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Re-imagining justice for girls: A new agenda for research

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Re-imagining justice for girls: A new agenda for research

Abstract

This article argues that justice for girls has been narrowly conceived as the delivery of gender-specific interventions within a correctional framework. I contend that the translation of feminist pathways research into gender-specific programming (GSP) has inherent logic flaws and that GSP makes unwarranted assumptions about girls' routes into and out of offending. In addition, by translating girls' victimisation histories into individualised intervenable risks/needs, state welfare (non-)responses to them are ignored. I argue that a new feminist research agenda is required which implies a more expansive conceptualisation of justice, and which investigates meso-level welfare institutional cultures and practices with troubled girls.

Key words

girls, victimisation, welfare, gendered justice, gender-specific programming

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Introduction

It is now commonplace to argue that a criminal justice system designed for boys and men does not meet the needs of the girls and women who find themselves in it. Ethnographic studies have demonstrated that girls and women suffer particular pains of imprisonment (Bosworth 1999; Carlen, 1983a; Haney, 2010), and that gender-blind community sanctions are inappropriate for, and indeed detrimental to, female lawbreakers (Morash, 2010; see also Malloch and McIvor, 2011). Simultaneously, research with adjudicated young offenders spanning several decades has documented significant differences in boys' and girls' pathways into crime, leading many to surmise that risk factors for offending are

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gendered. This important body of work on 'feminist pathways' has demonstrated that the backgrounds of young female lawbreakers are characterised by profound structural, institutional and familial injustices and disadvantages, the most clearly gendered of these being their frequent experience of violent and sexual victimisation at home, on the streets, in state care and in custody (Batchelor, 2005; Belknap and Holsinger, 2006; Chesney-Lind, 1989; Schaffner, 2006; Sharpe, 2011a).

Consequent to these scholarly developments, and also in response to dramatic increases in the number of young women entering juvenile justice systems across Western jurisdictions, gender-specific programming (GSP) has emerged during the past twenty years as a means of re-imagining justice for girls and young women (Hubbard and Matthews, 2008). Although less well-established elsewhere, GSP is now the dominant paradigm for juvenile justice intervention with girls in the US, following an increase in federal funds dedicated to the identification of gender-specific risk factors for delinquency and offending, and to the development of gender-specific juvenile justice services for girls (Bloom et al., 2002, 2003; Greene et al., 1998). GSP aims to advance equitable treatment within the juvenile justice system by responding to girls' distinctive needs sensitively and effectively (Bloom and Covington, 2001; Bloom et al., 2002). Outside the US, and also Canada (see Hannah-Moffat, 2010), GSP has been slower to develop and is rarely incorporated into juvenile justice policy (Burman and Batchelor, 2009[1]). However, in England and Wales, for example, there are a growing number of gender-specific youth crime prevention and justice programmes, prompted in part by contemporary concern (but little robust evidence) that girls are increasingly at risk of gang involvement (Khan et al., 2013; Centre for Social Justice, 2014). In common with North American provision, these emerging programmes include a substantial focus on empowering girls, increasing their self-esteem and promoting healthy relationships.[2]

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[1] For a discussion of the genesis development of gender-responsive punishment in England and Wales, see Kendall (2013).
[2] Examples from England and Wales can be found at https://www.justice.gov.uk/youth-justice/effective-practice-library

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Against this background of growing international interest in GSP as a youth crime reduction and prevention strategy, this article contributes to a small body of critique which questions the dominant view that correctional GSP is unequivocally beneficial to young women (Hannah-Moffat, 2010; Goodkind, 2005, 2009). Specifically, I contend that the translation of feminist pathways research into gender-specific youth justice policy and practice is based on flawed assumptions about girls' pathways into and out of crime. First, by virtue of its adherence to the risk factors prevention paradigm, GSP decontextualises research evidence about girls' victimisation experiences, and targets individual young women and their gender-specific, victimisation-related 'programming needs' as a means of preventing and reducing crime. Second, GSP ignores the contingent and transient nature of much female youthful lawbreaking and the potentially iatrogenic consequences of any formal youth/juvenile justice intervention, gender-specific or otherwise. Third, gender-specific victimisation-focused interventions fail to acknowledge the meso-level institutional practices – the actions and omissions of state welfare and education agencies – that over-determine young women's routes into crime and into the justice system.

