

Subalternity in Juvenile Justice:

Gendered Oppression and the Rhetoric of Reform

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The proportion of young women in the juvenile justice system has increased substantially since the nineties, yet the rhetoric surrounding them remains under-studied and under-critiqued. The oppressive nature of this rhetoric thwarts the achievement of gender equity in juvenile justice, undermining the reforms that have been recommended over years of research. The following analysis examines this rhetoric for the ways in which it silences women and furthers gendered oppression in system; it also offers critical cautions regarding existing approaches to gender-responsive programming. By acknowledging the subalternity of young justice-involved women, further studies and community collaborations can be taken up to close the distance between the actual experiences and knowledges of young women and the rhetorical constructions of them that have long informed policy, programming, and daily interaction.

*“Who are you
You now-grown teenager
Who are you
Who is afraid to look in the mirror
because of what she might see”*

—N., an incarcerated teen woman whose writing appears in *Call Me Strong*

“[W]hatever point is made about such a low-status group gains credibility, validity, and reliability only as it can be redefined through the lives and contributions of others more credible, more legitimate, and more salient.”

—Jacqueline Jones Royster, *Traces of a Stream*

I began working with young incarcerated women in 2012, when I was invited to be the Writer in Residence for the young women at a detention center in Ohio. While I knew the work would take me into new territory as a writer and scholar, I was unprepared for the consistency with which the participants in my workshops wrote about experiences such as sexual assault, domestic violence, sex work, imprisoned parents, mental illness diagnoses, and cutting. Brittany¹ demonstrates this in a poem to her father:

*Dad, why do you hate us,
your flesh and blood
Don't tell us
that you will dress us
up like prostitutes and put us
on the corner. Don't beat us
like you would a man on the street” (Breaking Out of Silence).*

As I daily combed through their poems, I was alarmed at how tempting it became to allow my role with these writers to slip into that of mediator, mouthpiece, missionary.

So each evening of that first week-long writing workshop, I returned to my hotel reeling from my own emotional reactivity, anxious to replace it with concrete (if generalized) knowledge about the women with whom I was working. I spent hours hunched over my computer, beginning what would become years of research regarding young justice-involved women. I quickly discovered that a “history of physical or sexual victimization is one of the most common characteristics of girls in the justice system” (Sherman 21), and that young women

¹ As in the books in which these poems originally appear, I use the authors’ first names or initials only.

are more likely than young men to suffer from mental illness and Post-Traumatic Stress Disorder (PTSD).² I also learned that, despite the dozens of studies and reports since the nineties describing specific attributes and needs of young justice-involved women, little responsive action has been taken to address those needs (Watson and Edelman ii). More subtly, their lives are circumscribed discursively as well as physically: their experiences always depicted and “validated,” as Royster describes above, by juvenile justice authorities, lawyers, and/or researchers whose rhetoric further silences the women they wish to help. For example, the words of young justice-involved women are almost wholly absent from scholarly literature about them; more troubling, their voices even in poetry and other creative arts are often stripped of power by the pity they engender in well-intended listeners, by patronizing interpretations of their statements as mere self-expression, and/or by the simple fact that their works are rarely seen or heard beyond the walls of detention centers or diversion program facilities.

While scholars in rhetoric and writing studies have addressed the rhetoric surrounding “at-risk” youth and adult women in prison,³ young justice-involved women have remained under-acknowledged and under-studied in the field. This is a devastating gap in public rhetoric research, given that the juvenile justice system’s failure to

2 In a report for the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), Francine Sherman writes, “Research from the Oregon Social Learning Center shows that while 3 percent of boys in their study had documented histories of physical abuse, 77.8 percent of the girls had histories of abuse” (Sherman 21). In addition, “[o]n every scale, delinquent girls studied by the Oregon Social Learning Center had more significant mental health problems than boys—over three-quarters of the girls in the study met the criteria for three or more DSM IV Axis 1 diagnoses” (23). Sherman also cites a study of detained youth which “found that girls had higher rates of psychiatric disorders than boys—nearly three-quarters of girls met criteria for one or more psychiatric disorder and rates of depression and anxiety disorders were particularly high among girls. Notably, girls are more likely than boys to be diagnosed with more than one mental health disorder, often a mental health disorder with a substance use disorder” (23). This data is not meant to imply that reform for young detained men is unnecessary, or even that it is less urgent. It does, however, clarify that equitable treatment of young women requires that the system attend to gender disparities rather than simply maintaining a system designed for males.

3 See Tobi Jacobi, Meghan Sweeney, Ruby Tapia (see Solinger et al), Wendy Hinshaw, and Adela C. Licuna, among others.

address women's needs is due at least in part to women's subaltern status in the system and to pervasive rhetorical constructions of them as other. I argue that young women in the justice system will not be given equitable and humane care until that system faces—and reforms—its long history of infantilizing, neglecting, and othering them. I thus offer the following critique, beginning with a delineation of the oppressive circumstances in which many young justice-involved women live, followed by an analysis of the extent to which their ways of knowing are disqualified and dismissed by the rhetoric of those in positions of power. Finally, I offer critical cautions regarding gender-responsive programs: problematizing recidivism as a benchmark for success and critiquing the use of indoctrination and empowerment rhetoric as means of addressing oppression. By acknowledging the subalternity of young detained women, further studies and community collaborations can be taken up to close the distance between the actual experiences and knowledges of young women and the oppressive rhetorical constructions of them that have long informed policy, programming, and daily interaction.⁴

