

scottish justice matters

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POVERTY, INEQUALITY AND JUSTICE





MAINSTREAM evaluations of criminal justice programmes focus on recidivism as a benchmark. However, the more research we do on youth justice practices and trajectories of youngsters through them, the more it becomes clear that the effect of a judicial intervention is something far more complex. One important shortcoming of mainstream effect-studies is that they do not acknowledge the role played by structural, social and political divides (such as poverty) in the development of juvenile judicial trajectories. Years of research on juvenile justice practices demonstrate that the classical 'client' (still) is a poor working class and (often) migrant youth (White, 2015). Research suggests not only that coming into contact with the juvenile justice system has a lot to do with poverty as a structural feature, but also, and more importantly, that the juvenile justice system and its specific interventions play a key role in the (intergenerational) reproduction of poverty and the social marginalisation of its 'clients'.

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Research on youth justice trajectories sheds light on what a judicial impact can be. However, it nevertheless remains important to include the young people's perspective and experiences. That is the case not just because we want to formally take the children's right to be heard seriously, but also because we are convinced that their experience and voice matters scientifically and empirically. By combining an analysis of the judicial files, ethnographic research in court, and interviews with (former) juvenile justice clients we can tackle the question of impact in a more broad, long-term and even life history perspective.

Discussing impact of juvenile justice interventions on poverty, vulnerability and emancipation of young adults: a Belgian perspective

Jenneke Christiaens

Recent Belgian research shed light on *how* youngsters experience their contacts with the youth justice system. Interviewed youngsters have 'mixed feelings' about their judge. Their perception of 'justice' is not unequivocally positive. This is related to the lack of participation they experience during court sessions and later, during the execution of the judicial measures (Nuytiens and Geluyckens, 2015). They feel that although they have a right to be heard, professionals are not really listening (Françoise and Christiaens, 2015). They claim that the educators and social workers are focusing too much on control and sanctioning, rather than on their needs (Van Audenhove and Vanderlaenen, 2015). Youngsters placed in institutions report about the difficulty of 'wearing the stigma' and being recognised everywhere and always as 'youth justice children' (Luyten et.al, 2015). This is important in the identity construction (cf. desistance literature). Adults with a youth justice history point at the recurring questioning of their past about their past, when looking for a job or when becoming a parent.

Bizarrely enough, youngsters once placed in institutions have an overall feeling that they are 'on their own' which, makes them feel strong (I can do this), but also lonely. There is of course the loss or reduced contact with parents, family members and friends. They also blame the constraints on making friends within the institution and the lack of continuity in their relationships with caring (professional) adults. On the other hand, they recall and invoke important significant others, such as the cook or the cleaning lady (Luyten et.al, 2015). Youngsters point out the lack of unconditional acceptance (by professional caretakers) they experience throughout their youth justice pathway. At the end of their youth justice pathway (18 years) they are confronted with the abrupt ending of all social support the youth justice system was providing for. They experience this moment as a blunt "Now, you're on your own" (Nuytiens and Geluyckens, 2015; Luyten et.al., 2015). It is an ambiguous moment, because they lived towards this moment of emancipation and adulthood, bringing (finally) 'freedom' from social control into their lives. At the same time, when looking back, they remember this moment as a very problematic (Nuytiens, 2011).

Indeed, they then are immediately confronted with the problem of access to (adult) welfare rights. They discover that leading the 'good life' in a complex and unequal world is not what they were prepared for. Due to a reduced social network, the lack of mutually enhancing relationships and psychological capital, their vulnerability quickly results in a 'reproduction' of their family living conditions (poverty) (Nuytiens, 2011). Hence, young adults growing out of youth justice experience to be trapped into a transition towards adult justice.

It is precisely during this transition period toward adulthood that the complexity of the *impact* of youth justice measures becomes visible, beyond *what works*, beyond a narrow focus upon recidivism. Coming into contact with the youth justice system, has an iatrogenic effect, which is partly due to the stigmatisation experienced in the development of young people's identity and their recognition (Barry, 2015). But it is also a result of the youth justice (re-educational) practices themselves.

The Belgian youth justice system is described as an example of a welfare oriented system: Belgian minors under the age of 18 are not punished but re-educated. Hence, the problem that lies at the heart of the youth justice system must be understood as an 'educational paradox' (De Vos et.al, 2015). Re-education is embedded in a perspective of social control in order to produce 'good' behaviour. Structural problems, such as poverty, become qualified as individual problems. On top of that youngsters are responsabilized for getting or doing better. The same goes for more punitive or less welfare oriented youth justice systems. Unsurprisingly, impact research thus exposes that everyday youth justice re-educational practices are *not* focusing on empowerment and emancipation. Youth justice youngsters lack a perspective upon (their) adulthood; they are not equipped and prepared for adult life in a complex and unequal world. So in the end, youngsters become not better, but vulnerable (again). All in all, the impact of the youth justice system appears not to be so much a problem of the individual offender. Rather it is a structural (political) problem that demands a reframing of 'doing youth justice' by acknowledging social conflicts as a source for a pedagogy of empowerment and emancipation.

