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# Do It Yourself

Individual Responsibility in the  
Dutch Juvenile Criminal Justice  
System

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# DO IT YOURSELF

INDIVIDUAL RESPONSIBILITY IN THE DUTCH JUVENILE CRIMINAL JUSTICE SYSTEM



**Universiteit Utrecht**

Master thesis

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## PROLOGUE

The train stops at the station of Assen, a small town in the north of Holland. I am waiting for the bus to take me further into the countryside and to bring me to the correctional institution for juvenile offenders where I will be doing a part of my fieldwork. A bright yellow poster with a black and white drawing of a boy catches my eye. It reads, "*Het Pauperparadijs, theaterspektakel over arm en rijk*" [The Pauper paradise, theatre spectacle about poor and rich]. A theatre show will be performed about the history of the area, Veenhuizen, on the patio of the prison museum. Sitting in the bus, passing the suburbs of Assen it is hard to imagine that the area 200 years ago still was referred to as 'Syberia of the North', where poor people and beggars were sent to and put to work in Punishment Colonies. It was thought that work and discipline would turn them into 'proper citizens'. The bus stops, and as I am walking to the juvenile detention facility I pass the old houses of the supervisors, still decorated with old plaques like "werken is leven" [working is living] and "orde en tucht" [order and discipline], reminding me of past times. The changing view on people fascinates me: how the idea of the 'makeable society' changed into the 'makeable individual', and how with prison walls the strongly disciplined language of 'order and discipline' made place for terms like 'individual responsibility' and 'participation'. The institution has a wide range of treatment opportunities matching individual needs, as I read on their website, and the basic method used in all juvenile correctional institutions is YOUTURN, a method to learn individual responsibility.

The dark green fences seem high, while standing close in front of them; they rise about three meters above me. I ring the bell next to the door of the fence. The door opens and I enter the first area, a stone covered area surrounded by green fences. I walk towards the entrance of the building. It feels strange and a bit scary, to just stand there, having no idea what will happen and to see the gates close behind me. Another door. Another bell. I ring and wait. The door opens and I enter. I guess it is a feeling you forget when you work there every day, but the first entrance feels creepy. I wonder what it is like to enter as a detainee. Having no idea what to expect and not knowing when you will be getting out again.

I show my identification card at the security and my name is verified on the list. I put my bag in a locker, and my jacket in a basket that goes through an airport-like screener. Then I pass – without beeping – the security pawls. Check. I am in! While I follow the director to his office, I tell him more about the topic of my research: individual responsibility, and how this is experienced by different

actors within the juvenile justice system. He tells me that a topic they are currently working on in the institution, is youth participation. About four years ago they shifted policy to a softer approach with more flexible rules and space for participation of the youth. "All the rules we could not explain were deleted. Why is there only ketchup on Wednesday? Why can't I go for a run in the courtyard by myself?" "We still have rules of course, but we look at ways in which we can stretch these rules. That isn't easy for all the staff members, some find it great, while others would rather have clear rules to follow."

The director brings me to a smaller office where I meet Bart and Franca, whose job it is to help prepare the juvenile offenders for release by helping them to find a job, a house, a network and something to do during the day. "It's not only about 'own responsibility'," is the first thing Bart says when I tell them about my research. "It also has to do with the way society looks at it, what other people think of you. Many guys who leave here feel like they have a stamp on their forehead. How others see you is important, since you are so dependent on other people." His colleague Franca adds: "Taking responsibility means for example to apply for government allowance. But then you need to apply for five jobs a week, and after applying it takes a while until you get the money. So you can easily be without money for two months, while you still need to pay the rent, your health insurance. Especially for guys who can't look ahead that far, that is really problematic." Bart: "Even as a 'normal citizen' it is hard to keep up, imagine if you have been out the system for a while.... [...]" Some guys want to take responsibility so badly. They say, 'I'll do it myself, let me write that letter, even if they don't have the skills for that.'" Franca: "Everyone says 'individual responsibility,' but what do they mean with that? It is a term someone came up with somewhere behind a desk. But it doesn't say anything about our daily work." Bart: "It's too easy to say that taking responsibility is the road to success."

A few hours later I am standing outside again. My head is filled with many questions: How does policy influence daily life within the juvenile institution? How does this 'stretching the rules' work, and is this clear for everybody? What is the connection between participation and individual responsibility? And who is responsible if someone fails to desist from crime?

## CHAPTER 1 – INTRODUCTION

The topic of this thesis is the concept ‘individual responsibility’ within the context of the Dutch juvenile criminal justice system. Let me start by explaining some of my interest into this topic. A few months earlier, before starting up the research project and visiting the juvenile correctional institution, I attended a lecture<sup>1</sup> given by Trudy Dehue, on a wholly other topic: ‘healthcare politics’. We get advice from all sides about how to live healthy; to exercise against depression and to take our fate in our own hands. In this way of thinking, being healthy is presented as a choice. The idea of yourself as an autonomous actor who can exercise influence might be attractive, but also has a downside. It can also result in “a crushing feeling of own responsibility,” according to Dehue, because the next step of reasoning is that if, after following all this advice, you are still not healthy, it is your own fault. This then increases pressure on those who are not healthy or fit.

I found this an interesting idea. Individual responsibility is important. However, people do not always have the possibilities to take their fate into their own hands. This thesis is about this field of tension: between the benefits of participation, autonomy and responsibility on the one hand, and the pressure of individual responsibility in a socially dependent context on the other. Individual responsibility is one of the keywords of the new Dutch vision on detention, ‘*Modernisering Gevangeniswezen*’ [*Modernization of the Penal System*]. In the newly built prison complex in Zaanstad, prisoners can move around the building freely and choose their own daily program, making use of touch-screens. This focus on individual responsibility is intended to prevent institutionalization. Besides, a system of rewarding and punishing, by granting more privileges or taking them away, is meant to stimulate prisoners to work towards reintegration.<sup>2</sup> ‘Not taking responsibility’ is seen as a free choice in this regard, and can be punished by not giving privileges. A dream prison? Or a doom scenario in which reintegration becomes the sole responsibility of the individual detainee?

I decided to take the juvenile criminal justice system as the topic for my research. Compared to the regular prison, in the juvenile correctional institution ‘responsibilization light’ takes place: although young people are held less responsible than grownups, ‘learning how to take responsibility’ is a

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<sup>1</sup> Trudy Dehue “De paradox van leefstijlpolitiek” (lecture, Studium Generale Universiteit Utrecht, Utrecht September 2, 2016. Available online at: <https://www.sg.uu.nl/videos/de-paradox-van-leefstijlpolitiek>).

<sup>2</sup> See the speech of former state secretary Fred Teeven at the start of the building process, 19-11-2014. <https://www.rijksoverheid.nl/documenten/toespraken/2014/11/19/toespraak-officiële-eerste-bouwhandeling-pi-zaanstad>

main aim.<sup>3</sup> I was curious how that process takes place in practice. While there is quite a large body of international literature on the increased focus on responsibility for juvenile offenders, I have not seen any Dutch sources on this specific topic. Whereas most international literature tends to focus on either large theories of governmentality and responsabilization, bypassing the specific contexts and situations (Grey 2009, Rose 2000), or focus solely on ethnographic illustrations without showing larger country-specific developments (Cox 2011, Gradin Franzén 2015), I aim to combine both.

My central research question is:

**How is the concept of ‘individual responsibility’ understood and governed by different actors within the Dutch juvenile criminal justice system?**

This thesis is based on three months of ethnographic fieldwork in the Netherlands, from February till May 2016. I spent six weeks doing participant observation and qualitative interviews within a juvenile justice facility. Besides that, I conducted participant observation at a youth protection and probation office, a court case, a trajectory meeting, and a meeting for scientists. In the last part of this introduction, I will elaborate on my research methods and the field of my research.

I approach the topic individual responsibility from a political-philosophical angle, building upon literature on responsabilization and governmentality. While doing fieldwork, my scope of literature broadened with the insights I got from my research participants and expert interviews, to literature on risk and the philosophy of science. With this thesis I aim to contribute to these academic debates by giving insight in how broad concepts such as risk and responsibility influence working practice within specific settings in the field of the Dutch juvenile criminal justice. With this quite theoretical and conceptual exploration I also hope to make a societal contribution, by giving insight in different ways to think about ‘individual responsibility’ and showing the consequences these underlying assumptions have for policy making.

The argument of this thesis is twofold. Firstly, I want to go against the narrative of responsabilization as an all-encompassing trend, by showing how the notion of individual responsibility is contextual, sometimes contradictory and has different meanings for different actors. I show how two different interpretations of individual responsibility: ‘liberating individual responsibility’ and ‘disciplinary individual responsibility’, are at work at the same time. The current focus on risk containment and prevention leads to the enforcement of disciplinary responsibility:

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<sup>3</sup> Youturn, the methodology used in all juvenile detention facilities, is directed at teaching the youth how to take individual responsibility. I will elaborate on this method later in this introduction, but see also <http://180.nl/producten-en-diensten/youturn>.

preventing crime becomes a shared responsibility of the state and citizens, who are asked to take their responsibility not only to behave well, but also to prevent risk. This means there are less possibilities for liberating responsibility since giving autonomy and freedom is 'risky business'. Giving people more freedom and responsibility also means having to accept the risk that things go wrong.

My second argument relates to the prospects and drawbacks of the focus on individual responsibility. While I recognize that autonomy and granting responsibilities can be important in the process of desisting from crime, it also has to be emphasized that individual responsibility is relational. Solely focusing on individual responsibility without recognizing how people are dependent on others in life is not helpful, since it does not match reality.

This argument is developed throughout the thesis by using a narrative structure, starting with a snapshot of the juvenile court, where the process starts, moving into the juvenile correctional institution, to a 'trajectory meeting' where different chain partners prepare the release of a juvenile delinquent, to youth protection and probation services, and lastly to a meeting for academics on the adolescent brain.

In the concluding chapter I give my final reflections. I show how the meaning of responsibility is different for different actors, and theoretically reflect on different fields of tension I came across during my research: the relationship between (social) science and the prison world, the friction between risk-control and the wish to entrust the juveniles with responsibilities, and the friction between different interpretations of responsibility – as liberating and as disciplining.

In the next part of the introduction, I explain the main concepts that helped me to interpret my data, showing how responsabilization is a governing technique that can be disciplining or liberating. After that, I highlight some changes in the historical meaning of individual responsibility within the Dutch juvenile justice system. Lastly, I clarify my research methods and reflect on the benefits and difficulties of participant observation as a research method.

#### RESPONSIBILIZATION AS A GOVERNING TECHNIQUE

In order to understand practices within the juvenile justice chain, it is necessary to expand our view. As put forward by Rose (2000), crime control has to be understood within a broader framework of perceptions of morality and how to govern these: "Programs of crime control have always had less to do with control of crime than they have to do with more general concerns with the government of the moral order" (Rose 2000, 321). This means that the increased focus on individual

responsibility within the prison system has to be seen in the light of broader societal developments. In what Rose calls 'advanced' liberal states, the ideal role of the state changes. The national government should no longer aspire to be the guarantor and ultimate provider of security. Her task is to steer and regulate, rather than to pursue total control (Rose 2000, 323). In order to govern this way, responsible citizens are needed. Neoliberal ideologies require citizens to take their fate into their own hands and take care of themselves and the people around them, with less interference from the government. Foucault used the concept *governmentality*, - ranging from the control or guidance over others, to the control of the self- to show that the exercise of power is linked to a certain 'governmental rationality' (Foucault 2007, 108-109, see also Lemke 2000, 5). In other words, to understand the role of individual responsibility within the juvenile justice system, ranging from everyday situations and contacts within a penal setting to national policy, it is necessary to look at the rationale behind this. In the next chapters, I show how the government of 'individual responsibility' is shaped by policy and by the rationality of the different actors.

#### INDIVIDUAL RESPONSIBILITY: DISCIPLINING OR LIBERATING?

Ossewaarde (2006) shows how the term 'individual responsibility' takes center stage in the Dutch political discourse and is used in different ways: in different sectors, different notions of individual responsibility are present at the same time. To get a grip on the term 'individual responsibility', I use Ossewaarde's distinction between two different usages of the term: 'disciplining responsibility' and 'liberating responsibility'. The first meaning of the term refers to the government that disciplines its citizens by making them responsible, while the second one refers to the idea that citizens should get more freedom and autonomy and thereby more responsibilities: individual responsibility in this way works liberating (Ossewaarde 2006, see also Kampen 2014, 93).

The term responsabilization usually refers to the former interpretation of individual responsibility: disciplining responsibility. In line with Foucault (1982), responsabilization can be seen as a strategy of control, by which the individual is made to control himself. Within the field of criminal and juvenile justice, several authors have noticed how there is an increased focus on the individual responsibility of offenders, who are seen as rational decision makers, responsible for the reduction of their own criminal behavior (see for example, Gray 2009, Cox 2011, Halsey 2008). Maruna and Mann (2006) note how many treatment programs are built around the premises that the offender has to acknowledge his full responsibility in committing crime, without acknowledging surrounding factors. As an example they focus on the popularity of cognitive behavioral therapies directed at changing individual thought patterns which are seen as a cause of crime.

The second interpretation of the term, liberating responsibility, refers to granting responsibilities. Autonomy, self-reliance and the possibility to take responsibilities are increasingly seen as important values within detention. Classic criminological studies of Sykes (1958), Clemmer (1940), and Goffman (1961) all refer to the problems associated with a lack of personal control in penal environments. For example, Goffman shows in his book *Asylums* (1961) how the loss of autonomy in (closed) institutions can lead to institutionalization, which means that prisoners adjust to institution life to such an extent that it gets hard to function well outside the institution upon release. Following this, the Dutch government sees increasing autonomy of detainees as a way to go against hospitalization and dependency, thereby improving chances for reintegration and lowering the risk of recidivism (Boone et. al. 2016, 1). Within youth care, the concept 'participation' has gained attention as an important factor for achieving positive treatment outcomes (Ten Brummelaar et al. 2014, 55). Being able to influence decision making prevents 'learned helplessness' and passiveness, and increases the motivation to actively take part in the treatment process.

