1 Introduction

State wards comprise about one fifth of all girls processed by the Children's Courts. Most of the girls recruited into the official delinquent population come from large, materially impoverished families living in either housing commission estates or Aboriginal communities. Many of thse girls are before the courts for non-criminal behaviour for which adults cannot be punished, for example running away from home or being abused by their guardians. Almost half of their siblings have also been processed by the courts as delinquent youth. Those who are most severely punished by the courts are not girls apprehended for criminal offences, but rather those considered 'predelinquent' and 'in need of care'. There is a steady flow of young bodies between the state institutions set up to care for the abused child and the juvenile detention centres set up to correct the abusive child. What I am describing here is a highly selective delinquency manufacturing process that is the product of a complex web of modern governmental technologies primarily designed to save children from 'bad' families. This book is a study of these particular governmental technologies. Its central objective is to explore how female delinquency is manufactured by the juvenile justice system itself.

While this text is a criminological study of sorts it neither seeks to answer aetiological questions or offer any correctional 'solutions' for 'offending girls', nor does it aim to represent the views of such girls, important though these might be. Rather it is a study of the administration of juvenile justice, its nexus with the provision of child welfare, the forms of knowledge and power that produce this

delinquency manufacturing process and its highly selective penetration into the social body which make girls from Aboriginal communities and housing commission estates the most likely candidates for entry into the official delinquent population.

Youth is a passage through which all adults in the social body must invariably pass and the government of youth through this passage is absolutely crucial to the kind of citizenry comprising that social body. This is one reason why adolescence is such an intense period of regulation, experienced by those subject to such regulation as being double-edged. While intense scrutiny may be repressive for young people, their government through school and family is probably what insulates most of them from the carceral reaches of juvenile justice. Youth is also a metaphor for trouble and a time for the frivolous pursuit of sex, lust and pleasure. Understandably very few pass through it without having technically committed acts of delinquency, such as under-age drinking, smoking dope, illicit sex, shop-lifting, truanting and so on. Of course there are significant gender differences in the profile of adolescent offending. Nevertheless relatively few young people (although four times as many boys as girls) are actually channelled into the hands of the justice authorities from this large cohort of potential recruits to the State's official delinquent population. What is interesting is that the few who do end up in the juvenile justice system are highly concentrated in identifiable sections of the social body demarcated from the general population by their poverty and welfare dependence.

For those unfamiliar with the juvenile justice systems in countries like Australia, Britain and the United States, it is important to understand that there are two major avenues through which children and young people may be brought before a Children's Court. On the one hand, children who have reached the age of criminal responsibility (usually 10 years) may be charged with a criminal offence in much the same way as an adult. On the other hand, children of any age (usually up to 18 years) may be brought before the court on what are commonly referred to as care matters, but which are also known as welfare matters or status offences (such as neglect, abuse, destitution, uncontrollability, truancy). Despite the distinction between criminal grounds and ostensibly protective grounds for coercive intervention in the lives of children, the manner in which they have been processed through the Children's Courts and managed in institutional forms of care and control have not been clearly differentiated. In many cases, children before the courts for their own protection are detained in the same institutions as juvenile offenders. In any case, the use of separate institutions for children in need of protection (i.e. state ward establishments) does

not mean that these institutions differ significantly from juvenile prisons in their level of internal security and organisation of their internal daily regime. It is in this context that committal to state care has a life long association with punishment for some of those who have passed through it. This is why some girls identify 'the welfare' as 'the enemy' and prefer a committal to a juvenile prison to a committal to a state ward establishment.

Child welfare and juvenile justice have never constituted wholly separate domains in the formal legal sense, let alone in their day-to-day administration. While recent reforms have attempted to separate welfare cases from criminal cases the nexus between the two still exists because the mundane daily management of the abused child and the abusive child relies on similar forms of knowledge and power. This is the main argument developed in this book.

The basis of the argument is divided into six discrete chapters, each concerned with specific issues but connected by an overall argument about forms of knowledge and power that regulate young people. The book's central concern concentrates on the forms of government, knowledge and power that operate over girls (and their families) who are channelled into the reaches of the child welfare and juvenile justice authorities. The first two chapters clear the ground for the development of such an argument by deconstructing two different but popular structuralist readings of juvenile justice. Chapter 2 takes issue with an argument widely accepted in the international feminist literature, and often referred to as the sexualisation thesis, that girls who appear before the Children's Courts do so predominantly because of their sexual conduct. Sexual conduct is indeed an important factor in the manufacture of female delinquency, but not necessarily in the way that is implied by the sexualisation thesis. Chapter 3 addresses specific aspects of the relationship between Aboriginal girls and the justice authorities. It attempts to provide an explanation for their massive rates of criminalisation compared with non-Aboriginal girls. However, I have resisted the temptation to replace a structuralist reading of gender and justice with one of race and justice. Rather I have tried to analyse how deviation from the cultural specificity of social norms is translated into a logic of government which produces delinquency in the image of otherness, in this case Aboriginality.

