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Excavating Youth Justice Reform: Historical Mapping and Speculative Prospects

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Abstract: This article analytically excavates youth justice reform (in England and Wales) by situating it in historical context, critically reviewing the competing rationales that underpin it and exploring the overarching social, economic, and political conditions within which it is framed. It advances an argument that the foundations of a recognisably modern youth justice system had been laid by the opening decade of the 20th Century and that youth justice reform in the post-Second World War period has broadly been structured over four key phases. The core contention is that historical mapping facilitates an understanding of the unreconciled rationales and incoherent nature of youth justice reform to date, while also providing a speculative sense of future prospects.

Keywords: evidence-based policy formation; history; politics; sociological criminology; youth justice reform

Introduction: Past-Present-Future

More than 50 years ago Hayden White (1966) posed a challenging question:

> it is worth asking, then, why the past ought to be studied at all and what function can be served by the contemplation of things under the aspect of history. Put another way: is there any reason why we ought to study things under the aspect of their past-ness rather than under the aspect of their present-ness. (p.132)

In reflecting on White's provocation, it is argued here that longitudinal excavation and analysis of youth justice reform not only enables us to situate and to understand the present but – if those with power care to take heed – it might even serve as a basis for crafting policy into the future. In this way, the argument resonates with an observation made more recently by the crime historian, Paul Lawrence (2012):

the current aims of both criminal justice history and sociological criminology – to understand crime and its control in the past and the present, to contribute to a better informed and more rational criminal justice policy … are congruent. (p.325)

In other words, the article aims to map youth justice reform in England and Wales, from the beginning of the 19th Century to the present. It will be argued that the complex and seemingly incoherent nature of such reform ultimately derives from attempts to reconcile and balance competing rationales and fractious relations within an overarching context of shifting social, economic, and political conditions. Further – and in the spirit of the interdisciplinary 'congruence' between criminal (youth) justice history and sociological criminology to which Lawrence refers – the article concludes by reflecting upon the lessons that historical mapping provides, and the means by which such insights, alongside the accumulated knowledge base, might be taken to signpost a more rational (evidence-based) youth justice for the future.

The Foundations of Modern Youth Justice: Tension, Hybridity, and Unreconciled Rationales

At the beginning of the 19th Century there was no discrete legal category of 'juvenile delinquent' or 'child/young offender' and the practices of the criminal justice and penal systems did little, if anything, to discern between children and adults. The minimum age of criminal responsibility was set at seven years. As such, once children reached the age of seven years they were deemed to be fully culpable before the law and exposed to precisely the same – often Draconian – penalties as adults. As the 19th Century unfolded, however, social reform and 'child saving' initiatives developed in tandem with burgeoning moral anxieties and political concerns. Prominent philanthropists were moved by their revulsion at the appalling conditions endured by the children of the poor, while the Establishment was concerned with the prospect of the 'criminal classes' and the 'dangerous classes' (increasingly organised sections of the working class) joining forces and destabilising the social order. In short, the prevailing view was that society needed to protect children but it also needed to be protected from them; an expression of what might be termed 'victim-threat dualism' (Goldson 2004; Hendrick 1994).

Similar concerns inspired the first systematic inquiry into juvenile delinquency undertaken by the Committee for Investigating the Alarming Increase of Juvenile Delinquency in the Metropolis in 1815. The Committee's report was published in 1816 and it concluded:

Dreadful is the situation of the young offender: he [*sic*] becomes the victim of circumstances over which he has no control. The laws of his country operate not to restrain, but to punish, him. (1816 Report cited in Muncie 2015, p.53)

The Committee proposed that distinctive responses should be established for 'juvenile delinquents', underpinned by reformist and rehabilitative objectives as distinct from exclusively retributive and punitive reactions. Similarly, in 1817 the Society for the Improvement of Prison

Discipline and the Reformation of Juvenile Offenders argued that – in order to avoid moral 'contamination' – it was increasingly necessary to separate the child/young prisoner from his/her more seasoned adult counterpart. The impetus that such initiatives triggered, gave rise to a substantial series of reforms that unfolded throughout the 19th Century (for more detailed analyses, see Godfrey *et al.* 2017; Goldson and Muncie 2009; Hendrick 1994; Johnston 2015; King 1998; May 1973; Pinchbeck and Hewitt 1973; Shore 1999).