This article extends previous critiques claiming that GSP assumes an essentialised notion of the female subject (Goodkind, 2005), and one whose problems require individual therapeutic recovery and transformation through empowerment and self-esteem enhancement programmes (Goodkind, 2009). The principal focus of my own critique is GSP's inattention to gender and *generation* – both in relation to age-related patterns of female lawbreaking and to age-specific modes of gendered state governance. I argue that a new research agenda is required which implies a more expansive conceptualisation of justice for girls. In this vein, new feminist scholarship should investigate meso-level institutional cultures and practices within welfare and education agencies, their intrapsychic consequences for troubled and troublesome girls, and their role in girls' pathways from victims to offenders.

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Gender-specific juvenile justice: concept and practice

In the US, the rationale underpinning GSP is twofold. First, the number of girls entering the youth justice system, and particularly penal custody, has expanded rapidly during the past two decades, the reasons for which have generated extensive debate (see Steffensmeier et al., 2005, and Sprott and Doob, 2009, for further discussion[3]). Second, and the issue on which I focus in this article, a substantial body of research indicates that girls' pathways into crime are different in important ways from those of boys. Most significantly, a large corpus of feminist-inspired empirical work has revealed that that the boundaries between young women's victimisation and their offending are blurred, and that a very high proportion of young female adjudicated lawbreakers have experienced violent and/or sexual abuse and exploitation (Acoca, 1998; Batchelor, 2005; Belknap and Holsinger 2006; Goodkind et al., 2006, *inter alia*). Estimates of the prevalence of sexual abuse among imprisoned young women range from 40 to 73 per cent (Chesney-Lind and Shelden, 2004: 145), and although less well-researched, victimisation rates appear to be almost as high among girls subject to community penalties (Sharpe, 2011a).

The intervening causal mechanisms between victimisation and offending are poorly understood (Hollin and Palmer, 2006). However, victimisation may constitute an 'indirect pathway' to offending in several inter-related ways. For example, self-medication with alcohol and drugs can lead to acquisitive crime or alcohol-fuelled violence; runaways may engage in survivalist acquisitive offending; homeless or precariously housed girls sometimes resort to sex work; and anger may result in 'explosive' violent outbursts (Rumgay, 2004). Moreover, and partly as a result of their victimisation histories, youth justice system-involved girls frequently have low self-esteem, as well as significant emotional

[3] The upward trend in young women entering the youth justice system during the past twenty years across a range of Western jurisdictions has indeed been dramatic (see Sharpe, 2011a, Chapter 3). However, the increase in female youth crime evident in official statistics has been subjected to extensive critical examination and found to be unrelated to any wholesale change in young women's behaviour. Rather, the rise appears to be an artefact of 'zero tolerance' policing practices (Steffensmeier et al., 2005) and the reclassification of 'welfare' matters – including running away from home and arguments with family members – into either violent crimes or technical violations for 'failure to comply' (Sprott and Doob, 2009). Interestingly, the number of girls entering the youth justice system in England and Wales has dropped very sharply since 2008, due largely to an increase in police diversion policy and practice.

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and mental health needs (Belknap and Holsinger, 2006; Douglas and Plugge, 2006). Finally, the relationship between victimisation and lawbreaking may not be causal at all; rather, contextual contingencies – most notably, the extent to which girls come to the attention of support and control agencies and what happens to them if they do – are likely to be significant.