*I would like to make people happy,
help the world be better to live in.
Try to talk to others to make sure that they're ok.
And try to be a positive person
to anyone in need of it.
I would like to heal people
from their pains and their suffering
So that they won't have to be angry
anymore.*

—from *Shine Through*

I should first note that I approach this analysis with no small amount of wariness; as Gayatri Spivak has argued, intellectuals who wish to “give silenced others a voice” often fail to recognize the opacity of their intercessional work and the heterogeneity of the “others” whom they seek to represent (Leitch 2193). Such failures result in a “benevolent effort” that “merely repeats the very silencing it aims to

⁴ The present work is but a starting point for the continued analyses, collaborative and iterative program designs, and thorough evaluations that are ultimately necessary for reform.

combat" (2193). I recognize the possibility that this endeavor could do the same, particularly as I am inevitably present as observer and intercessor. Furthermore, as William Banks has discussed in his work on embodied writing, I am unable to avoid bringing to this inquiry my own experiences of domestic dysfunction; indeed, the violence inscribed on my body may inform the significance I place on young women's abusive histories as determinative and powerful (25). I am also aware that my many personal, often emotional interactions with young incarcerated women cannot but color my understanding(s) of them. Nevertheless, despite my misgivings, the absence of young women's voices in public conversations about justice, childhood adversity, and education demands the risk I take now in presuming to illuminate the unexamined rhetorics that perpetuate their oppression. In an effort to better expose this problematic and inevitable *speaking-for*, several poems by young women I've met in juvenile detention appear throughout the piece. My hope is that these highlight my observational standpoint: offering recurring reminders that the women of whom I speak are individuals with their own opinions, goals, knowledges, and beliefs regarding their circumstances.⁵

Landscape

*I am a dark, lifeless forest
bare branches and rolling fog in every corner
I like being dark and cold sometimes
I keep to myself usually
I am a cloudy sky
and a wet, broken branch smushed into the mud
sometimes I go unnoticed
but that's ok
I am a dark lifeless forest*

—from *Know Me*

⁵ The use of published poems allows young women's voices to be present in this research despite confidentiality protections that typically limit descriptive research among young incarcerated women. While I support such protections, I do worry that they discourage researchers from conducting studies that rely heavily on firsthand interaction and information; one result is the near-absence of young women's voices in the literature about them. An increased demand for input and testimony could lead to collaborative research practices that protect the privacy of justice-involved youth while inviting and better utilizing their knowledge and feedback.

THE STATE OF OPPRESSION

The othering of young women who enter the juvenile justice system begins before they are arrested, and in fact, is often the cause of their arrests. For example, young females are more likely than males to be detained for minor offenses and technical violations (Sherman 11), indicating that juvenile (mis)behavior is defined and punished in terms of gender. Similarly, parents are known to “have different expectations about their sons’ and daughters’ obedience to parental authority” (Zahn et al, “Violence by Teenage Girls” 7), and “[t]he use of the juvenile justice system by families in chaos in an effort to remove their daughters from their homes or to obtain services for them has been noted in the literature” (Sherman 35). In other words, young women are often punished not for criminal behavior *per se* but for a level of aggression or “unruliness” that fails to conform to traditional gender expectations (Sharpe and Gelsthorpe 195–196, 200). Indeed, “some professionals mistake expressions of gender-nonconformity (through choice of hairstyle, clothing, mannerisms, and name) as rebellious behavior to be corrected” (Majd, Marksamer, and Reyes 2).

Juvenile women are also disproportionately blamed and charged for occurrences of violence in their homes. Because of mandatory arrest laws for domestic violence, “law enforcement first responders may consider it more practical and efficient to identify the youth as the offender”—regardless of who (daughter, parent, or other) actually initiated a violent incident within the home (Zahn et al, “Violence by Teenage Girls” 7). This is deeply troubling, because such an expediency-driven approach is likely to punish victims rather than perpetrators. The literature has long shown that young women in the justice system have high rates of domestic victimization; in fact, this was reiterated in 2015 when an Annie E. Casey Foundation study reported that “girls’ problem behavior, in contrast to that of boys, ‘commonly relates to an abusive and traumatizing home life’” (Saar et al 12).

Studies have also “found that adjudicated girls had higher rates of clinical diagnoses of major depression, post-traumatic stress disorder, separation anxiety, and disruptive disorders than adjudicated boys. Furthermore, girls had significantly greater rates of physical, sexual,

and emotional abuse and greater rates of physical neglect than boys” (Zahn et al, “Violence by Teenage Girls” 12; Baglivio et al) (see Figure 1). Any of these issues can be exacerbated by the experience of detention, which often reenacts abusive patterns and encourages further isolation from communities and families (Sherman 24, “Gender Responsiveness” 9).



Figure 1. Sexual abuse rates and ACE (Adverse Childhood Experiences) scores in juvenile justice, by gender (Saar et al 8).

