

The life course of delinquency: Reflections on the meaning of trajectories, transitions and turning points in youth justice

At the time of writing (early 2019), youth justice as a political issue in England and Wales has a lower profile than at any point in its complex and contentious history. There has been a sustained decline in the recorded crime rate, mirrored in the context of youth offending by a dramatic reduction in levels of formal processing and punitive sanctions imposed; and we may also be living through a period of notable change in young people's patterns of behaviour, associated with social media in particular. Wider contextual factors, such as a lengthy period of 'austerity', constrained opportunities for young people and financial adversity should also not be discounted, when we try to develop an understanding of patterns and trajectories in the operation and impacts of youth justice systems.

In a context of growing socio-political and economic insecurities and anxieties, and now a global pandemic, youth justice has become somewhat marginalised in public debate. However, it seems unlikely that interest in the socialisation and development of children and young people has completely dissipated (it is still clearly evident in specific contexts such as 'radicalisation', gangs and knife crime). We maintain that there is still a need to account for the emergence, transformations, and decline of youth justice as a focal point of public concern, political investment and professional practice.

'Textbook' narratives tend towards representing its evolution along a pathway of steady, linear progress (Cohen, 1985), albeit one characterised by conflict, ambivalence and detailed discussion of which interventions 'work' (Smith, 2014; Case, 2018). More recent, post-Crime and Disorder Act 1998 'year zero' analyses have tended towards more narrowly defined (yet still linear) critiques of the development of youth justice, characterised by 'youth justice studies' and 'youth crime governance' discourses (Phoenix 2016; see also Case 2018). Here, the sense of linearity is associated with wider social and political movements, and the phases of capitalist development, said to culminate in a hegemonic form of neo-liberalism, which creates the moral and ideological framework for our contemporary constructions of youth, crime and justice; and whose objectives these ultimately serve.

In the middle ground, offering a rather more contingent and 'unplanned' conceptualisation of historical change (Cohen's 'we blew it' model – see below), we can detect an account which

associates youth justice ‘successes’ and failures with sharp changes of direction, and a readiness to overturn conventional wisdom at a moment’s notice. Supposedly radical reforms are heralded with the language of ‘crises’ and breakdown; and they appear as the products of a hard fought debate between adherents of competing and incompatible principles and practices, as in the case of the perennial battle between ‘welfare’ and ‘justice’, for example (Smith, 2004).

Whichever of these alternative modes of understanding developments in youth justice is viewed as the most plausible, we still face the question of ‘how did we get here?’ Certainly, there is value in seeking out substantive lessons from the past (cf. Goldson 2018). As Garland (2014: 373) puts it: ‘A history of the present begins by identifying a present-day practice that is both taken for granted and yet, in certain respects, problematic or somehow unintelligible’. In invoking the spirit of Foucault, Garland comments that the aim is not necessarily to ‘understand the past’, but ‘to trace the forces that gave birth to our present-day practices and to identify the historical conditions upon which they still depend’ (ibid).

Here, we make some assumptions about the ‘birth’ of youth justice, then going on to analyse the historical trajectories and current status of youth justice by using the conceptual device of the ‘life course’. We explore alternative characterisations of broad patterns and trends, emerging problems and critical moments/turning points. We suggest that youth justice and the practices and systems the term represents emerge from and are shaped by a (contested) process of problem construction, sense-making and solution building, grounded in changing conceptualisations of youth and its problems. We have applied the ‘life course’ analogy to systemic trajectories at the level of organisational and political change, in order to provide a distinctive focal point for the interrogation of the dynamic development of youth justice and testing out alternative narratives. This is an ambitious goal, and we do not claim to have filled in all the ‘blanks’ in this respect; but in advocating the use of this explanatory framework, as a productive heuristic device, we hope to shed new light on the embedded dynamics of change, continuities and rapid shifts of emphasis and objectives which appear to us to characterise youth justice throughout its lifespan, to this point.

Conceptualising youth justice histories

Histories of criminal/youth justice can be placed into three distinct categories, depending on the ideological perspective of their proponents: linear (steady) progress, uneven progress and capitalist control (after Cohen 1985). For some, progress is linear, predictable, stable and

(nearly) always for the better: 'The conventional view of correctional change in general is based on a simple-minded idealist view of history' (ibid: 15). According to what we might label the *linear progress* view, all changes represent benevolent and progressive attempts to enhance the operation of the justice system. Scientific knowledge is the engine of progress, and this is facilitated as ideas become more sophisticated and techniques for explaining and addressing crime become more finely attuned to the realities which they encounter. So, for example, 'Early forms of punishment, based on vengeance, cruelty and ignorance give way to informed, professional and expert intervention' (ibid: 18).