The theoretical starting point of GSP, drawing on extensive evidence from feminist pathways scholarship, is that girls and women are gendered subjects, with particular, gendered, social experiences, who require a holistic and therapeutic approach to intervention which recognises the social origins of their troubles. However, GSP as a response to lawbreaking is enacted within a risk reduction/offending prevention framework: it "aims to help girls already in trouble, while preventing future delinquency among girls who are at risk."[4] Consequently, the holistic intent of GSP, which recognises the impact of the disadvantaged structural positioning of young women, is in practice subordinated to a risk reduction rationality, with the result that the target for intervention is the individual, rather than society, and oppressive social experiences risk being translated into individual, predominantly psychological, risks/needs (Hannah-Moffat, 2005; Maurutto and Hannah-Moffat, 2007).

Oregon's *Guidelines for Effective Programming for Girls in the Justice System* (Morgan and Patton, 2002), developed for the state's Criminal Justice Commission, are widely accepted as the conceptual blueprint for GS programmes for girls. The guidelines cover two areas: the administration and management of gender-specific programmes, and programme content. I focus here on programme content, which encompasses three areas: relationships, health and strengths. Relationship-based programming includes recognition that "healthy relationships and positive connections should be at the core of a program" (ibid. p.61), namely ensuring that programmes are girls-only, and help girls establish "significant relationships with caring adults, including staff members and volunteer mentors" (p.61). Health-based programming should target physical, sexual, emotional and mental health, promote abstinence from alcohol, tobacco

[4] See http://www.ojjdp.gov/pubs/principles/exesum.html

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and drugs, address girls' spiritual health needs and celebrate rites of passage. Finally, strength-based programming should teach: 'new skills built on existing strengths'; personal respect – through 'self-esteem enhancement programmes' and 'self-monitoring skills', such as positive self-talk and journal writing; and empowerment. Strength-based programming also includes addressing trauma and victimisation, and helping girls to learn to see themselves as 'survivors', rather than 'victims', of abuse. Finally, girls should be taught "how to develop and maintain healthy boundaries and…healthy relationships" (p.63).

The concept of strength-based programming warrants closer attention. As outlined above, the 'strengths' listed in the Oregon Guidelines relate primarily to self-esteem and empowerment. However, the focus on teaching girls how to maintain 'healthy relationships' arguably renders young women personally responsible for their previous 'unhealthy' relationships. Issues such as the targeted grooming and exploitation by older men of disadvantaged young women - who are often attracted to older males whom they initially perceive to be protective, as well as the purveyors of desired material goods and an exciting lifestyle – are easily reconstructed as being the outcome of girls' own 'risky choices'.[5]

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Proponents of GSP have claimed that there is a need for further scholarship to improve the identification of girls' criminogenic needs (Bloom et al., 2002). However such research will not, I contend, improve justice for young women. At worst, improved knowledge about gendered 'risk factors' would serve to further legitimate punishing young women, albeit with the benefit of greater recognition of, and sensitivity to, their needs. In view of the state's failure to protect, support and adequately educate the majority of the young women (and very many of the young men) facing prosecution or police sanction, there is a strong argument

[5] To cite one notorious example of this, in May and October 2012, 18 men from Rochdale in the North West of England were convicted of a large number of sexual offences against teenage girls. A subsequent review to the sexual exploitation of children by the police, the Crown Prosecution Service and children's social care services concluded that the social care case files of girl victims stated that "the children were often considered to be 'making their own choices' and to be 'engaging in consensual sexual activity'" (Rochdale Borough Safeguarding Children Board 2012: 9).

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that the state does not have the right to punish these same young people if they break the law (Carlen, 1983b). Indeed, for girls who have suffered victimisation without justice, punishing (through correctional intervention) their responses or adaptations to abusive situations may amount to secondary victimisation or double punishment.

Doing more harm than good? Questioning some assumptions behind GSP

While proponents of gender-specific correctional policy and practice generally acknowledge, at least briefly, the vicissitudinous nature of criminalisation – specifically, that recent increases in girls' arrests may be due in part to the relabeling of youthful conflicts as 'violence', as well as other forms of 'upcriming' and relabeling (Steffensmeier et al., 2005) – discussions of how to advance justice for young women rarely focus on institutional (non-)responses to troubled and troublesome young women. Rather, the role of the state in ignoring, minimising or disbelieving girls' experiences of victimisation, in policing class, 'race' and vulnerability, and in targeting the 'usual suspects', is overlooked, and the needs of incarcerated girls are presented as risk factors for delinquency involvement for *all* young women. Consequently, claims that correctional programmes for young women must address girlhood victimisation (through individualised 'therapeutic' intervention targeted at girl offender-victims themselves), since "[t]his provides the most promise for these youth to lead non-offending lives" (Belknap and Holsinger, 2006: 66) raise questions about the assumptions underpinning GSP with respect to how best to facilitate desistance from crime amongst girls.