Distressingly, the above issues disproportionately affect young women of color. For example, young Black women face disproportionate rates of disciplinary action in schools, which leads to justice involvement via the school-to-prison pipeline (Sherman and Balck 16). In addition, society’s deeming of “middle-class, heterosexual, White femininity as normative” (Collins 193) often causes the behavior of young Black women to be perceived as deviant: “as disruptive to the order of a (supposedly race- and gender-neutral) social structure” (Morris 22); this often results in criminalization. Once they become involved with the justice system, young Black women face discriminatory treatment; they are “nearly three times as likely as their white peers to be referred to juvenile court for a delinquency offense,” and “20 percent more likely to be detained” (“Girls and the Juvenile Justice System”).

Young Native-American women experience similar inequities in the justice system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that in 2013, “American Indian and Native Alaskan girls were 40 percent more likely [than their white peers] to be referred to juvenile court for delinquency, [and] 50 percent more likely to be detained” (“Girls and the Juvenile Justice System”). Additional racial disparities are difficult to analyze, because “many jurisdictions do not fully disaggregate data by race and ethnicity” (Saar et al 35). As a result, the extent to which Latina and Asian youth are represented in the juvenile justice system remains unclear. Indeed, the fact that they are often inaccurately identified, thus “inflat[ing] the numbers of white youth,” is further evidence of the system’s failure to recognize and address racial and ethnic disparities (35).

Young women also face discriminatory treatment based on sexual preference and gender identity. This often begins with lack of acceptance in family and school environments, which increases the risk of justice involvement “and negatively impacts their cases” (Majd, Marksamer, and Reyes 3). Non-heterosexual young women are “about twice as likely to be arrested and convicted as other girls who engaged in similar behavior” (“Girls and the Juvenile Justice System”); once convicted, detention facilities are “particularly dangerous and hostile places for LGBT youth,” as biases and lack of training result in abuse, isolation, and/or misclassification in housing (Majd, Marksamer, and Reyes 5).⁶ These data indicate that, despite an increase in studies of young justice-involved women, there is still too little understanding of how “layers of girls’ identity bear on their social contexts and drive their behavior” (23).

In summary, young women often live in abusive and oppressive situations about which they cannot speak and *be heard*. Young LGBTQ+ women and women of color are often deemed deviant or disruptive due to white heteronormative expectations regarding female behavior, and young women in general may develop habits and behaviors designed to protect and defend themselves—behaviors

6 “Once in the juvenile justice system, LBQ/GNCT girls report higher levels of self-harming behavior and are more likely to be discriminated against, become targets of violence and sexual victimization, and be placed in isolation” (Sherman and Balck 23).

that are later criminalized and used to further delegitimize their voices. Indeed, studies show that “[the most common crimes for which girls are arrested—including running away, substance abuse, and truancy—are also the most common symptoms of abuse” (Saar et al 9).

*My heart is like a moon
and it shines just like the evening blues.
My heart is like a beat,
because it beats and beats
until you hear my sadness
loud and clear.*

—from *Shine Through*

DISQUALIFIED KNOWLEDGES

Given the distressing nature of the above information, and given the urgency with which advocates often wish to respond, we must take a critical view of how information about incarcerated teen women is rhetorically presented and to what extent this presentation may perpetuate the very issues it reveals. As I’ve mentioned, literature about young justice-involved women rarely employs those women’s own words to describe their conditions, needs, or values.⁷ The young women with whom I’ve worked are well aware of the absence of their voices in the discourse about them; they recognize when and how they are defined by those whose perceptions have been deemed legitimate. As Shana writes, “They say we’re whores [...] / They say we’re immoral [...] / They say I will be successful. / They say I am brave [...] / They say I’m a failure / They say I’m worthless” (*Know Me* 50). While many studies rely to some extent upon self-

⁷ This may be due in part to the difficulty of obtaining facility and IRB approval; in fact, inclusion of young women’s narratives in the present work was precluded by these constraints. However, the field’s seeming lack of interest in obtaining firsthand accounts is concerning. Two notable exceptions include Holsinger and Holsinger’s 2005 study of African American and White girls in the system, which indicated “a willingness and capability on the part of incarcerated girls to help shape policies that adequately address their needs [...] There are lessons that can be learned from ‘listening’ to the girls” (236). In addition, Morris’s *Pushout* “demonstrates through narratives the importance of...decreasing the institutional and individual risks that fuel mass incarceration and our collective overreliance on punishment” (14).

assessment among adjudicated young women, these assessments are later compiled, codified, and “translated” by experts who re-present the young women’s observations within the context of “qualified” knowledge. As acknowledged in my introduction, the present work itself participates in a form of compilation and translation.

This absence of young women’s voices in discourses about them is particularly striking in results published by the Girls Study Group: experts convened by the OJJDP to “assess current knowledge about the patterns and causes of female delinquency and to design appropriate intervention programs” (Zahn et al, “Causes and Correlates” 1;). The Girls Study Group published seven in-depth analyses from 2008-2013; not one includes a quote from a young woman served by the Juvenile Justice System.⁸ Similarly, a meta-analysis of studies regarding “Detention Reform and Girls” from the Annie B. Casey Foundation offers only one short quote from a young woman potentially impacted by such reform; ironically, the quote states that “they [the juvenile justice system] take your voice away” (Sherman 21). In fact, although the Casey Foundation document includes twenty-three pages of information about “promising gender-responsive programs,” it offers no evaluations or perspectives from participants in these programs. In juvenile justice literature, even narratives of particular young women’s experiences often appear to have been inferred based on juvenile records, rather than presented in their own words; this is a means of further homogenizing and codifying women’s experiences.⁹

Winter Describes Me Best

*the winter is pretty and bright
but it is also a really hard season
the wind, the hail, the snow*

—from *Breaking Out of Silence*

8 See Zahn et al “The Girls Study Group;” Zahn et al, “Causes and Correlates;” Zahn et al, “Violence by Teenage Girls;” Hawkins et al; Huizinga et al; etcetera.