Jenneke Christiaens is professor in criminology at the Vrije Universiteit Brussel, in Belgium. Her main research topics are juvenile justice practices, youth delinquency and (youth) crime, public space and the city.

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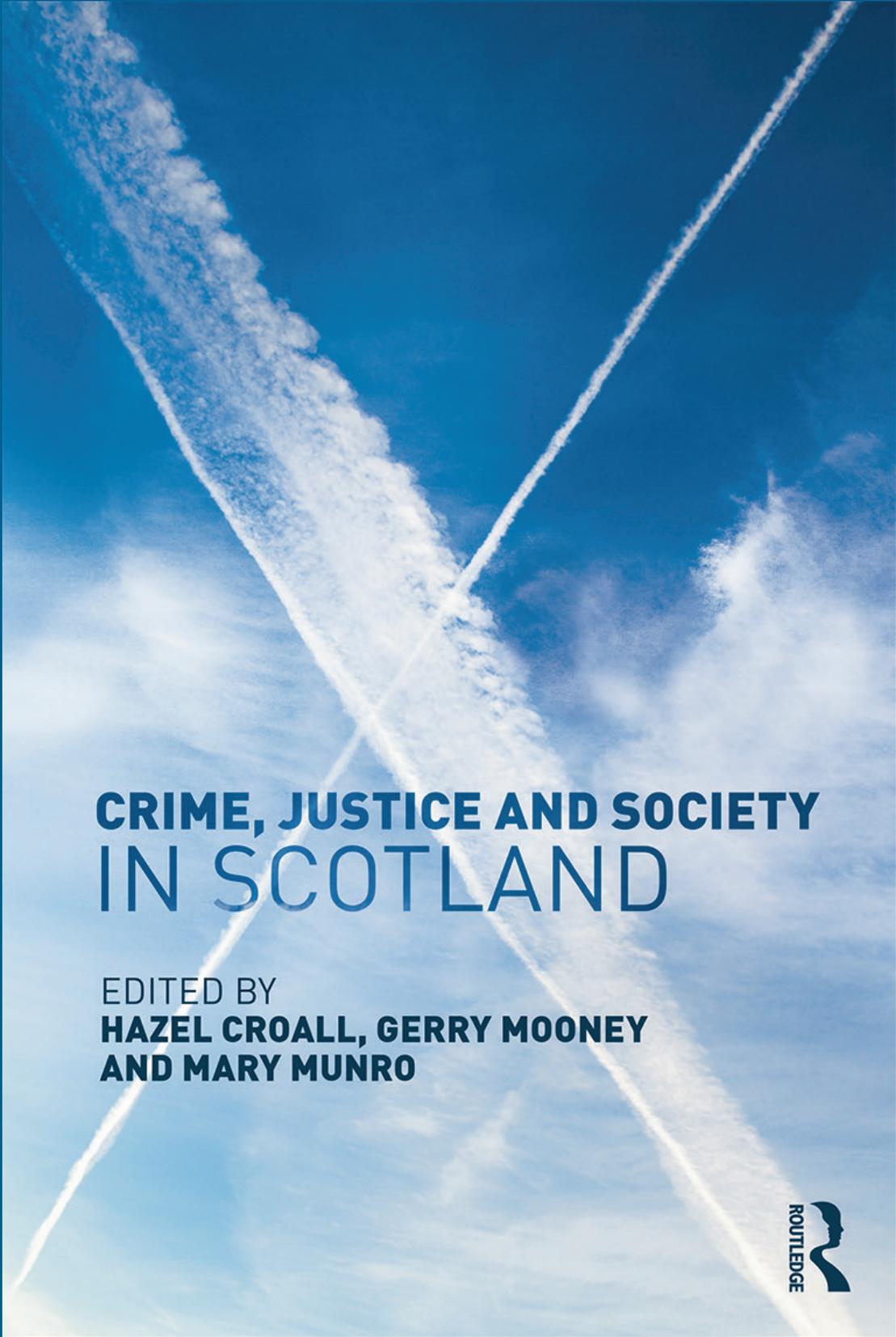
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**HAZEL CROALL, GERRY MOONEY
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