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The New Economy and Youth Justice

ABSTRACT:

This article focuses on the shape of the contemporary political economy and its effects on the young people and adults who are involved in the ‘deep end’ of the youth justice system—youth prisons. This ‘deep end’ arguably represents the end of the road for young people and adults who have found themselves adrift in the context of the contemporary capitalist model, and who have passed through existing social systems intended to offer them a safety net. After examining the consequences of the economy for these individuals, the article looks to new economic models and processes and their possible implications for a research and reform agenda.

Youth justice systems have been an important site of analysis for scholars interested in understanding how external political economic dynamics shape structures and practices on the ground. Recent analyses of the dynamics of youth punishment have focused on the impact of neoconservative and neoliberal political economies on the structure and practices of youth justice, with a focus on responsabilisation agendas, risk factor paradigms, and the criminalization of ‘other people’s children’ (Muncie and Hughes, 2002, Muncie, 2008, Muncie, 2004, Giroux, 2009, Gray, 2009, Haines and Case, 2008). This scholarship has helped us to understand the dynamics of punitiveness that shape both the criminalization and punishment and children. However, there are also significant macro-level processes in the economy that potentially have consequences for the lives of the children and young people most affected by youth justice systems, their parents, and the staff who attend to them which are arguably important to consider. These are the questions about labor and the social safety net that are increasingly relevant in the context of the new digital economy and ‘late capitalism’. This article focuses on the United States and the United Kingdom in order to examine the consequences of the new economy for youth justice, with a particular focus on why and how youth prisons in the US and UK reflect the unique contours of the contemporary

political economy. It uses the youth prisons as a case study for thinking about the failures of contemporary policymakers and practitioners to attend to the lives of a precarious generation of young people and the people responsible for this.¹

The first part of the article focuses on the transformation of the economy and the labor market in late capitalism and its consequences for the young people and staff in youth prisons. This has involved large scale downsizing of youth prisons across the world, yet an increasing reliance on low-wage labor in the domains that still affect vulnerable and impoverished young people. I will then discuss the role and consequences the transformation of the global economy for youth justice practices themselves. Finally, I will explore some of the new strategies that have been used to promote a well-being economy in the context of deep social inequality and precarity. As criminologist Jo Phoenix has argued:

In constructing the new youth justice as a discrete system that can be theorized and analysed as such, many commentaries and studies start by locating youth justice in its wider social and economic conditions only inasmuch as any specified wider conditions are also traceable within youth justice (2015).

This article attempts to point to the broader social forces that have bearing on the lives of people within the youth justice system, but do not necessarily call for the reform of youth justice practices themselves. Instead, it provides for some possibilities for political economic change that arguably have significance for the lives of children and young people in custody (Van Parijs, 2013).

The Contemporary Youth Justice Systems in the US and UK: Context

Youth justice systems in the US and the UK are an important site of analysis as they arguably exhibit similar trends in who they serve, the size of the population they serve, and the dynamics of risk assessment and rehabilitation they engage in. Youth prisons in England and Wales and the United States overwhelmingly serve deeply impoverished young people (Taylor, 2016, Dolan and Carr, 2015). These are young people who have disproportionately been in care systems, been

excluded from school, and who are at the bottom of racial and social hierarchies (Cox, 2015). They thus occupy a paradoxical position in contemporary life: they often have significant contact with state institutions—of social care, public education, and the criminal justice system—yet are arguably deeply socially excluded (Gray, 2005, Webster et al., 2004a).

The contemporary youth justice systems in the US and UK have changed significantly in recent years, in part in response to key challenges raised about the efficacy and fairness of risk-based strategies to the management of young people, the putatively criminogenic effects of confinement, and the desire to offer more opportunities to young people in the community. Years of critical scholarship on the uses of risk assessment tools and risk management have resulted in shifts – and ultimately the decline-- in the uses of those tools, particularly in the United Kingdom (Haines and Case, 2008, Case and Haines, 2016). In America, there has been significant pushback on the uses of risk assessment tools, with a number of scholars, activists and policymakers raising questions in particular about the conflation of race and risk (Harcourt, 2010, Moore and Padavic, 2011). Yet, despite these challenges to the uses of these tools, their use in the United States in steering detention decision making remains relatively secure; in response to progressive challenges from across the country about the uses of monetary bail, a number of localities, including New York City, have proposed the use of risk assessment instruments to guide decision making and to ostensibly introduce more ‘race-neutral’ approaches to decision making. Since the 1990s, the Annie E. Casey Foundation, arguably the country’s largest philanthropic entity funding youth justice initiatives, has used risk assessment tools as the center of its Juvenile Detention Alternatives Initiative, which is now used in over 300 jurisdictions in America. Yet, in America, as in England, as custody has fallen, in part based on the use of risk assessment tools, racial disproportionality in confinement has risen significantly (Moore and Padavic, 2011, Lammy, 2017). This suggests that in the midst of efforts to seemingly eradicate the harmful effects of imprisonment, those effects get localized and distilled into

the lives of the groups of young people who have long faced processes of overcriminalization and control. In response to these findings, efforts have been established both within the Youth Justice Board in England and Wales and in local and state jurisdictions in America to address these disparities, but questions remain about how or whether these initiatives are attuned to the broader dynamics of racial stratification that arguably shape the ways that race impacts on ‘risk.’