9 For examples, see the “Sarah” narrative in “Better Solutions for Youth” (1) and the “Tamika” narrative in Sherman (45-47).

The most troubling aspect of this silence may be the literature's apparent inability to recognize it as such. I have yet to see a report or study that mentions its own neglect of young women's voices or that attempts to explain or justify this neglect. Thus young women are not merely excluded from discourses about them; they are excluded to such an extent that no one recognizes the omission. It is therefore clear that young women's ways of knowing are, in Foucault's words, "disqualified as inadequate to their task or insufficiently elaborated: naïve knowledges, located low down on the hierarchy" (82). According to Foucault, we must resist this disqualification by bringing subjugated knowledges to the fore, combining them with "erudite knowledges" to create a genealogy of conflict—"a painstaking rediscovery of struggles" (83). In gender-reform efforts within juvenile justice, this means elevating and relying on the direct voices of young justice-involved women in any studies and publications that purport to represent them. When we do not, we risk further silencing the very women we seek to assist.

THE OTHER-ING OF JUVENILE WOMEN

In addition to disqualifying their knowledges, delineations of "problems" among young women in the justice system, including my earlier discussion, risk forcefully ejecting them from a normative discourse in which they already lack power. For example, studies and reports about young justice-involved women often render them non-normative (1) as daughters and siblings, given high rates of family abuse; (2) as people, given high rates of mental illness, PTSD, and learning disabilities; (3) as young people, given their involvement in the juvenile justice system; (4) as women, given aggressive behaviors that transgress gender norms; and even (5) as juvenile offenders, in that they are women. This raises a critical issue in gender-reform rhetoric: that consistent calls for equal treatment and gender-responsive programming have resulted less in an equitable system than in additional public depictions of young incarcerated women as "unique," "different," and/or "special" participants in the juvenile justice system.

For example, the OJJDP has published "Why Are Girls' Needs Different?" along with many girl-specific reports (Zahn et al); the National Council on Crime and Delinquency released "Girls *Do*

Matter;" and the Physicians for Human Rights created a list of "Unique Needs of Girls in the Juvenile Justice System." Such careful gender differentiations result in part from the fact that the U.S. Juvenile Justice System was originally designed to meet the needs of male offenders (Watson and Edelman 3). This original design continues to be perceived as the "normal" system against which accommodations for females require special arrangements. In fact, The Berkeley Center for Criminal Justice has stated that funding for gender-responsive programming in juvenile justice is difficult to find due to "the tyranny of numbers. There are more boys than girls in the juvenile system and where the numbers are, that's where the money goes" ("Gender Responsiveness" 8). The implication is that because women are in the minority, the meeting of their needs can be deferred; it is elective or conditional.

Young detained women are often aware of this deferral; in one facility in which I conducted a writing workshop, participants thanked me many times every day, telling me this was their first experience of a program or activity being offered "to girls." For months, they said, they had watched "the boys" walk down the hall to various activities while they "were stuck in [their] pod."¹⁰ When I asked facility staff about this, they confirmed that even programs that were designed for both males and females, such as learning how to train shelter dogs, had been relegated to male participants due to lack of funding and staff.

Years of insisting upon young women's "unique needs and experiences" has perpetuated the notion that men are the norm against which women are judged to have "special needs." Of course, as detailed above, young women's experiences and needs *are* often quite different from those of young men. However, acknowledgements of gender disparities must result in a reassessment of "norms" within the juvenile justice system, *not* in reassertions of young women as anomalous others whose presence in the justice system is notable primarily because it requires accommodations from a male-defined system. The latter approach only decreases the possibility that young

10 Many detention facilities are constructed with multiple "pods" that include several individual cells opening to a shared/common room. While such facilities generally require several pods to house males, the relatively small number of female inmates can often be housed in a single pod.

women will receive equitable treatment in arrest, sentencing, and juvenile justice programming.

In addition, highlighting the “unusual” properties of young justice-involved women as a gender group too often obscures the significant impact of women’s intersectional experiences of oppression. Despite evidence that race, sexuality, and gender identity influence justice decisions and confinement (Holsinger 235), the juvenile justice system has not consistently been held accountable for gathering and disaggregating data that enables truly intersectional understandings of young women’s circumstances.¹¹ Meanwhile, researchers and justice system employees should be aware of the extent to which our calls for this accountability may rely on or contribute to the delegitimization of young women’s knowledges and experiences. For example, as a hetero white woman in academia without a criminal record, I have at times sensed that my advocacy for descriptive intersectional juvenile justice research is heard and considered precisely because I myself am read as normative. Those of us with privilege should indeed use it to dismantle oppressive structures; however, if our perceived legitimacy is achieved primarily via contrast with those for whom we advocate, we unwittingly rely on the ongoing delegitimization of those whose experiences deserve respect, study, and action. As bell hooks has written, “[often] this speech about the ‘other’ is also a mask, an oppressive talk hiding gaps...Often this speech about the ‘other’ annihilates, erases” (208).