Other depictions of the history of criminal justice adopt a more critical and less linear view of change. Cohen's model of *uneven progress*, the 'we blew it' conception of criminal justice trajectories, does not necessarily dispute the motives of the champions of steady progress, but views their achievements through a much more sceptical lens. Thus, 'The message is not one of good intentions going wrong now and then, but of continual and disastrous failure [due to] functional solutions to immediate social changes' (ibid: 19). Importantly for what follows, the influence of major events or 'critical moments' is emphasised. As circumstances change, functionaries of the justice system are themselves forced to adapt and compromise, so that new developments in policy and practice are simultaneously welcomed and adapted for their own purposes: A 'symbiotic alliance' is forged' (ibid: 21) between advocates of change (e.g. policy-makers) and the operational staff and organisations whose job it is to make the justice system work. Programmes thus survive and even grow, 'even if they seem like abject failures' (ibid: 21).

Finally, for those most inclined to doubt the official version of history or received wisdom, and who have no direct interest in maintaining the system in place, all forms of change in criminal justice fall under the depiction of *capitalist control*, or 'it's all a con' (ibid: 21). Paradoxically, this portrayal of criminal justice trajectories shares the linear progress view that the 'system' and its development is actually a story of success; but for its advocates, this is not an uplifting story of a glorious journey to a benevolent future. Indeed, the emerging system of control and its changes of direction represent the efforts of the 'capitalist order' to utilise the machinery of justice to maintain the existing exploitative social order and to control those who represent any kind of threat. In this way, youth justice trajectories can represent stability (of control) and change (of direction) concurrently. The story of contemporary criminal/youth justice is quite simply the story of contemporary (and increasingly neo-liberal) capitalism. The forms of

discipline and control in place at any time essentially reflect the contingent demands of the free market economy; there may therefore be changes in the structures and administration of the justice system, but these are closely and identifiably connected to these external dynamics.

Accounts of the emergence and trajectory of youth justice may plausibly be aligned with one or other of these viewpoints on the development of criminal justice. There is no unified version of the history of youth justice, but multiple accounts of its development and transitions. Problematically, too, these very accounts are themselves interwoven with changing practices, revealed in successive models of assessment, explanation and intervention in relation to problematic youthful behaviour, evolving approaches to (de)criminalisation, and the administration of (youth) justice. Our intention, here, is to outline one schematic framework for understanding these interlinked trajectories, placing them in the wider context of social change, and of organisational and administrative disruption and realignment. In doing so, we hope additionally to inform existing debates as to whether youth justice can best be viewed in terms of either linear, predictable progress and evolution over the life-course; or following a trajectory shaped by contingencies and sudden switches of direction (developmental stages), where logic and rationality are contingent, and often used as political/strategic devices to engender rapid change.

A life course account of youth justice

We start our analysis with the proposition that trajectories of youth justice in England and Wales can be understood as resembling a ‘life course’, akin to the ‘age-graded theory of informal social control’, which focuses on stability and change in individuals’ offending trajectories (Laub and Sampson 2005; Sampson and Laub 1993). Over its life course, ‘youth justice¹’ has experienced long periods of *stability*. Equally, this life course has been the subject of regular periods of dynamic *change*, sometimes slow, subtle and predictable, yet often rapid, extensive and unforeseen - ‘unpredictable critical moments’ (Webster et al 2004). Changes in the systemic trajectories of youth justice occur at times of *transition*, often at the macro, structural level of society (e.g. political, socio-economic, cultural); but also operating at the meso-level (e.g. organisational, community, relational), or at both levels. These transitions

¹ An interaction of systemic, structural, strategic, processual, philosophical/principled, theoretical and practical understandings of and responses to offending by children and young people.

precipitate *turning points* in what is presented and understood as ‘youth justice’. For example, the ‘punitive turn’ of the early 1990s is a relatively recent manifestation of such a transitional moment. Turning points may appear to constitute distinct, dramatic changes to the very nature of youth justice, which may be entirely new (‘knifing off’ from an established pathway - Laub and Sampson 2005), but may also constitute revolution and reversion to previous forms (representing ‘structured role stability’ - Laub and Sampson 2005).

Our socio-historical, critical analysis employs the concept of focal *episodes*, indicative of processes that may sustain for longer periods (life stages, perhaps) than implied by labelling them as ‘moments’ or short-term ‘turning points’. For the purpose of breaking down analyses of the long-term, complex project of stability and change that constitutes the story of youth justice, we distinguish four broadly-drawn phases across its life course of youth justice:

Table 1: Youth justice and its life stages

Phase	Time period	Nature of trajectory	Focal episode(s)
1	Early to late 19 th century	Legislating ‘juvenile delinquency’ into existence (‘early years’)	The Industrial Revolution (socio-economic), the Youthful Offenders Act 1854 (legislative)
2	Early to mid-20 th century	From ‘adolescent’ to ‘problem youth’	The ‘recognition’ of adolescence and youth subcultures (research, policy), Children Act 1908 (legislative), bifurcation (professional)
3	Mid-late 20 th century	Mid-life crisis, loss of certainty.	‘Net-widening’, rapid policy shifts, heightened levels of contestation between ‘welfare’ and ‘justice’
4	21 st century	Routinisation, confusion, decline	The ‘punitive turn’ and ‘new youth justice’ (strategic, professional), the Crime and Disorder Act 1998 (legislative, structural, strategic), economic austerity (socio-

			economic), multiple ‘models’ of practice
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Legislating juvenile delinquency into existence (19th century)

According to some, before the 19th century, the concepts of ‘youth’ and ‘juvenile delinquency’ had yet to be conceived or ‘born’ as social constructions (Case 2018), and the evidence of official reports (e.g. Committee for Investigating the Alarming Increase of Juvenile Delinquency in the Metropolis 1816) suggests that this was a period of problem recognition. Children were seen as mini-adults (Aries 1962) – and thus treated in the same way, including the punishments they faced for offences (Radzinowicz and Hood 1986). Whilst others have contested Aries’ argument, suggesting that it is an exaggeration (Pollock, 1983, for example), for those concerned with delinquency, there was certainly a distinct change of tone in relation to the treatment of young offenders at around this time, associated with the onset of the Industrial Revolution. New requirements for the ‘socialisation’ of a more diverse workforce, a socio-economic episode of transition and an (unpredictable) critical moment for youth justice that began mid-18th century, proved decisive in shaping how children (who offended) were constructed and problematised. The socio-structural and economic upheaval of the transition into industrial was animated by two key turning points in how children were understood and responded to – the social construction of childhood as a distinctive life stage (ceasing at 13) and new measures to regulate child labour (Hendrick 1994). The importance of understanding, nurturing and socialising children as immature, innocent, vulnerable in their formative years became a dominant middle-class attitude/construction and model of ‘acceptable’ parenting (Arthur 2016; Hopkins-Burke 2016), and hence, how ‘childhood’ should be experienced. In this newly-constructed context of protecting innocent, vulnerable children from exploitation in the workplace, yet with no compulsory education for the working-classes until the late 19th century, a swathe of newly-unemployed children were forced onto the streets during the daytime. This heightened visibility highlighted and exaggerated growing distinctions between the behaviours and attitudes of children and adults, encouraging the ‘othering’ of children as a distinct social group, for whom distinctive modes of socialisation were now required (Hendrick 1994). Crucially for the trajectory of a nascent youth justice, these visible differences exacerbated the emerging contradiction between the innocence and vulnerability of childhood and perceptions of street children as threatening and dangerous to the public (Shore 1999). These contradictions are perhaps reminiscent of the conflicted phases of child and adolescent

development mapped out by Erikson, (1995) with each developing attribute being confronted by its own limitations or shortcomings. The innocent-threatening child dichotomy was to become a recurring theme in the life course development of youth justice (Case 2018), as was the associated conflict and ambivalence surrounding whether (youth justice) responses to children's offending should prioritise care and protection or control and punishment (McAra 2017).

Creating problem children

Government predictably sought to intervene to address increasing public anxieties about unruly children. Behaviours once seen as just a nuisance were increasingly criminalised (constructed as criminal) through official policy and legislation (May 1973). Public and political discussions focused on the need for distinct penal and legal strategies and structures to deal with the growing 'problem' of children breaking the law (Shore 1999). In fact, the Vagrancy Act 1824 and the Malicious Trespass Act 1827 themselves criminalised a range of typical youthful behaviours, including gambling, mischief and the new 'status offences' of truancy and sexual precociousness (Muncie 1984). This was consolidated by the Metropolitan Police Act 1829, which effectively identified 'delinquency' as a specific and escalating social problem requiring distinct responses.

Drawing on the life course analogy, we might then expect these early years to be characterised by uncertainty, experimentation and rapid, if perhaps, somewhat disorganised learning. Margery (1978) has helpfully analysed the interplay between social change, legislative provisions and judicial practice in the early 19th century, leading to a series of 'unintended consequences' (Kelly, 2012, for example), which themselves prompted real concerns about the repressive treatment of juvenile offenders. The designation of official prison statistics for juveniles (under the 1835 Gaol Act) consolidated the process of criminalising children who offended in their own right, further justifying the creation of specific structures to respond to this 'new' and 'growing' phenomenon of juvenile delinquency. In the same way that Erikson (1995) or Vygotsky (2012) considered children's play to be a form of experimentation with unpredictable outcomes and important lessons to be learned and built upon, so the early attempts to construct effective approaches to juvenile crime became important foundations for subsequent reforms.