If juvenile delinquency can be said to have been 'invented' in the early 19th Century (Magarey 1978), by the end of the same century a corpus of child-focused legislation, together with a network of child-specific institutions (primarily Industrial Schools and Reformatory Schools), had been established and specialist children's/juvenile courts were also beginning to evolve. In other words, the legal and institutional architecture of a recognisably modern youth justice system was taking shape and, following the election of a reformist Liberal government in 1906 – when children's/juvenile courts were placed on a statutory footing – the administrative separation of the child/youth and adult jurisdictions was more or less complete. In introducing the Children Bill, the Home Secretary, Herbert Samuel, proposed that the 'courts should be agencies for the *rescue* as well as the *punishment* of juveniles' (cited in Gelsthorpe and Morris 1994, p.950, italics added). Accordingly, the subsequent Children Act 1908 provided the new children's/juvenile courts with both civil jurisdiction over the 'needy' child/young person (to 'save' or 'rescue' the 'victim') and criminal jurisdiction over the child/young 'offender' (to punish the 'threat') meaning that:

> … from the outset juvenile justice … [was] riddled with paradox, irony, even contradiction … a function of the child care and criminal justice systems on either side of it, a meeting place of two otherwise separate worlds. (Harris and Webb 1987, pp.7–9)

Indeed, the Children Act 1908 might be interpreted as representing the institutionalisation of a fundamental tension by making 'the juvenile court itself a locus for conflict and confusion, a vehicle for the simultaneous welfarization of delinquency and the juridicization of need' (Harris and Webb 1987, p.9). To put it another way, the legislation symbolised a broader 'penal-welfare complex' (Garland 1985, p.262) within which policies and practices could no longer be seen either as singularly humanitarian or as exclusively repressive. In this way – and from its very inception – the youth justice system comprised a hybridised formation underpinned by the uneasy coexistence of otherwise competing (and even contradictory) rationales that have never since been satisfactorily reconciled.

Within an overarching context in which such hybridity has been, and remains, an ever-present feature of youth justice, however, historical mapping reveals that its precise configuration and the balance that is struck between competing rationales at any given time, is contingent on, and is typically shaped by, wider social, economic, and political conditions. In other words, youth justice is never settled or fixed. Instead, it is a moving image, a dynamic and contingent process that is seemingly characterised by

incoherence and disconnectedness. Indeed, it is possible to broadly distinguish four key phases in the post-Second World War period that, taken together, epitomise the somewhat floundering nature of reform: (i) the late 1940s through to the late 1970s when variants of 'welfarism' underpinned policy and practice; (ii) circa early 1980s to 1992 when ostensibly progressive 'justice' imperatives reached a level of primacy; (iii) the period circa 1993 to 2008 when youth justice took a sharply populist and punitive turn; and (iv) 2009 to the present when political-economic imperatives have (rather paradoxically) produced conditions within which the youth justice system appears to have assumed a more stable and moderate form.

Four Key Phases in the Further Reform of Youth Justice

The Welfare Phase (circa Late 1940s–Late 1970s)

Following, the Second World War (1939–45) the inherent tensions between caring/welfare objectives and controlling/penal priorities resurfaced. The Labour government, under the leadership of Clement Attlee (1945–51), engaged with an ambitious and wide-ranging legislative programme that included a Criminal Justice Bill in 1947. The Bill, and the subsequent Criminal Justice Act 1948, contained mixed provisions. On the one hand it placed a number of restrictions on the use of custodial detention for children/young people. In this sense, it was consistent with the welfare-based protectionist reforms that characterised post-war reconstruction and the development of the welfare state (including, for example, the Family Allowances Act 1945; the National Health Service Act 1946; the National Insurance Act 1946; the National Assistance Act 1948; and the Children Act 1948). On the other hand, the government bowed to pressure from the Magistrates' Association and the same Act provided a new custodial sentence for children/young people whose behaviour was thought to be too challenging for the approved schools. It follows that the detention centre order was designed to deliver a short but rigorous custodial experience to 'the type of offender' – to borrow the words of the then Home Secretary, Chuter Ede – 'to whom it is necessary to give a short but sharp reminder that he [*sic*] is getting into ways that will inevitably lead him into disaster' (cited in Newburn 1995, p.132).

The political context within which youth justice was framed was further complicated by the competing interests of various professional constituencies that were consolidating under the broader aegis of the developing welfare state. Social workers, probation officers, psychologists, teachers, police officers, magistrates, prison officers, and various residential institutions each competed for power and influence. Similarly, academic experts from the expanding disciplines of psychology, sociology, social administration/policy, and criminology, tussled both within their disciplines, and between them, in the course of debating their various aetiological accounts of youth crime and proffering their respective policy prescriptions in respect of youth justice. In this way, the contested nature of youth justice reform was compounded by the 'professionalisation' of the welfare

state, within which the burgeoning 'welfare' and 'justice' bureaucracies lobbied to protect their interests, expand their authority, and extend their influence.

