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

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Keywords:	girls, victimisation, welfare, gendered justice, gender-specific programming
Abstract:	<p>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.</p>

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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

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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3 gendered. This important body of work on 'feminist pathways' has demonstrated
4 that the backgrounds of young female lawbreakers are characterised by
5 profound structural, institutional and familial injustices and disadvantages, the
6 most clearly gendered of these being their frequent experience of violent and
7 sexual victimisation at home, on the streets, in state care and in custody
8 (Batchelor, 2005; Belknap and Holsinger, 2006; Chesney-Lind, 1989; Schaffner,
9 2006; Sharpe, 2011a).

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17 Consequent to these scholarly developments, and also in response to dramatic
18 increases in the number of young women entering juvenile justice systems
19 across Western jurisdictions, gender-specific programming (GSP) has emerged
20 during the past twenty years as a means of re-imagining justice for girls and
21 young women (Hubbard and Matthews, 2008). Although less well-established
22 elsewhere, GSP is now the dominant paradigm for juvenile justice intervention
23 with girls in the US, following an increase in federal funds dedicated to the
24 identification of gender-specific risk factors for delinquency and offending, and
25 to the development of gender-specific juvenile justice services for girls (Bloom et
26 al., 2002, 2003; Greene et al., 1998). GSP aims to advance equitable treatment
27 within the juvenile justice system by responding to girls' distinctive needs
28 sensitively and effectively (Bloom and Covington, 2001; Bloom et al., 2002).
29 Outside the US, and also Canada (see Hannah-Moffat, 2010), GSP has been slower
30 to develop and is rarely incorporated into juvenile justice policy (Burman and
31 Batchelor, 2009¹). However, in England and Wales, for example, there are a
32 growing number of gender-specific youth crime prevention and justice
33 programmes, prompted in part by contemporary concern (but little robust
34 evidence) that girls are increasingly at risk of gang involvement (Khan et al.,
35 2013; Centre for Social Justice, 2014). In common with North American
36 provision, these emerging programmes include a substantial focus on
37 empowering girls, increasing their self-esteem and promoting healthy
38 relationships.²

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56 ¹ For a discussion of the genesis development of gender-responsive punishment in England and
57 Wales, see Kendall (2013).

58 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.

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 discussion³). 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 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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3 and mental health needs (Belknap and Holsinger, 2006; Douglas and Plugge,
4 2006). Finally, the relationship between victimisation and lawbreaking may not
5 be causal at all; rather, contextual contingencies – most notably, the extent to
6 which girls come to the attention of support and control agencies and what
7 happens to them if they do – are likely to be significant.
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13 The theoretical starting point of GSP, drawing on extensive evidence from
14 feminist pathways scholarship, is that girls and women are gendered subjects,
15 with particular, gendered, social experiences, who require a holistic and
16 therapeutic approach to intervention which recognises the social origins of their
17 troubles. However, GSP as a response to lawbreaking is enacted within a risk
18 reduction/offending prevention framework: it “aims to help girls already in
19 trouble, while preventing future delinquency among girls who are at risk.”⁴
20 Consequently, the holistic intent of GSP, which recognises the impact of the
21 disadvantaged structural positioning of young women, is in practice
22 subordinated to a risk reduction rationality, with the result that the target for
23 intervention is the individual, rather than society, and oppressive social
24 experiences risk being translated into individual, predominantly psychological,
25 risks/needs (Hannah-Moffat, 2005; Maurutto and Hannah-Moffat, 2007).
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37 *Oregon’s Guidelines for Effective Programming for Girls in the Justice System*
38 (Morgan and Patton, 2002), developed for the state’s Criminal Justice
39 Commission, are widely accepted as the conceptual blueprint for GS programmes
40 for girls. The guidelines cover two areas: the administration and management of
41 gender-specific programmes, and programme content. I focus here on
42 programme content, which encompasses three areas: relationships, health and
43 strengths. Relationship-based programming includes recognition that “healthy
44 relationships and positive connections should be at the core of a program” (ibid.
45 p.61), namely ensuring that programmes are girls-only, and help girls establish
46 “significant relationships with caring adults, including staff members and
47 volunteer mentors” (p.61). Health-based programming should target physical,
48 sexual, emotional and mental health, promote abstinence from alcohol, tobacco
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58 ⁴ See <http://www.ojjdp.gov/pubs/principles/exesum.html>
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3 and drugs, address girls' spiritual health needs and celebrate rites of passage.
4 Finally, strength-based programming should teach: 'new skills built on existing
5 strengths'; personal respect – through 'self-esteem enhancement programmes'
6 and 'self-monitoring skills', such as positive self-talk and journal writing; and
7 empowerment. Strength-based programming also includes addressing trauma
8 and victimisation, and helping girls to learn to see themselves as 'survivors',
9 rather than 'victims', of abuse. Finally, girls should be taught "how to develop and
10 maintain healthy boundaries and...healthy relationships" (p.63).