Although not conceived with young women in mind, Matza's (1964) theory of 'drift' – the idea that lawbreaking is a transient and contingent activity to which many young people are uncommitted – is very pertinent to them. Some involvement in delinquent behaviour is the 'normal' experience of many (particularly working-class) girls (Burman, 2004). However, most young women's lawbreaking is short-lived and terminates on the formation of a stable partner relationship (Graham and Bowling, 1995), the birth of a child (Edin and

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Kefalas, 2011), or because it is considered incompatible with maturity (Phillips, 2003). Additionally, the stigma of a criminal record for women, especially mothers, means that girls have a particular investment in consigning their 'offending' selves to the past (Sharpe, forthcoming). Girls who break the law desist from crime, on average, sooner than their male counterparts: in England and Wales, for example, fewer than one quarter of young women are re-apprehended within 12 months of receiving a conviction or caution, compared with around four in ten young men (Ministry of Justice, 2014). Given the relatively minor nature of their crimes, as well as persuasive evidence that criminalising young people tends to increase, rather than reduce, their likelihood of re-offending (McAra and McVie, 2007), it can be argued that the penal governance of girls – gender-specific or otherwise – may not be in the interests of either young women themselves or of public safety.

Almost three decades ago, Andrew Rutherford warned that although "public policy holds out the seductive offer of an institutional fix" (1986: 9) where youthful lawbreaking is concerned, formal criminal justice intervention may stymy young people's 'normal' (albeit often stormy) development through adolescence. There has long been a popular belief that adolescence is a time of particular storm and stress for young women; however, this is not always matched by adults' tolerance, support or, in Rutherford's words, 'holding on' while they get through it (Schaffner, 2006; Sharpe, 2011b). Rather, teenage girls in trouble are highly likely to be considered 'nasty', recalcitrant, 'demanding', 'devious', and 'manipulative' (Baines and Alder, 1996; Gaarder et al., 2004).

An apparently low threshold of professional tolerance, together with the fact that gendered violence so frequently takes place at school (Miller, 2008; Ringrose, 2013), where teachers have a duty to safeguard the welfare of their pupils, reinforces Rutherford's call for a developmental approach to young women in trouble. However, little is known about the cultures and practices, as well as the potential consequences for girls' routes into crime and into the justice system, of state education and welfare institutions with respect to girls who are simultaneously troubled and troublesome.

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From pathways to risk factors: the missing role of state (non-)responses to girlhood victimisation

Efforts to identify gender-specific risk factors, or 'criminogenic needs' have, in common with gender-neutral studies, tended to rely on practitioner assessments or the self-reports of incarcerated girls. This research has, perhaps inevitably, highlighted individual and familial risk factors, whilst side-lining the social and structural conditions and constraints which shape marginalised girls' lives (Goodkind, 2005). However, what are presented as gendered risk factors for offending may reveal as much, if not more, about gendered (as well as classed and racialised) patterns of criminalisation. The majority of young people's crimes go undetected and unpunished, and there are significant class, racial and generational biases (each interacting with gender) in patterns of arrest (McAra and McVie, 2005), charge and punishment, and particularly in the use of custody and restrictive community penalties (Feilzer and Hood, 2004). Policing and court practices involve judgements about the respectability, riskiness, and reformability of girls – and, importantly, their families (Donzelot 1979) – which are cross-cut by 'race' and class, and which ultimately over-determine working-class and minority girls' entry into the justice system. Assessments of (high) risk may also result in the criminalisation of girls who are sexually 'vulnerable' (Phoenix, 2012).