By the mid- to late-1950s the Home Office was being pressed both by liberal child welfare experts (increasingly concerned with the claimed relation between family breakdown and youth crime), and by the Magistrates' Association (whose interests primarily rested with the role of the courts in balancing 'welfare' and 'justice'), to undertake a review of youth justice policy. Accordingly, in 1956 the Home Office, under the instructions of the Conservative government (1951–64), established a departmental committee (the Ingleby Committee) to undertake such a review and the Ingleby Report was published in 1960. The Report disappointed many who had anticipated more radical proposals to 'decriminalise' elements of the youth justice process and to establish, instead, a more unified family-(and welfare-)oriented service. Meanwhile, and prior to forming a government following the general election in 1964 – after which it would remain in power until 1970 – the Labour Party had established a 'study group' which prepared its own report entitled *Crime: A Challenge to Us All*, otherwise known as the Longford Report (named after its chair, Lord Longford). The observations and recommendations of the Longford Report went substantially further than those of the Ingleby Committee; proposing that child/young 'offenders' should be removed from the jurisdiction of the criminal courts altogether as offending manifested 'the child's need for skilled help and guidance' (Labour Party 1964, p.28).

Shortly after assuming power, the Labour government issued a White Paper in 1965, *The Child, the Family and the Young Offender* (Home Office 1965). The paper carried many of the recommendations contained within the Longford Report and proposed to abolish the juvenile court and to replace it with a non-judicial 'family council', that would be an integral element of a unified 'family service'. Inevitably, such radical proposals sparked inter-agency/inter-professional power struggles. In particular, magistrates, legal professionals and the police objected to what they believed to signal a significant diminution of their power and influence and made strong representations to government. No doubt mindful of its small parliamentary majority, the Labour administration compromised and the 1968 White Paper, *Children in Trouble* (Home Office 1968), diluted key elements of the earlier proposals – without totally dispensing with their underpinning principles – and, in so doing, it managed to draw the competing political, administrative, and professional constituencies into a manageable consensus. The juvenile court survived (the 'justice' constituency), but the power and influence of the social work bureaucracy (the 'welfare' constituency) was substantially extended. This settlement found legislative embodiment in the Children and Young Persons Act 1969 and led academic commentators to claim that:

> … the late 1960s … have been seen as the high-water mark of reform in the field of juvenile delinquency … the triumph of 'welfare' as the dominant ideology. (Blagg and Smith 1989, p.99)

Indeed, the Children and Young Persons Act 1969 is widely regarded as the most welfare-oriented legislation ever enacted with regard to the treatment of child/young offenders in England and Wales (Bottoms 2008). As with many acts of parliament, however, it contained a provision stating that its various sections would only come into force when so ordered by the relevant Secretary of State and, for a variety of reasons – not least ongoing political and professional contestation and the return of a Conservative government in 1970 – some key elements of the Act were never implemented (Bottoms, McClean and Patchett 1970). The partial implementation of the legislation meant that far from supplanting the more retributive elements of the youth justice system (including borstals, some juvenile courts, and detention centres), the new welfare-oriented provisions were, in reality, simply incorporated and grafted on:

> If one compares the sections of the Act that were implemented and those that were not … a new system came in but the old one did not go out … the two systems came to some form of accommodation … the old system simply expanded in order to make room for the newcomer … the two systems have, in effect, become vertically integrated, and an additional population of customer-clients has been identified in order to ensure that they both have plenty of work to do. (Thorpe *et al.* 1980, pp.22–3)

In other words, the welfare emphasis served, in practice, to extend the reach of the youth justice system. Well meaning, but too often over-zealous social work intervention, engaged children in 'treatment programmes' in the belief that they would offset the likelihood of further delinquency. In instances when such approaches failed to prevent offending – as was frequently the case – children were ultimately exposed to more traditional retributive disposals. The result produced a 'widening of the net', a 'blurring of boundaries' and a 'diversification of penality' (Harris and Webb 1987, 161–6) and, throughout the 1970s, there was a substantial increase of children removed from their families and communities and placed either in residential care or custodial detention (Thorpe *et al.* 1980).