Between the different interpretations of responsibility lies a field of tension. Individual responsibility does not per definition work disciplining or liberating, and often the line between these interpretations is very thin. In the field of criminal justice, an example of contradicting interpretations can be seen in the work of Crewe (2011), who calls 'self-government' one of the new 'pains of imprisonment', since although it may sound liberating, some prisoners experience their increased autonomy disciplining, as below the surface their behavior is still guided by strict norms. Moreover, some authors have noted how within institutional settings there can be a divergence between the language of responsabilization that is adopted, and the actual amount of responsibility people are given (see for example Halsey 2008, Cox 2011). This friction derives from the gap between the first and the second interpretation of responsibility.

Let me illustrate the thin line between different ways of interpreting 'individual responsibility' by taking YOUTURN as an example, the official methodology within all juvenile justice facilities. The main aim of the method is to teach the youth to take responsibility:

Change starts with you. The better you know what responsible behavior is and which learning goals are important for you, the less others need to decide for you. (YOUTURN manual)

Part of the YOUTURN method is a system with 'phase cards' on which topics such as 'keeping my room tidy', 'being polite to the staff', and 'helping others' are ranked. The idea is that in the end good behavior will be internalized, rather than just behaving well to get rewards. Learning to take responsibility is highly controlled in this way. From a disciplining interpretation of individual responsibility, the system can be seen as a way to make the juveniles responsible to act in line with the official policy, in which good behavior is embedded in a strongly normative framework of what is good.

However, YOUTURN can also be interpreted from the liberating perspective on responsibility. In an interview with the manager of Education and Therapy of the juvenile facility where I did my research, she told me that she does not see YOUTURN as a form of responsabilization and putting all the responsibility to change on the individual juveniles. She sees the approach as a way to take the youth as a starting point, to look at their motivations rather than making a whole plan which in the end the juvenile does not agree with and therefore does not cooperate.

Once you are in forced or closed care, people have been telling you for a long time: you can't do it, so we do it for you. So things have been taken over from them often. This [focus on responsabilization and participation] is a new trend, which is very good, I think. To put more emphasis on that.<sup>4</sup>

From this vision the idea of YOUTURN is a form of liberating responsibility, by letting the youth participate actively in their own plan, and show them that without their cooperation nothing will change.

#### INDIVIDUAL RESPONSIBILITY IN THE HISTORY OF THE DUTCH JUVENILE JUSTICE POLICY

How individual responsibility is interpreted and the amount of responsibility that is attributed to the individual shifts over time and is linked to our view of mankind. For that reason in this paragraph I will briefly cover some changes within the Dutch juvenile justice system, to show how these visions and prison policy are interlinked.

Children have always had a special position within the criminal justice system because of the vision that they cannot be totally held accountable for their deeds because of their immaturity (Weijers 2015, 99). In 1833, the first correctional institution for juveniles was opened, with the aim to re-educate the youth and keep them away from the bad influence of their parents. Following

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<sup>4</sup> Interview manager of Education and Therapy Juvaid, April 12, 2016.



Lombroso's degeneration theory, which gained popularity in the Netherlands, delinquency was seen as a symptom of a lack of social functioning caused by biological and/or societal factors. This is beyond the control of the individual. The delinquent child was seen as a product of his parents and his environment (Weijers 2015, 100). In 1901, the 'child laws' were implemented, revolutionary for that time, because of their pedagogic approach and focus on the 'protection of the child' as a first aim. The first law is the civil child law which states that in case of severe neglect, the parents can lose their parental rights. The second law is the criminal child law, which states that children and juveniles who have broken the law should be sentenced in a special court for children, with lighter sanctions, maximum detention of a year and own procedures. The third law is the penitentiary child law, in which the whole organization of the governmental interventions is written down (Delicat 2001, 13). The formation of this law can be seen in the light of the philosophy of the then developing Modern Movement within criminal law. Supporters of the Modern Movement believed in the makeability of the individual and society and therefore preached active state intervention. Classic criminal law concepts such as 'Personal responsibility' and 'guilt' were deemed irrelevant for dealing with criminality, since detention should be focused on resocialisation and preventing further harm (Weijers 2015, 101).

The 1930's were characterized by professionalization. The prison changed in an 'observation house'. New professionals took their entrance: social scientists and doctors start working within the penal context. Psychology gained importance (Weijers 2015, 103). In his work *Discipline and Punish* (1975), Foucault speaks of the formation of a "corpus of knowledge, techniques, [and] 'scientific' discourses" which becomes entangled with the practice and power to punish. He notes how the history of penal law and human sciences have had an effect on each other, and that the fate of criminal justice is to be redefined by knowledge (Foucault 1975, 22-23). Foucault describes how the individual becomes an object of research, and how in order to understand crimes, the focus is put on individual wrongs of the delinquent: "his character, his psyche, his upbringing, his unconscious, his desires" (Foucault 1980, 44). It was recognized that it is problematic that children are locked up at an age in which they would normally learn to be responsible and autonomous (Weijers 2015, 103). However, although recognized, it turned out to be difficult to achieve these values within a closed context. As Delicat describes in his dissertation on *rijksopvoedingsgestichten*<sup>5</sup>: "We see how the idea that the youth within the institution should have a chance to autonomy and

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<sup>5</sup> Re-educating institutions where problematic juveniles resided that were put under supervision of the government based on civil law.

own responsibility did not match the practical need to maintain order” (Delicat 2001, 122). In the 1970’s, the focus shifted to the rights of the detainee, both in regular detention as well as in juvenile detention. This also changed our vision of youth: they are seen less as children and more as right-bearing people and are expected to be autonomous and to be able to come up for their own rights. The juvenile justice system gets more punitive: punishments become longer (max. two years) and punishment is imposed more often and earlier. On the other hand, the pedagogic approach and the ideal of the protection of the youth remain intact with an aim for prevention and resocialization (Bruins 1999 in Oude Breuil 2005). In the 80’s the *What works* approach comes up, as a reaction on pessimism over the possibilities of rehabilitative programs. Canadian and American researchers conclude that some programs, for certain people, in certain circumstances are effective in declining chances of recidivism. Success gets defined narrower: solely as desistance from crime, not as a general improvement of the person and his circumstances. Important in the *What Works* paradigm is the matching between risks, needs and responsivity of the offender to the right treatment. This matching is done with help of risk taxation instruments that make a risk assessment and advise a suitable intervention. Thereby the focus lies on dynamic – and thus changeable - criminogenic risk factors. The Dutch handbook of juvenile probation officers *De Jongere Aanspreken: Handboek Methode Jeugdreclassering* (Vogelvang 2005) emphasizes focusing on the ‘big four’ dynamic risk factors that predict recidivism according to Andrews and Bonta: ‘antisocial cognitions’, ‘antisocial friends’, ‘antisocial behavior’, and an ‘antisocial personality complex’ (Andrews and Bonta 1998). Thereby, according to Hannah-Moffat the solution is sought within the responsible individual, excluding structural barriers as understandings of criminal behavior:

Only ‘manageable’ problems are targeted for intervention. Manageable criminogenic problems are those that can be resolved through behavioral or lifestyle changes that are seen as achievable with a positive attitude and being amenable to normalizing interventions, programs, or therapists who provide tools for change and teach offenders to think rationally and logically. Structural barriers conveniently disappear. Systemic problems become individual problems or, more aptly, individuals’ inadequacies (Hannah-Moffat 2005, 43).

Following the What Works paradigm, Dutch institutions working with juveniles can only choose from interventions that are scientifically proven by the ‘Erkenningscommissie jeugdinterventies’ [Acknowledging commission youth interventions], of which a great part are cognitive behavioral

trainings, focusing on changing individual thought patterns. In his book on the role of the prison in Europe, criminologist Vander Beken asks whether with this approach, despite the proven results of these interventions, we can really get a grip on broader societal developments and problems (Vander Beken 2015, 92).

So we can see a shift from the beginning of the 19<sup>th</sup> century when the juvenile delinquent was primarily seen as a product of his surroundings, to a greater focus on the individual, among others through the introduction of psychology and behavioral sciences within the prison system. Rose builds upon Foucault's ideas and notes how the rise of the 'psy-sciences' has shaped the way we see ourselves as free, autonomous beings. Noting how values like autonomy, identity, individuality and choice have gained importance within western societies, he writes:

The ethic of the free, autonomous self seems to trace out something quite fundamental in the way modern men and modern women have come to understand, experience and evaluate themselves, their actions and their lives (Rose 1998, 1).

According to Rose, these changes are connected with changes in political power. Since in advanced liberal societies the government does not rule through direct control, but keeps control at a distance, responsabilization of the citizens is needed, and the government also emphasizes values such as autonomy, responsibility and choice. According to Beck, in modern society we are more than ever free to make our own choices. As the process of individualization takes place, the self is increasingly seen as a do-it-yourself project. At the same time, we are increasingly dependent on institutions and thereby exposed to – institutionally generated – risks. The management of these risks gets constructed as the responsibility of individuals (Beck 1992, 135-136).

However, rather than sketching one linear development of individualization and responsabilization, it is preferable to realize the ambiguity of policies, and notice how the concept individual responsibility can be interpreted in different ways, sometimes even within the same law or policy. An example is the implementation of the Adolescent criminal law in 2014 (Weijers 2015, 108). The law came into being because of new insights from the neuro- and biological sciences, that the adolescent brain is still developing, which makes juveniles less responsible. The law has two implications: on the one hand, the law makes it possible for people between 18 and 23 to be sentenced under juvenile justice, if that is seen as more suitable with their mental development. On the other hand the law increases the maximum duration of a detention punishment from two to four years and excludes some crimes from work-punishments, because of their severity detention is

seen as more appropriate.<sup>6</sup> Instead of seeing responsabilization as an all-encompassing trend, it is necessary to look at how 'individual responsibility' works out in different ways, at specific locations and in different professional discourses.

## RESEARCH METHODS

To get a clear view how responsibility is placed on, and given to Dutch juvenile offenders it is important to map the whole juvenile justice field and show the meaning of responsibility in different phases, for different professionals and youngsters. I conducted six weeks of participant observation within a juvenile justice facility. Moreover, I went to a juvenile court case, attended a meeting of the Psychological Juridical Association on adolescent criminal law, participated in a presentation and debate training in another juvenile correctional institution, joined a trajectory meeting in which different parties come together to speak about the release of a juvenile offender, and did one day of participant observation at a probation office. I interviewed three probation officers from different organizations, an employee from Child Care and Protection Board and several academics. Within the juvenile correctional institution, I conducted interviews with eight juvenile delinquents, four pedagogic employees, the manager of Education and Therapy, a methodology coach and the team leader of the school of the institution. Most interviews took between half an hour and an hour. Most of the interviews with professionals I recorded and transcribed. The interviews with the juveniles I did not record, since it took a while to get permission to record the interviews and then I was told that for privacy reasons I could not take the recordings outside of the institution, so I decided to take notes while interviewing. Although I wrote down nearly complete sentences, this has the limitation that I am not able to recall their words just as precisely as if I would have been able to with recordings. In my thesis I changed the names of all the research participants to make it anonymous. However, I do name the venue and some of the participants might be recognizable for people familiar with the institution. Some people I name by their function rather than using a pseudonym, since their function already reveals their identity for insiders. I showed them the parts of our conversations and interviews I was going to use in my thesis to double-check if I had informed consent.

In the next section, I elaborate on the practice of doing participant observation. Several researchers in the field of juvenile and criminal justice have noted how qualitative research methods and participant observation could be beneficial, amongst others, to get more insight into why detainees experience their living environment in a certain way (Boone et al. 2016), to add information to data

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<sup>6</sup> Memorie van Toelichting Adolescentenstrafrecht, December 16, 2011.

gathered from interviewing (ten Brummelaar et al. 2014, 71), and to get an understanding of young people's subjective experiences and situated knowledge of what responsabilization really means to them (Phoenix and Kelly 2013). Participant observation gives the possibility to gain deeper insights in people's daily lives and practices. The aim of the following paragraphs is to give more insight in the practices of doing research and show the benefits but also the difficulties with gaining knowledge by participant observation. I reflect on my role as a researcher and the ethics of doing anthropological fieldwork.

#### *MOVING BETWEEN DIFFERENT PARTIES*

Doing participant observation requires a constant reflection of your role as a researcher. Doing research among youthful delinquents and staff members required a constant positioning of myself within their field. Beforehand, I realized that engaging closely with both groups could put me in a difficult position, also regarding trust (see for example Nielsen 2010). I thought this would mostly be the case when I would hear something the other party is not supposed to know, and I decided in those cases I would remain silent. However, this triangular relation between me, the staff members and the delinquents turned out to be more complex than I thought, and was, as the following example illustrates, often put to the test:

The boys threw rubbish through their windows on the courtyard and were ordered by the staff to go outside together to clean it. There really isn't that much rubbish to see, so I say to the boys: "Well, it's not that much work, there is hardly anything laying there." They do not appreciate that comment. Ali, one of the juveniles says: "They always say that, but if it isn't that much work, why don't you do it yourself?" They go outside and sweep the square for a bit. Then another juvenile, Abdul yells from the other side of the patio that I should come to clean the rubbish with the dustpan and brush. I feel put in an awkward position. I really don't mind to help out cleaning, and if I want to be 'one of the guys' I should probably do so, but at the same time I realize they do not see me as one of them, and asking me to clean is just to test me. On the other hand I want them to like me, and not to see me as one of the staff members. I walk over to them, brush up the rubbish and say: "Sure I don't mind helping out Abdul, but it feels silly to be commanded like that." He replies: "Topperrrr, well done" to make me feel even sillier towards the rest of the boys, who stand around in a circle and laugh.<sup>7</sup>

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<sup>7</sup> Field notes March 21, 2016.