A major turning point in the transition towards special treatment for children who offended was the creation of Parkhurst Prison, which opened in 1838 (May 1973). Concurrently, in the 1830s and 1840s, penal reformers, (professional/intellectual influencers) began to criticise prisons for corrupting children (e.g. psychologically, emotionally, physically) in the short-term and damaging their life chances (re. education, employment, relationship building) in the long-term (Shore 1999). The consequent move towards prioritising strategies of reform over punishment implicated a change of philosophy for youth justice responses - emphasising the welfare of the child over exacting justice for the offence. Here we can discern the birth of the perennial ‘welfare versus justice’ debate (Smith 2005). Here, too, the narrative of steady progress also seems quite persuasive – progressive measures were introduced to recognise the distinct characteristics of childhood, and a substantial programme of reform was at least initiated in this period. Shore (2011), however, points out that this can also be viewed as a period of ‘experimentation’, when different penal regimes were advocated, introduced, revised, rejected and adopted with varying degrees of success. Such tentative and sometimes false steps are, of course, consistent with the ‘early years’ stage of development. It could similarly be argued that this was consistent with a similarly dramatic period of restructuring of capital and its requirements for new forms of educated, healthy and physically capable labour, which itself necessitated a reshaping of the relationship between dominant economic interests and the generation of children.

Recognising ‘youth justice’

Following the legislative construction of ‘juvenile delinquency’ as a distinct episode/turning point in the trajectory of youth justice in the first half of the 19th century, the second half progressed steadily towards the increasingly formalised recognition of ‘youth justice’. However, the nature of this formalised response remained moot. The desire to punish ‘youth offending’ began to lose ground to scientifically-based reform as a central *principle* around which to socially construct youth justice. Previous punitive and purely reactive methods (e.g. imprisonment, whipping transportation) were replaced by new structures of institutional surveillance, control and reform (Pinchbeck and Hewitt 1981).

This episode of stable, linear progression was accelerated by a significant (if predictable) political/legislative episode, the Youthful Offenders Act of 1854, which offered a much-needed legislative compromise for responding to both the innocent child from the ‘perishing classes’ and the threatening child from the ‘dangerous classes’ (see Carpenter 1851). The Act

differentiated official responses to children who offended from criminal justice responses to adult offenders through the creation of a new structure, the Reformatory School, foregrounding a bespoke response to neglected, needy, ‘pre-criminal’ children in the form of the industrial school (formally introduced by the Industrial Schools Act 1857). The turning point for the 19th century trajectory of youth justice was the legislative creation of distinct structures or ‘institutional architecture’ (McAra 2017) for children perceived to be ‘in need’ and for those children considered ‘dangerous’ due to offending behaviour. The Industrial School retained a care-control focus when working with non-offenders, whilst the Reformatory School offered (offenders) correctional and rehabilitative training to compensate for defective parenting and damaging neighbourhood experiences, simultaneously preparing them for a life of labour. Thus, reformatory schools pursued dual focus on reform/education (correction) and discipline/custody (control). At this point, then, we see the preoccupation with managing the emerging tension between care and control becoming the driving force between debates between political and reforming interests, representative of a slow transition into the welfare- and justice debate that would come to dominate future youth justice trajectories.

The second half of the 19th century, therefore, represented the early stages of a formal, systemic ‘youth justice’ response to emerging understandings of offending by children, animated by the formulation of distinct legislation and structures, and underpinned by a guiding philosophy of progressive reform, based on better knowledge and improved capabilities. At this point, perhaps, an emerging consensus and a sense of linear growth was consistent with a Piagetian model of development. Each new measure or intervention technique could be seen as an enhancement, based on careful evaluation of the evidence gained from past experience (Piaget, 2002). The care-control dichotomy of the previous historical period was consolidated and extended (but not resolved), and the influence of middle-class values was represented through a strategy of ‘responsibilising’ working-class parents and their children (Margery, 1978). At the same time, the effects of this moralising agenda could be mitigated through recognising and attending to the welfare needs of children, without disturbing the behavioural logic of the emerging socio-economic configuration.

Adolescence and the ‘problem youth’ (20th century)

‘It is in the nexus between child welfare, juvenile delinquency and the emergence of the adolescent that much of the work on the twentieth century juvenile [youth] justice system has sought to place itself.’ (Shore 2011: 122)

The 20th century began with a sense of challenge and change, reflecting wider concerns about the nation's developing well-being and the calibre of its youth – and in the context of crime, how to resolve the dichotomy of the innocent/threatening child when shaping responses to offending behaviour. To some extent, this dilemma was addressed by way of a newly authoritative and self-assured academic explanatory frame – a newly attributed developmental category: ‘adolescence’. Adolescence was identified as a period of ‘storm and stress’ (Hall 1904) experienced by older children from around the age of puberty; and characterised by biological, psychological and sociological influences and pathologies that rendered these older children more threatening, disruptive, chaotic and deviant than younger children (Brown 1998). This conceptual innovation led to a turning point in how non-adults were perceived when they offended. The idea of adolescence provided an ideal vehicle through which to provide a legitimising framework for responses to offending behaviour by older children, whilst maintaining a differential view of younger children as innocent, malleable and vulnerable. Criminality could at the same time be aligned with the idea of youth as a transitional phase, as something that young people would (naturally) grow out of through maturation towards responsible adulthood.