Henrikson and Miller, theorising girls' violent encounters through micro-contextual analysis, have argued that girls' use of violence "runs deeper than reputational concerns" (i.e. a search for gendered respect), and concerns their "intrapsychic and intersubjective desires to *matter* in social worlds that routinely and repeatedly devalue them" (2012: 454). The devaluation of girls takes place at several levels simultaneously. At the macro-level, a severely retrenched welfare system characterised by welfare-to-workfare, increased conditionality for social assistance, and a weakening of the housing safety net has had profoundly negatively consequences for young women (Fawcett Society

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2012[6]; Fitzpatrick et al., 2012), constraining their capacity for autonomy and independence, and arguably rendering them at increased risk of intimate partner violence. Meanwhile, the vilification of young women who require state support has become increasingly commonplace in political and popular discourse. Most notably, lone unattached working-class young mothers are caricatured, often with a racialised subtext, as 'scroungers' and 'chav mums' (Tyler, 2008), and blamed not only for their own impoverished situations but for the (imagined and potential) future misdemeanours of their offspring. At the micro-level of individual biography, many justice system-involved young women are, or have been, abused and devalued by (usually male) relatives, 'friends' and 'boyfriends'. Some have also experienced 'horizontal' violence (Artz, 1998) at the hands of female peers who are attempting to gain power and status or negotiate their own safety in environments characterised by economic, racial, gendered and generational marginalisation and governed by patriarchal rules about behaviour (Batchelor, 2005; Miller and Mullins, 2006). The macro- and micro-level 'devaluation' processes outlined above are likely to have a significant intrapsychic impact on girls. However, a further, little examined, but equally important part of the picture is the meso-level institutional practices (or lack thereof) which have the potential to devalue young women in distress and also to increase the likelihood of such girls becoming involved in crime.

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Prospective longitudinal studies have found that girlhood experience of abuse significantly increases the likelihood of subsequent arrest or conviction in adulthood (Cernkovich et al., 2008). However, evidence regarding the impact of abuse on *adolescent* offending is more equivocal. One longitudinal study found that experience of child abuse or neglect increased girls' likelihood of adolescent arrest by 59 per cent (Widom and Maxfield, 2001). By contrast, Cernkovich and colleagues (2008) found that experiencing sexual and physical abuse did not predict adolescent delinquency by young women, the reasons for which the

[6] The Fawcett Society has identified a 'triple jeopardy' facing women in the current climate of austerity: women are disproportionately affected by cuts to public sector jobs, wages and pensions; they are disproportionately affected by cuts to community and children's services, being the chief users of these provisions; and women will be increasingly called upon to be the providers of services in the 'Big Society', as state funding for social care and support services is withdrawn.

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authors were unable to ascertain. Most abused girls do not break the law (or certainly do not enter the justice system), either as children or as adults, which suggests that the highly gendered experience of sexual abuse interacts with classed experiences, including poverty, having offending associates and poor parental supervision, to culminate in lawbreaking (Giordano et al., 2006). But of equal importance are the everyday practices of state welfare and education institutions vis-a-vis abused, disadvantaged and 'vulnerable' young women. Qualitative research with justice system-involved young women has revealed systemic failings by the state to recognise (and, even where it does, to act upon) girls' frequent and routine experiences of neglect and victimisation at home, on the streets, at school, and in 'care' (Schaffner, 2006; Sharpe, 2011a). In addition, a history of sexual abuse often works against girls in subsequent juvenile justice risk assessment practices, and the likelihood of juvenile incarceration is far greater amongst young women with current or previous contact with child welfare agencies than for young women in the general population (Goodkind et al., 2006). The irony is that girls who have felt unable to disclose or discuss their experiences of abusive and coercive relationships to professionals who have a clear mandate to protect and support them may go on to receive correctional programming focused on 'empowering' them to avoid 'risky' relationships.