When I Wear a Mask

*I give in to peer pressure
and sometimes I have to fight
in order to have people trust me
Sometimes I am not a leader
I am a follower. I be mean
to people so that I can look tough
So no one will think that I'm scared*

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- 11 Following community-based participatory research (CBPR) and critical pedagogy methods, this “understanding” must also be discussed with and confirmed by the young women under study, to help ensure that any published “interpretations” of their stories and data are accurate in their view (Israel et al 180, 190; “Education for Critical Consciousness” 37).

*I have to show them I'll do anything
for my family and friends. I walk around
mad sometimes. Sometimes I don't
like acting tough
But I have to be, for my siblings
cause if I don't who will?*

*I feel I have to wear a mask
for random people
but if I took it off
they'd see a very smart
and nice girl*

—from *Know Me*

GENDERED DISMISSAL

Unfortunately, even when young women in the justice system *do* speak about their ideas and experiences, their voices are regularly dismissed—due in large part to popular rhetoric within the justice system that defines young women as “difficult.” This is evident in an article by the Director of Projects for the National Center for Juvenile Justice, which opens with a simple lament: “No one wants to work with girls” (Griffin 1). The article is an attempt to counter the common view that “girls” are “the monsters of the juvenile justice system” by explaining the effects of PTSD on their behavior (1). But adolescent women on both sides of a jail’s walls are regularly accused of being overemotional, dramatic, and manipulative, based on “conventional beliefs that girls and women are untrustworthy” (Chesney-Lind and Irwin 45).¹² This widespread negative discourse is at least partly responsible for many arrests of young women (28); once they are in the justice system, the bias has far-reaching implications for sentencing, treatment by staff, and the denial of rehabilitative opportunities (Schaffner 9).

In fact, the negative discourse about teenaged women is so powerful that, in daily practice within juvenile detention centers, it effectively

12 Chesney-Lind and Irwin further note that “[b]eing mean, nasty, petty, and entirely incapable of meaningful friendship is just one more mainstream message announcing how ‘bad’ girls and women are” (45).

overrides the justice system's accumulated knowledge about mental illness, PTSD, and abuse histories. For example, a study of probation officers' views of girls revealed that even when officers know that young women's paths to detention are affected (if not determined) by experiences of abuse, poverty, and/or pregnancy, they fail to respond in practice by addressing these issues. Instead, many admit to believing that young women are making up stories. One probation officer told researchers,

They feel like they're the victim. They try from, "Mom kicked me out" to "Mom's boyfriend molested me" to "My brother was sexually assaulting me." They'll find all kinds of excuses to justify their actions. Because they feel if I say I was victimized at home that justifies me being out on the streets. (Gaarder, Rodriguez, Zatz 557)

Many officers "recognize that girls have problems due to their histories of victimization but do not respond in sympathetic ways, instead writing the girls off through gendered stereotypes and treating the victimization and manipulative behaviors as independent realities" (Gaarder, Rodriguez, and Zatz 560). A participant in one of my workshops articulated this dismissive response, writing, "What if I told you my mind wasn't right, / would you tell me it's a phase until it's too late?" (*Shine Through* 35).

I have also encountered this gender bias in conversations with detention and probation officers, who regularly tell me they "don't like working with girls," or that "there's just so much drama in the girls' unit." In these disclosures, the use of the word "drama" suggests that young women's situations, behaviors, and complaints are not taken seriously; the young women of which they speak are "merely" teenaged girls being (dramatic, emotional, manipulative) teenaged girls.

i am a road

*in the middle of nowhere
i have cracks but can still get you
where you needa go.*

*i am also a meadow
calm & beautiful
and I just keep on going.
i have a lot of room for you.*

- from *Know Me*

The refusal to take young women seriously has also been apparent in detention staff's responses to young women's poetry. For example, after seeing a poem in which a writer described having raised herself without help, a detention officer (DO) noted to me that this individual "makes a lot of things up."¹³ Later, upon reading a poem in which the same writer expressed determination to be a better mother to her baby boy, another staff member replied, "Yeah, we'll see."¹⁴

Thus even when young women in the justice system are given a place and time in which to voice their experiences, they are not heard. Their knowledge is always already dismissed by accusations that they are merely emotional, deflecting blame, or manipulating staff; such dismissals are especially common among young women of color and LGBTQ+ women.¹⁵ Yet because staff members occupy positions of power, their interpretations of young women's words almost always determine the official and/or institutional response(s) to them.

13 In the workshops I conduct, at least one DO is always present in the room. Because workshop participants see DOs daily and develop relationships with them, they often invite the officers to read their poems. The DO(s) may also walk around the room, asking to read writers' work.

14 I do not wish to suggest that detention staff are always careless or cold toward the young women with whom they work; on the contrary, I've had the privilege to work alongside staff and detention officers who exhibit an openness to and understanding of young women (and their complex situations) that have deepened over years of work in the field. Nevertheless, the impact of (what are often implicit) gender biases within the juvenile justice system—even among those who mean well and who work hard to help youth—cannot be denied.