The world financial collapse has arguably played a role in shaping some of the downsizing efforts in youth justice in the United States and the United Kingdom. In the United States, a number of jurisdictions recognized that the cost of youth custody was enormously high in comparison to those in the adult system (McCarthy et al., 2016) . Similarly, the high costs of confinement and youth justice have been challenged in the UK (Knuutila, 2010). The large-scale downsizing that has taken place has been hailed as a recognition by state and local authorities about the failure of the punitive model in youth custody. A number of institutions draw from the work of scholars, advocates and activists in pointing to the failures of punitive models that overcriminalize and label young people, and there has been a push to increase the use of diversionary strategies (Annie E. Casey Foundation, 2013). Yet, it is arguably important not to overlook the fiscal common sense embedded in these new approaches. In both the United States and the United Kingdom, the state and national government needs to impose austerity measures ultimately impacted on the local authorities, raising costs. The number of children sent to custody in the UK declined by 74% between 2006 and 2016 (Youth Justice Board, 2018). This should arguably not simply be seen simply as a product of benevolent intervention, although the social activism and pressure aimed at reducing the populations was surely significant, but the decline is also a product of broader political-economic forces which have favored downsizing as a mechanism of reducing state spending.

Methods

The data on which this article draws from three years of research conducted inside of New York State’s residential juvenile facilities between 2008 and 2011 (Cox, 2018). The research involved semi-structured interviews and observation inside of five of the state’s boys’ and girls’ facilities, with young people and staff members. The young people in the facilities were adjudicated as delinquents and also charged as adults under New York State’s Juvenile Offender law, which allows 13-15 year olds to receive adult convictions and sentences, although they begin their sentence (before their 21st birthday) in the juvenile facilities. There were 39 young people and approximately 75 staff members who participated in the research study. This article draws more broadly from participant observation in local advocacy gatherings, policy-reform meetings and presentations, meetings with state-level administrators, and legislative sessions and advisory group meetings.

The research was aimed at understanding the dynamics of incarceration and rehabilitation in juvenile justice settings from the perspectives of young people and staff. The focus on facility staff was aimed at understanding the barriers to organizational change in imprisonment, from the perspective of juvenile facility staff. The study with staff members took place in the aftermath of a large-scale facility downsizing process that took place in the aftermath of the global financial crisis.

The Transformation of Labor and its Consequences for Young People

There is a broader political economic context which impacts on the lives of the young people enmeshed in the US and UK justice systems and arguably shapes their relationships to the system but also their lives beyond that system. This has consequences for understanding the contemporary shape of youth justice, and whether the shape of the youth justice systems adequately addresses the pressures, structure and effects of contemporary global capitalism on its most marginalized young citizens.

The global structure of labor has been fundamentally transformed in contemporary Western democracies in what has been termed the ‘Fourth Industrial Revolution’ or new digital (machine) age

(Schwab, 2016, Morgan, 2019, Brynjolffson and McAfee, 2014). This contemporary period is arguably characterized by several core phenomena: the financialization of capital, technological innovations which have consequences for the future of work, particularly in artificial intelligence and robotics, biotechnology, nanotechnology and the Internet of Things (Ford, 2015, Schwab, 2016). These developments have been hailed as promising great efficiency, convenience, and the facilitation of personal and social goals (Morgan, 2019: 375). The ‘future of work’ –and its promising dimensions—has been contemplated from think tanks, to legislatures, to local councils, to the conference halls of the gathering of the global elite at the World Economic Forum at Davos (Morgan, 2019). Some have argued, from the left, that this future of work frees up individuals for less working time and more time to pursue social and cultural goals, particularly with the assistance of a universal basic income (Morgan, 2019).

Others are more pessimistic about the futures of capitalism. Some have argued that the fourth industrial revolution will deepen global inequality, threatening the demise of jobs for working class and impoverished people, and challenging the functioning of the social welfare state (Brynjolffson and McAfee, 2014). This, as some have argued involves a potential future of “mass technological unemployment” (Morgan, 2019: 376).

With the transformation of the economy, there has also been growth in the so-called ‘knowledge economy.’ The ‘knowledge economy’ has been defined as “production and services based on knowledge-intensive activities that contribute to an accelerated pace of technological and scientific advance as well as equally rapid obsolescence” (Powell and Snellman, 2004: 201). The United Kingdom and the United States have both witnessed rapid expansion of the knowledge economy between the 1970s and the early 2000s (Hope and Martelli, 2017). This form of work increasingly relies upon intellectual capabilities and educated workers, and those who can compete in the knowledge economy arguably have the greatest access to social mobility.