The remaining four chapters then set out to offer a reading (in some cases a number of readings) of the way in which female delinquency is manufactured by the juvenile justice authorities. Chapters 4, 5 and 6 examine the principal sites through which the girls in my study were channelled into the hands of the justice agencies. The reason for organising the book in this way was to

escape the legal common sense view that the Children's Court is the focal point of the justice system around which all other decision-making processes revolve. Chapter 4 focuses on the school as one of these important sites. It analyses the overlap between judicial and educational forms of power and asks why schools do not do more to insulate truants from the often futile and repressive interventions of juvenile justice. Chapter 5 looks at the family as another principal site from which children and young people are channelled into the juvenile justice system. It describes and analyses what happens to families who fail to govern their children in ways desired by the welfare agencies and justice authorities. It also documents what happens to girls who, through no fault of their own, pass into the hands of these agencies either because of inadequate family support or because of abuse. Chapter 6 examines the policing of youth culture as another site from which girls (but many more boys) are channelled into the juvenile justice system. It offers several different readings of this delinquency manufacturing process, using the theoretical frameworks of cultural studies, feminism and post-structuralism.

It has been commonplace to conceive the administration of juvenile justice in terms of a series of tensions between welfare and justice. The final chapter takes issue with the terms of this wearisome debate. It provides an account of the mechanics of the criminalisation process through which the girls in my study and their families were processed and seeks to provide an answer, however partial, to the vulnerability of some girls to the gaze of the justice authorities, and the immunity of others. This leads me to one last point by way of a general introduction to the text.

One of the major themes developed in the book is that girls are not a homogeneous lot subject to a seamless web of male oppression. They are noticeably differentiated in their vulnerability to the repressive forms of regulation that operate through juvenile justice. Any unity imposed upon 'girls as a group' and their treatment by the justice authorities is a fictive one.

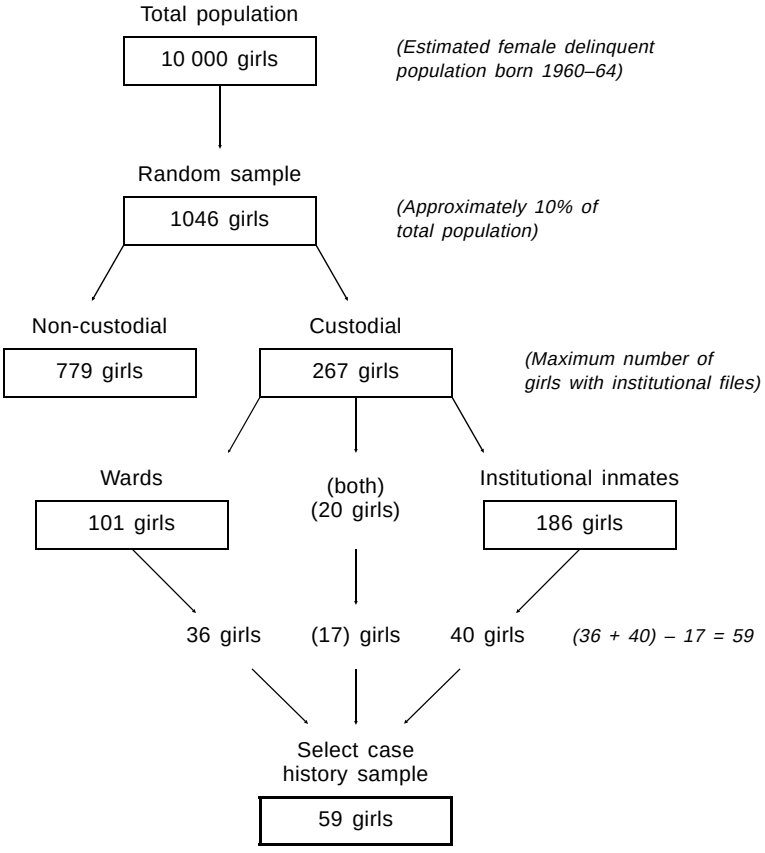
Methodology

The research for this book is based on a doctorate I completed in the Department of Sociology at Macquarie University in 1989. The research design incorporated three empirical data collecting techniques undertaken in the following order: a random sample of 1046 records of girls born between the years 1960 to 1964 taken from the NSW Juvenile Criminal Index (JCI); a study of the criminal dossiers, ward files and case notes of fifty-nine girls from that

sample, most of whom were considered by the authorities as chronic 're-offenders'; an observational study of several Children's Courts in metropolitan Sydney (for detail see Carrington, 1989, pp. 64–87). The method of each of these is outlined briefly below.

