ways, the policy narratives behind Zero Tolerance have been 'of their time' in that they had a certain consonance with prevailing social and political conditions (Garland, 2001). However, the influence of such narratives was by no means inevitable. The agency of key individuals and organizations possessing a significant degree of political acumen and practical advocacy skills has played a major part in the story of the wider influence of Zero Tolerance.

None of the above should be read as an endorsement of the short-termism and narrowness of view that afflicts much contemporary policy-making, still less should it be understood as approval for the approaches associated with Zero Tolerance policing. Indeed, in many ways, the story of Zero Tolerance perhaps typifies the potential problems of valorizing expressive crime control policies as against more 'rational' analyses of the likely long-term social and economic costs/benefits of particular approaches. However, it is important, first, to understand the power of such terminology and, second, to draw out some of the lessons for other areas of criminological activity. The frustrations of academic social scientists who seek to influence public policy are well documented in the arena of crime control as with other policy fields (Maguire, 2004: 218–19). However, as Garland and Sparks have observed: '[T]here is, in the end, little point in being dismayed when governments behave politically. It is, after all, what they do' (2000: 19). The danger lies in letting the frustrations associated with the political arena lead to a form of 'nothing works' mentality: a mindset that assumes that politicians will almost always discount research findings and evidence in favour of other considerations when constructing policy and, moreover, that there is nothing we can do about this. Quite the contrary. However difficult and complicated it may seem, it is by no means impossible to influence public understanding and political decision-making regarding policy options. In this regard, the Broken Windows and the Zero Tolerance stories—however unpalatable they may be to many scholars—offer important insights for what, following Burawoy (2005), one might term 'public' and 'policy' criminologies (Burawoy, 2005).

Notes

This article arises from a research project entitled 'International Influences on UK Crime Control Policy in the 1990s' funded by the ESRC under their Future Governance Research Programme (Grant no. L216252035). This article, in

various different forms, was given at the Centre for Criminology, Oxford University, the Mannheim Centre for Criminology, LSE, at the British Criminology Conference, Keele University and at the American Political Science Association, San Francisco. We are grateful to the organizers and participants at all these events and also to Peter Hall for research assistance.

1. Quoted in Greenberg and Dratel (2005: 1048).
2. <http://jurist.law.pitt.edu/paperchase/2005/09/president-bush-zero-tolerance-for.php>
3. Baum notes that von Raab suggested at a Drug Enforcement Policy Board meeting chaired by Attorney General Ed Meese that 'the air force should be allowed to shoot down suspected drug-smuggling planes that didn't respond to warnings' (1996: 239).
4. The declaration at the end of Title V of the Act states that: 'It is the declared policy of the United States Government to create a Drug-Free America by 1995' (quoted in Belenko, 2000: 318).
5. 'Lockerbie Security Lapses Condemned', *Independent* 16 May 1990.
6. In fact, Bratton had introduced a version of 'quality of life policing' to the New York City Transit when he served as head of the Transit Police prior to his appointment to the NYPD (Bratton, 1996).
7. 'Clear Beggars from Streets, Says Blair', *The Times* 7 January 1997.
8. 'Blair Champions "Zero Tolerance" Despite Warning', *Daily Telegraph* 11 April 1997.
9. 'Teachers Savage Blair School Plan', *Guardian* 6 December 1995.
10. 'Widdecombe Causes Law and Disorder', *Daily Telegraph* 5 November 2000.
11. 'Blair Pledges New Powers to Protect Frontline Workers', *Independent* 31 May 2001.
12. 'Assaults Rise Despite Crackdown', *Guardian* 27 March 2003.
13. 'New Moves to Beat the Bullies', *Guardian* 15 July 2004; 'Task Force to Tackle Discipline in Schools', *Guardian* 21 May 2005.
14. <http://politics.guardian.co.uk/conservatives/story/0,,1280083,00.html>
15. Though as Young, one of the attendees at the seminar, reports, Bratton 'started by totally distancing himself from the concept of zero tolerance ... and warned of the problem of transposing too easily techniques which work in one context to another' (1999: 124).
16. The IEA, in conjunction with the *Sunday Times*, played a similar role in 1989 when it introduced Charles Murray's 'underclass' thesis into British policy debates about combating poverty and social exclusion.

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