Situations like these always made me feel uncomfortable, since I quickly had to decide how to position myself. I always explained I was there to do research, and not to work there. However, since I was matched with one of the pedagogues and followed his working schedule, I guess it was hard for the boys not to see me as a staff member. This became more apparent to me during one of my interviews, when I asked two juveniles why they always tried to stretch the rules. One of them replied: "Because we don't like you... [the staff members]. You shouldn't trust them. You should only talk when it's for your own benefit, and otherwise shut up."<sup>8</sup> He quickly shifted here between placing me with the staff, saying 'you', and placing me without the staff, saying 'them'. However, to me it made clear how hard it was to gain their trust, and that as time passed it became maybe even harder, since they started to closely associate me with the staff. Having the keys and a radiotelephone for emergencies obstructed that relationship even more. I thought about asking if I could enter without the keys, but that would have had some negative consequences for me as well, since I would not be able to go to the toilet anymore without asking for someone else's key, and if something would happen it would not have been possible for me to leave the room. That idea also made me feel uncomfortable. This hesitation to give up my keys, led me to understand the feeling of the boys a little bit better. They had to ask someone to open the door for them all the time, and knew if something would happen they would be locked up in that area.

## ETHICS

*Informed consent* is one of the primary ethical guidelines within anthropology. The people you include in your research should be aware of this and give their consent. This important ethical guideline has some practical difficulties. First of all I think the 'informed' part is often taken too lightly. People may know you are a researcher, but to what extent do they understand what anthropology actually entails, and that everything may be used as research material? I noticed that the whole 'university world' to many of the guys was very distant and abstract. "You can do an interview, but I want to wear a scarf around my head so they don't recognize me," one of the guys said.<sup>9</sup> Even after explaining my research several times, some kept making remarks about video cameras. This has some ethical implications, since I wonder whether they understood that the small conversations we had also provided me with information. Also with the staff members I was not sure whether they understood that sometimes the best information is not given in interviews, but taken from daily small talk. When I was with the staff while the boys were at school I tried to pull

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<sup>8</sup> Interview Ali and Abdul, April 10, 2016.

<sup>9</sup> Informal conversation Abdul, Field notes March 21, 2016.

out my notebook often and take notes regularly to improve that understanding. With the group, however, I did not take overt notes, mostly because I was afraid they would try taking my small notebook and read my observations and private conversations I had with some of them, which I believe would have caused quite some trouble. Besides, since I was entering in their private life, I wanted to interfere as little as possible, and did not give them the awkward feeling to be gazed at. In this case I think the anthropological guideline of 'do no harm' (AAA 2012), was more important than taking out my notebook to emphasize that I would write down what they said.

Another ethical implication is the 'consent' part of 'informed consent'. I realized that while I had permission of the director to do research, the boys themselves did not have a say in this. They could refuse an interview, but they did not have the possibility to leave the group in order to stay out of the research. Although no one really seemed to make a big deal out of it, at some moments I realized that I was 'getting into their space', and that I should also give them some privacy. One of these moments occurred when we were getting some air outside:

We are standing outside in the courtyard. I do not want to seem part of the staff too much, so decide to stand next to the boys. They whisper a bit about *bricca's*, lighters that someone's friends tried to throw over the fence from the outside, but they got caught by the staff and were refused entrance. I try to mingle into the conversation, but one of the boys turns to me and says: "Why are you standing so close, you are really an informant. You want to know everything." I feel awkward. I suddenly understand that the boys might also want their privacy, to just talk among each other. They do not seem to believe that I would not tell anything they say to the staff, because to them I am -sort of- one of them.<sup>10</sup>

From then on I tried to find the balance between trying to connect and giving them some space.

A last example I want to point out, is something that took me by surprise. What do you do when you realize someone is lying to you? I was interviewing a boy from another group, whom I did not know yet. He sat across the table and told me the craziest stories, without blinking an eye. I told him that I got the impression that he was not taking me seriously, and that he should not participate in the interview if he did not feel like it. He denied my accusation, saying he had no idea why I said that, and that he was speaking the truth. I decided to continue the interview, because I could not be 100 percent sure that he was not serious (his face at least did not show any sign of laughter). However, since the data were so unreliable, I decided not to count the interview, and not to use the data.

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<sup>10</sup> Field notes March 26, 2016.

Although I could not take anything from the interview, it did teach me some things. Firstly, it led me to reflect on how you can be sure that someone is telling you what he really thinks. In this case it might be clear he was pulling a joke, but how could I know the other boys were really opening up? Secondly, it showed me the value of participant observation, and the importance of data triangulation. If I had only done the interview, I would not have been able to compare what he said with my own observations. Also in other interviews I noticed how I could refer to daily situations and ask the guys how they experienced this. Sometimes the boys referred to my knowledge of the daily life within the institution as well, for example Hamza, who said: "For example when they take away your tv, because you smoke, you know how that goes, right?"

While anthropology has often been described as being more or less the same as ethnography, Ingold (2008) sets out remarkable differences. Ethnography, he states, is *ideographic*, having the aim to document particular facts of how people live in the world at a certain time and place. Anthropology, on the other hand, is a *nomothetic* inquiry, aimed at making general propositions or theoretical statements (Ingold 2008, 70). Calling the search for universal statements a 'shattered dream', he proposes that anthropologists should devote themselves to questions of social life, taking the role of a philosopher who can make strong arguments based on observations and intensive collaborations and correspondence with people in the world (Ingold 2008, 90). Therefore, the aim of this research is not to make a universal statement about youth criminology, nor about the overall juvenile criminal justice system in the Netherlands. Rather, I want to show how the concept of individual responsibility functions in different specific contexts. I give my view on the topic, based on collaborations with people in the field, supplemented with document and literature research, and expert interviews.



## INTERLUDE - AT THE YOUTH JUDGE

“That’s what’s eating you most. That you don’t know what will happen. What is that man going to say? He decides over your life.” (Jack)<sup>11</sup>

“With those people you can’t talk. For example, everyone is on my side now: they all say: he can go home. Who is he to say that I have to stay?” (Ali)<sup>12</sup>

In interviews many of the juvenile delinquents express feeling powerless, facing a judge who can ‘decide over their life’ and ‘does not understand them’. In order to enhance my understanding of their perspective, I am visiting the court of justice in Utrecht. The building has a modern glass façade and on the inside the modern architecture is mixed with the old foundations of the building. I am meeting up with a youth judge, who agreed to take me to a civil juvenile court case.<sup>13</sup> Before the hearing starts, we sit down in her office to talk about the juvenile court system. One of the tasks of the youth judge is to make a moral appeal to the juvenile. I am interested at seeing how that takes place in practice. I tell her that the topic of my research is responsibility and I ask her if and how individual responsibility plays a role at the juvenile court. “It is about the child of course, and that the child realizes that he or she needs help. If they do not want [to change], then nothing changes,” she says. In this way, she does emphasize that change starts with the juvenile. However, she also notes how the problem often lies in the way the children are raised. “There is not a big difference between civil and criminal law. It is a bit artificial, the separation like it is now. Often it are children with the same problems, problems in their upbringing, then it is only a minor difference between whether they have done something law-breaking or not. It is not the case that all juveniles that get sentenced here under criminal law have stolen cars or broken into houses; some have just crossed the line.”

An hour later I am sitting in the back of the courtroom which, contrary to my expectations, looks very much like a normal meeting room, with modern, blue chairs lined up in rows, and a table more or less at the same height behind which the judge and the registrar take

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<sup>11</sup> Interview Jack, April 10, 2016.

<sup>12</sup> Interview Ali, April 10, 2016

<sup>13</sup> Juvenile cases are not publicly accessible, to protect the privacy of the child. Therefore I am also not able to write anything about the case itself, but base this snapshot on my own experiences and conversations at the youth judge. This snapshot is based on my field notes of the visit to the juvenile court on April 15 2016, and is meant to give some first thoughts.

place. During the case, the word ‘responsibility’ is not mentioned once. The judge speaks kindly, she lets all the attendees have a say and gives some special attention and compliments to the juvenile. Afterwards she tells me: “Of course many things went wrong as well, but it is not beneficial for anyone to emphasize this the whole time.” To her the most important thing at the hearing is that everyone gets the possibility to say what he or she wants to say. “You should always be open to surprises. If I do not believe any excuse anymore, it is time to do another type of law for a while. You need to remain open-minded, keep that open attitude.”

The words of the youth judge reminds me of a reflection of the former president of the Supreme Court, prof. mr. Geert Corstens, on shifting images of mankind in criminal law. He sees a contrast between the hopeful and trustful view of mankind that judges have and the more cynical view in society, where optimism is replaced with pessimism and sole emphasis is put on public safety. This can also be seen in a semantic shift: the ‘Ministry of Justice’ became the ‘Ministry of Safety and Justice’, and policy documents more frequently mention public safety as a core aim (Corstens 2015, 125-126, see also Peeters 2013).

The judge has a wide range of options to choose from: a fine, a community service punishment (consisting of unpaid work or a learning project), a behavior influencing measure (for example a mandatory training on drugs or alcohol), detention, or a PIJ (Placement in an Institution for Juveniles) measure. PIJ is meant for juveniles with a developmental disorder or mental illness who are judged by the judge as ‘not (fully) accountable for their actions’.<sup>14</sup> The judge can also decide to put someone in detention on remand, while further research is being conducted. Yearly, about 1600 juveniles reside in one of Holland’s five juvenile detention facilities.<sup>15</sup> Of these juveniles about 48 percent is placed for offences against property with violence, 24 percent for violence against persons, 11 percent for a sexual offence, 11 percent for an offence against property without violence and 1 percent for a drug related offence.<sup>16</sup>

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<sup>14</sup> “Straffen en Maatregelen voor Jongeren” Rijksoverheid.nl <https://www.rijksoverheid.nl/onderwerpen/straffen-en-maatregelen/inhoud/straffen-en-maatregelen-voor-jongeren> (Accessed at July 31, 2015)

<sup>15</sup> For a visual overview of the juveniles in detention in 2014, see Appendix 1.

<sup>16</sup> <sup>16</sup> “Jongeren in detentie” DJI.nl <http://dji.nl/Onderwerpen/Jongeren-in-detentie/Straffen-en-maatregelen/> (Accessed at July 31)

## CHAPTER 2 - IN THE JUVENILE INSTITUTION

“My first impression? I was happy to be here. I had been at the police station for three days. Between four walls. 23 hours per day in a cell. 69 hours of watching four walls. Without television. You are happy to leave that place. [...] And you know what the best part is? Your pillow doesn’t stick to your ear. At the police station you wake up and the plastic pillow is sucked at your ear,” Abdul, one of the juvenile offenders tells me, as we sit down for an interview.<sup>17</sup> Other boys relate their first impression to other juvenile correctional institutions they were transferred from, Hamza: “It is quite a difference. There it is much stricter there than here. Compared to that place, this is a hotel. You had to be in your room from five to seven, and eat there as well,”<sup>18</sup> or at the (closed) youth care facility they had been in before. Ali: “I can’t even remember that I walked outside freely. [...] Here it is just the same as there. There weren’t any fences, but further it looked exactly the same. We also had a school at the terrain. It was just like a mini village.”<sup>19</sup>

In this chapter I show how in the juvenile correctional institution different uses of individual responsibility are at work at the same time. I argue that there is field of tension between the pressure to prevent risks and giving juveniles the freedom to practice with individual responsibility. This focus on risk prevention gives more possibilities for disciplining responsibility than for liberating responsibility, since with disciplining responsibility the institution can keep control. Firstly I explain the focus on individual responsibility within the institution, in line with national policies on a softer living climate in juvenile detention facilities. Then I show how the individual responsibility discourse is internalized by the juveniles, while at the same time they recognize how individual responsibility is relational, since they all tell stories of their dependence on others and institutions. Following that I show how the staff members struggle with concepts of responsibility and choice, and place this within a wider societal context.

The juvenile justice facility where I did my research is Juvaid Veenhuizen, located in the north of Holland. Like all juvenile detention facilities in the Netherlands, the institution is divided in a short stay and a long stay department. All juveniles enter in a short stay group, where they stay for the first three months, after that they go to a long stay group. The facility houses only boys and has a total capacity of 44 places, divided in five residential groups, all equipped with a living room and a

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<sup>17</sup> Double interview Abdul and Ali, April 10, 2016.

<sup>18</sup> Interview Hamza, April 10, 2016.

<sup>19</sup> Double interview Abdul and Ali, April 10, 2016.

kitchen. The juveniles follow a clear daily schedule and go to school during weekdays. The boys are accompanied by a team of pedagogic employees, who take shifts at the group with at least two people. Each juvenile is appointed a mentor and a behavioral scientist.

#### SOFT POWER IN A 'PEDAGOGIC LIVING CLIMATE'

After a critical report in 2007<sup>20</sup>, in which inspections stated that the Dutch juvenile correctional institutions were not able to fulfil their duty to re-educate and treat juvenile detainees, and could not guarantee a safe living, treatment and working environment for the youth and personnel, the Dutch government took several measures. On top of these measures came a focus to a changed working ethos, based on research by Van der Helm (2011), who concluded that a repressive climate within juvenile institutions lowers the conceivability of the juveniles for treatment and thereby increases the chances of recidivism. According to Van der Helm, the basic climate within the institution should be adequate, before a methodology or treatment can have its effect. During my fieldwork this change in policy is often mentioned by the staff members.