The Justice Phase (circa Early 1980s–1992)

By the end of the 1970s the concepts of 'welfare' and 'treatment' in respect of youth justice had become almost synonymous with excessive intervention. Moreover, the election of a Conservative government in 1979 under the leadership of Margaret Thatcher, generated additional concerns. Newburn (1997, p.42) describes the 1979 Conservative manifesto as 'the most avowedly "law and order" manifesto in British political history': it 'promised, among many other measures, to strengthen sentencing powers with respect to juveniles'. Paradoxically, it was against this antagonistic political backdrop that support developed for an approach – underpinned by the intersecting principles of 'diversion', 'decriminalisation' and 'decarceration' – that ultimately represented what Rutherford (1995) described as 'one of the most remarkably progressive periods of juvenile justice policy' (p.57).

Support for the new 'justice'-based approach was facilitated curiously by prevailing economic conditions and political priorities and was rooted in an unlikely coalescence of four otherwise disparate sets of interests: first, elements of academic research; second, professional practice developments within youth justice (informed by the lessons of the 1970s); third, specific policy objectives of Thatcherite Conservatism; and fourth, the stated imperatives of the police and the courts to reduce the incidence of youth crime. Each of these interests combined to form a delicately balanced consensus that served to guide youth justice reform through the decade of the 1980s and into the 1990s.

Academic research provided a consistent stream of evidence demonstrating that most youth offending was petty, opportunistic, and transitory and that the majority of children 'grow out of it' (Rutherford 1992). Similarly, the academics – no doubt informed by earlier 'Chicago School' sociology (see, for example, Becker 1963; Blumer 1969; Kitsuse 1962; Lemert 1967; Matza 1969; Schur 1973) – argued persuasively that premature and over-zealous youth justice intervention not only hampered the process of growing out of crime but – by the formal application of criminal 'labels' – it also served to stigmatise children/young people, trigger negative social reactions to them and, in so doing, compound the likelihood of further offending/criminalisation. Such evidence chimed with the experiences of youth justice practitioners who embraced it enthusiastically and, further, applied it by way of 'decriminalising' children's/young people's relatively 'normal' deviant behaviour and diverting them from the formal youth justice apparatus (Smith 2017). Equally, academic research also confirmed that institutional and/or custodial responses to children and young people were often damaging, expensive, and counterproductive. Practitioners seized upon this, too, and developed imaginative community-based 'alternatives' to residential care and penal custody.

The symbiosis of research and practice at this time flourished within the spaces provided by its paradoxical compatibility with specific policy priorities of Thatcherite Conservatism. Indeed, throughout the 1980s the Conservative Party was committed to 'rolling back the frontiers of the state' and relieving the Treasury of some of its more onerous public expenditure commitments. Diverting petty child/young offenders from the formal youth justice process and supervising more serious child/young offenders within their working-class communities – at a fraction of what it would cost to send them to court and custody respectively – carried obvious fiscal appeal. As Pratt (1987) observed: 'to reduce the custodial population on the grounds of cost effectiveness … led to general support for alternatives to custody initiatives' (p.429). Moreover, Conservative government ministers throughout this period turned to academic evidence to legitimise approaches to youth justice that offered both economy and efficiency:

> I think there is now a fairly wide consensus about what the response to juvenile offending should be … formal intervention should be kept to a minimum, consistent with the circumstances and seriousness of each case. (John Patten, Conservative Minister 1988, cited in Goldson 1997, p.126)

> If anything, I have become firmer in my belief that penal custody remains a profoundly unsatisfactory outcome for children. (Virginia Bottomley, Conservative Minister 1988, cited in Goldson 1997, p.126)

Two major Home Office circulars promoted police cautions and the use of informal warnings as diversionary strategies to reduce the numbers of children/young people being prosecuted and processed through the courts (Home Office 1985, 1990). The circulars were accompanied by the successive introduction of new legislation – most notably the Criminal Justice Act 1982, the Criminal Justice Act 1988, and the Criminal Justice Act 1991 – that incrementally restricted the courts' powers to commit children/young people to penal detention. Taken together, the circulars and the legislation produced substantial diversionary and decarcerative effects: by 1990, 70% of boys and 86% of girls aged between 14 and 16 years who offended were cautioned by the police (Home Office 1991); the number of children proceeded against in the courts halved between 1984 and 1992 (Home Office 1993, p.126); and the total number of custodial sentences for children (issued over a year) fell from 7,900 in 1981 to 1,700 in 1990 and reached a low of 1,304 in 1993 (Home Office 1991). Moreover, the approach was found to be effective and the Children's Society Advisory Committee on Juvenile Custody and its Alternatives (1993) reported that:

> Home Office statistics suggest that there has been a 37% decline in the number of known juvenile offenders since 1985. This is partly attributable to demographic changes – the juvenile population has fallen by 25%. However, the number of known juvenile offenders per 100,000 of the population has also fallen, from 3,130 in 1980 to 2,616 in 1990, a drop of 16%. It remains true that juveniles commit a high proportion of all detected offences but this also appears to be declining. In 1980 juvenile crime represented 32% of all crime; in 1991 that figure has dropped to 20%. (p.21)

Notwithstanding the success of the reforms – which effectively served to pacify any lingering concerns that might have been held by the police and the courts regarding the imperatives of youth crime prevention/reduction – by 1993 the policies and practices of diversion and decarceration were about to be abandoned as youth justice entered a highly-politicised and distinctively populist and punitive phase.

The Punitive Phase (circa 1993–2008)

By the early part of the 1990s, changing social, economic, and political conditions, together with an extraordinary event, conjoined to produce a backlash to the youth justice reforms that had been introduced throughout the previous decade. Between 1989 and 1992, a major recession impacted the UK economy and the opinion polls appeared to signal that public confidence in the Conservative Party – that had been in government since 1979 – was waning. With a general election pending, leading figures in the Conservative Party became conscious of the need to take remedial action. Rediscovering the Party's traditional 'hard-line' on law and order comprised a key plank of the recovery strategy. In his 'Foreword' to the Party's general election manifesto in 1992, John Major – who had replaced Margaret

Thatcher as Prime Minister and Party Leader – expressed a commitment to 'protect law-abiding people from crime and disorder' and, under a subheading 'Freedom Under Law', the manifesto drew particular attention to child/young offenders:

> The Conservative Party has always stood for the protection of the citizen and the defence of the rule of law … Two-thirds of the offences dealt with by our courts are committed by only seven per cent of those convicted. *Most of these constant offenders started down the path of crime while still of school age*. (Conservative Party 1992, no page number, italics added)

Furthermore, shortly following the 1992 general election (that returned the Conservative Party to government) an extraordinary event served to cement the punitive phase in youth justice reform. In February 1993, the murder of a two-year-old child, James Bulger, and the subsequent conviction of two ten-year-old children, was portrayed widely as the ultimate expression of child/youth lawlessness. Within days of the toddler's death, the Prime Minister, John Major, proclaimed that the time had arrived for 'society to condemn a little more and understand a little less' (cited in Goldson 1997, p.130). Three months later, Michael Howard, the new Home Secretary, referred to 'a self-centred arrogant group of young hoodlums … who are adult in everything accept years' and who 'will no longer be able to use age as an excuse for immunity from effective punishment … they will find themelves behind bars' (cited in Goldson 1997, p.130). Meanwhile, the failure of the opposition Labour Party to seize power from the Conservatives in the 1992 general election provided succour for a radical policy 'rebranding'. What was to become 'New Labour' broke away from the Labour Party tradition of moderate penal policy and, in 1993, Tony Blair – opposition Home Secretary at the time – declared an intention to be 'tough on crime, tough on the causes of crime'. The effect of such developments shaped the approaches to youth justice reform that were subsequently adopted by each of the main political parties.

The Conservative government introduced two acts of parliament that served to dramatically reverse its earlier policies of diversion and decarceration. The Criminal Justice Act 1993 had particularly unfavourable implications for youth justice (Rutherford 1995). Moreover, the specific sections of the Criminal Justice and Public Order Act 1994 that related to youth justice included the introduction of new, privately managed, secure training centres for the imprisonment of children aged 12–14 years (which reversed a trend in youth justice policy dating back to the Children Act 1908) and, for 15- to 17-year-olds, the doubling of the maximum sentence of detention in young offender institutions.

Similarly, from circa 1992 the Labour opposition – steadily transmogrifying into New Labour – published a wide range of youth justice policy documents within which a creeping punitivity was increasingly evident (Goldson 2010; Jones 2002). It was not until the election of the first New Labour government in May 1997, however, that the full weight of its 'toughness' agenda was practically realised. Within months of coming to office, the government issued several major policy statements relating to youth

