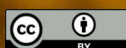


A silhouette of a person wearing a hoodie, sitting on a bench or ledge. The person is facing away from the camera, looking towards a bright, hazy sunset or sunrise. The background is a warm, golden-yellow color, suggesting a beach or a similar outdoor setting. The overall mood is contemplative and somewhat somber.

WHAT DOES SOCIAL JUSTICE LOOK LIKE AND WHY IS IT SO ELUSIVE FOR CRIMINALISED YOUNG ADULTS?

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Introductory context

Young adults are disproportionately affected by changing social, political and economic forces and environments and widening inequality (Nugent, 2017), yet contemporary policies and practices fail to address the harms engendered by poverty, inadequate housing, and an absence of secure employment (Webber, 2022). Rather than ameliorating the social adversities and harms underpinning much offending, young adults are then subjected to state-led individualistic and responsabilising interventions (Phoenix, 2019; Gray and Smith, 2021), resonating with MacDonald et al's., (2020: 14) observation that 'individual behavior trumps structural inequalities' in both policy explanations of, and 'remedies' for, poverty and its effects. Subsequently, young adults from socio-economically disadvantaged backgrounds are overrepresented in the justice system, experience poorer outcomes and are more likely to be reconvicted (House of Commons Justice Committee, 2016). However, while socio-economic deprivation and social marginality might be a more visible form of inequality, inequalities also reside in the 'systematic disparities in an individual's or group's abilities: to receive recognition; to influence others' behaviours in order to produce advantages for themselves and the groups they belong to; and to have control of the choices concerning their present and their future' (Bruselius-Jensen et al., 2021: 5-6). As we have elaborated elsewhere (Weaver et al., 2023), this is referred to as epistemic injustice (Fricker, 2007). While increasing attention has been paid to the participatory rights of children and young people (e.g. Haines and Case, 2015; Smithson and Jones, 2021), the voices of criminalised young adults remain marginalised and their experiences elided in shaping policy and practice responses. Consequently, perhaps, there is a significant disconnect between policy and practice directed towards criminalised young adults, their lived realities and developmentally-specific needs.



Beth Weaver

Professor of Criminal and Social Justice
University of Strathclyde



Nina Vaswani

Senior Research Fellow
University of Strathclyde



Trish McCulloch

Professor in Social Work
University of Dundee

Methods

In recognition of these enduring and growing socio-economic and epistemic inequalities, this study aimed to listen to, and learn from, young adults' experiences and their visions of social justice in order to influence more socially just responses from our welfare and justice services. We conducted a design-led, participatory study involving 12 criminalised young adults, aged 18-25 in Scotland. This enabled those affected to participate in a communicative space, freely share their experiences, and have their experiences and ideas taken seriously.

Participatory design is a dynamic process that uses design practices to identify and explore problems and solutions using diverse methods and approaches underpinned by participatory practices and ethics. Methods are typically visual or creative, and therefore accessible to diverse groups, and conducive to innovation (Burkett, 2012). They can, then, enhance engagement with marginalised groups who are normally excluded from knowledge production and policy-making (Pain and Francis, 2003; Porche et al., 2022) and help generate solutions that are culturally relevant and trusted (Evans and Terrey, 2016).

Of our 12 participants, (three women, nine men) eight were care experienced, eight had been in prison (either on remand or sentenced), and three were in employment. While justice experience was a prerequisite for participation, the research was not concerned with individuals' offending behaviour but rather their conception, experience and vision of social justice. The three groups each participated in two 90-minute workshops, held one week apart, supported by two facilitators and one note-taker. Workshops were hybrid¹ due to COVID-19 restrictions, and were video recorded

and then audio transcribed, with the exception of Group 1 workshops, in which an observer took handwritten notes.

Before the workshops, participants were given a 'workshop in a box' containing the necessary offline materials, including snacks and mobile data.



¹ While the first group was held entirely online, the remaining two were hybrid in that participants were in the same physical space for the workshops, while the researchers engaged by virtual means.

Workshop one encouraged participants to reflect on their social, physical and institutional environments via a game board (loosely based on *Monopoly*). This activity supported participants to engage in a process of 'diagnosis and critique' (Wright, 2013), to identify and understand their experiences of social (in)justice, and their understandings of the causes and consequences of those experiences. Using creative activities with *Lego*, workshop two focused on envisioning a socially just place that would prevent or address the injustices identified in workshop one. The methods adopted thus facilitated a process of Utopian inquiry (Bell & Pahl, 2018) by supporting participants' critical reflections on the social structures, institutions and practices that shaped their lives, and encouraging the envisioning of alternatives.