Concomitant with the rise of the Fourth Industrial Revolution, the availability of jobs for young people has become severely constricted, particularly in the aftermath of the global financial crash of 2008. Youth unemployment has risen in the United States, the United Kingdom, and Europe since 2008 (Schoon and Mortimer, 2017). For the jobs that remain, there are two trends in labor which arguably disproportionately impact on young people. The first has been the decline of manufacturing and low-skill service and clerical work which was once a market where young people could find relatively stable employment (Bessant et al., 2017). The other has been the rise of precarious and low wage, service sector and zero hours contract work, a sector in which young people are disproportionately employed (Hardgrove et al., 2015, Grasso and Bessant, 2018, Bessant et al., 2017, MacDonald and Giazitzoglu, 2019). The broader trend has been towards the flexible worker, one which has particularly negative effects on young adults, who struggle to get a hold in such a system (Fenton and Dermott, 2006). These effects hit impoverished, low-educated young people the hardest (Fenton and Dermott, 2006). For young people, chronic underemployment is the norm of the new era (MacDonald and Giazitzoglu, 2019)

Recognizing the challenges facing young people, state and federal governments in both countries have pushed for the expansion of higher education and ‘widening participation’ initiatives, offering the arguably elusive hope that higher education can be a pathway to social mobility for those previously excluded from such avenues to progress (Frank, 2016). They have also encouraged worker ‘retraining’ “to render their human capital less vulnerable to robot capital” (Morgan, 2019: 389). However, scholars have found that with the rise in the knowledge economy also comes an accompanying increase in social inequality (Hope and Martelli, 2017).

The possibilities available to young people with a higher education degree have also declined. Those young people, particularly working-class young people, have arguably found themselves feeling increasingly conflicted about their identities and aspirations in this context (Furlong and

Cartmel, 2007). Some scholars have identified the ways that young people have remained committed to high aspirations even while accepting the limited opportunities that would be available to them (Aronson, 2017, Silva, 2013). Scholars have highlighted the changing significance of young people's expression of agency in this context and the demands on young people to either build their social capital on their own or engage in a form of 'collective agency,' building solidarity with other young people through activism and collective movements to challenge the conditions they live in (Schoon and Mortimer, 2017, Fenton and Dermott, 2006) in the absence of secure work opportunities. Yet, as is well established, for impoverished young people who are often displaced from traditional institutions of support, building social capital and collective agency can be extremely difficult; this is particularly true for young people in trouble with the law (Barry, 2010, Holland et al., 2007), especially those who are institutionalised.

Young people have been a significant policy focus in this new era of growth in the so-called knowledge economy. Under New Labour, for example, a significant set of social investments were made in the development of young people's human capital, particularly in the form of the expansion of higher education opportunities, with a strong emphasis on building school standards and promoting literacy and numeracy, expanding vocational training opportunities, and focusing on 'hard to reach' young people (Mizen, 2003).

Yet, there is also an apparent 'crisis' looming on the horizon, as the population in the United Kingdom and the United States is aging (Kamm, 2018, The United Census Bureau, 2018). As mortality rates and birth rates lower and the timing of parenthood is delayed, this has significant consequences for the contemporary shape of adolescence, both from a developmental and a social perspective (Patton et al., 2018). Contemporary adolescents are more likely to have access to safe food and nutrition, health care opportunities, to refrain from engaging in unsafe sex leading to teen

pregnancy, and to engage in education, but are more vulnerable to mental illness and stress, and less inclined to trust in social institutions (Patton et al., 2018, Schoon and Mortimer, 2017).

The transformation of the global economy has also been accompanied by a growth in economic inequality, particularly in the United Kingdom and the United States (Pickett and Wilkinson, 2010). These forms of inequality have led some critics to call the new economy a form of ‘rentier capitalism,’ whereby value in the economy is extracted from individuals rather than created by them, and where small numbers of the population own a large amount of the wealth (Macfarlane, 2018). Some have argued that this will become even more of a possibility in the context of a shift to the new machine age where highly educated workers who exhibit talent in the new digital economy are the ‘winners’ and all others who can’t compete are lose out on access to wealth (Brynjolffson and McAfee, 2014). Young people arguably bear the weight of social inequality more heavily than adults, in that their access to services and opportunities is constrained by their status as citizens-in-waiting without the ability to exercise political power over the systems that affect their lives (Kennelly, 2011, Phoenix, 2015).

The world financial collapse set into motion austerity measures in the United Kingdom, with severe cuts to local social services, particularly those affecting children and their families; child poverty and infant mortality rates have grown since 2010, and will continue to grow (Alston, 2018); this has serious implications for the social mobility and intergenerational well-being of young people. They are also more likely to extend their dependence on their parents, in part related to shifts in social constructions of ‘youth’ and the social markers of maturation, but also to the more severely constricted opportunities for wage labor (Furlong and Cartmel, 2007). It has been suggested that we should be concerned about and attendant to young people’s loss of hope in current economic paradigms, and the broader consequences for their investment in and attachment to the state and its legitimacy (Fergusson, 2013).