justice (Home Office 1997a, 1997b, 1997c), followed by a White Paper ominously entitled *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales* (Home Office 1997d). Unprecedented and seemingly relentless legislative activity followed over the next decade and, accompanied by a 'blizzard of initiatives, crackdowns and targets' (Neather 2004, p.11), it characterised an exceptionally punitive period in the history of youth justice reform (Goldson 2010). By way of illustration, at the 'shallow end' a staggering 187,000+ children/young people entered the youth justice system – first time entrants – during the two-year period 2006/7–2007/8 (Youth Justice Board 2007, 2008). At the 'deep end' of the same system the trends specific to child/youth imprisonment followed similar upward trajectories. In the ten-year period 1992–2001 inclusive, the total *annual* number of custodial sentences imposed upon children/young people rose from approximately 4,000 to 7,600, a 90% increase (Nacro 2003, 2005). While such trends commenced prior to the election of the first New Labour government in 1997, they simply continued afterwards (Hagell 2005). The average 'juvenile secure estate' *daily* population for the year 2000/1, for example, was 2,807 and, by 2007/8, it had risen to 2,932 (Youth Justice Board 2014).

The Pragmatic Phase (circa 2009–Present)

Following approximately 15 years of cross-party punitivity (circa 1993–2008) it seemed that a mood of 'institutionalised intolerance' (Muncie 1999) – most conspicuously expressed by historically high rates of child/youth criminalisation at the 'shallow end' and child/youth imprisonment at the 'deep end' – had become entrenched features of the youth justice policy landscape. But, from 2009, the punitive emphasis was quite dramatically ramped down. As Sutherland *et al.* (2017, p.1) reported, for example: 'the number of youth first time entrants (FTEs) [had] peaked in 2006/7 at 110,784'. But by 2014/15, 'there were 20,544 FTEs – around 80% fewer compared to the peak'. Similarly, in the period 2000–8, the daily average number of child/young prisoners fluctuated between a low of 2,745 and a high of 3,029 (Bateman 2012, p.37) but, three years later the daily number of child/young prisoners had fallen 'by a third … from about 3,000 in the first half of 2008 to around 2,000 in the first half of 2011' (Allen 2011, p.3). Soon after, the Chief Inspector of Prisons (in post at the time) observed that the child/youth prison population fell 'by almost 30 per cent … from 1,873 to 1,320 … between February 2012 and February 2013' (Hardwick 2014, p.22). Moreover, by April 2014 the number of child/young prisoners had dropped further still to 1,177 (Ministry of Justice 2014), and the downward trend continued. In the year ending March 2019, for example: 'there was an average of just under 860 children in custody at any one time during the year … this [represents] a fall of 70% compared with ten years ago [and] a 4% fall compared with the previous year'(Youth Justice Board and Ministry of Justice 2020, p.37). But how do we account for this?

In recent times, the substantial diminution of the numbers of children and young people being criminalised (FTEs) and being imprisoned – at

the respective 'shallow' and 'deep' ends of the youth justice system – simply cannot be accounted for by any singular reference to the volume or nature of youth crime over the same period (Allen 2011; Bateman 2012, 2015). It is equally implausible to suggest that either 'practitioner activism', of which there are 'few signs' (Bateman 2012, p.39), or any deliberative actions taken by the Youth Justice Board have imposed any determinative bearing on such trends. Indeed, Allen (2011, p.9), points to the paradox that when 'reducing the use of custody was one of the Youth Justice Board's corporate targets from 2005–8' there was actually 'no decline in numbers', but after 'the target was dropped in the corporate plan for the following three-year period (2008–11)' the size of the child prisoner population began to shrink quite significantly. In other words, the irony lies in the fact that the number of child/young prisoners began to fall at precisely the same time that the Board *withdrew* its explicit and publicly-stated commitment to penal reduction. Furthermore, despite the best efforts of academic researchers, non-governmental organisations, and authoritative human rights agencies, to influence government policy in the direction of penal reduction (by appealing to research evidence and international human rights standards), there are few, if any, grounds to suggest that the combined effect of such interventions have, in and of themselves, realised significant purchase.

Rather, just as Pratt (1987, p.429) had argued that 'cost effectiveness' was a key driver during the period of penal reduction circa early 1980s–1992, Faulkner (2011, p.80) detected that the 'crisis in public debt' – that emerged some 20 years later – provided 'opportunity for progress in penal practice'. Indeed, the global financial crisis of 2008 and the severe conditions of austerity that followed, triggered a discernible shift in political mood with regard to youth justice reform, not least because 'authoritarianism is very costly' (Sanders 2011, p.15), and shrinking the overall population of children and young people across the youth justice system – from its 'shallow' to its 'deep' ends – returns major financial savings. In the immediate post-financial crisis period (between February 2008 and August 2010), for example, the Youth Justice Board 'decommissioned 710 places' from within the 'juvenile secure estate' producing 'estimated savings of £30 million per year' (House of Commons Justice Committee 2013, p.38). More broadly, conditions of austerity combined with system reconfiguration, have imposed major downscaling effects on the youth justice system from the top down. The Youth Justice Board itself has become a 'leaner organisation' amounting to 'half the size it was before' (Youth Justice Board 2019, p.5), 'cost-cutting measures [have] resulted in half of all magistrates courts closing between 2010 and 2018' (Pidd 2019a, no page number) and 'there has been a 75% drop in children going through the criminal justice system' (Pidd 2019a, no page number). Whatever other influences are at play, therefore, it is the pragmatic economic imperatives of cost reduction that ultimately provide the key for comprehending the nature of youth justice reform in the most recent period.