15 See "The State of Oppression," above.

My Heart

That broken lamp that got fixed
That bottle of memories
That teddy bear you kept but hate
That vase that is thinner than paper

—from *Call Me Strong*

DESIGN, EVALUATION, AND CRITICAL AWARENESS

In response to the juvenile justice system's failure to adequately address the needs of young women, many facilities and external organizations have established programs and initiatives to fill gaps in gender-responsive offerings. Given the extent to which young women have been oppressed and silenced, critical analysis of programming approaches is necessary to prevent further oppression under the rhetorical guise of philanthropy and/or empowerment. Thus in this final section, I consider four ways in which programming efforts within juvenile justice may unintentionally perpetuate the oppression of young women. This is meant not to dissuade agencies or volunteers from supporting, creating, and/or facilitating juvenile justice programming, but rather to spur innovative, culturally-sustaining pedagogies by cautioning against uncritical interventions.

1. The Reign of Recidivism

The OJJDP's "Model Programs Guide" lists the prevention and reduction of crime, violent behavior, and detention as its first mark of "program efficacy." While such a gauge is apt for an agency whose purpose is to prevent juvenile delinquency, it risks "impoverish[ing] the idea of education" and of the arts by subordinating them to a single institutional goal (Sweeney 255). More broadly, it rhetorically undercuts the many other benefits young women could receive from quality interventions. With recidivism as their primary focus, juvenile justice programs are likely to meet young women's needs only when (or insofar as) doing so serves larger institutional concerns such as regulating behavior, preventing rebellion, and increasing participation in the economy.

Of course, young women generally do not wish to be incarcerated, and to this extent, attempts to reduce recidivism do advance participants' own goals. In addition, programs that are *not* set up specifically to serve institutional concerns are unlikely to receive court or facility access and support. Therefore, best practices for gender-responsive programming in juvenile justice must accommodate the material and institutional constraints (such as a focus on recidivism) under which interventions are designed. But they should also include approaches based on critical and culturally sustaining pedagogies,¹⁶ social justice youth development, and radical healing¹⁷—particularly when working with young women of color. The creative pursuit of such practices will allow programs and their designers/administrators to accommodate institutional interests while avoiding the strict equation of program success with the perpetuation and enforcement of conforming behaviors and speech acts.

Sometimes I'm Afraid

*That you will turn your back
I'm afraid I will give up completely
I'm afraid you won't understand
I'm afraid I will break
Something I'm not ready for.
I'm afraid I will be nothing
I'm afraid no one will ever really
know me.*

—from *Breaking Out of Silence*

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- 16 According to Django Paris, “[t]he term *culturally sustaining* requires that our pedagogies be more than responsive of or relevant to the cultural experiences and practices of young people – it requires that they support young people in sustaining the cultural and linguistic competence of their communities while simultaneously offering access to dominant cultural competence” (95).
- 17 Youth development expert Shawn Ginwright defines *radical healing* as a pedagogical and developmental approach “which builds the capacity of young people to act upon their environment in ways that contribute to well-being for the common good. This process contributes to individual well-being, community health and broader social justice where young people can act on behalf of others with hope, joy and a sense of possibility [...] When black youth are conscious of the root causes of the problems they face, they act in profound ways to resist and transform issues they view as unjust” (85).

2. *A Failure of Confidence*

In *Pedagogy of the Oppressed*, Paulo Freire offers a critique of well-meaning individuals in positions of power who, in their attempt to “move to the side of the exploited,” fail to leave behind “their prejudices and their deformations, which include a lack of confidence in the [exploited] people’s ability to think, to want, and to know” (60). As noted above, most studies and reports regarding justice-involved young women fail to incorporate their voices, opting instead to speak for them. This choice betrays a lingering belief that young women are incapable of speaking (to) their own oppression(s), and it risks reducing young women to “objects which must be saved from a burning building” (65). Those who work with justice-involved young women can show confidence and solidarity by inviting young women’s participation in program development, arranging for in-depth program evaluations, and seeking personal narratives and firsthand descriptions of individual needs.¹⁸ As Freire argues, an educational or political program that fails to respect the perspectives of the oppressed will not have positive results; in fact, “such a program constitutes cultural invasion, good intentions notwithstanding” (95).

The lighthouse

*I am the strong wind
I'm the high waves coming
to take over my family
I am the storm
protecting my family
I'm the moving waves
trying to motivate my family
I'm the high water
taking care of my family
I'm the wind
pulling all of us together*

18 Despite the acknowledged lack of these elements in the present work, my hope is that this discussion increases demand for first-person accounts, and argues convincingly for the improved representation of young women in juvenile justice programs and publications. By recognizing that these changes are critical to the equitable treatment of young justice-involved women, those of us who work in the field can creatively and collaboratively endeavor to improve programs and practices.