Labor Market Shifts: Implications for Youth Justice

Young people who are incarcerated are arguably marooned – many are shut off and away from receiving opportunities which may enable them to thrive in the precarious economic landscape outside of facilities and they are, by virtue of their incarceration, suspended in a space where their development and growth is severely constricted. It is arguable that youth prisons are an important site to study in the contemporary moment as the number of young people grow smaller, and yet increasingly concentrate the poorest, the most racially and socially marginalized, and the most mentally vulnerable young people in our society (Taylor, 2016, McCarthy et al., 2016, Underwood and Washington, 2016). Some have argued that prisons contain the individuals who are considered to be the surplus labour in a late capitalist society—those whom we cannot and are not able to employ and support (Wilson Gilmore, 2007).

A number of scholars have argued that punishment has played a role in regulating the labor of the dispossessed (Rusche and Kirchheimer, 1968) and surplus labor (Wacquant, 2009, Wilson Gilmore, 2007). Critical Marxist accounts in the 1960s identified both the historical and contemporary forces of class oppression in juvenile justice systems (Liazos, 1974, Platt, 1969/1977), arguing that juvenile justice systems have become the key settings in which ‘other people’s children’ are regulated and controlled. But these structuralist accounts have been strongly critiqued for their overly deterministic view of punishment being shaped by economic interests (Lacey et al., 2018). In the context of the contemporary economy, it may also be important to understand the ways that youth justice systems are aimed at shaping young people’s individual identities, sense of selves, and individualized futures.

Youth justice systems, in their contemporary focus on behavioural change programming, skilling up young people, and preparing young people to lead a life without crime (Sankofa et al., 2017), are arguably doing work that is directly relevant to this new economy. Ironically, the ‘skilling

up' trend that exists outside of youth justice system, promoted by governments in the context of the shifting economy, have not necessarily been replicated in youth justice settings. Vocational training opportunities in custodial contexts are rare, and resettlement practices in American and British youth justice systems rarely attend to the broader socio-structural dynamics which shape young people's lives (Gray, 2011, Soyer, 2016, Fader, 2013). Despite our knowledge about the high rates of illiteracy and learning disabilities in youth custody, special education provision inside of custody is also limited, and young people face serious obstacles in returning to school from custody (Quinn et al., 2005, Domenici and O'Leary, 2015, Williams et al., 2007). The criminal conviction also continues to erect barriers for young people in multiple areas of their lives, from employment to access to higher education, even with the protections of a delinquency case (Goddard and Myers, 2019, Custer, 2018, Carr et al., 2015).

Treatment interventions in juvenile custodial contexts have arguably been focused on stimulating individual change through *individualized*, largely cognitive-behavioral interventions, largely focused on stimulating individual agency to overcome criminogenic instincts (Sankofa et al., 2017, Lipsey and Wilson, 1998). Yet, these treatment interventions, which are largely focused on behavior, as opposed to feelings, may play a role in exacerbating longstanding cynicism and mistrust of the systems (Cox, 2018). The interventions I observed in the course of my research constructed the ideal participant as one that responded to the interventions through the expression of deference, self-responsibility, and self-control (Cox, 2016). These expectations were viewed somewhat cynically by some staff and young people not only as efforts to engage in behavioral management and control of facility life, but also as failing to understand the complex internal dynamics of self-control and self-change (Cox, 2018; Cox, 2016). The construction of behavioural change programming also fails to recognize the broader structural barriers which young people face upon

release from the facilities, and which they ultimately cannot rely solely on behavioral management and self-control strategies to face (Cox, 2018, Sankofa et al., 2017).

Facility dynamics examined in my research also revealed broader questions about the legitimacy of incarceration, particularly in the context of the increasingly well-recognized racialized dynamics of incarceration. Young people's, particularly young people of color's, broader distrust of justice systems has been well-documented (Sharp and Atherton, 2007, Brunson, 2007, Spratt and Greene, 2010). In the context of the facilities I studied, where close to 90% of the young people incarcerated in the facilities were children of color, it was not lost on both staff and young people that the processes of criminalization intersected with broader racialized social and economic dynamics (Bonilla-Silva, 2001). A number of the young Black people in the research study in particular articulated a critique of the system they were enmeshed in as one that they felt involved their disproportionate criminalization in service of broader goals of racialized social control (Cox, 2015).

The young people in the facilities also experienced a great deal of anxiety—particularly anxiety about the precarity of the workplace they would be facing upon their release from custody (see also MacDonald and Giazitzoglu, 2019). This may also be connected to their levels of uncertainty and precarity within the contemporary political economic context. This may impact on their sense that if they are only ever given behavioral change interventions to participate in, rather than meaningful opportunities for work and employment security, then they are more alienated and distrustful of the very institutions aimed at 'helping' them.

Youth Justice Labour

The labor market has also witnessed substantial shifts in recent years that arguably also has consequences for the employees of youth justice systems. While I was conducting research inside of New York State's juvenile facilities in the aftermath of the global financial crisis of 2008, I identified

a tension at the heart of state's youth justice system that structured everyday life in the facilities: the system was arguably oriented around an outdated idea about 'labor,' for both staff and young people, despite the systematic transformation of labor in the world outside of the facilities. Despite the dramatic changes in the political economic system in the world around these facilities, they seemed stuck in time: not only were the forms of labor that young people were encouraged to pursue rapidly becoming obsolete (if not already), staff labor had arguably become increasingly precarious, not only as a result of the layoffs set in motion in part by downsizing processes, but also by a transformation in the social structure of prison and 'caring' work. The paradox of this kind of prison work was that even though prison and correctional labor is one of the only forms of labor that has remained relatively durable in the context of deindustrialization, it has also *risen* in conditions of inequality (Pickett and Wilkinson, 2010).