The random sample from the JCI of 1046 girls born in the years 1960 through 1964 constitutes 10 per cent of all such records (Fig. 1.1). In principle, the index holds one card for every male and female juvenile who has ever appeared in any New South Wales Children's Court jurisdiction. The records remain active until the person attains the age of eighteen years and additions are entered for consecutive court appearances. When the records become inactive they are filed alphabetically into boxes, indexed according to the year of birth and then (in theory) sent to State Archives. It

Figure 1.1 Sampling methodology



was the most recently inactive JCI records at the time of the data collection which formed the total population of the random sample. A total of sixty variables was coded for each JCI record, including such information as year of birth, place of residence, history of offences and court outcomes for each of the 1046 girls. A great deal of empirical data produced by this method has not been included in the book, simply because it duplicates the picture of female court appearances produced by official statistics. This material is in the thesis for those who are particularly interested. The most important data generated by the statistical procedure was information about place of residence which made it possible to calculate a female delinquency detection rate for each local government area (LGA) within the State of NSW and to then correlate this rate with Australian Bureau of Statistics (ABS) social indices.

I then read the criminal dossiers of fifty-nine of the 1046 girls from the larger sample who, on average had appeared before the Children's Court five times each during their youth. The selection

Figure 1.2 Selection of case studies

	Institutional inmates	wards	(both)		girls
A	186	101	(20)	=	267
	Name sought from B card index				
B	186	60	(20)	=	226
	B Number located from B card index				
C	108	45	(17)	=	136
	Located retrieval number from IB or B File indexes				
D	53	40	(17)	=	76
	Dossiers retrieved from State archives				
E	40	36	(17)	=	59

of the cases was largely a practical matter, but in principal I tried to locate the files of girls with long criminal histories. Initially I had asked for most of the files of the girls from the larger sample who had been taken into State custody either as wards or institutional inmates (Fig. 1.2). Through a process of attrition I ended up with only fifty-nine from a possible 267 of such cases out of the 1046. The files assemble in chronological order a collection of documents produced about each girl and her family by the juvenile justice and child welfare agencies. In departmental terminology the documents are called B files for State wards and IB files for institutional inmates. As it turned out there was considerable overlap between the two as thirty-six of the fifty-nine girls had both kinds of files, and many of the institutional inmates had been placed in ward establishments and vice versa. It was then that I decided to dispense with departmental terminology preferring to call the files case notes, or dossiers as they are in this book. There was an average of 150 documents in each dossier, although the largest dossier contained in excess of 800 documents and the smallest fifteen. In total I read more than 8000 documents transcribing at least 80 per cent of their contents to avoid the trap of selective note-taking. This took the better part of a year.

The dossiers include court reports, psychological and medical assessments, conference reports, home reports, ward reports, sworn statements, official documents of the Children's Court, police facts sheets and so on. This book quotes heavily from such sources, most of them in full. It is important to note that documents of this sort do not necessarily record what actually happened. Rather, as Cicourel suggests, the routine organisational processes that produce them make the dossiers intensely political sources of information (Cicourel, 1968, p. xiii). Official documents of the sort I read therefore tend to normalise actions taken by the authorities in specific instances as the legitimate treatment of a case, regardless of what actually happened (Garfinkel, 1967, pp. 202–3). They often justify what should happen (i.e. court reports) or what should have happened (probation reports) or what was said (i.e. records of interview). The records of interviews were notorious in this respect as many were written after the event. Only the most crude positivist would attempt a literal reading of these texts. This is why I do not privilege such documents as being the impartial bearers of truth but rather see them as the products of a specific governmental process. I have attempted to read them in a number of possible ways: I do not claim that these readings are exhaustive, impartial or error-free, but they are the best possible at present that I could do.

The research process was greatly affected by ethical considerations and my access to both the Juvenile Criminal Index

and the dossiers was carried out under strict departmental supervision. Ironically, the office allotted to my use was formerly a cell of Parramatta Girls' Industrial School, more recently known as Kambala, an institution for delinquent girls located alongside the Parramatta women's jail.

Since these documents carry a one hundred year embargo approval to research and publish the results of my findings was sought and granted by the Department of Youth and Community Services (YACS). Since that time the department has undergone a number of name changes variously referred to in the text. For the sake of ease I simply refer to it as the department. Approval for access was granted under the condition that no individual girl, family or employee could be identified through the publication of my research. I have undertaken considerable efforts to guarantee anonymity by using pseudonyms, by systematically altering dates and places and by omitting individually identifying information where necessary.

The final research procedure involved a series of observations of a number of Sydney metropolitan Children's Courts, which ostensibly did not amount to the collection of much empirical data. Since Children's Courts are closed courts, permission to conduct this research was sought from and granted by the Senior Special Magistrate of Metropolitan Children's Courts, Mr Rod Blackmore. I undertook a stratified sample of observations over a five week period, Monday the first week, Tuesday the second and so on until I had completed one week of observations in each court. While the fruits of this method are not readily apparent in the text, upon reflection the observations were essential to arriving at the understanding that the Children's Court is not necessarily the centre of the justice process, and may only be peripheral to it. In other words, the Children's Court does *not* necessarily exercise sovereignty over the justice system. The significance of this formulation has been crucial to the argument developed in this book to account for the manufacture of female delinquency by the justice system itself.