“Have you seen the shell-path behind the building?” one of the staff members asks proudly, as we chat a bit about how the building has changed. “That used to be unthinkable. We were afraid the boys would search for sharp shell pieces and use them in fights.” He tells me how four years ago they changed their policy towards a ‘pedagogic living climate’, which is less based on the direct exercise of control and authoritarian power, but more on *soft power*, by having less strict rules and trying to resolve conflicts with conversations. A friendlier surrounding belonged to that as well. The walls of the living rooms got painted in light purple and mint green, and the groups all have fish tanks now. Only the heavy chairs, movable but unthrowable, still remind of old times.<sup>21</sup>

How to shape this new idea of the ‘pedagogic living climate’, not only physically but also within daily practice, turns out to be a constant point of discussion among the staff, because letting go of your direct power to punish means you have to find new ways to stimulate the boys to behave. The focus on ‘individual responsibility’ can be seen in this light. The responsibility discourse is not a moral judgment on the ‘offender who is responsible for his actions’, it is more of a means to exercise soft power in the context of daily life within the juvenile correctional institution. Discussions on the

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<sup>20</sup> Research was done by the Inspection Youth Care, Inspection Health Care, Inspection Education, and Inspection for Sanction Application, at the request of the Ministry of Justice. For the full report see: Veiligheid in Justitiële Jeugdinrichtingen: Opdracht met Risico's. Utrecht, 2007.

<sup>21</sup> Field notes, March 30, 2016.

balance between repression and 'own responsibility' were often present at the staff meetings, for example in the following conversation between three staff members:

- Basil: It is hard to motivate the guys to do their cleaning tasks. I think we should go towards stricter control. No football, no TV's, take away the PlayStation.
- Anna: I wonder about that strict control... I think it's better to focus on their own responsibility, using their cards and by emphasizing that cleaning is important for their own well-being. Otherwise you go home with a headache. At least I do.
- Basil: But those cards are also a way of controlling.
- John: I point at their cards and say, "It is your choice, you have profile 5 now<sup>22</sup>, but that doesn't really match the behavior you are showing now. Or give them an extra task to supervise the group, give them responsibility and give them a compliment if that works.
- Anna: The best is, some of them want to go to the long stay department....  
Responsibility! The small word responsibility really does miracles then.<sup>23</sup>

The discussion about the profile cards shows how the boys are pointed at their 'own responsibility', but that there are consequences if they do not behave well. Hannah-Moffat notes in her study on empowerment in a Canadian women's prison how discourses of 'empowerment' in practice lead to a technology of self-government which requires prisoners to take responsibility for their actions in order to meet the objectives set by the authorities, and not their own. This means that the choices the prisoners are empowered to make are far from free, since they are censored and predetermined by the wider penal structure (Hannah-Moffat 2000, 523). Crewe (2011) wrote in this context about the 'pain of self-governance', showing how the focus on own responsibility in a context where power is still omnipresent can be painful. Prisoners are still very dependent on the staff, and have to behave in the right way, but the rules are less clear than before. In what I call the 'apple incident' I could see something of that pressure of uncertainty and dependency.

We are having a good day, everyone is in a good mood and we just returned from a game of soccer. Then suddenly everything escalates. Sami, a boy from the other group comes to our group for a bit to talk to Karim, who only speaks Arabic. One of the other juveniles, Ali gets angry, he wants to talk to Sami too, and is angry that Karim gets all the attention again. "Childish stuff," he says. He orders one of the pedagogic employees to give him the

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<sup>22</sup> Profile 5 in the YOUTURN system of phase cards.

<sup>23</sup> Field notes, April 4, 2016.

sticky tape, which she refuses and she asks him to be more polite. The other pedagogic employee asks him why he is angry, which makes Ali even angrier. He storms out of the office, ignoring the other boys who tell him to calm down. Passing the fruit bowl he grabs an apple and smashes it at the window, the next moment pieces of fruit are flying through the whole living room, followed by the plastic bowl.<sup>24</sup>

Later Ali tells one of the staff members that everything just became too much: his expulsion from school, his court case the next morning and the frustration of asking people things and not getting an answer. He had asked two staff members in the morning to arrange him something, but he didn't get any answer. The sticky tape was the final straw. Everyone keeps telling him that if he behaves well he can go to the long stay part, and they refer to that all the time, but he does not know what to do anymore.

The example shows how responsibility and autonomy within the context of the juvenile institution are connected to feelings of dependence and uncertainty: you are reliant on others who judge your 'responsible behavior'. Also when I ask the boys whether they would like to have more responsibilities within the institution, many say that they think things are fine the way they are. Mehmet: "More responsibility? I don't know. There is nothing to do about it anyway. In the end they decide."<sup>25</sup> The most frustrating to many of the boys is not the daily situation within the institution, but the uncertainty of waiting for their trial. Ruben, one of the younger boys says: "It is not the situation here, but the judiciary. I'm still in custody. You don't know what is going to happen. They can give me nine months. You don't know. And that is the most annoying."<sup>26</sup> Jan is also still in custody. "You do get responsibility here. But you can't show that to the judge. Actually your life is already decided upon. [...] I just have to behave. Even though the stress sometimes raises high."<sup>27</sup> Also Youssef, one of the older guys who is serving a PIJ sentence, notes how the real power lies somewhere else and the staff cannot do much for him. Within the institution the people can be friendly and kind, but in the end it is not up to them to decide over his future. "They are limited by the system. They can't really do anything for you. The only one who can put something into work is the behavioral scientist. And she says: 'I have a responsibility towards society.' But society hasn't

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<sup>24</sup> Field notes, April 5, 2016.

<sup>25</sup> Informal conversation Mehmet, April 5, 2016.

<sup>26</sup> Interview Ruben, April 18, 2016.

<sup>27</sup> Interview Jan, April 10, 2016.

any interest in me being here for so long. What is 'society' anyway? It's just some vague collective entity."<sup>28</sup>

#### INDIVIDUAL RESPONSIBILITY VERSUS RISK-CONTROL

I speak about this responsibility towards society with the manager of Education and Therapy at the institution. She explains how focusing on trust within the institution is sometimes difficult to achieve while they are also answerable to higher orders:

Sometimes it is like you are in different worlds, almost like you are in two cultures. [...] We focus on therapy and social readjustment but we also have to take responsibility towards risk management. To let the juveniles practice with responsibility we have to give them freedom. We try to estimate the possibilities for that as good as we can, but pressure from outside, politics, media attention, makes the fear of making a wrong prognosis so strong, that we hardly dare to give the juveniles space. When years ago someone asked me: 'what is a treatment institution? I answered: it is a place where things are allowed to go wrong.'<sup>29</sup>

Here she touches a field of tension. She shows how the ministry longs for different things from the institution: they have to create responsible individuals, within the context of the society as a safety-utopia in which nothing can go wrong. Maruna (2001) argues that desisting from crime is a process of attempt and failure. Making mistakes in this process is unavoidable. However, this is hard to 'sell' to society. The manager of Education and Therapy continues: "If you have everything in the stifle to ensure that it remains safe, in the short term you create safety but in the long term you don't. To make it safer in the long term, sometimes you have to take more risks in the here and now." The general public however does not seem to understand that, according to her:

I think this also has to do with the fact that many people are sensitive for punishment. That scares them off. That is why people think punishment is the ultimate remedy. They think if you punish someone he knows it and he won't do it again, whereas for boys who have been punished often, and have been rejected often, it doesn't have much effect anymore. They almost expect it.<sup>30</sup>

She gives an example of a boy who did not get back after his period on leave. "Instead of punishing him, I gave him trust. I said: 'if you tell me you will deal with it in this or that way, then I trust you

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<sup>28</sup> Interview Youssef, April 10, 2016.

<sup>29</sup> Interview Manager of Education and Therapy Juvaïd, April 12, 2016.

<sup>30</sup> Interview Manager of Education and Therapy Juvaïd, April 12, 2016.

that it will go well, and we are just going to deploy it again.” She tells me how this approach really improves the contact with the boys. But it remains difficult, because if the institution has a high number of juveniles that do not get back from temporary release for example, the media and politics are harsh on them. In order for responsibility to be liberating the focus should be on free choice and actually giving responsibilities. The focus on risk, and the close monitoring of everything that happens within the institution however, declines opportunities to give people more freedom.

“IT’S OUR OWN RESPONSIBILITY!”

Since ‘individual responsibility’ mostly came up in daily situations in a practical way, not referring to broader notions of individual responsibility and moral accountability, I had to turn to interviews to find out the visions of the youth delinquents and the staff members to get their perspective on responsibility. All boys, except for one, emphasize that you always have a choice, and it is therefore their own fault they ended up there. Leading a good and successful life is something you are foremost responsible for yourself. In an interview, Jan and Marijn, two juveniles, illustrate this line of thought:

- Me: Are you always responsible for the situation you are in, by yourself?  
Jan: Of course, I am.  
Marijn: You are not always responsible for a situation. It can also be provoked.  
Jan: Yes, but you can take the responsibility to walk away.  
Me: And in life, are you responsible for your own life, success, happiness?  
Both: Yes, you are.  
Marijn: You can do a lot yourself, but not everything.  
Me: If you have a job for example?  
Marijn: You have to apply yourself; no one else does that for you.  
Me: And if there are no jobs?  
Marijn: There is always a job somewhere.<sup>31</sup>

The conversation made me think of the work of Phoenix and Kelly (2013), who argue that the focus on own responsibility by the juvenile detainees comes foremost from a realization that there was no one else to help them. “Responsibility is to stand up for yourself.” “Do your own thing, don’t let anyone walk over you,” Ali and Abdul said when I asked them about their vision on responsibility.<sup>32</sup> Halsey (2008) notes how tragic it is that many incarcerated adolescents feel ‘hyper responsible’ for

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<sup>31</sup> Double interview Jan and Marijn, April 9, 2016.

<sup>32</sup> Double Interview Ali and Abdul, April 9, 2016.



their own lives, rather than recognizing that ‘an absolutely critical dimension of successful citizenship is the capacity and preparedness to ask and receive assistance of others’ (Halsey 2008, 241). Only one of the boys I spoke to said: “It is partly my responsibility, but there are also the circumstances. My home situation wasn’t always that good.” “To do well in life”, he adds, “you are also dependent on the people around you, your family who supports you and cares about you, or a partner”.<sup>33</sup>

#### *FEELINGS OF INEQUALITY*

While all the boys emphasized their own responsibility, in other contexts feelings of unfairness and inequality were put forward. When I ask Ali whether it is his own responsibility that he is in detention he says: “Of course, that is the most stupid question. I am here for my own crime, but... Holland. Write that very big. Holland.” While he could not explain clearly what the problem with Holland exactly was, being ‘Dutch’ or ‘allochtoon’ [with a foreign background] was a topic that mattered to them, and came up in many daily conversations. For example in the following conversation I had with Abdul one night while we were sitting at the dinner table.

Abdul: You Dutch people....

Me: I don’t understand you always make such a distinction in that.

Abdul: Don’t you think there is a difference between me and you?

Me: No, not really, what kind of difference?

Abdul: Just culture and other things. I really don’t feel like a Dutchman.

Me: Why not?

Abdul: *Allochtonen* don’t talk that much. Dutch people always want to talk. With us it is more, if you say something you have to prove it. We fight sooner.

But there is also racism. That you are at a club, hitting on a girl, and then someone walks up to her and says: ‘hey what are you doing with that *allochtoon*?’ That just makes me so angry. [...] Two third of the people in prison are *allochtoon*. How many *allochtonen* live in Holland? That is way too many in prison, don’t you think? What is the reason for that? It is our behavior, and also our culture, but it is also racism. The judge doesn’t understand me.”<sup>34</sup>

This feeling of unfairness came up in many conversations. During ‘Opsporing Verzocht’, a television show in which they talk about offenders that are searched for, one of the favorite programs of the

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<sup>33</sup> Interview Youri, April 18, 2016.

<sup>34</sup> Informal conversation during dinner, April 5, 2016.

boys, always comments were made on the background of the people, and that they all weren't from Holland. "Look, someone of color, again" "a Moroccan!" "Hey, he looks like Amir!" "- You say that just because of his long hair". Sometimes it was hard to know whether they were just saying something, or they seriously meant it, but I believe behind their joking comments lies some truth.

During the school break I stand in the corner of the patio with Ali, Abdul, Mehmet and Aram. They talk about obligatory military service in Turkey. Mehmet says that if he doesn't go before his 38<sup>th</sup> he needs to hand in his passport. He says he will do so, because he doesn't want to lose his passport. They talk on about the army a bit and Abdul says: "In any case, I won't fight for Holland." "Why not?" I ask. "They lock me up here. Then I won't fight for them." I wonder if he really sees it that way, but their background does come back in many conversations.<sup>35</sup>

The point I want to make here is not on whether there actually is racism or not, but that a feeling of inequality, unfairness and exclusion influences the juveniles thoughts on responsibility, emphasizing the responsibility of others as well.

#### *DEPENDENCY ON INSTITUTIONS AND SURROUNDINGS*

Although the boys emphasized their free choice and individual responsibility at the same time they described how they felt like no one listened to them, that there were many caregivers they were in touch with who all said something else and made their own plan. As two of the juveniles tell me:

Marijn: "The second time I came out of here I wanted to live by myself. I was eighteen, wanted my own house. I thought it was being arranged. But I'm released and there is only a small room with a bed, for 500 euros rent per month, no kitchen no bathroom. I get there and it's just assisted living. My mentor here also thought I would get my own house. Everyone is unclear to you. I told them: next time I want only one person to help me."