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There is evidence that welfare professionals tend to consider teenagers to be less vulnerable and more resilient than younger children to the effects of maltreatment (Rees et al., 2010). In reality, adolescents' advanced cognitive development is likely "to increase negative emotions such as shame and anger" in the aftermath of abuse, which may in turn "heighten oppositional behaviour and promote further victimisation" (Thornberry et al., 2010: 363). The extent to which teachers, social workers and other 'helping' professionals, recognise and respond to girlhood abuse - or fail to do either - may play a significant role in the all-too frequent interconnections between girlhood victimisation, lawbreaking and criminalisation. However, the nature of troublesome girls' encounters with state welfare and education professionals, and their impact, in terms both of subsequent lawbreaking and justice system involvement, as well as their

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intrapsychic legacy for individual young women, have received little scholarly attention.

Victimisation, lawbreaking and criminalisation: A messy relationship

As highlighted earlier, one of the most consistent findings of feminist pathways research is that justice system-involved young women have experienced extremely high rates of violent and sexual victimisation. However, the relationship between victimisation and criminal behaviour is under-theorised and the relationship may be neither linear nor one-directional (Smith and Ecob, 2007[7]). Crucially, many girls are simultaneously both victims (of crime, violence, abuse and neglect) and offenders, with complex, overlapping and shifting 'victim' and 'perpetrator' subjectivities. Victimisation may constitute a more or less direct pathway into crime. Conversely, victimisation may precipitate the termination of offending. For example, a controlling and violent boyfriend or partner may curtail a young woman's opportunities to commit crime by restricting her movements, or he may threaten to report her illegal activities to the police should she disclose his violence to the authorities. Additionally, a girl's involvement in crime might increase her risk of victimisation, through routine association with criminal associates or, where prior violence has occurred, the possibility of retaliatory assault. Finally, the fact that incarcerated young women are highly likely to be homeless or precariously housed on their release increases their vulnerability to violent and sexual exploitation: for example, experiencing pressure to exchange sexual favours for a place to stay.

The contemporary techno-cultural landscape of young people's lives – a rapid proliferation of new forms of communication against a backdrop of the 'sexualisation' or 'pornification' of culture (Attwood, 2006) – may also be a particularly 'conducive context' (Coy and Garner, 2012) to increased violence

[7] Smith and Ecob's study of 4,300 young people in Edinburgh found evidence of a causal link between victimisation and offending running in both directions. Smith and Ecob do not discuss gender differences in the sample, beyond the fact that boys were at higher risk of offending, and particularly of victimisation, than girls. Importantly, given the self-report survey methodology, cohort members (of both sexes) may have refrained from reporting victimisation of an intimate nature.

For Peer Review

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against young women. Young women's bodies are increasingly commodified, although this is frequently presented in positive terms, as a form of 'empowerment' (see Gill, 2008[8]). Images of girls proliferate and are distributed electronically, often without their subjects' knowledge or consent, by male (and sometimes female) peers, in order to boast about sexual conquests, but also as tools of degradation and bullying (Ringrose, 2013). Despite this, the everyday violations visited on girls by their peers and 'boyfriends' – assisted by mobile phone, internet and social networking technologies – frequently go unrecognised, or not taken seriously, by education and social care professionals.

In Barter and colleagues' (2009) multi-method study of British high school pupils' experiences of teenage partner 'dating' violence, one third of the girls surveyed reported having experienced sexual violence, while a staggering three quarters of girls who had a 'much older' intimate partner reported sexual violence by him. A follow-up qualitative study to Barter and colleagues' school-based research examining the prevalence of intimate partner violence and coercive control amongst disadvantaged teenagers (Wood et al., 2011)[9] found that more than half of the 38 young women interviewed had been the victim of physical violence at the hands of at least one intimate partner, and half had experienced some form of sexual violence. Of particular concern was the finding that a larger proportion of 'disadvantaged' girls, compared with those in the school-based study, saw "physical partner violence as a normal, if unwanted, aspect of their relationships" (ibid., p.7). This 'normalisation' of violence often resulted in girls blaming themselves and minimising the seriousness of the violence they had suffered. This finding is all the more shocking for the fact that all of the young women in the study were involved with welfare and education support professionals, to whom most felt unable to disclose their victimisation,

For Peer Review

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[8] In a 'post-feminist' consumer society where female 'empowerment' has come to be associated with anything from the wearing of vertiginous heels to pole-dancing to cosmetic surgery, the line between empowerment and sexism may be a very thin one (Gill 2008).