*I'm also the lighthouse
bringing light to my family's eyes!*

—from *Call Me Strong*

3. Indoctrination as Oppression

Unfortunately, reliance upon young women's input is often hindered by the perception that their involvement with the justice system is evidence of a *lack* of knowledge—or at least of an inability to adopt normalized views and behaviors. While this perception is not always (technically) false, it takes condescension and lack as its starting points for interaction with young women. When combined with institutional equations of reduced recidivism with program success, such starting points may lead to programs centered on training young women in normalized views and behaviors, rather than on developing critical consciousness. Ultimately, such training moves young women not from disempowerment to agency, but from one oppressive situation (such as abuse, unaddressed mental illness, poverty) to another (corrections system) to another (psychological, educational, and/or social indoctrination). Indoctrination-oriented programs, often based on a perception of “middle-class, heterosexual, White femininity as normative” (Collins 193), are particularly oppressive for young women of color and LGBTQ+ women. In addition, any young woman's success in such environments may come at the cost of suppressing her sexual, cultural, and/or ethnic identities. Yet women are incentivized to pay these costs, because those who assimilate are labeled by institutional and societal structures as “successful”: reformed, transformed, convalesced. They therefore find both literal and metaphorical doors opening for them based on their achievements in acquiescence, which may condition future self-subjugation.

I have regularly witnessed subtle (and likely unconscious) methods of indoctrination during my writing sessions, despite my active promotion of safe expressive writing spaces. For example, detention officers regularly celebrate young writers for poetry that expresses belief in God, dedication to school, praise for parents, and/or remorse for poor choices. By contrast, poetry that describes abuse, drug use, romantic love, self-destructive habits, or disappointment in parents

is regularly second-guessed by staff. In one workshop, a writer was applauded by several officers after reading a poem in which she states, “I am learning about God because he is my all and my savior” (*Shine Through* 56). A few minutes later, a writer in the same workshop was asked by an officer to change a poem about her hurting heart (22), first by taking out an “offensive word” it contained, and then by “adding something hopeful.”¹⁹

Further examples of an indoctrinating approach can be seen in the criteria used to evaluate effective juvenile justice programs. In addition to decreased recidivism, criteria include pro-social behavior, lack of pregnancy, “school engagement, school satisfaction, and grades” (“Determining What Works” 281). In other words, programs are “effective” if they successfully teach women how to achieve a hegemonic definition of female adolescent success. Such teaching by the youth “corrections” system is another way in which, as feminist theorist Susan Bordo has described, “female bodies become docile bodies—bodies whose forces and energies are habituated to external regulation, subjection, transformation, ‘improvement’” (Bordo 2362). Moreover, because young women are rarely consulted to develop program goals and parameters, and because their vulnerable positions compel their compliance, it is far from clear that achieving hegemonic female adolescent success is actually desired by young women. Even when it is, researchers cannot know to what extent this desire is itself driven by emotional dependence or habitual deferral, versus by critical consciousness followed by deliberate, personal choice. The indoctrinating approach can be counteracted by collaborating with young women in the development of programs, evaluation measures, and culturally sustaining practices.

4. *Empowerment Rhetoric.*

Empowerment rhetoric in juvenile justice programming, particularly among creative writing and arts initiatives, is immensely popular—

- 19 To be clear, interactions between DOs and writers are often beneficial; as mentioned in note 10, participants often know the officers and invite them to read their work. When they do, the writing can provide staff with insights about the young women in their care. However, while this officer likely meant well, her response contributes to indoctrination and assimilation by suggesting that certain thoughts, feelings, or experiences should be censored. This impedes young women’s expression, and may hinder open and trusting participation.

with many programs claiming to “give youth a voice” in their lives and communities.²⁰ This rhetoric is problematic in that, as Jamila Lyiscott has noted, youth “woke up” with a voice; they do not need “some salvific external force” to “gift them with the privilege to speak.” While the *dissemination* and/or *amplification* of their voices could indeed provide a legitimate benefit to young justice-involved women, these actions are often absent in creative arts programming. The art and written work produced by justice-involved youths is rarely studied for what it reveals about its writers, their oppression, and/or systemic issues, nor is it strategically disseminated to community leaders, local educators, policy makers, or the public.²¹ The ethical risk here is that, if “giving youth a voice” is a program’s stated goal, young women may believe their concerns and stories will be heard and considered—while the justice system (and the public) continue to effectively disregard their needs. Regrettably, when juvenile justice programs *do* publicize the work of their participants via documentaries, performances, or books,

20 For example, see the emphasis on girls’ “authentic voices” in “Containment and Resistance: Girls’ Writing in the Juvenile Justice System” (Briggs); rhetoric throughout “InsideOUT Writers (IOW) Fact Sheet,” and a workshop at the MacArthur Foundation conference devoted to “[g]iving youths a bigger voice in juvenile justice reform” (Gately). Also, note the following quotes: “[A] rarely-heard voice in juvenile justice: the girls themselves” (Corbally); “57 texts that give voice to the reflections of young people in detention” (“Juvenile In Justice”); “Youth offenders will also have more of a voice in the new system” (Highfield); “The Media Awareness Project exists solely for the purpose of empowering youth by giving them a voice!” (“The Home of Youth Voice”); “a sustainable program that will give dozens of youth the chance to find their voice” (Brouwer); “youth should have a voice in the decisions that affect them” (Willison et al); “Voices UnBroken nurtures the inherent need in all people to tell their stories and be heard”; “WritersCorps has given young people a voice since 1994” (Simonton); “It is my hope that these pieces celebrate the urgent voices of incarcerated youth” (“Free Me Fast”); “Empowerment teaches girls to use their voice, to speak for themselves” (“Chapter 2”); “we help young people connect with their creativity, strengthen their voices, and confidently express their ideas” (“Words Within the Walls”); etc.