The rise in automation and the labour market transformations brought about by the Fourth Industrial Age has spelled the obsolescence of a number of industries and professions, but there are some professions which have remained relatively stable amidst this change. Among those professions are those that deeply impact on young people who encounter youth justice systems: custodial officers, care workers in residential facilities, welfare workers and officers, youth offending team workers, and probation officers. Today, in the United States, there are more people working in the criminal justice systems in the country than teachers in public and private schools (Platt, 2018). The individuals who populate these professions often lack higher education degrees and themselves come from impoverished communities; according to one commentator, "the poor taking care of the poor are driving the new economy" (Oh, 2017).

The 'care' professions have remained relatively stable, in part related to the aging population, but also to women's expanded participation in the workplace, and the inability of care work to be automated (Himmelweit, 2018). One of the fastest-growing fields of work in the United States, for

example, is direct care work, with most of this work involving low wages (Oh, 2017). This work and these workers have become increasingly diverse in terms of their gender and ethnicity, and yet the work itself has also become increasingly precarious (Watkins-Hayes, 2009, Himmelweit, 2018). Care workers in particular find themselves facing long hours of work, often with low pay or zero hours contracts, little training and support, and few opportunities to build sustained relationships with clients (Himmelweit, 2018). Staff in juvenile facilities and custodial contexts as well as care work often work long hours of overtime, have high rates of injury, staff turnover, and face high incidences of job stress (Cox, 2013, Auerbach et al., 2003, Oh, 2017, Colton and Roberts, 2007). The constant cycles of organizational change and efforts at introducing new public management also impact on workers' sense of their agency and autonomy in their professions (Souhami, 2007).

Juvenile justice reforms themselves are not immune to broader shifts in the economy and pressures on governments to devolve services to the local level, but these create attendant pressures on the meaning of work. The processes of devolution and realignment in the juvenile justice sector in the United States is a useful case study of the transformation of work in the context of juvenile justice reform. New York State recently engaged in an initiative to bring young people “closer to home,” out of state run and financed residential juvenile facilities in upstate New York and into privately-contracted group home contexts in New York City (Negredo et al., 2014). This shift was partially provoked by austerity measures made in the wake of the 2008 crash, and the recognition that state-level custody was expensive (Butts and Evans, 2011). Tales of facilities that had a fully paid roster of staff members with low populations of young people appeared in news headlines, often attributing the problem to the collective bargaining structure of staff unions, which allowed them to preserve their jobs in the face of downsizing (Center for Children’s Law and Policy, 2018). The project has been touted as a humanizing one; young people are said to be placed in smaller facilities where they can receive more individualized attention and live in more home-like

environments (Center for Children’s Law and Policy, 2018). Yet, the realities were that in the shift towards this model of care, the level of oversight declined, staff turnover rates were high, and safety issues were pervasive. The jobs that were advertised often required little more than a high school equivalency diploma and no experience or training (Stein, 2016). It was in this context not only that young people were arrested in facilities, but staff members themselves were also arrested and charged with harming or physically abusing young people (Stein, 2016).

The criminalization of children in residential care and custody has been highlighted as an increasing problem in the United States and United Kingdom (see e.g. Shaw, 2015). Staff members working in residential care homes and facilities have been known to rely on emergency calls to the police for the control and management of children under their care. As workers themselves are increasingly vulnerable and face increasingly unstable and precarious work, it is arguable that this may contribute to their insecurity in the face of that work, leading them to call the police in the face of threats to their safety, as opposed to managing the perceived threat using their own skills and capacities. If their skills and capacities remain underdeveloped, and they lack access to ongoing clinical supervision and support, then they may well be more likely to rely upon the channels that are most familiar to them to produce safety: law enforcement.

Structurally, poor standards of care are the norm; care is underfunded and understaffed (Himmelweit, 2018). Labor unionization is increasingly becoming eroded, particularly in the United States (Fingerhut, 2018). In care work contexts, working conditions and standards are rare, and the oversight and regulation of the work, as opposed to the conditions of confinement, may be even rarer (Himmelweit, 2018). These issues should arguably not come to our attention if custodial populations around the world are on the decline; yet, they arguably remain germane to the youth justice context, as it is increasingly clear that there may be less of a process of decarceration as one of *transcarceration* (Cate, 2016), where young people are shifted from custodial settings towards

residential care homes, into community-based organizations, and in settings where the adults they face still struggle with the same demands of insecure work.