Erik: "I can't leave here yet because I don't have a place to stay. I don't want to live at home anymore. I was going to live under supervision. I already went to an organization to see the room. They told me: everything will be fine, we will arrange it for you, but then they

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<sup>35</sup> Field notes, March 22, 2016.

suddenly said: “We don’t want ex-detainees here. They could have told me that straight away.”<sup>36</sup>

In the juvenile correctional institution they did feel like people listened to them, the staff members could see when they were upset and always talked to them. But they couldn’t really do anything to change those other decisions.

#### PSYCHOLOGICAL ASSESSMENT AND LABELING

As I have shown in the introduction, the growing influence of psychology has had an effect on our conception of ourselves as autonomous and changeable individuals. Psychological assessments are also a key feature in contemporary prison life. Dalrymple (2010) argues, with anecdotes of prisoners asking him for a psychological explanation of their misconduct, that the main problem is the fatalistic worldview of prisoners. According to him this worldview is reinforced by criminologists, sociologists and stimulated by the social security system, which makes people dependent and keeps them in the same position. In the juvenile correctional institution however, I experience something else. The boys resist the psychological labels put on them, to claim back agency.

“You do university, right?” Ali asks me, as we stand in the kitchen and I took up a towel to help him with the dishes. “Okay, try to say these numbers in reverse order: 2, 6, 8, 9, 3, 4, 1” I try, but I fail. “Did you have to do that today at your Personality Research?,” I ask. “Yes, first you talk with a psychiatrist and after that with a psychologist. But the psychiatrist couldn’t find any distortion, and now there was a lady who let me say all these kind of things. My head is totally full today man, I can’t think of anything anymore,” he says. “What do you think of when I say the color red?” he asks me. “A house,” I say. One of the other boys interrupts: “Love, you should say love.” Ali: “If you say blood, they say: psychopath.” I ask whether he had to think the whole time about not saying anything wrong. “No,” Ali says. “You have to be ‘yourself’ otherwise they say you give socially desired answers. That’s also a distortion. Then you get PIJ”<sup>37</sup>

The Personality Research is a stressful moment for the boys, and psychological testing and labeling comes up in many conversations with the youth. Ruben explains: “Out of the test came I process information slowly. She also said that I probably could just keep up at school. But that is not true at

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<sup>36</sup> Informal conversation Erik, March 7, 2016.

<sup>37</sup> Field notes, March 8, 2016.

all. They are crazy,” he continues: “She asked me all kind of things, for example she showed me a picture of a traffic accident, and asked, ‘What do you see?’ If you say blood that is not good of course. So you think twice before you say something. Slow processing of information...”<sup>38</sup>

Psychological assessment is one of the other new pains of imprisonment mentioned by Crewe, amongst others because the categories of psychological tests cannot capture subjective understandings and the ambiguities of identity. They thereby force the prisoner into fixed categories (Crewe 2011, 515). Jan, one of the juveniles tells me:

Psychological questions are full of prejudices. They decide what is good for you, and you don't have a choice. For the judge you are just a criminal. I'm sitting here for attempt to manslaughter. But that doesn't make me a criminal. They think that I will just do it again. But I get my life back on track, all what has happened makes you think, you know?<sup>39</sup>

Jan protests against the label ‘criminal’. He sees it as forced upon him and he is bothered by the little confidence they have in him to improve his life. Just as other detainees (see for example Robinson and Crow, 2009), he is painfully aware how methods of risk-calculation use generalized information from populations to apply on individuals:

They decide, from papers and dossiers what your life will be like. You get electronic monitoring, and they already know the percentage of change that you will get back here. That is why there are such strict rules. I think they have to look more at the individual.<sup>40</sup>

Professionals have little confidence he will change his life, he says. His friend Marijn adds, “What he wants to say: they put a label on you too soon.” He also has experience with that: “They say you got ADHD, PDD-NOS, you get electronic monitoring and you go crazy. Yes, because they are constantly on your back, because you get home one minute too late.” Jan and Marijn protest against the labels being put on them, and the little confidence they get. This explains their strong focus on individual responsibility. Going against the labels put upon them, and the risks calculated on them, they want to show that they do have a choice.

#### INDIVIDUAL RESPONSIBILITY ACCORDING TO THE STAFF MEMBERS

The boys are at school and I am sitting in a small office with three pedagogic employees, who work with the boys in the group. I am telling them about my research and that I wonder about their

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<sup>38</sup> Interview Ruben, April 25, 2016.

<sup>39</sup> Double interview Jan and Marijn, April 10, 2016.

<sup>40</sup> Double interview Jan and Marijn, April 10, 2016.

visions on individual responsibility. Tim: "Some have little choice. Or, well, of course you always have a choice. But some haven't had such a good upbringing, they have learned few norms and values, and it's also the neighborhood they grow up in." His colleague, Linda, adds: "It is everything together, the circumstances, the family situation... Some get in touch with youth protection very early. If that does not work it goes further and further. Some have more resistance than others." "To what extent can you expect 'individual responsibility' then?" I ask Tim. "Some can handle it, others cannot," he says. "And if someone cannot handle it?" I ask. "Then you give more support. For example by checking if they do their tasks. Some have never learned to take responsibility." They all recognize how circumstances influence the way you stand in the world.<sup>41</sup> Some emphasize that there is always some choice. One of the staff members, Leo, for example says:

I think it is mostly their own responsibility they get here. Mostly they get here at an age of 15, 16, 17, they all know they did something that is not allowed. Whether they are pushed by friends or family or went along with something: it has all been their choice. And I think they are at an age in which they can make a choice.<sup>42</sup>

His colleague Nina on the other hand, emphasizes the limiting factors surrounding 'choice':

But the choice to do or don't do something is also influenced by the people around you. If you have boys who have no one, or who live in foster care, or have been in forced treatment from a very young age, with only mess around them and no one to fall back on... for those boys it is very hard. And you still have a choice, but the choice gets harder. I do think that.<sup>43</sup>

To change and resist from crime is not only a question of individual responsibility, but it is something the pedagogic employees should help them with. Bert, who also works as a pedagogic employee, says: "They are also dependent on us, we need to provide them with the tools to get that far."

Leo: If someone has been inside for five years, you can't expect him to walk outside of the gate and suddenly manage everything alone. When someone is leaving you try to have everything arranged as well as possible. That they have a house, government allowance... so I feel a bit responsible for that, and they are partly dependent on us for that. If you don't

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<sup>41</sup> Informal conversation, Field notes April 5, 2016.

<sup>42</sup> Interview Leo, April 21, 2016.

<sup>43</sup> Interview Nina, April 25, 2016.

do that well and don't give them enough support they drown, so to say, in everything that has to be arranged.<sup>44</sup>

However, all do say that it does start with the youth, in the sense that if the juveniles do not want to cooperate they cannot get anywhere. In that sense 'responsibility' is linked to participation and involvement. As Bert tells the juveniles, "You need to do something, it is your life. If you only change because of me, it does not work. Because then you will start doing things again when you are outside anyway."<sup>45</sup>

The staff members tell me that they all have their own style of working, and also each juvenile needs his own approach, since every individual is different. This personal approach can also be seen in the staff meetings once a month, in which the staff discusses how the boys are doing and exchange ideas on how to approach new boys. Whereas on one hand individualization can lead to responsabilization, on the other hand it also gives space for difference, and different treatment.

*'WE MADE IT SO YOU CAN MAKE IT TOO'*

A recurring topic in the conversations with the staff members is how they try to use their personal history to convince the boys that if they made it, the boys can make it too. The juveniles often feel misunderstood and tell the staff it is easy for them to talk. Some staff members admit that they also cannot know what it is like for them, and say the only thing they can do is listen well and try to imagine their situation and try to take that into account. Others reply that they have not had an easy life either. For example, when boys bring up their lack of education, staff members remind them that they also have had many different jobs, started at the lowest education and worked themselves up. This perspective of the staff is in line with the ideal of the meritocracy, a society in which your position is determined by your effort, your 'meritus' rather than by group characteristics like class, ethnicity and sex. This also has a downside, as Young (1958) tried to show in his satirical essay *The Rise of the Meritocracy*: if we see success as the result of individual accomplishments, failure is also seen as individual responsibility. In this way, according to Elshout et al., the meritocratic ideal can decline solidarity, since people who fail have themselves to blame (Elshout et al. 2016). It has to be underlined that the meritocracy is an ideal. Unfortunately class, ethnicity and sex still influence our education level and position on the labor-market (Kampen 2015). The team leader of the school tells me that the boys sometimes have little faith in their future.

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<sup>44</sup> Interview Leo, April 21, 2016.

<sup>45</sup> Interview Bert, April 23, 2016.

Then I ask them, 'What are you going to do then? Give up? My father also came here as a guest worker in a factory, and he always said he had the feeling that he had to work twice as hard to get the same appreciation as his co-workers. So does that mean you have to quit? Then you let others decide over your life.'<sup>46</sup>

The concept individual responsibility really appeals to him and takes a central place in his life, he says. "Everything is about making choices. You are not dependent on the situation you are in, but on the choices that you make. In every situation you have a choice." He continues: "I can imagine if you grow up in a surrounding with few chances, it is hard to take responsibility. You can feel powerless and therefore feel like you cannot take responsibility. Everyone needs a certain perspective and appreciation." What he tries to teach his students is that they can influence their situation. However, this is not a one-way street. Also teachers have to take responsibility. If someone is sent out of the classroom, both the juvenile and the teacher are asked to reflect on the situation. This has two results: the teacher learns how he can do something better the next time, and the juvenile feels understood and learns that he can get a grip on his own life, because his choices influence the situation.

#### CONCLUDING REMARKS

Daily life within the institution for juvenile offenders shows the ambiguities of the concept of individual responsibility. I see how trying to teach people 'responsibility' and show them that their choices affect their life can be beneficial to give them some perspective. However, what becomes clear in all conversations is that responsibility is relational. It is good to take responsibility for your own situation, but you are also reliant on others. Individual responsibility does not exist within a vacuum.

The juvenile correctional institution finds itself within a field of tension. They have to create responsible individuals, while at the same time they have to prevent all risks. This gives few options for liberating responsibility. Therefore, within the institution, individual responsibility is continuously emphasized, but at the same time strictly regulated.

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<sup>46</sup> Interview team leader of the school, June 4, 2016.

## INTERLUDE - AT THE TRAJECTORY MEETING

On the radio an ex-detainee and his probation assistant are talking about aftercare for detainees, which according to them, often is not arranged well. They sketch an image of a detainee who walks out of the prison with nothing more than a plastic bag with his belongings, without assistance or having anything arranged. How different is my experience at the 'Trajectory meeting', in which everything seems to be arranged down to the last detail. Let me give you a snapshot of a trajectory meeting in which the release of a juvenile delinquent is prepared, to show you how professionals take their responsibility in making arrangements, and how it is recognized that taking individual responsibility for the juvenile delinquents is not always easy.<sup>47</sup>

The meeting takes place at the 'Veiligheidshuis' [Security house] of the local municipality, and I am sitting around the table with Mieke, of Probation and Parole services, Klaas of the OM, Bart the trajectory assistant working at the juvenile correctional institution, and Evelien and Kristel, who work at the Board of Child Protection. After we have all introduced ourselves, Evelien opens the meeting, which deals with Andre, who will soon be released from a PIJ sentence. "According to his personality research resocialization should go step by step, in small stages," Evelien says. She continues, "Let's first talk about living, what are our options?" They discuss a few options, and Bart says it should be a location close to his work: "As soon as they have to travel from A to B it often goes wrong with our boys. As long as they get travel money everything goes fine, but as soon as they have to pay it themselves..." They move on, talking about his job options and arrangements, and his gym membership. Evelien: "New work and a new place to live is a lot, so it is not a bad idea to let him start with the job and wait with the house for a bit." Bart: "He does need ambulant treatment after his release." Kristel: "Can't we get him on a team sport? That is a good way to build a social network again. They all want to sport by themselves at the gym..." Bart says that he will ask him, although he does not think he is up for it. The last topic is finance. They decide to already contact the municipality, in order for the money to be there in time. Then they schedule a new meeting in four months, to see how everything is proceeding.<sup>48</sup>

I am surprised how everything is arranged and planned down to the last detail. "That is also necessary", Bart says, as we drive back to the juvenile institution. "They say, we do not need that control, but within a month everything is a mess again. Responsibility is mainly in their head, it is

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<sup>47</sup> Field notes, April 5, 2016

<sup>48</sup> Field notes, trajectory meeting, April 5.



their wish to want individual responsibility.” “It are the small things. Are you able to get up at eight, to have breakfast and go to school? Do you have the discipline for that? You and I would do that, but many guys think: never mind, I’ll try again tomorrow. While theoretically, they should be able to manage that. It are those basic responsibilities.”

The focus on individual responsibility in this case is smaller than in the juvenile institution, because as trajectory assistant Bart notices that taking individual responsibility can be difficult, especially for those who have been in a closed setting for a long time. In that case it is more effective to just arrange everything well for them. “You almost have to guide them with every step. Making sure that there is a health insurance, that they have an income. But you also have figures like Bob [one of the new boys at the institution] who say: ‘I just want a quiet life, no responsibilities, no duties.’ That is a poignant example, that boy has been damaged for 18 years. I don’t have the illusion that I can still change something in that vision. A sad conclusion, actually. Since that is the core business of my job.” Bart sees it as his responsibility to get people ‘on track’ again, but for some people he does not have much hope. From describing the juvenile delinquent who is eager to learn and take responsibility but fails, he goes on giving another image: “Some guys also don’t really have a problem awareness. You hope that a detention period wakes them up. How often do I have people in my office who are sad? That they cry at my table, because they are put in detention. Almost never! That indifference disappoints me. There is hardly any respect anymore for police and judiciary.”