‘Adolescent’ became a conventional descriptor for older children and their distinctive characteristics; and it soon began to shape government policy and institutional practices in constructing youth justice (Davies 1982). The Youthful Offenders Act 1901 and the Probation of Offenders Act 1907 extended the provision of alternatives to custody, and a highly-influential measure soon followed – the Children Act 1908. This act sought to reconcile competing welfare/justice imperatives in youth justice, through the introduction of juvenile courts that simultaneously held civil jurisdiction over needy children and criminal jurisdiction over children who offended (Hopkins-Burke 2016). The Children Act 1908 both consolidated and rearticulated the ‘conflict and ambivalence’ (Gelsthorpe and Morris 1994: 951) according to which children were both understood and responded to when demonstrating problematic behaviour - simultaneously innocent (deserving of care) and dangerous (deserving of control and punishment), depending on often small variations in age.

The Children Act 1908 also evidenced an emerging tendency amongst new governments to enact ‘differentiation through change’ (see Case 2018; McAra 2017; see also Cohen 1985). This strategy of reconstruction involves new governments differentiating themselves from their predecessors through policy changes, often employing legislation to introduce new and/or

revised structures and increased policy complexity (see also McAra 2017). As an episode and mechanism of change it is somewhat paradoxical – often presenting as random or ‘stochastic’ (McAra 2017), indicative of rapid shifts in formal policy (we blew it), yet simultaneously representing a predictable stability in trajectory (shaped by the inevitable tinkering of new governments; uneven progress), which is yet at the same time indicative of the maintenance of control through misdirection (it’s all a con). The Children Act 1908 was both a critical moment and a turning point for criminal justice up until that stage, transitioning responses to child offenders into a more formalised ‘youth justice’. Notably, it established a new structure, the borstal (a custodial institution) for 16 to 21-year-olds, with the dual purpose of support through instruction (socialisation) and reformation (treatment), concurrent with control through discipline and the repression (Garland 1985). Legislative and structural developments in the first decade of the 20th century (i.e. a notable transition period for youth justice), therefore, began to institutionalise the construction of child offenders as either innocent children or threatening adolescents. As this presumption became embedded in policy, practice and expert debates about the effective treatment of young offenders, and indeed has remained so, we could perhaps speculate that this was evidence of a growing sense of maturity (Kiefer, 1988). The youth justice system had become capable of recognising different positions and accommodating significant disagreements (‘welfare vs justice’, for example), without becoming unstable or unable to operate.

Constructing ‘problem youth’

The first half of the 20th century represented a prolonged period of maturation for youth justice. It was ‘settling down’, perhaps. The later period from the late 1940s to the 1990s was marked by two clear episodes of reconstruction of youth justice (Hopkins-Burke 2016):

1. Welfare legislation - a raft of legislation prioritised children’s welfare (when they offended) over more justice-based, punishment-led approaches, which were reserved only for the most dangerous/threatening youths;
2. Constructions of subcultures – there emerged a growing perception of working-class youth subcultures as delinquent (antisocial, misbehaving, offending) and problematic - very much the post-industrialisation street children of the time.

The distinction between children and adolescents (youth) was consolidated by frequent and robust reconstructed understandings of children’s offending within new legislation, systems,

structures and their resultant practices (i.e. 'youth justice'). The Children Act 1948 established a series of new welfare-based, social work systems and provisions for children, including care services located in new local authority children's departments and staffed by the first professional care workers exclusively for children experiencing problems. The Act also introduced new youth justice structures including remand centres, attendance centres, detention centres and probation hostels, as a means of restricting the use of custody for children who offended – thus consolidating the long-held perception that imprisoning children was damaging, inappropriate and incongruous with their vulnerability and need for protection and support. Once again, conflict and ambivalence regarding how to understand and respond to the children and adolescents when they offended became apparent, in this case, with the introduction of detention centres to punish 'youth offenders' using 'short, unpleasant sentences'. They would be disciplined securely, but only for their own good. As such, existing welfare-justice tensions were simply re-enacted. Paradoxically, the post-war Labour government strongly associated with progressive welfare policies had introduced an ostensibly and deliberately punitive measure directed at children.