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

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

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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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3 that the state does not have the right to punish these same young people if they
4 break the law (Carlen, 1983b). Indeed, for girls who have suffered victimisation
5 without justice, punishing (through correctional intervention) their responses or
6 adaptations to abusive situations may amount to secondary victimisation or
7 double punishment.
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11 12 13 14 15 **Doing more harm than good? Questioning some assumptions behind GSP**

16 While proponents of gender-specific correctional policy and practice generally
17 acknowledge, at least briefly, the vicissitudinous nature of criminalisation –
18 specifically, that recent increases in girls' arrests may be due in part to the
19 relabeling of youthful conflicts as 'violence', as well as other forms of 'upcriming'
20 and relabeling (Steffensmeier et al., 2005) – discussions of how to advance
21 justice for young women rarely focus on institutional (non-)responses to
22 troubled and troublesome young women. Rather, the role of the state in ignoring,
23 minimising or disbelieving girls' experiences of victimisation, in policing class,
24 'race' and vulnerability, and in targeting the 'usual suspects', is overlooked, and
25 the needs of incarcerated girls are presented as risk factors for delinquency
26 involvement for *all* young women. Consequently, claims that correctional
27 programmes for young women must address girlhood victimisation (through
28 individualised 'therapeutic' intervention targeted at girl offender-victims
29 themselves), since "[t]his provides the most promise for these youth to lead non-
30 offending lives" (Belknap and Holsinger, 2006: 66) raise questions about the
31 assumptions underpinning GSP with respect to how best to facilitate desistance
32 from crime amongst girls.
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47 Although not conceived with young women in mind, Matza's (1964) theory of
48 'drift' – the idea that lawbreaking is a transient and contingent activity to which
49 many young people are uncommitted – is very pertinent to them. Some
50 involvement in delinquent behaviour is the 'normal' experience of many
51 (particularly working-class) girls (Burman, 2004). However, most young
52 women's lawbreaking is short-lived and terminates on the formation of a stable
53 partner relationship (Graham and Bowling, 1995), the birth of a child (Edin and
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3 Kefalas, 2011), or because it is considered incompatible with maturity (Phillips,
4 2003). Additionally, the stigma of a criminal record for women, especially
5 mothers, means that girls have a particular investment in consigning their
6 'offending' selves to the past (Sharpe, forthcoming). Girls who break the law
7 desist from crime, on average, sooner than their male counterparts: in England
8 and Wales, for example, fewer than one quarter of young women are re-
9 apprehended within 12 months of receiving a conviction or caution, compared
10 with around four in ten young men (Ministry of Justice, 2014). Given the
11 relatively minor nature of their crimes, as well as persuasive evidence that
12 criminalising young people tends to increase, rather than reduce, their likelihood
13 of re-offending (McAra and McVie, 2007), it can be argued that the penal
14 governance of girls – gender-specific or otherwise – may not be in the interests
15 of either young women themselves or of public safety.
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27 Almost three decades ago, Andrew Rutherford warned that although “public
28 policy holds out the seductive offer of an institutional fix” (1986: 9) where
29 youthful lawbreaking is concerned, formal criminal justice intervention may
30 stymie young people’s ‘normal’ (albeit often stormy) development through
31 adolescence. There has long been a popular belief that adolescence is a time of
32 particular storm and stress for young women; however, this is not always
33 matched by adults’ tolerance, support or, in Rutherford’s words, ‘holding on’
34 while they get through it (Schaffner, 2006; Sharpe, 2011b). Rather, teenage girls
35 in trouble are highly likely to be considered ‘nasty’, recalcitrant, ‘demanding’,
36 ‘devious’, and ‘manipulative’ (Baines and Alder, 1996; Gaarder et al., 2004).
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45 An apparently low threshold of professional tolerance, together with the fact that
46 gendered violence so frequently takes place at school (Miller, 2008; Ringrose,
47 2013), where teachers have a duty to safeguard the welfare of their pupils,
48 reinforces Rutherford’s call for a developmental approach to young women in
49 trouble. However, little is known about the cultures and practices, as well as the
50 potential consequences for girls’ routes into crime and into the justice system, of
51 state education and welfare institutions with respect to girls who are
52 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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3 2012⁶; Fitzpatrick et al., 2012), constraining their capacity for autonomy and
4 independence, and arguably rendering them at increased risk of intimate partner