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Returning to Past-Present-Future: Lessons and Speculative Prospects

Reflecting upon Past-ness: The Lessons of History

Ultimately, the youth justice system in England and Wales – as elsewhere – comprises a State apparatus that is designed to govern and regulate structurally disadvantaged children even if, over time, it has been (and remains) underpinned by hybridised – and sometimes contradictory – rationales. The analytical excavation and historical mapping of youth justice reform – from the origins of a discerningly modern youth justice system in the 19th and early 20th Centuries, through its four post-Second World War phases – reveals that the intrinsic tensions and contested logics that underpin modern youth justice have never been satisfactorily reconciled. Indeed, youth justice reform has floundered and continues to flounder, framed by contingent conditions and ever-changing social, economic, and political imperatives.

If – in the first half of the 19th Century – the appalling conditions that confronted 'juvenile delinquents' gave rise to caring/welfare objectives, the fears and anxieties that the same children induced simultaneously nourished controlling/penal priorities. As noted, by the opening decades of the 20th Century the legal foundations and system architecture of youth justice effectively comprised a 'meeting place of two otherwise separate worlds'. The potential of post-Second World War reconstruction, major investment in public services and the establishment of the welfare state to drive reform and to radically refashion a progressive youth justice system, was diluted by inter-professional power brokering and political compromise. Instead, the vertical integration of social work/welfare and criminal/youth justice ('two otherwise separate worlds') gave rise to diversified forms of intervention, increasingly dispersed technologies of control, and substantial net-widening. Quite different political-economic objectives – shaped largely by the imperatives of financial restraint – significantly moderated the reach and depth of youth justice intervention in the 1980s and early 1990s and have produced similar downscaling in the post-2008 period, even if 'rolling back the frontiers of the state' (in the former phase) and severe conditions of austerity (in the more recent period), each imposed catastrophic consequences for the poorest and most disadvantaged children and young people. And, of course, the intervening years, circa 1993–2008, were characterised by cynical cross-party populism within which crime – and in particular youth crime – was deliberately politicised for electoral effect, successive governments promised ever-tougher policies and youth justice system expansion reached levels tantamount to penal obesity.

Set against a backdrop of floundering incoherence, therefore, perhaps the key lesson that analytical excavation and historical mapping teaches is that accumulated knowledge – be it obtained through academic research or professional practice experience – has, to date, exercised, at best, secondary influence over processes of youth justice reform. Or, to put it another way, evidence-based approaches have never been truly realised and, to borrow and reapply David Garland's (2001) observation, youth justice reform is:

… very much a *political* process. It is governed not by any criminological logic but instead by … political actors and the exigencies, political calculations and short-term interests that provide their motivations. In its detailed configuration, with all its incoherence and contradictions, [it] is thus a product of the decidedly aleatory history of political manoeuvres and calculations. (p.191, italics in original)

Surveying Present-ness: The Contemporary Youth Justice Field

Contemporary youth justice discourse is increasingly preoccupied with serious youth crime and, more especially, heavy-end violence in which children and young people are both 'victims' and 'threats' (often at one and the same time). In considering what it terms 'the rise in serious youth violence in recent years', for example, the House of Commons Home Affairs Committee (2019) has observed that:

Police-recorded homicides have increased by over a third in the last five years, and knife offences have risen by over 70%. The number of under-18s admitted to hospital with knife injuries also rose by a third between 2013–14 and 2017–18. A growing number of young males, in particular, are being murdered on our streets. Our inquiry has found that recent rises in serious youth violence are a social emergency, which must be addressed through much more concerted Government action at a national and local level. (p.3)

The vexed issue of 'county-lines' – and the concomitant recruitment of children and young people into sophisticated crime networks and gangs – runs alongside and intersects with concerns about serious youth violence. In this way, the Children's Commissioner for England (2019) has reported:

The criminal gangs operating in England are complex and ruthless organisations, which use sophisticated techniques to groom children and chilling levels of violence to keep them compliant … British Crime Survey data held by the Office of National Statistics suggests that there are 27,000 children in England who identify as a gang member. (p.6)

It is clearly important to situate contemporary youth violence and 'gang' activity within historical context and to guard against ahistorical 'moral panic' (Goldson 2011). That said, the weight of authoritative evidence implies that it is also necessary to take such concerns seriously, to subject the phenomena to rigorous analysis and to consider the issues that it (might) raise for future youth justice reform. But, as ever, the field is contested, and burgeoning policy proposals are pointing in different directions.