Moral order and the limits of acceptable behaviour

The 1960s and 1970s were notable for the emergence of 'moral panics' and the re-emergence of 'problem youth'. As noted at the time, these were also 'critical moments' in the changing shape of society, and periods of rapid and unsettling economic transition. Calls for law and order could arguably be associated with that wider sense of unease and financial insecurity, and once again, young people were the focal point of many of the contemporary concerns. Perhaps here, we could plausibly argue that youth justice was moving towards a 'mid-life crisis', a concept quite widely used in organisational literature (for example, Molle, 1993; mirroring wider social and economic upheavals, and growing uncertainty at the heart of the welfare state.

As Hall et al (1978) observe, the dramatization of a particular case of street robbery ('mugging') became the source of a widespread campaign for tougher punishments for a generation of young criminals who were out of control. The backdrop for the emergence of this punitive tide includes the failure to implement the Children and Young Persons Act 1969, which itself represented a determined attempt to decriminalise most crimes committed by those under the age of 18, and institute a predominantly welfare-based framework for intervening with young offenders. A change of government in 1970, and a prolonged campaign amongst

the judiciary ensured that the 1969 act was never implemented in full, representing another critical moment, perhaps.

The subsequent ‘mugging’ crisis suggested that there were discernible limits within which responses to youth offending could be framed and still claim legitimacy. The prevailing representation in the media was that mugging was a novel form of crime, reflecting a wider state of social and moral decline, which warranted a tough, deterrent response. Hall et al’s seminal study provides an incisive account of the process of problem definition, amplification and consensus-building about the nature of the problem (out of control youth) and the appropriate response (hard-line policing and tough punishment). Significantly, the racialisation of ‘mugging’ and its representation also represents a recurrent historical strand, in terms of fear and control of ‘the other’ (Hall et al, 1978, p. 96). In this context, and forming the focal point of the study, the case of three ‘muggers’ sentenced to long sentences is highlighted as the culmination of this generative process, although this was not the only example of the courts getting ‘tough’, with the willing support of the popular press: ‘If punitive jail sentences help to stop the violence – and nothing else has done – then they will... be the RIGHT way’ (Editorial, *The Sun*, 13th Oct 1972, quoted in Hall et al, 1978, p. 75).

Nonetheless, this was a period of great uncertainty both within the field of youth justice and beyond; and it certainly laid open to question any reliance on the idea of steady progress as the basis for change and progression in the field. Could we argue in this context that knowledge, policy and practice in youth justice were simply maturing and moving coherently and consistently towards a place of greater understanding and improved instruments and methods of intervention? Or, is it more plausible to suggest that earlier understandings and compromises could no longer be sustained, and that youth justice, like many other aspects of the social order had indeed entered a period of ‘crisis’?

Bifurcation and diversion as temporary turning points

The 1970s and 1980s evidenced episodes of further conflict and ambivalence in the trajectory of youth justice. The 1970s were dominated by a twin-track (‘bifurcated’) strategy of meeting the welfare needs of vulnerable children who offended by using ‘preventive’ Intermediate Treatment programmes, alongside the use of juvenile courts and punitive sentences for young people (adolescents) committing more serious offences. Arguably, then, the failure to implement the Children and Young Persons Act 1969 in full, and the subsequent emergence of a ‘twin track’ approach to youth offending represented the full flowering of the mid-life crisis

phase in youth justice. The 1980s also evidenced a longer-term episode of bifurcation, but in this case, it was a distinction in direction between policy and practice. In particular, the strongly-punitive, justice-based political rhetoric of the new Conservative Government masked a practice reality of extensive use of diversionary strategies (e.g. cautioning, community alternatives to custody), which led to substantial, sustained decreases in the numbers of younger people receiving custodial and court sentences - the 'decade of diversion' and 'successful revolution' in youth justice (Jones 1984; Allen 1991). The 1980s represented an unpredicted turning point, reflecting the political rhetoric-practice realities disparity. McAra (2017: 938) has subsequently described this recurrent phenomenon as the 'persistent disjuncture between ... normative claims about youth justice ... [and] the ways in which policy discourse and youth justice have been utilized' (see also Lipsky 2010).

Retracing steps and reinvention: confusion and the search for resolution (21st century)

Following its apparent mid-life crisis (Diamond, 2020), characterised by uneven progress and a conflict/ambivalence of identity, youth justice post-1990 transitioned into a relatively brief period (episode) of later life stability driven by predominantly punitive and responsabilising strategies to respond to children who offend. The critical moment precipitating this turning point from conflict/ambivalence and into punitive youth justice was the 'punitive turn' across westernised youth justice and beyond (Muncie 2008; see also Feld and Bishop 2011). Gone was the tolerance and diversionary optimism of the 1980s. In its place, children and young people who offended were reconstructed by politicians, media, academics and the public as irresponsible, immoral and dangerous 'youth offenders' who should be treated as if they were adults (the strategy of adulterisation). Herein was the revolution of an incongruity introduced at the turn of the century - the criminalisation and labelling of children as 'youth offenders' at an age when they could not be categorised as a 'youth' in developmental terms (Case 2018). Responsibilisation within the YJS was paralleled in this phase by a series of measures to promote conformity in the wider sense, and ensure greater readiness to comply with the expectations of a changing labour market. Benefit entitlements were progressively reduced for young people, and such entitlements as they did have were made dependent on their willingness to comply with work preparation and skills training schemes (MacDonald and Marsh, 2005).