5 violence. Meanwhile, the vilification of young women who require state support
6 has become increasingly commonplace in political and popular discourse. Most
7 notably, lone unattached working-class young mothers are caricatured, often
8 with a racialised subtext, as ‘scroungers’ and ‘chav mums’ (Tyler, 2008), and
9 blamed not only for their own impoverished situations but for the (imagined and
10 potential) future misdemeanours of their offspring. At the micro-level of
11 individual biography, many justice system-involved young women are, or have
12 been, abused and devalued by (usually male) relatives, ‘friends’ and ‘boyfriends’.
13 Some have also experienced ‘horizontal’ violence (Artz, 1998) at the hands of
14 female peers who are attempting to gain power and status or negotiate their own
15 safety in environments characterised by economic, racial, gendered and
16 generational marginalisation and governed by patriarchal rules about behaviour
17 (Batchelor, 2005; Miller and Mullins, 2006). The macro- and micro-level
18 ‘devaluation’ processes outlined above are likely to have a significant
19 intrapsychic impact on girls. However, a further, little examined, but equally
20 important part of the picture is the meso-level institutional practices (or lack
21 thereof) which have the potential to devalue young women in distress and also
22 to increase the likelihood of such girls becoming involved in crime.
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39 Prospective longitudinal studies have found that girlhood experience of abuse
40 significantly increases the likelihood of subsequent arrest or conviction in
41 adulthood (Cernkovich et al., 2008). However, evidence regarding the impact of
42 abuse on *adolescent* offending is more equivocal. One longitudinal study found
43 that experience of child abuse or neglect increased girls’ likelihood of adolescent
44 arrest by 59 per cent (Widom and Maxfield, 2001). By contrast, Cernkovich and
45 colleagues (2008) found that experiencing sexual and physical abuse did not
46 predict adolescent delinquency by young women, the reasons for which the
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53 ⁶ The Fawcett Society has identified a ‘triple jeopardy’ facing women in the current climate of
54 austerity: women are disproportionately affected by cuts to public sector jobs, wages and
55 pensions; they are disproportionately affected by cuts to community and children’s services,
56 being the chief users of these provisions; and women will be increasingly called upon to be the
57 providers of services in the ‘Big Society’, as state funding for social care and support services is
58 withdrawn.
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3 authors were unable to ascertain. Most abused girls do not break the law (or
4 certainly do not enter the justice system), either as children or as adults, which
5 suggests that the highly gendered experience of sexual abuse interacts with
6 classed experiences, including poverty, having offending associates and poor
7 parental supervision, to culminate in lawbreaking (Giordano et al., 2006). But of
8 equal importance are the everyday practices of state welfare and education
9 institutions vis-a-vis abused, disadvantaged and 'vulnerable' young women.
10 Qualitative research with justice system-involved young women has revealed
11 systemic failings by the state to recognise (and, even where it does, to act upon)
12 girls' frequent and routine experiences of neglect and victimisation at home, on
13 the streets, at school, and in 'care' (Schaffner, 2006; Sharpe, 2011a). In addition,
14 a history of sexual abuse often works against girls in subsequent juvenile justice
15 risk assessment practices, and the likelihood of juvenile incarceration is far
16 greater amongst young women with current or previous contact with child
17 welfare agencies than for young women in the general population (Goodkind et
18 al., 2006). The irony is that girls who have felt unable to disclose or discuss their
19 experiences of abusive and coercive relationships to professionals who have a
20 clear mandate to protect and support them may go on to receive correctional
21 programming focused on 'empowering' them to avoid 'risky' relationships.
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37 There is evidence that welfare professionals tend to consider teenagers to be less
38 vulnerable and more resilient than younger children to the effects of
39 maltreatment (Rees et al., 2010). In reality, adolescents' advanced cognitive
40 development is likely "to increase negative emotions such as shame and anger"
41 in the aftermath of abuse, which may in turn "heighten oppositional behaviour
42 and promote further victimisation" (Thornberry et al., 2010: 363). The extent to
43 which teachers, social workers and other 'helping' professionals, recognise and
44 respond to girlhood abuse - or fail to do either - may play a significant role in the
45 all-too frequent interconnections between girlhood victimisation, lawbreaking
46 and criminalisation. However, the nature of troublesome girls' encounters with
47 state welfare and education professionals, and their impact, in terms both of
48 subsequent lawbreaking and justice system involvement, as well as their
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3 intrapsychic legacy for individual young women, have received little scholarly
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10 **Victimisation, lawbreaking and criminalisation: A messy relationship**