## CHAPTER 3 - AT THE PROBATION OFFICE

Moving on from the juvenile correctional institution, where individual responsibility is continuously emphasized and at the same time strictly regulated, I will now look at the role of individual responsibility when juveniles get in touch with youth probation. Since juvenile probation officers are in touch with a whole range of different actors - from neighborhood policemen to school teachers - this gives me the possibility to expand my view, to include more general policies concerning safety and individual responsibility. I will elaborate on how notions of responsibility and solidarity are changed by the focus on safety and prevention. First I show how the parents and the network of the juvenile are responsabilized. I place this within the context of governmental changes, and show that whereas on the one hand the government emphasizes individual responsibility, on the other it is still very present, by monitoring 'youth at risk' and taking measures for early prevention. Then I show how probation officers balance their views between attributing individual responsibility and taking the juveniles surroundings into account. Lastly I focus on responsibility from the liberating perspective and show how the probation officers aim to give juveniles possibilities to influence their own plan.<sup>49</sup>

### THE TASKS OF A YOUTH PROBATION OFFICER

Youth probation can be implemented in different phases in the juvenile justice system. Youth probation is present at the first hearing. If the youth judge decides to suspend a case and let the juvenile wait for his trial at home, youth probation can provide accompaniment. If the youth judge decides to put someone in detention, youth probation carries out the research on the possibilities for suspension. The judge can also order someone a behavioral measure without detaining someone. Youth probation in this case can be responsible for the preparation of this measure and the accompaniment of the juvenile in this period. Finally, youth probation gets involved with supervision and guidance of the youth after a detention period, or a PIJ sentence.<sup>50</sup> Probation officer Mario tells me, "The beautiful thing about this work is that it includes a range of cases, from school avoidance, civil problems, parents who can't raise their children, to real criminals."<sup>51</sup> Since the implementation of the new youth law in 2015, the responsibility and payment for youth probation

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<sup>49</sup> This chapter is based on a day of participant observation at Youth Protection North, a certified institution that carries out youth protection and probation measures in all municipalities in Groningen and Drenthe, two provinces in the north of The Netherlands, and interviews with two probation officers at the Leger des Heils and one from Youth Probation North.

<sup>50</sup> See *Memorie van Toelichting Jeugdwet*, June 27, 2013. p. 32-35.

<sup>51</sup> Informal conversation Mario, field notes, June 2, 2016.

falls under the authority of the local municipalities. The measures are carried out by a certified youth protection institution: a *jeugdbescherming* organization, or for more involved cases, either by Leger des Heils or William Schrikker Groep. According to Van Nijnatten and Stevens, probation work can be characterized by balancing care and control, and by setting limits to individual autonomy while at the same time stimulating the juveniles to take responsibility and make their own choices (Van Nijnatten and Stevens 2012, 485). This balance between care and control, and how juveniles sometimes mostly experience control, became clear in a conversation I had with Hamza, in the juvenile institution. He told me that he really did not want to get a youth probation measure, since he did not feel like adhering to strict measures. “Then I would rather stay here [in detention] for a few months more,” he said. The probation officer came to visit him in the institution a few times. Hamza: “He said, ‘I am here to help you.’ Well, I told him, ‘Okay, I will call you if I need help.’ My parents can also help me, they also say, ‘no probation officer’.”<sup>52</sup> Probation officer Mario understands this feeling, “It is harder to be checked continuously and have to engage in conversations the whole time, than to be in detention. [...] Especially electronic detention is ten times harder, I dare to say, because you are continuously, day and night, confronted with everyone being free, and you are not.”<sup>53</sup> Mario invites me to come along to an appointment with Adar, a juvenile delinquent he is supervising after his detention period.

We are waiting at the reception of the probation service, when finally twenty minutes after the agreed time Adar walks in, a tall guy, well dressed, with a neatly shaved beard and huge glasses. After a friendly and joking welcome, Mario introduces me and asks if it is okay if I join their meeting. “That’s fine”, Adar says, “but I have to be at an appointment at the other side of the city at four, so I don’t have much time.” Mario looks at his watch and sarcastically says, “Let’s go and stand outside, then I can give you a tirade over there.” We walk through the revolving doors into the sun. A small discussion develops over their appointment, in which Mario remains very friendly but does point Adar at the choices he makes.

Mario: We had an appointment at three, and now it is twenty past three, and you tell me you have to be somewhere at four. What kind of appointment do you have?

Adar: I have an appointment at the gym to talk with someone about an internship I can do there.

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<sup>52</sup> Informal conversation Hamza, field notes, March 31, 2016.

<sup>53</sup> Informal conversation Mario, field notes, June 2, 2016.

Mario: Hmm, so it is an important meeting hey? I guess you should leave soon then in order to be there in time.... You know what it is? I know you have been very busy with school, and with working, and it has been hard to set a date for our appointment. I always accepted that, but now we finally have a meeting, and then again you don't have time.

Adar: Yeah well it was just very busy in the city, and it took a long time to get here by bus so I couldn't help it.

Mario: Why didn't you just take a bus earlier?

Adar: Then I would be one hour too early.

Mario: Yes, but you would have been on time.

They chat on for a little while until Mario tells Adar he should leave soon and hurry to be in time for his next appointment. They make a new appointment for Monday.<sup>54</sup>

After the meeting, Mario shows me how he writes a small report on the meeting, saying that they rescheduled the appointment because Adar was late, and that he told Adar that he was responsible for the situation and emphasized that taking responsibility for your actions is important. I ask him, "So you don't literally talk about 'responsibility', but it is actually about responsibility?" Mario replies, "Yes, of course it is, because he has to see that he makes decisions and he has to take the responsibility for that." He continues, "I don't care at all that we had to reschedule." "You don't?" I ask, "I would have found it annoying." "No I don't, because now we had to make a new appointment for Monday, so he will see the consequence of that anyway, and I could use this moment to let him reflect on his behavior." On probation the juveniles have more freedom than in the juvenile institution, and individual responsibility is regulated less strictly, but under the surface it is still very present. Also other probation officers tell how they do not refer directly to individual responsibility all the time, but do point the juveniles at the choices they make, and in that way focus on their individual responsibility. This is also in line with the method written for Dutch youth probation officers. One of the techniques the probation officer can use is the 'twenty second intervention', in which he gives a short and direct message and then leaves the decision to the juvenile, using to the following step-plan: give feedback, point at individual responsibility, give a range of options, show empathy, and point the juvenile at his 'own strength' (Vogelvang 2005, 134).

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<sup>54</sup> Field notes, June 2, 2016.

## RESPONSIBILIZING THE NETWORK

When talking about individual responsibility in the context of youth probation, most probation officers mention straight away a notion of 'shared responsibility', firstly referring to the responsibility of the parents, and secondly to the network of the juvenile. This is in line with policy changes, for example the 2011 law that makes it obligatory for parents to come to the court case of their children. Linda, who works as a youth protection and probation officer for the Leger des Heils says: "We had training about how to deal with those policy changes, and what our role should be. Responsibility lies more and more within the family and the network, instead of on us. It is a shared responsibility."<sup>55</sup> Her colleague Anna adds:

It is very easy for parents to say, 'you are the youth probation officer: good luck with it, we will hear it when you have solved the problem.' But that is not how it works anymore, because a) we don't have a magic wand, and b) the solution has to be sought in the combination between parents and children. Children need to be raised or restricted. We have to work together, since we will not be there 24/7, so we need something from the parents.<sup>56</sup>

Anna explains how youth probation takes a step back and gives the responsibility back to the parents, and also the juveniles are held less accountable. Linda continues:

Before sometimes it happened that a juvenile came to all our appointments, but the parents did not even know what he was doing with me. [...] Now, that is unthinkable. I think that is a good thing. That the child does not get the feeling: I did something wrong and I need to talk with a youth probation officer, and do it all by myself. It really gets stretched broader now.<sup>57</sup>

They emphasize that this does not necessarily mean that less responsibility is put on the juvenile, but that responsibility gets shared between the juvenile and the family of the juvenile. This vision of shared responsibility is also key to the Signs of Safety method, used by Youth Protection North. In Signs of Safety meetings, the network of a juvenile gets together to see which role they can play in preventing recidivism. Youth probation officer Frank explains to me how this works:

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<sup>55</sup> Double interview Linda and Anna, April 28, 2016.

<sup>56</sup> Double interview Linda and Anna, April 28, 2016.

<sup>57</sup> Double interview Linda and Anna, April 28, 2016.

To give an example: If you can't get out of bed in the morning, can't get to school, don't take your medication, and your parents can't help you with that. Then we see: who in the network could....? Then a neighbor can say for example: I have time, I have to walk the dog at six anyway, so I can give a ring at seven to make sure Nienke goes to school. [...] "Before I might have thought; I put some social worker on it, a coach for example, but isn't it much better if you can leave it all at the system? Then they also have responsibility. It becomes their plan again."<sup>58</sup>

The Signs of Safety method is in line with the new youth law, which is focused on the individual responsibility and possibilities of juveniles and their parents, with help of their social network. This is also out of cost-efficiency, as the explanatory memorandum of the youth law reads: "The decentralizations should stimulate that first an appeal is made on [peoples'] 'own strength' and the social network, before publicly financed means are used" (Memorie van Toelichting Jeugdwet 2013, 4). In this law, a tension exists between the two different interpretations of 'individual responsibility'. On the one hand the focus is on the strength of the individual. To de-medicalize and give more responsibility back to parents and the network, rather than taking over: a liberating vision of individual responsibility. On the other hand parents and the network are asked to be the 'extra eyes' of the government, to prevent recidivism and keep an eye on their juveniles. This is a form of disciplining responsibility, since their role is emphasized as 'autonomous citizens', while at the same time they are being asked to act in line with governmental policy, also because government money for extra professional support is not available.

Even though the youth protection and probation officers are positive about including the network more, they also comment on how it is very time consuming for them to get the whole network together, and with budget cuts and a big caseload it is not always possible to realize. Besides, they also realize there is a limit to what the network can bear. Probation officer Frank says, "More and more should be done 'within the network'. We do so, but some things just can't be solved within the network." What bothers him most is that he gets less time for a case than he needs.

Then sometimes I am forced to leave things to someone, which I would rather have waited a bit, or would have preferred to do together. [...] Going to the job center together, to see how he arranges it. And then it turns out that he doesn't have any idea what to say, or how to make a resume. All those small things, I would like to have a bit more time for that.

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<sup>58</sup> Interview Frank, April 25, 2016.

Then I don't need to arrange care for them, because I arrange that myself. Speaking of costs... I think that could save a lot of money as well.<sup>59</sup>

All youth protection and probation officers tell me how their caseload is bigger at the moment than what it is supposed to be, and with 20 to 22 cases per person, there is not much time left in the week to do something extra. They tell me how the workforce has declined due to budget cuts, people are at home because they are overworked, and their waiting lists are getting longer and longer. Frank says, "It isn't going to get better this way, it will all collapse, and incidents will happen." I ask, "Do you get more work than you can handle?" Frank: "Yes, not only here, but also at the Center for Youth and Family, the whole care system."<sup>60</sup>

Special measures that youth probation can offer, with more contact hours and therefore more time to map the role of the different family and community members, are expensive and therefore less attractive for the municipality to buy. Anna: "The municipality now has to pay and they really watch... You know, you have to market your own product. They also look, who is the cheapest? They don't look at quality anymore."<sup>61</sup>

In comparable research at a regular probation office in California, Lynch (2000) argues that there still is a rhetoric of rehabilitation, while in practice parole officers focus mostly on 'individual responsibility' because they themselves lack the means and money to do more for their 'clients'. In Dutch youth probation, it has not come that far yet. However, the officers do recognize that budget cuts continue to limit their options to assist the juvenile offenders or to assign the right assistance.

#### A CHANGING PERCEPTION OF RISK AND RESPONSIBILITY

Political scientist Rik Peeters (2013) wrote his dissertation on how the focus on risk-prevention changes the role of the state. According to him, the government in West European states is not just retreating, but is intervening in a different way, based on a transformation of the notions of responsibility and solidarity. Responsibility is no longer seen as, being held accountable for your actions, it is seen as evaluating what the consequences of your behavior might be. Solidarity is transformed from solidarity with the people who become victim of unavoidable bad fate, to solidarity with the citizen who - by avoiding risks - does not make use of collective means. This transformation and the presumption that citizens are able to act responsibly and solidary, legitimizes interventions towards citizens who are unwilling or unable to change their behavior

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<sup>59</sup> Interview Frank, April 25, 2016

<sup>60</sup> Interview Frank, April 25, 2016

<sup>61</sup> Double interview Linda and Anna, April 28, 2016.

themselves. While on the one hand individual responsibility is emphasized, on the other hand the government is very present; they keep juvenile registers, identify youth at risk, and closely monitor the way parents raise their children (Peeters 2013). The Dutch government underlines the individual responsibility of parents to raise their children, but at the same time monitors more closely that parents take responsibility. For example, since 2007 social workers have the task to actively encourage parents to take parental support, which can not only be implemented voluntarily but also forced (Van Noije 2012, 195).