The 'new youth justice'

A near decade of linear predictability and stability (steady progress) in youth justice was interrupted by perhaps *the* most critical moment in the recent history of youth justice trajectories – the Crime and Disorder Act 1998. This legislation represented a significant transition into a ‘new youth justice’ (Goldson 2000) or removed from its foregoing trajectories and identities. Under the Act, a fully formed, formalised comprehensive Youth Justice System (YJS) was introduced, wherein the long term and focus on strategies and priorities of welfare and justice was ruptured and replaced by a more technical and managerialist youth justice founded in and strategies of performance management, neo-liberal responsabilisation of children, young people and parents, and neo-correctionalist risk-based prevention and early intervention. The strategies of this ‘new youth justice’ were mobilised by professionals working in new multi-agency practice structures called ‘youth offending teams’ (YOTs), which were themselves monitored and guided by a new management structure, the Youth Justice Board (YJB) for England and Wales².

Austerity and decline?

If New Labour’s reforms effectively represented a distillation of pre-existing punitive trends, a genuine turning point in the trajectory of youth justice can be discerned in the period from around 2008. The ‘new youth justice’ was perhaps experienced most strongly in strategic and practical terms in the decade following the Crime and Disorder Act 1998. The socio-economic context of sweeping austerity served as an episodic turning point, transitioning the trajectory of youth justice away from expensive and interventionist ‘new youth justice’ strategies and towards reduced intervention and increased use of diversionary strategies. Although this turning point has been evaluated as a pragmatic response to burgeoning caseloads and socio-economic austerity (Bateman 2014), the introduction of a target to reduce the number of children entering the YJS for the first time (so called first-time entrants - FTEs) triggered a rapid rise in decriminalisation, diversion and a dramatic fall in the population of the secure estate for children (Bateman 2012); the contraction of the system has continued apace (Bateman 2017). The target was supported by legislative changes to the existing (escalatory) out-of-court system that were enacted in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, replacing it with far more flexible process. Notably, the introduction of a range of non-statutory measures (e.g. community resolutions) allowed informal disposal of children’s offending without the imposition of a criminal record.

² By this point, youth justice was a devolved political responsibility in both Scotland and Northern Ireland.

Indeed, on the basis of system contraction and retraction, youth justice under the post-New Labour governments (Coalition 2010-15; Conservative 2015-present) has been presented as a success story, particularly in statistical terms. An examination of youth offending statistics and youth justice outcomes from March 2006-March 2016 (MoJ and YJB 2017), for example, indicated annual decreases in the numbers of children: arrested, cautioned and convicted, entering the YJS for the first time, reoffending (n.b. although reoffending rates continued to rise) and subject to custody. The implications of these positive trends for conceptualising the trajectory of youth justice are moot. Without doubt, these trends have been associated with a renewed interest in a discourse orientated on welfare concerns and the associated political and professional reconstruction of children in trouble as children ‘in need’. Charlie Taylor, for instance, in his government commissioned review of youth justice (Taylor 2016), argued for a focus on ‘children first, offenders second’ and education-focused youth justice, noting that since many of the causes of youth offending lie beyond the reach of the YJS, a broad range of agencies should provide an integrated response to preventing and addressing offending behaviour (Taylor 2016). Further to this, he proposed education-based ‘secure schools’ as constructive replacements to more punitive-orientated custodial institutions. However, little progress (steady or uneven) has been made towards these progressive objectives as yet and, indeed, the government response to them has been partly selective, partly neglect. There appears to be no political, legislative or economic appetite to affect such welfare changes to existing systems and (punitive) mindsets thus far.

Post-New Labour developments have not been accompanied by assertive claims concerning the rediscovery of minimum intervention and diversion (Kelly and Armitage 2015). Indeed, signs of progress associated with reduced reliance on the formal YJS is counterbalanced by a managerialist hangover from the new youth justice era (Smith and Gray, 2019), and a continued commitment to the RFPP, represented by the ‘Scaled Approach’ and ‘AssetPlus’ assessment and intervention framework (Case 2018), suggesting a state of confusion rather than resolution. Punishment, too, continues to underpin youth justice interventions once children cross that threshold: with a sharp rise in the use and intensity of curfew requirements, for example (Bateman 2017), further compounded by the persistent use of youth custody (MoJ and YJB 2018), as a ‘last’ resort, compounding the institutional oppression at the core of the system (Smith, 2014). It is moreover apparent that for some groups of children, particularly black and minority ethnic children, the transition into the YJS and custodial institutions occurs more

readily and with greater frequency (Lammy (2017)). Here, the racialization of youth justice suggests further connections with persistently embedded prejudices, and structural factors grounded in oppression and anti-immigrant sentiments (and policies).