11 As highlighted earlier, one of the most consistent findings of feminist pathways
12 research is that justice system-involved young women have experienced
13 extremely high rates of violent and sexual victimisation. However, the
14 relationship between victimisation and criminal behaviour is under-theorised
15 and the relationship may be neither linear nor one-directional (Smith and Ecob,
16 2007⁷). Crucially, many girls are simultaneously both victims (of crime, violence,
17 abuse and neglect) and offenders, with complex, overlapping and shifting 'victim'
18 and 'perpetrator' subjectivities. Victimisation may constitute a more or less
19 direct pathway into crime. Conversely, victimisation may precipitate the
20 termination of offending. For example, a controlling and violent boyfriend or
21 partner may curtail a young woman's opportunities to commit crime by
22 restricting her movements, or he may threaten to report her illegal activities to
23 the police should she disclose his violence to the authorities. Additionally, a girl's
24 involvement in crime might increase her risk of victimisation, through routine
25 association with criminal associates or, where prior violence has occurred, the
26 possibility of retaliatory assault. Finally, the fact that incarcerated young women
27 are highly likely to be homeless or precariously housed on their release
28 increases their vulnerability to violent and sexual exploitation: for example,
29 experiencing pressure to exchange sexual favours for a place to stay.
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45 The contemporary techno-cultural landscape of young people's lives – a rapid
46 proliferation of new forms of communication against a backdrop of the
47 'sexualisation' or 'pornification' of culture (Attwood, 2006) – may also be a
48 particularly 'conducive context' (Coy and Garner, 2012) to increased violence
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53 ⁷ Smith and Ecob's study of 4,300 young people in Edinburgh found evidence of a causal link
54 between victimisation and offending running in both directions. Smith and Ecob do not discuss
55 gender differences in the sample, beyond the fact that boys were at higher risk of offending, and
56 particularly of victimisation, than girls. Importantly, given the self-report survey methodology,
57 cohort members (of both sexes) may have refrained from reporting victimisation of an intimate
58 nature.
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3 against young women. Young women's bodies are increasingly commodified,
4 although this is frequently presented in positive terms, as a form of
5 'empowerment' (see Gill, 2008⁸). Images of girls proliferate and are distributed
6 electronically, often without their subjects' knowledge or consent, by male (and
7 sometimes female) peers, in order to boast about sexual conquests, but also as
8 tools of degradation and bullying (Ringrose, 2013). Despite this, the everyday
9 violations visited on girls by their peers and 'boyfriends' – assisted by mobile
10 phone, internet and social networking technologies – frequently go
11 unrecognised, or not taken seriously, by education and social care professionals.
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20 In Barter and colleagues' (2009) multi-method study of British high school
21 pupils' experiences of teenage partner 'dating' violence, one third of the girls
22 surveyed reported having experienced sexual violence, while a staggering three
23 quarters of girls who had a 'much older' intimate partner reported sexual
24 violence by him. A follow-up qualitative study to Barter and colleagues' school-
25 based research examining the prevalence of intimate partner violence and
26 coercive control amongst disadvantaged teenagers (Wood et al., 2011)⁹ found
27 that more than half of the 38 young women interviewed had been the victim of
28 physical violence at the hands of at least one intimate partner, and half had
29 experienced some form of sexual violence. Of particular concern was the finding
30 that a larger proportion of 'disadvantaged' girls, compared with those in the
31 school-based study, saw "physical partner violence as a normal, if unwanted,
32 aspect of their relationships" (ibid., p.7). This 'normalisation' of violence often
33 resulted in girls blaming themselves and minimising the seriousness of the
34 violence they had suffered. This finding is all the more shocking for the fact that
35 all of the young women in the study were involved with welfare and education
36 support professionals, to whom most felt unable to disclose their victimisation,
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50 ⁸ In a 'post-feminist' consumer society where female 'empowerment' has come to be associated
51 with anything from the wearing of vertiginous heels to pole-dancing to cosmetic surgery, the line
52 between empowerment and sexism may be a very thin one (Gill 2008).