[9] The sample was recruited via a range of agencies, including an education project for pupils permanently excluded from school, a young mothers' project, a youth centre, two residential children's homes, a special school, a project for young people at risk of sexual exploitation, a family support project and a male young offenders institution. Although fifteen of the young people interviewed for the 'standing on my own two feet' research were convicted young offenders, no youth justice system-involved young women were included. A further shortcoming of the research is that the vast majority of respondents were white.

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fearing that they would not be believed or that their experiences would be minimised, a situation which was exacerbated by frequent changes in, and perceived abandonment by, social workers (see also Sharpe, 2011b). The authors note that that majority of the young people who had a social worker "stated that they received little help from them regarding their relationships and most did not view their social worker as someone they could rely on for support on personal issues." (p.87).

Doing justice to girls: A new agenda for research

For Peer Review

Recent feminist research focused on young women and justice has become overly restricted to governance in the penal sphere. This is perhaps due partly to the fact that community sanctions – in particular ('sensitive' and 'responsive') gender-specific programmes – are seen not as punishment, but as help, a view that adjudicated young women do not appear to share (Sharpe, 2011a; see also Phoenix & Kelly, 2013). Importantly, scholars of (young) women and penality have consistently exposed the micro- and macro-level injustices suffered by female lawbreakers; however, their meso-level interactions with state education and welfare institutions, and similarities and differences in their experiences of governance and control- or conversely, neglect - across institutional boundaries have received scant attention. This is perhaps in part because the expansion of the specialism of 'feminist criminology' has resulted in a "narrowe[d] focus on the experiences of women [and girls] within the criminal justice system [largely unconnected with] other institutional forms and theorizations about the regulations of gender, sexuality, race, and marginality" (Hannah-Moffat, 2011: 444).

Given the recurrent finding that there is a significant overlap between welfare and penal governance and a negative web of interventions which often begins long before a girl enters the justice system, it is important to examine the nature of offending young women's institutional histories. When asked about the problems they face, their encounters with the state – including, and perhaps especially, with agencies mandated to support and protect them – feature

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prominently in girls' and women's accounts, as sites of damage, neglect, dismissal and, above all, a lack of care (Myers, 2013; Sharpe, 2011a, 2011b). Girls' experiences of welfare and education institutions undoubtedly have significant intrapsychic consequences in terms of their self-worth and their perceptions of the extent to which they 'matter'. Their experiences are also likely to determine young women's evaluations of the legitimacy of state intervention in their lives, setting the tone for later encounters with criminal justice professionals.

A raft of research studies testify to the deleterious consequences of girlhood abuse, in terms of poor mental health outcomes, school problems, antisocial and delinquent behaviour, and running away from home, the last of which may increase the likelihood both of further victimisation and of criminalisation for status offending (see Goodkind et al., 2006, for an overview of the outcomes of child abuse for girls). What is less clear is the contribution made by the (non-)responses of education and welfare professionals to girlhood victimisation. Girls in the youth justice system have already experienced significantly more disruption, abuse and loss than most, and it is important to consider what welfare and education professionals' abandonment, neglect and failure to listen communicate to them and to other troubled and troublesome girls.

For Peer Review

My core argument is that there is a need for a more expansive feminist research agenda, one which requires a reconceptualization of 'justice' for young women and aims to extend knowledge about extra-penal governance and control, including its implications for young women's pathways into the criminal justice system. New scholarship should examine the practices, as well as the consequences (both for girls' pathways into the juvenile justice system and also for their emotional wellbeing and self-concept) of state education and welfare responses to troubled and troublesome girls, including the ways in which they are defined, assessed, and 'managed' – and, equally important, ignored or neglected – beyond the youth justice system, as well as similarities and differences in patterns of governance across and between agency boundaries. This echoes earlier work which examined continuities in the various institutional

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controls to which girls are subjected (Cain, 1989). The frame of reference should be governance, rather than penality alone, necessitating an interdisciplinary approach in order, as Cain argued, to "disrupt the categories of criminology" (ibid.: 3).