The privatization of custody and care – another element of so-called neoliberal penal practices—has expanded to the youth justice sector in England and Wales, with secure centers run by private operators and probation practices contracted out to private providers under Transforming Rehabilitation. However, in the United States, the uses of private prisons have remained relatively low, and the current swell of opposition to mass incarceration has partially focused on preventing any further expansion of private prisons (Gilmore, 2015, Platt, 2018). Yet, while opposition to the privatization of custody remains relatively high in the United States, and relatively unpopular, jurisdictions have increasingly relied upon a more subtle set of tools to devolve the responsibility of custody to local jurisdictions, contracting out with local non-profit providers to provide services to young people. Elsewhere, I have termed this ‘charter-style’ juvenile justice, as this is arguably a model that relates to the tools used in education sectors whereby states allow individual educational institutions to present a ‘charter’ or mission that liberates them from the traditional regulatory ties to local authority education requirements, and allows them to essentially create a private model of education, but to receive public funding for it (Cox, 2011). In a number of jurisdictions in the United States, a process of devolution and so-called ‘realignment’ has been hailed by liberal advocates as an opportunity to remove children from the punitive state and allow them to thrive in alternative forms of custody that are offered by local service providers (Evans, 2012). Yet, I this process of devolution and realignment arguably represents a continued decision by states to devolve their responsibility for youth but is also a tacit endorsement of the liberal free market model of contracting out and fee for service care. Thus, this is not a process of abolition, but rather a devolution of responsibility, yet a continuation of youth justice (see also Cate, 2016). Recognizing perhaps that privatization on its face represents the ugly side of neoliberalism, and thus might

challenge their legitimacy, states arguably present the uses of local non-profit providers as a kinder gentler approach to youth justice.

Implications and Recommendations for Reform

The analysis has thus far focused on the broader political economic dynamics and their relationship to and impact on the lives of young people and staff in custodial contexts. It is arguable that these dynamics are critically important to understand in the context of the development of systemic reforms, in part because any reforms that take place within systems cannot be disconnected from the lives that children and staff live outside of that system.

A number of scholars have argued that we have moved to a new era of late capitalism, one where the core tenets of neoliberalism have been challenged substantially (Macfarlane, 2018). Not only has the economic model of neoliberalism been challenged, but the dominance of free market approaches in many domains of life, from global aid programmes executed by the International Monetary Fund and the World Bank, to free trade treaties, the privatization of formerly national industries, and tax structures have been challenged from the left *and* the right, from the Occupy Wall Street movement and Jeremy Corbyn to Donald Trump.

In the context of challenges to the hegemony of neoliberalism, there are some new approaches and developments that arguably have relevance for youth justice systems. These relate to the distribution and re-distribution of wealth and resources, the shift towards a capabilities-based economy, and the promise of a universal basic income with an attendant shift in basic welfare supports. It is arguable that youth justice scholars and advocates can learn from these broader efforts at socio-economic change in order to attend to the needs of the people who pass through these systems, and more directly attend to the possibilities and futures of a reconfigured child protection/youth justice net.

A number of commentators have suggested that in the era of late capitalism, we should shift away from an economy rooted in GDP and growth, and toward one focused on capabilities and well-being. A number of scholars and activists have been pushing back against neoliberalism and in favor of what they have termed ‘inclusive prosperity,’ which considers “consider human prosperity broadly, including non-pecuniary sources of well-being, from health to climate change to political rights” (Naidu et al., 2019). This approach, and others like it, is partially informed by the capabilities model advanced by Amartya Sen, Martha Nussbaum and other scholars (Sen, 2009, Nussbaum, 2000), who have argued that human flourishing depends in large part on the ability of institutions to help to facilitate human potentialities and capabilities. Some have advocated for the inclusion of this approach in criminal justice system practices (Farrall et al., 2010), particularly through practices such as the ‘Good Lives Model’ approach to desistance from offending (Ward and Brown, 2004). Yet if we expand our scope outward, and look to civil society organization proposals for well-being societies, we can see that much of their emphasis is on policy proposals that intersect directly with the lives of people most affected by youth justice systems: the development of meaningful work and healthy and stable working conditions; the expansion of supports for parents, particularly parents with young children, the promotion of ‘complete’ health, beyond physical health, and the development of an education system that promotes flourishing (New Economics Foundation, 2004, Macfarlane, 2018).

This proposal for a well-being society has significant implications for the young people and staff at the heart of youth custodial contexts, and researchers and reformers committed to addressing those needs. For researchers, analyzing youth justice systems through the lens of capabilities and well-being may allow us to examine the broader implications of interventions for young people’s ability to flourish, and whether the interventions themselves simply re-embed young people’s marginalized positions.