53 ⁹ The sample was recruited via a range of agencies, including an education project for pupils
54 permanently excluded from school, a young mothers' project, a youth centre, two residential
55 children's homes, a special school, a project for young people at risk of sexual exploitation, a
56 family support project and a male young offenders institution. Although fifteen of the young
57 people interviewed for the 'standing on my own two feet' research were convicted young
58 offenders, no youth justice system-involved young women were included. A further shortcoming
59 of the research is that the vast majority of respondents were white.
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3 fearing that they would not be believed or that their experiences would be
4 minimised, a situation which was exacerbated by frequent changes in, and
5 perceived abandonment by, social workers (see also Sharpe, 2011b). The
6 authors note that that majority of the young people who had a social worker
7 “stated that they received little help from them regarding their relationships and
8 most did not view their social worker as someone they could rely on for support
9 on personal issues.” (p.87).
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18 **Doing justice to girls: A new agenda for research**

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20 Recent feminist research focused on young women and justice has become
21 overly restricted to governance in the penal sphere. This is perhaps due partly to
22 the fact that community sanctions – in particular (‘sensitive’ and
23 ‘responsive’) gender-specific programmes – are seen not as punishment, but as
24 help, a view that adjudicated young women do not appear to share (Sharpe,
25 2011a; see also Phoenix & Kelly, 2013). Importantly, scholars of (young) women
26 and penalty have consistently exposed the micro- and macro-level injustices
27 suffered by female lawbreakers; however, their meso-level interactions with
28 state education and welfare institutions, and similarities and differences in their
29 experiences of governance and control- or conversely, neglect - across
30 institutional boundaries have received scant attention. This is perhaps in part
31 because the expansion of the specialism of ‘feminist criminology’ has resulted in
32 a “narrowe[d] focus on the experiences of women [and girls] within the criminal
33 justice system [largely unconnected with] other institutional forms and
34 theorizations about the regulations of gender, sexuality, race, and marginality”
35 (Hannah-Moffat, 2011: 444).
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49 Given the recurrent finding that there is a significant overlap between welfare
50 and penal governance and a negative web of interventions which often begins
51 long before a girl enters the justice system, it is important to examine the nature
52 of offending young women’s institutional histories. When asked about the
53 problems they face, their encounters with the state – including, and perhaps
54 especially, with agencies mandated to support and protect them – feature
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3 prominently in girls' and women's accounts, as sites of damage, neglect,
4 dismissal and, above all, a lack of care (Myers, 2013; Sharpe, 2011a, 2011b).
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6 Girls' experiences of welfare and education institutions undoubtedly have
7
8 significant intrapsychic consequences in terms of their self-worth and their
9
10 perceptions of the extent to which they 'matter'. Their experiences are also likely
11
12 to determine young women's evaluations of the legitimacy of state intervention
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14 in their lives, setting the tone for later encounters with criminal justice
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16 professionals.