Has youth justice, then, reached a state of terminal decline, characterised only by the last vestiges of embedded and long-lived ideas and practices, which are stripped of logic and meaning, leaving evidence only of meaningless gestures or irrelevant and harmful historic prejudices as their bequest?

Is there an afterlife?

Tracing the development of youth justice using a life course model seen through the lens of social constructionism highlights a series of dynamic, inter-related and artefactual critical moments (socio-economic, political/legislative, statistical, professional, intellectual) in the trajectory youth justice. Adapting Cohen's (1985) life course perspectives of linear progress, uneven progress and capitalist control facilitate more nuanced understandings of youth justice as the outcome of (middle-class) stakeholder groups pursuing 'overlapping practices, strategies and ideologies that have shaped juvenile [youth] justice over the two centuries in which the modern system evolved.' (Shore 2011: 131). Furthermore, the life span of youth justice in England and Wales has been shaped by 'myriad principles' that have produced youth justice systems constituted by 'complex architectural phenomena ... with a multiplicity of processes, procedures and programmes' (McAra 2010: 287). Changes in trajectories have been 'framed' in common, by external influences and key events; they have co-existed in practice; their justifications and aspirations have been determined in relation to and often in response to each other, as Erikson (1995) suggests is typical of human growth and development, too. Where changes have occurred, these can involve rejecting or updating previous incarnations, with change reflecting a selective return to previous familiar forms rooted in the earlier history of youth justice (e.g. the 1998 return to pre-industrial 'adulterisation' processes). This sense of 'churn' is probably reflective of wider social tensions and interventions associated with the wider challenge for society of managing the aspirations, development and social conditioning of children and young people in light of prevailing interests and economic change. Indeed, it is particularly notable in the life course terms that significant socio-economic transitions have characterised both ends of the youth justice spectrum – its birth as a social issue (following the focal episode of the Industrial Revolution) and its current torpor and rapid retraction (due to economic austerity measures).

The notional ‘life course’ of youth justice cannot be divorced from the social milieu within which it has been located, and from whose lexicon of ideas and ideologies it draws its own narratives, logical assumptions and justifications. As an autonomous field of social practice, youth justice nonetheless draws on and is shaped by the overarching social conditions of the time. Adopting a contextualised social constructionist perspective as a framework for understanding the life course of youth justice enables more comprehensive and less partial analyses and evaluation - affording an internal coherence and nuance to dynamic understandings of youth justice past and present. We must retain a sense, though, of youth justice debates, constructions, reconstructions, ‘u’ turns, ‘straight aheads’, and accommodations as being inextricably bound up with wider strategies and machineries of control, the continual renegotiation of the social order, and its own lifespan (see Streeck, 2014 on the ‘end of capitalism’, for example). Thus, the kind of ‘critical moments’ or turning points to which we refer, are inescapably bound up with significant developments in the wider domain of the social. Here, the mid-19th century Industrial Revolution, the Children Act 1908, the mid-20th century transition out of World War Two, the ‘end of tolerance’ of the early 1970s, the Crime and Disorder Act 1998 (with its ‘new youth justice’) and the 2007/08 austerity-led diversion movement, for example, can all be viewed as indicative critical moments, triggering significant changes in direction and behaviour.

The life course approach could at the same time address the concerns of Phoenix (2016: 125) by offering ‘a novel framework within which we might find our way out of the doldrums that mark current thinking about ‘youth justice’’, by utilising and building upon a broader range of contextual themes and analytical devices than are routinely employed in this particular ‘field’. Here, we might usefully reflect on Foucault’s notion of a ‘powerful underlying structure of thought – a historically specific order of words and things – that shaped discourse and experience in a particular era.’ (Garland, 2014, p. 370), but which does not determine every aspect of each ‘relatively autonomous’ domain of social practice (Poulantzas, 1978); and which remains ‘subject to fundamental transformations and historical discontinuities, leading to the emergence of new systems of thought and new ways of experiencing the world (Garland, 2014, p. 370).

Locating youth justice within these wider patterns and trends, whilst still retaining the attention to detail which explains the twists and turns we have discussed remains a complex but

necessary task if we are to explain current practices, creative tensions and future possibilities without resorting to simple determinism, or insular preoccupation with micro-solutions.

Looking ahead, we are not confident enough to suggest that our life course analogy leads towards the natural conclusion, that is, the complete demise of youth justice; but there may nonetheless be signs of an incipient afterlife in the form of emergent practices grounded in restorative principles, perhaps; or in the (re)assertion that we should treat children who offend purely as ‘children first’.

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