McNeill (2009) correctly warns that the focus on risk can work counterproductive by obstructing the possibilities for reintegration and rehabilitation of offenders. A contemporary Dutch example of this is the increasing importance of the *Verklaring Omtrent Gedrag*, Certificate of Conduct, when applying for a job or internship. This refrains juveniles with a criminal record from applying for certain jobs or internships, because they fear they will not be applicable to get the Certificate of Conduct. By not applying, out of fear to be rejected, the effect of the Certificate of Conduct gets bigger than necessary. Therefore, the Dutch government plies for more education for juveniles about the procedure. However, at the same time it increases its monitoring possibilities, by making it possible to refuse a Certificate of Conduct based on police records, and increasing the possibilities for employers to periodically screen their employees.<sup>62</sup>

#### CHOICE AND RESPONSIBILITY

I have shown how the probation process becomes a shared project. What is to be expected of the juveniles in this case? The language of the information flyers of Youth Protection North is clear: “You have to prove that you can behave yourself and that you do want to make something of your life.” Is that harsh? Probation officer Frank thinks it is harsh but clear. Like his colleagues he emphasizes that you do not get assigned to youth probation for no reason. He explains, “Many don’t really realize what they are doing. For 90 percent of the juveniles it is not the first time they get in touch with the police. [...] If you steal a chocolate bar you don’t get youth probation.” The responsibility he expects from the youth is that they stick to the agreements he makes with them: “That they go to therapy and to school, that they are home at a certain time. That is something we agreed upon and that is the responsibility I expect of someone.”<sup>63</sup>

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<sup>62</sup> Nieuwsbericht “Meer Mogelijkheden met VOG” Rijksoverheid.nl <https://www.rijksoverheid.nl/actueel/nieuws/2016/02/11/meer-mogelijkheden-met-vog> (Accessed July 31, 2016).

<sup>63</sup> Interview Frank, April 25, 2016



“Agreed is agreed”, according to Frank. However, he also notices how some are slow learners, who have to learn by ‘falling and getting up again’. Then you have to stretch the rules a bit sometimes. If someone really does not cooperate, the probation officers have the power to put the case back to the judge.

Frank: If we are very rigid, we could put half of our cases back. But it is also an art, especially with the youth, that you push through and sometimes literally take them by the hand because otherwise they just don’t manage. And at the moment we put them back [the case back to the judge], also all the help stops. And then you realize that it’s not only a juvenile who commits a crime, but that they are recipients of a lot of care. That they cannot help it sometimes, due to their behavioral problems, or psychiatric problems or surrounding factors. Then I think: It is sad actually, I have to put him back, but what do we gain with that?<sup>64</sup>

As Frank shows, surrounding factors do play a role in the consideration to put someone back. According to Mario, to let a case be reassessed by the judge you have to be a 100 percent sure that the juvenile is to blame for the situation.

Mario: The basis of what we work with is an unmotivated client, so not being motivated is no reason to give a yellow card. They have to learn to stick to appointments. From someone with ADHD you can’t expect that he comes in time for appointments 100% of the time. You have to be very sure that he purposefully undermines the help. They are young, they can’t always oversee the consequences of their actions, like grownups can.<sup>65</sup>

This means that if a trajectory fails, the probation officer has to consider whether this is the fault of the individual juvenile delinquent. Mario recognizes how it is also his task as a probation officer to get someone motivated and that sometimes you cannot expect much from people. On the other hand, the probation officers emphasize that everyone always has a choice. Frank:

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<sup>64</sup> Interview Frank, April 25, 2016

<sup>65</sup> Informal conversation Mario, field notes, June 2, 2016.

You always have choices. Even if you hang around with friends who do all kind of bad things. You are responsible for your own choices. It is your choice to be in touch with those friends.<sup>66</sup>

Speaking with different probation officers I see their opinion shifting several times during the conversation. On one hand emphasizing free choice, on the other hand recognizing the problematic circumstances their clients come from, and the fact that they are still young. This duality can also be seen in literature. For example Dutch criminologist Pompe emphasizes the importance of appealing to offenders' human responsibility, rather than seeing them as helpless, deviant people, who cannot be held accountable for their deeds. Detainees will only leave their criminal lifestyles behind them if they are respected as fellow human beings, he argues (Pompe 1975, 1962 in Boone 2013, 114). Moreover, within desistance-literature, individual choices, motivation and attempts play a key role in the desistance from crime (Maruna and LeBel 2010, 71). However, at the same time, desistance literature emphasizes relational aspects in this process. Raynor and Robinson (2005) speak of 'relational rehabilitation' noting how rehabilitation is a two-way street, which does not only require effort from the offender, but also from the people and institutions around him/her. Transferring responsibilities from the correctional officer to the family and the network can be seen as a logical step in this reasoning, since it decreases the dependency on correction services and increases the involvement of the community (Raynor and Robinson 2005, 156).

#### COOPERATING AND SETTING THE LIMITS

Within the juvenile correctional institution, individual responsibility is strictly regulated. I wonder to which extent juveniles get to make their own choices while working with the probation officer. According to the manager of Education and Therapy I interviewed in the juvenile institution, a lot is still to be gained here. She used to work at the Board of Child Protection, and says:

You saw that whenever the court case was getting close, all employees around a juvenile were working really hard on a plan. The plan was there, everyone agreed, but in no time the juvenile did not stick to it. He didn't feel any commitment.<sup>67</sup>

She emphasizes the strategic importance of letting the juveniles participate in planning, even though that does not guarantee things turn out the way they were planned. She further explains, "Then you can say: it was your own plan, what about it makes it difficult to stick to?" Also Mario and

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<sup>66</sup> Interview Frank, April 25, 2016

<sup>67</sup> Interview Manager Education and Therapy Juvaaid, April 12, 2016.

Frank underline the importance of making plans together with the juveniles, in order to match their perspective. Sometimes it is hard to imagine how things would look from the perspective of a juvenile; a great solution in the eyes of the caregiver can be experienced very differently by a juvenile. The probation officers make plans together with the juveniles, but also have to set the limits. Frank: "That is the tricky thing of our work, to set limits every once in a while, but do create a relationship with the youth, some sort of cooperation."<sup>68</sup>

He tells me that he sometimes meets up with a juvenile at a café, to talk over a cup of coffee, rather than talking 'very clinically' to him in his office. In principle everything is individual responsibility, and the task of the probation officer is to help where necessary. Mario adds, "If we meddle in everything they also blame us when it goes wrong. The best thing is if they do everything themselves, and we only set out the big lines."<sup>69</sup>

Frank tells me how he makes the plan, but often in cooperation with the parents and the juvenile, asking them about their perspective on what is stated in the juvenile's reports.

Those reports are often quite negative, and that is logical, because they did something wrong and that is what the report is about. But I notice some changes; also the Board starts to look more at positive factors, things that are going well. That is also a change in the whole field of care, to focus on what is going well. Before everything used to be 'bad' and 'criminal' and we searched for what was going wrong, and as a probation officer I also can't let that go completely, because that is the reason someone gets in touch with us. But eventually we should look: what are the worries, and what is going well? And what is necessary to make things go well again?<sup>70</sup>

In his dissertation *Mother Justice and her Children* (1986), Van Nijnatten describes the development of a 'psycho-juridical complex' in child protection. Under influence of the social sciences, the reports of the Board of Child Protection have changed from being mostly based on moral judgments of the social worker, to more psychologically underpinned reports. Van Nijnatten notes how those scientific insights are not value free either, but are a certain construction of 'the truth'. According to Van Nijnatten we should be aware of the societal norms and underlying assumptions hidden in the reports and the institutions that produce them (Van Nijnatten 1986, 164). Van Nijnatten published his thesis in 1986, since then reports have become more formalized with the use of risk taxation instruments, by which subjectivity

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<sup>68</sup> Interview Frank, April 25, 2016

<sup>69</sup> Informal conversation Mario, field notes, June 2, 2016.

<sup>70</sup> Interview Frank, April 25, 2016

and morality become even more hidden. Asking the perspective of the juveniles and their parents on what is stated in the reports, like Frank does, is a first step into making the construction of truth a more collaborative process and giving people the possibility to influence decision making.

#### CONCLUDING REMARKS

I have shown how the focus on risk-prevention in our current society leads to a duality: on the one hand individual responsibility and autonomy are constantly emphasized, on the other hand the government keeps strict control over the juveniles and their families. The new youth law can be seen as an example of liberating responsibility by de-institutionalizing and giving more responsibility to the parents and the network. Furthermore, it can also be seen as disciplining responsibility since they are responsabilized to behave in line with government policy.

Probation work can be characterized by this same duality. Probation officers have to stimulate autonomous responsible behavior of the juveniles, but also set the limit. Going against the image of responsabilization as an all-encompassing trend I have shown how probation officers switch constantly between attributing responsibility and emphasizing that the juveniles make their own choices, and noticing how circumstances can be limiting. However, sometimes the probation officers are also forced to let the juveniles solve things themselves, because they do not have the time and means to give them more help.

## INTERLUDE - SCIENTIFIC PARADIGMS

“The adolescent brain is not fully developed yet,” Professor of Forensic Psychiatry Arne Popma starts his lecture. I am at a meeting of the Psychological Juridical Association on *adolescentenstrafrecht*, [adolescent criminal law] together with about 40 lawyers, judges and researchers.<sup>71</sup> “People whose ‘nucleus accumbens’ is not fully developed yet, have a difficulty with executive functions. They can’t look ahead that far and have a declined insight in morality. This can lead to risky behavior,” Popma continues. *Adolescentenstrafrecht* was implemented, amongst others because of these insights that with a developing brain, juveniles cannot be fully held responsible for their deeds. Popma studies new techniques to measure the influence of biology on behavior. “The Ministry of Justice does not see biology as controversial, and is willing to implement new techniques. The Netherlands are a frontrunner in that area.” He points at some of the visitors sitting in the back, as researchers for the WODC who are working on the development of new instruments for risk taxation, using biological parameters to predict crime.

In the previous lecture, an hour earlier, Professor of Youth Protection Ido Weijers sketched an image of young recidivists as juveniles who cannot get along in society. Taking part in criminal activities shapes their identity. It is what they are good at. That makes it hard to quit. Without diplomas, in the job market they are left with supermarket jobs that ‘aren’t cool’. They act like they are independent, but at the same time are very reliant on others; on their boss, on the government, in order to get money. Quitting crime means having to leave their friends behind, and letting go of everything that give them some status.

The study of ‘governmentality’ looks at somewhat regulated and rationalized modes of power. This power is being influenced by knowledge (Foucault 2007, 108-109). During moments of the meeting of the Psychological Juridical Association, I felt as if I was in a different world. Hearing about predictive biological parameters and the development of risk-models made me move from the ‘practice world’ in the juvenile institution to the ‘science world’, where the knowledge was created to base practices on. Interestingly, already at this meeting different perspectives came together: the biological perspective of the limited development of juveniles, the social perspective of a school

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<sup>71</sup> Fieldnotes of the meeting ‘Adolescentenstrafrecht: de nieuwste ontwikkelingen’, of the Dutch Psychiatric Juridical Association, February 16, 2016.

system and labor market in which not everyone can come along. Different insights exist at the same time and power is not influenced by one source of knowledge, but by many.

According to Lupton (1999) systems of expert knowledge constitute and define the objects of knowledge, such as the 'cognitively deficient offender', or the 'deprived offender'. What took me by surprise during my fieldwork was the distinction between normal and abnormal behavior in a conversation I had with a youth judge, who told me about Oppositional Deviant Disorder (ODD), which is not uncommon for juveniles in detention. According to Dehue, disorders 'reify' themselves: certain behavior is labelled as a distortion, which is said to cause the deviant behavior. This way the distortion creates itself (Dehue 2014). In the case of the juvenile correctional institution, I found it especially interesting: not submitting to authority is not only bad, but in worst cases it is also seen as a distortion. In an essay (2011) Dehue explains the popularity of reification as an aspect of modern society. In a society that is regulated through responsabilizing individuals and emphasizing their free choice, reification is the 'safety pin' of this ideal. Only if we locate undesirable feelings and behaviors as distortions within ourselves, we keep 'working on ourselves'.<sup>72</sup> This prevents a more holistic 'diagnosis of society'.

Awareness is needed of the paradigms from which we look at reality. Things might be 'scientifically proven', but what is seen as good science is shaped by discourses and ideas about what good science entails and what is scientific. That methods were 'scientifically proven' recurred in many conversations, especially on the evidence based risk taxation instruments. However, as shown by Hannah-Moffat (2005), risk taxation instruments are not neutral and value free, they are normative and by matching 'criminogenic needs' with risk, they contribute to the creation of an image of responsible and calculating individuals who have to manage their own risks. Also the effective interventions of the *What works* approach contribute to the narrow focus on the individual, since most interventions are focused on changing individual thought patterns (Vander Beken 2015, 92). Science and the way we think about individual responsibility are intertwined.

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<sup>72</sup> Trudy Dehue, "Ik maak drukte want ik ben een druktemaker." *De Groene Amsterdammer*, March 3, 2011. <http://www.rug.nl/staff/g.c.g.dehue/dehueingroeneamsterdammer2.pdf>

## CHAPTER 4 – CONCLUSIONS

August 2016, half a year after I set my first steps into the juvenile correctional institution. By now I have moved from the juvenile court, to the juvenile institution, the trajectory meeting where the release of a juvenile is prepared, the probation office, and lastly a meeting for academics. What do my experiences at all these places show about how different actors, in the juvenile criminal justice system, understand and govern individual responsibility? Adding to the rich body of literature on the increased responsibility put on (juvenile) offenders (Gray 2009, Halsey 2008, Phoenix and Kelly 2013, Halsey, 2008, Kelly 2001), I argue that the meaning of individual responsibility in the Dutch juvenile criminal justice system is less straightforward than may be assumed. By using Ossewaarde's (2006) distinction between disciplining and liberating responsibility, I aim to bring together two different perspectives. Firstly, the 'governmentality perspective', which focuses on how individual responsibility is used as a means of governance, to responsabilize individuals to control themselves. Secondly, the 'participation perspective', which is mostly used by professionals to argue that the juveniles should have more autonomy and a greater influence in planning.