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18 A raft of research studies testify to the deleterious consequences of girlhood
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20 abuse, in terms of poor mental health outcomes, school problems, antisocial and
21
22 delinquent behaviour, and running away from home, the last of which may
23
24 increase the likelihood both of further victimisation and of criminalisation for
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26 status offending (see Goodkind et al., 2006, for an overview of the outcomes of
27
28 child abuse for girls). What is less clear is the contribution made by the (non-
29
30)responses of education and welfare professionals to girlhood victimisation. Girls
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32 in the youth justice system have already experienced significantly more
33
34 disruption, abuse and loss than most, and it is important to consider what
35
36 welfare and education professionals' abandonment, neglect and failure to listen
37
38 communicate to them and to other troubled and troublesome girls.

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40 My core argument is that there is a need for a more expansive feminist research
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42 agenda, one which requires a reconceptualization of 'justice' for young women
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44 and aims to extend knowledge about extra-penal governance and control,
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46 including its implications for young women's pathways into the criminal justice
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48 system. New scholarship should examine the practices, as well as the
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50 consequences (both for girls' pathways into the juvenile justice system and also
51
52 for their emotional wellbeing and self-concept) of state education and welfare
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54 responses to troubled and troublesome girls, including the ways in which they
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56 are defined, assessed, and 'managed' – and, equally important, ignored or
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58 neglected – beyond the youth justice system, as well as similarities and
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60 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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3 controls to which girls are subjected (Cain, 1989). The frame of reference should
4 be governance, rather than penalty alone, necessitating an interdisciplinary
5 approach in order, as Cain argued, to “disrupt the categories of criminology”
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7 (ibid.: 3).
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11 The need for such scholarship is all the more pressing in the context of dramatic
12 changes in what it means to grow up girl. Generational shifts in gender norms,
13 perhaps most notably in the sphere of sexual subjectivity, have transformed the
14 lives of young women apace. However, the expansion of new technologies, the
15 mainstreaming of pornography and the ‘sexualisation of culture’ have been
16 accompanied by seemingly intractable behavioural expectations, new modalities
17 of constraint and an enduring sexual double standard (see Gill and Scharff,
18 2011). Several scholars have persuasively argued that feminism has been
19 undone, that new inequalities have emerged and old ones been reinvigorated
20 (e.g. McRobbie, 2009; Campbell, 2013), with particularly toxic consequences for
21 young women. In the UK, parts of the media – perhaps somewhat belatedly – are
22 increasingly drawing attention to a resurgence of sexism played out with
23 particular force online.¹⁰ Against this ‘postfeminist’ backdrop, confusion or
24 contradiction amongst professionals – real or potential - as to what constitutes
25 girlhood agency, choice and empowerment or, conversely, exploitation or
26 victimisation urgently warrants investigation.
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40 A new agenda for research – and ultimately also for policy - on young women
41 and justice, broadly conceived, might usefully consider the following questions:
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- 44 •
- 45 • How does ‘institutionalised intolerance’ (Muncie, 1999), or indifference,
46 towards young women play out within state education and welfare
47 agencies? How does intolerance vary at the intersections of gender,
48 generation, class and ethnicity?
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56 ¹⁰ See, for example, Laura Bates’, founder of the Everyday Sexism Project
57 (<http://everydaysexism.com/>), work in *The Guardian* newspaper and the BBC’s *Blurred Lines*,
58 broadcast on 23.05.2014.
59
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- In the context of the 'sexualisation of culture' and the growing sexual 'subjectification' (Gill, 2003¹¹) 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?

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