The need for such scholarship is all the more pressing in the context of dramatic changes in what it means to grow up girl. Generational shifts in gender norms, perhaps most notably in the sphere of sexual subjectivity, have transformed the lives of young women apace. However, the expansion of new technologies, the mainstreaming of pornography and the 'sexualisation of culture' have been accompanied by seemingly intractable behavioural expectations, new modalities of constraint and an enduring sexual double standard (see Gill and Scharff, 2011). Several scholars have persuasively argued that feminism has been undone, that new inequalities have emerged and old ones been reinvigorated (e.g. McRobbie, 2009; Campbell, 2013), with particularly toxic consequences for young women. In the UK, parts of the media – perhaps somewhat belatedly – are increasingly drawing attention to a resurgence of sexism played out with particular force online.[10] Against this 'postfeminist' backdrop, confusion or contradiction amongst professionals – real or potential - as to what constitutes girlhood agency, choice and empowerment or, conversely, exploitation or victimisation urgently warrants investigation.

A new agenda for research – and ultimately also for policy - on young women and justice, broadly conceived, might usefully consider the following questions:

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- How does 'institutionalised intolerance' (Muncie, 1999), or indifference, towards young women play out within state education and welfare agencies? How does intolerance vary at the intersections of gender, generation, class and ethnicity?

[10] See, for example, Laura Bates', founder of the Everyday Sexism Project (http://everydaysexism.com/), work in *The Guardian* newspaper and the BBC's *Blurred Lines*, broadcast on 23.05.2014.

For Peer Review

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- In the context of the 'sexualisation of culture' and the growing sexual 'subjectification' (Gill, 2003[11]) of young women, what are welfare and education professionals' understandings of 'normal' and (un)healthy female teenage sexual subjectivity, and how do such understandings impact on decision-making in relation to welfare and risk assessment and intervention?

- There is evidence that media-promulgated moral panics purporting that girls are 'getting worse' have made inroads into professional youth justice ideology (Chesney-Lind and Irwin, 2009; Sharpe, 2009). To what extent has popular discourse problematizing 'bad' and 'violent' girls also infiltrated professional culture in the spheres of welfare and education, and with what effects on responses to troubled and troublesome girls?

- Does challenging and/or delinquent behaviour work against girls being perceived by welfare agencies as victims or otherwise vulnerable? How do professionals assess 'vulnerability' and 'risk' when dealing with girls who are both victims and offenders?

- (How) do external structural constraints, such as an erosion of preventative family support services, an increase in performance management targets in social care and league tables in education, and the blame culture endemic in social work, impact on agencies' responses to teenage girls who have been abused or exploited?

For Peer Review

Evidence about the frequent interconnections between victimisation and girls' lawbreaking should no longer be used not to refine, reform, or reconfigure existing penal arrangements for them, but to investigate – and ultimately

[11] According to sociologist Ros Gill, young women have been transformed from sexual objects to sexual subjects, and there has been a broad cultural shift in recent years which Gill refers to as "the knowing and deliberate *re-sexualisation* and *re-commodification* of women's bodies" (Gill, 2003: 101). Gill argues that young women are now predominantly represented not "as passive objects but as knowing, active, and desiring sexual subjects" (p.103). This shift towards the sexual re-commodification of the female body essentially constitutes, according to Gill, a new and more pernicious form of female objectification.

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transform – social welfare and education policy and practice with those young women (and indeed young men) who have been failed by the state. Such scholarship has the potential to transform future policy and gender-sensitive welfare responses to girls. In particular, it is hoped that the proposed new research agenda might also begin a debate about what 'good', non-repressive and non-negligent welfare policy and practice for girls and young women should look like.

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