Findings

1. What challenges do criminalised young adults face?

All participants described experiencing a range of challenges as a consequence of the social disparities and conditions shaping their situational contexts, socio-geographical environments and personal circumstances. Those discussed most frequently were: negative interactions with the police; life on 'the street' or in the 'schemes' [council estates] and encounters with territorial violence; experiences of family adversity; perceptions of stigma, discrimination and exclusion; and the causes and consequences of mental ill-health, alcohol and drugs. Poverty, homelessness and lack of access to support and perceptions of a depersonalized justice system also characterized responses. The narratives they shared are detailed and, at times, harrowing;

sadly they resonate with much of what we, as researchers and practitioners, know about the realities of criminalised young adults' lives², and as such, we have chosen here to focus on their perceptions of what a more socially just future would require and entail.

2. What does a socially just place look like?

For many participants, a socially just place involved 'a collection of things' that pertained to addressing the material, status and social inequalities that they faced. Frequently, it involved: a safe and secure home; experiencing inclusion and belonging, within families, friendships, communities and society; fair and equal opportunities, or 'path[s] through life' and life transitions; and personalised social support, rooted in understanding and empathy. This reinforced to us the need for policy-makers to look beyond the parameters and purview of penal policy and practice, to re-envision how social justice can be generated before and beyond this space, including how this may be understood and in turn enacted.

The nature of the lives of criminalised young adults means that what they need and seek are the kinds of things that for them are critical to any semblance of social justice, but for others are a norm, and so what is envisioned by the participants may appear modest. For example, a secure and safe home featured in almost all participants' accounts as a foundation for building a flourishing or 'simple life', though this appeared to be aspirational for many:

This is my Lego: that was supposed to be my wee house, it's no very good. I've put a safe environment, a good home. (Pete)

² You can read our findings in full in Weaver B., McCulloch, T., and Vaswani N., (2023) Envisioning Social Justice With Criminalized Young Adults. *British Journal of Criminology*. <https://doi.org/10.1093/bjc/azad052>

Participants also envisioned social justice as involving fair, equitable and targeted opportunities for all, with emphasis placed on access to work or study.

I've wrote: for better and fair opportunities, do not judge their past, their criminal record. If they've not had work – don't ask for a reason; make it open to all skills, and experience, to not judge one or the other, like that you have to have a qualification to get in. To have a good age range; some apprenticeships and internships are for set ages. (Anita)

The challenge is that realising these fundamental markers of human and social wellbeing continues to escape our welfare and justice systems. Perhaps one of the reasons for this resides in Bammer's (1991:47) observation that 'even as our radical theories and politics push to extend the boundaries of the possible and unimaginable, we are always bound by and to the very structures we are trying to escape' (quoted in Malloch, 2016: 164).

Concluding Discussion

While it is possible to interpret our participants' visions of social justice as underwhelming, they are, by virtue of this, both achievable and desirable, and if realized, would be transformative in effect (Wright, 2013). Critically, that these fundamental human and social provisions emerge for participants as alternative, imaginary and utopian, underlines the profound disconnect between existing policy and service systems and the life-worlds of the multiply marginalised young adults these systems are imagined to serve. In

contrast to a persisting focus on individual, responsabilising and 'within system' responses to young adults in conflict with the law, and on rational-managerial approaches to reform, the keys to justice with young adults in conflict with the law do not reside in new or improved penal structures, processes and practices; they reside outside of penal systems, in the provision of human and social welfare policies, actions and outcomes rooted in justice principles of equality, democracy, and sustainability (Wright, 2013). As such, our findings accord with Webb's (2006) analysis which proposes that the generation of emancipatory justice in neoliberal societies is unlikely to be achieved through the application of managerial logic but requires instead 'a practice of value', which has become 'far more radical than it seems in a society that is permeated with calculative reason, material self-interest and mass consumption' (Webb, 2006: 33). Yet, as our participants' visions of social justice implied, in seeking to transform society, to facilitate meaningful and sustainable social change, at the very least, this requires a baseline of citizenship below which no individual can descend (Higgins 2011 cited in Levitas, 2013) and this means ensuring at least the right to shelter, food, education and freedom from fear and insecurity (Levitas, 2013).

Moreover, that our participants' experiences continue to reflect and resonate with those of others reported across the decades (e.g. McAra and McVie, 2010) accentuates the failure of top-down, neo-liberalist policies to adequately tackle the social inequalities that underpin much crime, criminalisation and victimisation, and their persistence in spite of the increasing evidence challenging such approaches (Scott-Samuel and Smith, 2015).