On one hand, there are signs that populist logics are resurfacing and contemporary youth justice discourse in particular, and criminal justice discourse more broadly, is seemingly on the cusp of being repoliticised. At the time of writing, the government's most recent spending plans (for 2020–1) refer to substantial investment in policing and imprisonment: '… an extra £750 million for policing … to recruit 20,000 additional officers … [and] delivery of the government's £2.5 billion commitment to create an additional 10,000 prison places' (HM Treasury 2019, p.3). Such policy 'mood music' echoes the politicisation and populist punitivism that drove

youth justice reform in the period circa 1993–2008 and that gave rise to significant penal expansion.

On the other hand, other veritable sources continue to draw attention to the well-established failings of such responses and to advocate alternative approaches. Some of the most up-to-date research, for example, has indicated that 71.5% of children and young people sentenced to custodial detention 'went on to reoffend within a year' (Pidd 2019b, no page number) and the current HM Chief Inspector of Prisons (2019) recently wrote to the relevant government minister: 'expressing my concerns that … HM Inspectorate of Prisons could not classify any STC or YOI as safe enough to hold children' (p.6). It follows that the United Nations Global Study on Children Deprived of Liberty – the most comprehensive study of its type ever undertaken in the world – has urged Nation States to: 'develop and implement a national strategy aimed at replacing the detention of children in penal facilities with non-custodial solutions based upon broad consultation with experts, civil society and children themselves' (United Nations 2019, p.336).

So, in the face of pressing concerns about serious youth crime and, particularly violence, policy proposals are fundamentally divided, and the future shape and direction of youth justice reform over its next phase is uncertain.

Looking to the Future: Speculative Prospects

The historiography of reform, the hybridised and unreconciled essence of youth justice and the floundering and incoherent nature of policy formation serves to remind us, should we need reminding, that 'reading the present', let alone 'mapping the future', is 'complex and challenging' (Goldson 2019). Past-ness exposes the 'aleatory history of political manoeuvres and calculations' to which Garland refers. Present-ness evokes pressing concerns about children being drawn into serious crime and violence, an abiding sense of exclusion and marginalisation for identifiable groups of young people and a range of uncertainties regarding the manner in which the recently (December 2019) elected Conservative government might respond.

In light of such instability and uncertainty, the knowledge base that has developed over more than two centuries offers key insights that might be taken to guide future youth justice reform. The 'iatrogenic' effects of over-zealous youth justice interventions are increasingly recognised (Gatti, Tremblay and Vitaro 2009; Smith 2017), and McAra and McVie (2019) have noted that: 'intensive forms of intervention are likely to be damaging, inhibiting the normal processes of desistance from offending' (p.75). Where youth justice intervention is deemed unavoidable, facilitating responsive and respectful community supervision for young people is critically important. Maruna and Mann (2019), for example, note that 'recognition of their worth from others, feelings of hope and self-efficacy and a sense of meaning and purpose in their lives' (p.7) are imperative if children/young people are to desist from offending. Perhaps the most vital

insight of all is the need to avoid unnecessary penal detention. The international evidence is absolutely compelling in exposing the persistent failings of penal institutions; imprisonment typically comprises a profoundly harmful, spectacularly ineffective and exceptionally expensive response to children and young people in trouble (Goldson 2015).

So, to recall and respond to the question posed by Hayden White. The reasons for analytically excavating youth justice reform under the aspect of its past-ness are at least twofold. First, historical mapping helps us to comprehend the otherwise incomprehensible, floundering, and incoherent trajectory of policy formation. Second, as Paul Lawrence observes, similar excavation and the linking of past and present facilitates – at least potentially – a better informed approach to youth justice reform in the future. But the practical realisation of such potential will ultimately require a break with past practices; a departure from the 'political calculations and short-term interests' to which David Garland refers. Such prospects are necessarily speculative, however, and it remains to be seen precisely what direction youth justice reform will follow into the future.

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