21 Notable exceptions include a 2003 effort by PACE Center for Girls, Inc that led “roughly 500 girls under the supervision of the state juvenile justice system” to protest at the Florida state capital “against funding cuts to community-based programs for girls in the juvenile justice system” (“Pace Center for Girls; Watson and Edelman). Also, *The Beat Within*, based in San Francisco, widely publishes writing and art from youth in the juvenile justice system; however, I was unable to determine its circulation or its rates of female involvement. Some JJS programs strive to get participant work disseminated via publications, radio, video, and/or live performances; these too present possible exceptions to this critique.

audiences and readers often respond to it with pity or benevolent condescension. By doing so, they assume a position of power relative to the writers and artists, thus invalidating the notion that “having a voice” is axiomatically empowering or even desirable.

Given these realities, the “voice-giving” of gender-responsive programs may be rhetorically disingenuous. Creative courses and workshops are accurately represented as efforts to teach communication skills, provide opportunities for therapeutic self-expression, create safe spaces for difficult conversations, and/or improve group dynamics among participants. But these significant and worthy goals should not be confused with “giving youth a voice,” which suggests a dialogic exchange rarely offered to juvenile offenders.

To Prisoners

*I hope you realize that you are worth way more
Than people controlling your life. The truth is
in your hands, and you are the only one
who can set it free.*

—from *Know Me*

Empowerment rhetoric without follow-through again reveals a lack of confidence in young women to insightfully inform the policies, practices, and programs that impact their lives. Quality research, programming, and juvenile justice reform require that the voices of young women be actively, consistently sought—not merely for personal expression or audience sympathy but for serious dialogue, mutual learning, critical analysis, policy input, and the transformation of oppressive structures. In arts programming, this work can begin with culminating performances for external audiences—during which facility staff, city government leaders, and/or local educators witness young women sharing their experiences. Publication and active circulation of young women’s written work could also ensure

that it makes its way to those who can effect change.²² Increased investments in social justice youth development and in the cultivation of civic agency in juvenile justice programming would help young women develop a voice in their communities. Finally, those who study gender inequities in the system could invite young justice-involved women to be fellow researchers in assessment, program design, implementation, analysis, and/or evaluation.

CONCLUSION

The continued increase in studies about juvenile women indicates a genuine, increasing concern among researchers, government agencies, activists, and the public about young women's visibility in the justice system. It also marks society's rising level of disturbance regarding inequitable treatment and its growing motivation to pressure policymakers and funding bodies to improve conditions for young women. However, precisely because this level of oppression can engender urgent and emotional responses from relatively privileged individuals, its rhetorical representations often elicit missionary impulses and/or the confirmation of unexamined biases. In addition, the urgent need for equity in the justice system can give rise to well-intended programs and measures that ultimately perpetuate oppression. Ongoing critical awareness is therefore necessary to identify and alter discourses that inadvertently support the very conditions by which many of us are rightly appalled.

I have shown that the subjectivity of young justice-involved women is always already obscured by their sociocultural positions. Young women come into the system particularly vulnerable; once "justice-involved," they can be further victimized by the system's isolating, authoritarian environment. Even if they are not, they too rarely find help for the issues that influenced their involvement. Rather, when young women voice their needs or experiences, their words are regularly dismissed due to powerful rhetorical constructions of

²² The performance and/or publication of personal material should always be optional. When young women have preferred not to read their work during programs in juvenile facilities, we have found other poems or quotes for them to read, or involved them in other roles (such as the emcee). When publishing young women's work in print or online, always obtain their permission first. Be sure to use pseudonyms (that they choose), initials, or first names only when circulating their work.

teenaged women as manipulative, cruel, or over-emotional (Gaarder, Rodriguez, and Zatz 560); this has been particularly true for women of color and LGBTQ+ women. On the rare occasions young women find sympathetic ears, their words are valued only to the extent that they represent self-expression or a therapeutic benefit; they typically are not perceived as capable (or worthy) of influencing policy, programming, or society. In such subaltern conditions, there is no possibility of speech. Young women's interests are acknowledged ("heard") only when they are codified and translated by authorities whose knowledges are qualified by the hegemony. Moreover, the language used by these authorities further subjugates young women by repeatedly marking them as "other."

In his foreword to Paulo Freire's *Pedagogy of the Oppressed*, Richard Shaull describes Freire as being driven by the conviction that "every human being, no matter how 'ignorant' or submerged in the 'culture of silence' he or she may be, is capable of looking critically at the world in a dialogical encounter with others" (32). This same conviction regarding young justice-involved women must be assiduously cultivated and enacted so that we consistently open ourselves to learning from them: acknowledging their deserved roles as "students-teachers," (80), as women to whom we are accountable, as our partners in a "courageous dialogue" (128). By noting the extent to which young justice-involved women have been muted, it is my hope that this analysis initiates an energetic effort within and beyond the juvenile justice system to seek, study, and disseminate young women's voices. Doing so is necessary not only to improve their wellbeing, but also to inform and transform our own conceptions of justice, and to help create a better and more equitable system for all of us.

You Don't Know Me

*You know why?
Because you don't know what I go through.
You don't know what I'm capable of.
You don't know how I think.
You don't know what I'm facing.
You don't know how much I hold in*

—from *Shine Through*

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