Relatedly, we have argued that while socio-economic deprivation and social marginality might be a more noticeable form of inequality, inequalities also reside in, and are extended through, the systematic, epistemic exclusion of stigmatised and marginalised individuals and groups from participation in policy development and practice innovations. The significance of this work therefore further resides as much in our findings on what social justice would look and feel like to our participants, as in our emphasis on the need for, and value of, deliberative participation if we are to collectively 'generate justice' (Fraser, 2005) through penal and social reform. We argue that this cannot be realised in the absence of mechanisms that can facilitate and embed the 'epistemic participation' (Schmidt, 2019) of this group in justice policy and practice contexts more broadly. Ultimately, those concerned with remedying social injustices and inequalities need to imagine, articulate and act on radical alternatives (Levitas, 2013) through which social justice might be achieved. This requires the epistemic inclusion and participation of those individuals, groups and communities most affected to co-create solutions - including attention to whose voice is allowed to participate and be heard in the process (Schmidt, 2019), who contributes to that knowledge making, and whose voices and experiences are absent. This requires making space for alternative ways of knowing, being and doing that are more egalitarian, democratic and inclusive in approach.

References

- Bammer, A. (1991) *Partial Visions* Abingdon: Routledge
- Bell, D.M., and Pahl, K., (2018) Co-production: Towards a Utopian Approach. *International Journal of Social Research Methodology*. 21(1): 105-7
- Burkett, I. (2012) *An Introduction to Co-Design*. Sydney: Knode.
- Bruselius-Jensen, M., Pitti, I., and Tisdall, K., (2021) *Young People's Participation: Revisiting Youth and Inequalities in Europe*. Policy Press.
- Evans, M and Terrey, N., (2016) Co-Design with Citizens and Stakeholders in Stoker, G., and Evans, M., (2016) *Evidence-based Policy Making in the Social Sciences: Methods that Matter*. Policy Press pp243-262
- Fraser, N., (2005) Re-framing Justice in a Globalizing World. *Anales de la Cátedra Francisco Suárez*, 39, 89-105.
- Fricker, M (2007) *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press.
- Gray P and Smith, R., (2021) Shifting Sands: The Reconfiguration of Neoliberal Youth Penalty. *Theoretical Criminology* 25(2): 304-324.
- Haines, K., and Case, S. (2015). *Positive Youth Justice. Children First, Offenders Second*. Policy Press.

- House of Commons Justice Committee (2016) *The Treatment of Young Adults in the Criminal Justice System: Seventh Report of Session 2016-2017*. House of Commons available online.
- Levitas, R (2013) *Utopia as Method: The Imaginary Reconstitution of Society*. Palgrave MacMillan
- McAra, L., & McVie, S. (2010). Youth Crime and Justice: Key Messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology & Criminal Justice*, 10(2), 179-209.
- MacDonald, R., Shildrick, T., and Furlong, A., (2019) 'Cycles of Disadvantage' Revisited: Young People, Families and Poverty Across Generations. *Journal of Youth Studies* 23(1): 12-27
- Malloch, M., (2016) 1. Justice for Women: A Penal Utopia. Justice, Power and Resistance. *Foundation Volume* p.151-169
- Nugent, B., (2017) *Locked Out, Locked In: Young People, Adulthood and Desistance from Crime*. Edinburgh Research Archive. Available online at: <https://era.ed.ac.uk/handle/1842/23566>
- Pain, R and Francis, P., (2003) Reflections on Participatory Research. *Area* 35(1): 46-54
- Phoenix, J., (2019) Youth in Transition or Young People in the Community: Alternative Conceptions of the Relevance of Age in Shaping Responses to Young People in Trouble with the Law in Carlen, P and Franca, L.A *Justice Alternatives* Routledge p358-371
- Porche, M. V., Folk, J. B., Tolou-Shams, M., and Fortuna, L. R. (2022). Researchers' Perspectives on Digital Mental Health Intervention Co-Design With Marginalized Community Stakeholder Youth and Families. *Frontiers in Psychiatry*, 13, 1-6.
- Schmidt, K., (2019) *Epistemic Justice and Epistemic Participation*. Arts & Sciences Electronic Theses and Dissertations. 1787. https://openscholarship.wustl.edu/art_sci_etds/1787
- Scott-Samuel, A., Smith, K. Fantasy paradigms of health inequalities: Utopian thinking?. *Soc Theory Health* 13, 418-436 (2015). <https://doi.org/10.1057/sth.2015.12>
- Smithson, H and Jones A., (2021) Co-creating Youth Justice Practice with Young People: Tackling Power Dynamics and Enabling Transformative Action. *Children and Society* 35:348-62
- Weaver B., McCulloch, T., and Vaswani N., (2023) Envisioning Social Justice With Criminalized Young Adults. *British Journal of Criminology*. <https://doi.org/10.1093/bjc/azad052>
- Webb, S. A. (2006) *Social Work in a Risk Society: Social and Political Perspectives*, Basingstoke, Palgrave.
- Webber, C (2022) Rediscovering the Relative Deprivation and Crime Debate: Tracking its Fortunes from Left Realism to the Precariat. *Critical Criminology*, 30:321-347
- Wright, E.O., (2013) Transforming Capitalism Through Real Utopias. *Irish Journal of Sociology* 21(2): 6-40.