One of the key challenges to meeting the needs of people who exist at the center of conditions of economy precarity has arguably been the unequal distribution of wealth and resources (Webster et al., 2004b). Understanding the distribution of resources and wealth, and redistributing those resources, has been a core reform proposal for individuals seeking to eliminate some of the structural barriers to achieving individual well-being. An area of economic reform that poses some potential for analysis is the project of participatory budgeting, which has shed light on funding dynamics that impact on children and young people. In response to the perception that the budgeting process of state and local authorities lack transparency and accountability, a ‘Participatory Budgeting’ movement has emerged to train citizens to come together to decide how to spend public money (Lerner, 2011). Participatory Budgeting is aimed at building democratic accountability and community engagement, and attending to community needs in core social services. In Boston, a project called ‘Youth Lead the Change’ engaged young people in a participatory budgeting process, resulting in young people identifying key areas for budgeting support, particularly in the area of violence reduction (Grillos, 2014). Similar projects have emerged worldwide. In California, the group Californians United for a Responsible Budget have engaged community members to develop their ‘Budget for Humanity,’ which is focused on reducing the numbers of individuals sent to prison, raising taxes in key areas, and redistributing funding gained through revenue generation to childcare, health care, and education. The group proposed a series of tax reforms, including the reinstatement of California’s property tax, a rise in taxes on the wealthiest one percent of the state, a close in corporate tax loopholes, and a tax on financial transactions. The group’s approach is rooted in revenue generation for the state and a redistribution of wealth away from incarceration and towards social care and support (Californians United for a Responsible Budget, 2012). The participatory

budgeting process may not only be a fruitful methodological tool for youth justice researchers to examine the relationships between related and overlapping fields of influence over the lives of young people and the adults who work with them, but it also holds potential as a tool for reform.

A number of analysts have found that care and education systems are woefully underfunded, which has serious implications given the ‘pipeline’ that has been identified between care and education systems and custody in both the US and UK (Saar et al., 2015, Project, 2010, Goodkind et al., 2013). Austerity measures in the United Kingdom, for example, have caused significant declines not only in the support and provision of social welfare, but also overall declines in the well-being of, in particular, children and young people (Alston, 2018). The experiences of social exclusion for young people has deep implications not only for their successful transition to adulthood, but also for their life-long enmeshment in the criminal justice system (Webster et al., 2004b).

Analysts have found that even a modest investment in the care infrastructure would pay dividends in terms of the rise in employment and attendant issues (UK Women’s Budget Group, 2016). Economists advocating for new forms of prosperity not rooted in the traditional growth models have pointed to childcare and education as key sites of state investment that could lead to broader improvements in societal well-being (Black and Rothstein, 2019). Education and training programs remain underfunded and under-supported, and budgets often tilt towards law enforcement over and above social welfare and education spending (Platt, 2018).

A research agenda in youth justice that identifies the relationship between the fields of care and education, for example, and justice, in particular jurisdictions, as well as the distribution of state income into those sectors, may begin to shed light on the relative balance or imbalance between social sectors and the provision of support that young people receive both before and after custody. A reform agenda may focus on highlighting the need to fund the care and education sectors whilst

also endorsing the downsizing of custodial populations, as opposed to solely focusing on downsizing alone as a solution to youth justice problems.

Another proposed economic reform that arguably merits study by youth justice scholars for its potentially impacts on the lives of young people and staff members is the provision of a guaranteed basic income, proposed in the most recent Labour party manifesto in the 2019 general election in the UK, and piloted in some jurisdictions around the world. As income inequality has grown, and the portion of national income going to wages and salaries is in decline, and automation has increased, a number of commentators have proposed the implementation of a guaranteed ‘universal’ basic income (UBI) for all citizens (Reed and Lansley, 2016). This is a form of income that is untaxed and unconditional, and would be provided to citizens regardless of their need. Although a UBI has been an approach that has been embraced by advocates for many years, it has been proposed more recently—and has gained more traction—to address the rising possibility that the future of work is substantially shifting in the face of automation, and more and more citizens will need to be more broadly supported by a social safety net (Reed and Lansley, 2016). This income has been proposed in the context of what is seen as a failing national social security safety net in places like the United States and United Kingdom, which both have high rates of poverty in comparison to their competitor nations in the OECD.

The UBI is a proposal that may arguably have net positive effects for individuals affected by youth justice systems. This is because not only are the young people impacted by youth justice systems arguably disproportionately from the most vulnerable and impoverished communities, but they also exist at the nexus of expanding race, class and gender inequalities. In the United States and the United Kingdom, for example, there is a large racial wealth gap that only arguably becomes deeper as a result of individual’s encounters with incarceration and punishment (Desmond and Western, 2018, Western and Pettit, 2010). Stipendary and voucher-based programs already exist in

youth justice systems; for example, the New York City Mayor's office has a program called the Young Adult Justice Scholars, which provides a basic stipend for young people in trouble with the law if they participate in full time educational programming. Other programs exist to provide support for young people while they complete vocational training. Yet, the *guarantee* of an income for these young people and their families that isn't conditional or attached to an outcome is arguably one which raises significant possibilities for realizing social justice outcomes for young people enmeshed in the justice system, in part because it is arguably founded on more communitarian principles that recognizes that the absence of social support may play a role in funneling people into the justice system (Hudson, 2003, Carlen, 1989). Others have argued that stipendary and employment programs don't necessarily shift the structural conditions that make transitions to employment extremely difficult for young people living in conditions of deindustrialization, and merely replicate existing dynamics of offering low-paid and poor work opportunities to structurally marginalized individuals (Webster et al., 2004b).

Challenging the Underlying Financial Structure of 'Reform'

The broader landscape of social investment has also been shaped by private-sector preogatives, particularly via the expansion of New Public Management in the UK and the privatization of state care in America (see e.g. Gray, 2009). This transformation arguably reflects the private-market imperatives that are shaping the broader labour market transformations affecting youth and staff in the youth justice system. In the United States, some of the largest funders of juvenile justice reform, as well as interventions in the community, are private foundations who have built their wealth in part on the more recent transformation of the global economic system. These foundations, from the Annie E. Casey Foundation (established by the owners of the United Parcel Service) to the Robin Hood Foundation (established by a network of hedge fund managers), have arguably relied upon the generous tax benefits scheme provided in the United States to wealthy

individuals and donors interested in re-directing their wealth to philanthropic causes. This approach has in part been guided by market-based prerogatives and demands; foundations intervene in the social sector through the use of “investments,” at the same time that states have shrunk their budgets for social care and social welfare (McGoey, 2012). Termed ‘philanthrocapitalism’ by some (see e.g. McGoey, 2012), this merging of philanthropic aims with business principles has arguably become dominant in the West.

Others have pointed to the development of what they have called the development of a broad network of NGOs that deliver services in the community--a ‘non-profit industrial complex,’ whereby the state relies on the devolution of services to the non-profit sector, sometimes at the cost of the core tenets of social and racial justice (Samimi, 2010). This devolution also has consequences for the shape and structure of work, as staff members working in this context no longer receive public-sector protections and benefits, but also the diminishment of oversight for the young people in case. In the context of youth justice, foundations like the Annie E. Casey and the Laura and John Arnold foundation have not only led investments in the development of risk assessment instruments and guided supports and interventions, but they have also been deeply connected to state and local jurisdictions in the process (see also Whitlock and Heitzeg, 2019). In New York City, the Robin Hood Foundation, aimed at poverty relief, was established by hedge fund manager Paul Tudor Jones; the board of governors includes many people from finance capital in New York City. The Robin Hood Foundation funds a program called Families Rising, which provides family-based services to youth involved in the justice system, “emphasizing personal responsibility” and interpersonal skills development (New York Foundling, 2018).

But this approach to funding often relieves the state of its responsibility to provide social supports and care, and arguably allows business-minded entities to direct ideas about programming and services. It also largely relies upon the relatively *low* taxation of wealthy individuals, and thus

fewer opportunities for revenue generation and the redistribution of wealth than in comparable nations where the social welfare state is relatively generous, and relies less on philanthropic support. Thus, it doesn't shift the existing social inequalities that most negatively impact the young people at the heart of the justice system, but arguably entrenches it. Philanthropic ventures like these arguably thrive in conditions of wealth inequality; if the resources possessed by the foundations were more equitably distributed by the state, informed by a process of democratic participation, then those services may arguably be more accountable to the communities they serve. Youth justice researchers and advocates may benefit from more carefully scrutinizing the underlying funding arrangements of these systems in order to better understand their potentially pernicious consequences for the flourishing of youth and staff in those systems.

Concluding Comments

This article has sought to examine the broader context in which the lives of young people and staff incarcerated and working in youth prisons exist. It suggests that this broader context—where the future of work is being questioned and challenged, where social inequality has deepened, and precarity has risen, has relevance for the lives of the individuals who travel through youth prisons, and yet is arguably made worse by their existence. The paradox of youth prisons is that they both reflect the broader patterns of social marginalization and embed them.

In the context of the Fourth Industrial Revolution, it has been argued that the solutions posed to the decline of work tend to reside in an appeal to individual adaptation—via retraining, education, or skilling—as opposed to institutional fixes (Morgan, 2019: 390). In custodial contexts, these individual solutions are alive and well—interventions are arguably highly individualized and aimed at supporting self-control and change (Sankofa et al., 2017). Any focus on skilling and training arguably often resides in preparing young people for low wage work, and staff for casualization. Yet, there are solutions beyond the youth justice complex that may help to provide a

stronger analytical frame for understanding what work is being done, and a possibility for reforms that moves us toward reforms that are “...conceived not in terms of what is possible within the framework of a given system and administration, but in view of what should be made possible in terms of human needs and demands” (Gorz, 1967:7).

This article has focused on some of the ways that the shifts in the global economy may have consequences for the individuals confined and punished within youth justice systems, and those who work in them. These consequences arguably raise important questions about the distribution of resources and opportunities that have consequences for the lives of the people who exist in those symptoms. Recent economic initiatives to resist the hegemony of neoliberalism, and the proposals that have emerged from them, arguably have significant consequences for the operation and futures of youth justice systems.

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¹ For the purposes of this article, I will be using the term 'youth prisons' to describe all youth custodial contexts in the US and UK, from local detention facilities to residential facilities, Secure Training Centers, and Young Offender Institutions. I am using this expression as a shorthand here, even though I recognize it does not reflect official terminology. However, it is intended to signify the focus on institutions where young people are detained, which represents a broad spectrum in both countries.