Instead of speaking of 'responsibilization' in general I look at how the role of individual responsibility changes amongst different sites in the juvenile criminal justice system, and how it is understood differently by different actors.

**The youth judge** underlines the importance of the motivation of the juveniles and encourages them to have their say. The juveniles however, express a feeling of powerlessness, facing a judge who can 'decide over their lives.'

**In the juvenile institution**, individual responsibility is a key component of the official YOUTURN methodology, with the idea that taking responsibility is important in the desistance from crime. In practice, however, individual responsibility is mostly used as a way of governing. An appeal is made to the juveniles' individual responsibility as an alternative to more direct control and punishment.

**At the trajectory meeting**, it is recognized that there are limits to individual responsibility. It can be difficult for the juveniles to take individual responsibility, especially if they have been in a closed institution for a long time. Besides, they are dependent on others and institutions, which does not always make it easy. Therefore, at the meeting the professionals try to arrange everything for the juveniles down to the last detail: from transport between home and work, to a gym membership.

**At the probation office**, the juveniles get more freedom than in the juvenile institution. The probation officers refer to a notion of shared responsibility, between the probation officer, the juvenile and the parents. From a governmentality lens, this can be seen as responsabilization as well, since the probation officers are giving some of their tasks back to the network, and parents are being asked to be the 'extra eyes' of the government.

**Scientific paradigms** form the basis for penal practices, and the rationale behind governmental strategies. The main scientific paradigm in corrections is the 'What Works' approach, which contributes to the emphasis on individual responsibility, by focusing on individual risks, needs and responsivity.

Phoenix and Kelly (2013) argue that to understand what responsabilization means to the juvenile offenders, it is necessary to move beyond grand governmentality frameworks and take into account the subjective experiences of the juveniles. In the correctional institution, all juveniles said they are responsible for themselves, their lives, and the situation they are in. However, at the same time, they expressed feelings of unfairness, inequality and dependency on institutions and their surroundings. I interpret the emphasis they nevertheless put on individual responsibility, as a way of expressing agency, going against psychological and professional judgments, arguing that they can take responsibility and can be trusted. They are happy to be entrusted with some small responsibilities within the institution, however, their real frustration lies in the uncertainty over their case, and bigger processes which they cannot influence.

Also the juvenile correctional institution is subject to forces beyond their control, as they are closely watched by politics, the media and society. The focus on risk-prevention in society creates a conflicting situation, as the prison is entrusted with a double task; they have to create responsible individuals, while at the same time preventing anything going wrong. As research has shown, desistance is not easy, and failing is often part of the process (Maruna 2001). However, in a context where nothing can go wrong, there is hardly any space to create a learning environment, and give the juveniles real responsibilities, freedom and trust.

I have shown that individual responsibility is important, but also has its limits. Not everything can be solved with individual responsibility. By solely focusing on autonomy, individual responsibility and choice; the relational aspect is overlooked. Although everyone focused on individual responsibility, the actors within my research also noted how people are reliant on others and institutions. For example, on the one hand almost all professionals emphasized individual



responsibility to find a job. On the other hand, they also recognized how there are hardly any jobs available, especially without the right qualifications. Getting a job then, is not only a matter of undertaking a training to improve your soliciting skills, but has to be seen within the broader context. To understand crime and desistance from the perspective of the juveniles, it is necessary to look at the larger structures in which they operate. Without taking into account broader structures, emphasizing individual responsibility is unnecessary and ineffective. This is also the critique on responsabilization given by many critical sociologists and criminologists (Hannah-Moffat 2000, 2005, Halsey 2008, Gray 2009).

By moving between the different perspectives on individual responsibility, I aim to add a critical perspective to different discourses. Academically, I hope to add a new perspective to critical literature on responsabilization that bypasses the liberating view on responsibility (Gray 2009, Cox 2011, Phoenix and Kelly 2013) by showing how professionals aim at giving the juveniles more autonomy and influence in decision making. However, I have also shown the difficulties of actually increasing the amount of individual responsibility, in a no-risk context. Additionally, I problematize the concept 'individual responsibility' by arguing that without taking into account relational aspects, the focus on individual responsibility is unrealistic. With this insight, I hope to give some food for thought for future policy making, arguing that it is necessary to move beyond individual responsibility and take broader structures into account.

#### SCIENTIFIC 'TRUTHS' AND UNDERLYING IDEALS

With my search for the meaning of individual responsibility, I also ended up with the influence of scientific discourses. I have shown how the increase of psychology and behavioral sciences in the 20th century has contributed to a certain image of mankind; that of the autonomous, changeable individual, which also reflects in our view on criminal justice policy. By showing how the way we perceive ourselves and others is influenced by scientific knowledge, I aim to give a broader perspective on what we see as the 'truth'. Science is not neutral, but conveys societal values. The popular 'What works' approach focusses mostly on effective interventions at the individual level. This is not necessarily a bad thing, but we should be aware of the underlying assumptions and the consequences of this approach; by focusing on the individual we might bypass the broader context. Anthropology also has its own theoretical lens, often relating individual behavior to broader structures and discourses. By explaining my research methods at length, I aim to give insight into how I created my 'truths' and the difficulties related to this; arguing that 'informed consent' should not be taken lightly, and showing the difficulties concerning positioning, when doing ethnographic

research among juveniles and staff in a penal environment. Despite these complications, I do wholeheartedly believe in the value of anthropological fieldwork. Conducting fieldwork gave me the possibility to gain a much deeper and broader understanding of the experience of individual responsibility within the juvenile institution, more than I would have been able to gain from just conducting interviews. To understand the subjective experience of individual responsibility within a particular context, anthropological fieldwork is indispensable.

#### DISCUSSION AND IDEA'S FOR FURTHER RESEARCH

The scope of this thesis is broad, to be able to shine a light on the topic individual responsibility from many perspectives. However, most of my data were gathered in the juvenile institution. Some limitations derive from this. The idea to start at the juvenile institution and use the snowball method to get in touch with juvenile probation had an implication. I got in contact quite late, and therefore did not have the possibility to do extensive fieldwork at the probation office. My research there was limited to one day of participant observation and doing three interviews on the side. This gives limited possibilities for data triangulation and for understanding the perspective of the juveniles on probation. Van Nijnatten and Stevens (2012) show how probation officers realized, after viewing video-taped conversations with juveniles, that they gave less possibility for participation than they thought and said they did. Therefore it would have been interesting to spend more time at the probation office and get a better understanding of the conversations between the probation officer and the juveniles. My experience at the youth judge is actually too little to really give a sound conclusion about the role of individual responsibility there; the snapshot I gave in the beginning of this thesis is meant to give some first thoughts. More in depth research on the role of individual responsibility in decision making by youth judges and the communication with the juveniles would be interesting.

Furthermore, an interesting topic to do follow up research on is the subjective experience of individual responsibility and autonomy within a closed context. At the juvenile institution, giving responsibilities to the juveniles is largely an unexplored terrain and they are still in the process of discovering new possibilities for this. It is an interesting development to look at the possibilities for autonomy within a restricted context; however, as I have shown in my research, this also depends on the subjective experiences of the detainees. How do 'freedom' and 'autonomy' feel if wrong choices are sanctioned? And does 'getting autonomy' matter if it is felt like the real decisions are taken somewhere else?

My research was on the experiences of individual responsibility by different actors within the juvenile criminal justice system and how they acted according to these visions. What struck me during my research was the amount of protocols, reports, and psychological and risk-taxation instruments present in the process. I briefly touched upon policies, methods and instruments in this thesis. I came to think that rather than focusing on the values of individual employees, it is interesting to focus on the values hidden in the “value free” scientifically proven instruments and methods they use, which determine a great part of their work. Further in-depth research in these instruments and their application would enhance a more holistic understanding of the meaning of the concept individual responsibility within the juvenile criminal justice system.

After writing this thesis, hearing and using the words ‘individual responsibility’ will never be the same anymore. It immediately sparks the questions: Which responsibility? To whom? In which context? In the words of trajectory assistant Bart:

“It’s too easy to say that taking responsibility is the road to success.”

## REFERENCES

- AAA, Code of Ethics. Accessed at July 8, 2016. <http://ethics.americananthro.org/>
- Andrews, Donald Arthur and James Bonta. 1994. *The Psychology of Criminal Conduct*. New Jersey: LexisNexis.
- Beck, Ulrich. 1992. *Risk Society. Towards a New Modernity*. London: Sage Publications.
- Boone, Miranda, Martina Althoff, Frans Koenraadt. 2016. *Het Leefklimaat in Justitiële Inrichtingen*. Den Haag: Boom Criminologie.
- Clemmer, Donald. 1940. *The Prison Community*. New Braunfels: Christopher Publishing House.
- Corstens, Geert. 2015. "Het Veranderende Mensbeeld in het Strafrecht. Een Bespiegeling op Basis van Ervaringen in de Rechterlijke Macht." *Justitiële Verkenningen* 41(7): 124-134.
- Cox, Alexandra. 2011. "Doing the Programme or Doing Me? The Pains of Youth Imprisonment." *Punishment & Society* 13(5): 592-610.
- Crewe, Ben. 2011. "Depth, Weight, Tightness: Revisiting the Pains of Imprisonment." *Punishment and Society* 13(5): 509-529.
- Dalrymple, Theodore. 2010. *Life at the Bottom: The Worldview That Makes the Underclass*. Lanham: Ivan R. Dee
- Dehue, Trudy. 2014. *Betere Mensen: over Gezondheid als Keuze en Koopwaar*. Amsterdam: Augustus.
- Delicat, Jan-Wilm. 2001. *Van Ijzeren Vuist naar Zachte Hand? Idee en Praktijk in de Rijksopvoedingsgestichten 1901-1961*. PhD diss., Radboud University 2001.
- Elshout, J, E. Tonkens en T. Swierstra. 2016. "Meritocratie als Aanslag op het Zelfrespect van 'Verliezers'" in *Meritocratie: op Weg naar een Nieuwe Klassensamenleving?* Edited by Paul de Beer and Maischa van Pinksteren, 209-234. Amsterdam: Amsterdam University Press.
- Foucault, Michel. 1975. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. London: Penguin, 1991.
- . 1980. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. Edited by Colin Gordon. New York: Vintage.
- . 1982. "The Subject and Power." *Critical Enquiry* 8(4) 777-795.
- . 2007. *Security, Territory, Population. Lectures at the Collège de France, 1977-1978*. Translated by Graham Burchell. New York: Palgrave-Macmillan.

- Gradin Franzén, Anna. 2015 "Responsibilization and Discipline: Subject Positioning at a Youth Detention Home." *Journal of Contemporary Ethnography* 2015 44(3) 251-279.
- Goffman, Erving. 1961. *Asylums: Essays on the Social Situation of Mental Patients and other Inmates*. New York: Anchor.
- Gray, Patricia. 2009. "The Political Economy of Risk and the New Governance of Youth Crime." *Punishment & Society* 11(4): 443-458.
- Halsey, Mark. 2008. "Risking Desistance: Respect and Responsibility in the Custodial and Post-Release Contexts." In: *Imaginary Penalties*, edited by Pat Carlen, 218-251. Willan: Cullompton.
- Hannah-Moffat, Kelly 2000. "Prisons that Empower Neo-liberal Governance in Canadian Women's Prisons." *British Journal of Criminology* 40: 510-531.
- .2005. "Criminogenic Needs and the Transformative Risk Subject Hybridizations of Risk/Need in Penalty." *Punishment & Society* 7(1): 29-51.
- Ingold, Tim. 2008. "Anthropology is not Ethnography." Speech at the University of Edinburgh, March 12 2007, published in *Proceedings of the British Academy* 2008 154: 69-92.
- Kampen, Thomas Gerrit. 2014. *Verplicht Vrijwilligerswerk: de Ervaringen van Bijstandscliënten met een Tegenprestatie voor hun Uitkering*. PhD diss., University of Amsterdam, 2014.
- Lemke, Thomas. 2000. Foucault, Governmentality and Critique. Paper presented at the Rethinking Marxism Conference, University of Amherst (MA), September 21-24, 2000.
- Lupton, Deborah. 1999. *Risk*. London: Routledge.
- Martinson, Robert. 1974. "What works?-Questions and answers about prison reform." *The public Interest* 35:22.
- Maruna, Shadd. 2001. *Making Good: How Ex-convicts Reform and Rebuild Their Lives*. Washington DC: American Psychological Association.
- Maruna, Shadd and Thomas LeBel. 2010. "The Desistance Paradigm in Correctional Practice: From Programmes to Lives." In: *Offender Supervision: New Directions in Theory, Research and Practice*. Edited by Fergus McNeill, Peter Raynor, Chris Trotter, 65-87. London: Routledge.
- Maruna, Shadd, and Ruth Mann. 2006. "A Fundamental Attribution Error? Rethinking Cognitive Distortions." *Legal and Criminological Psychology* 11(2): 155-177.
- McNeill, Fergus. 2009. "What Works and What's Just?" *European Journal of Probation* 1(1): 21-40.
- Nielsen, Marlene. 2010. "Pains and Possibilities in Prison. On the Use of Emotions and Positioning in Ethnographic Research." *Acte Sociologica* 53(4): 307-321.

- Oude Breuil, Brenda. 2005. *De Raad voor de Kinderbescherming in een multiculturele samenleving*. Den Haag: Boom Juridische Uitgevers.
- Ossewaarde, Ringo. 2006. *Eigen Verantwoordelijkheid: Bevrijding of Beheersing?* Raad voor Maatschappelijke Ontwikkeling. Amsterdam: SWP.
- Peeters, Rik. 2013. *The Preventive Gaze: How Prevention Transforms Our Understanding of the State*. Den Haag: Eleven International Publishing.
- Phoenix, Jo and Laura Kelly. 2013. 'You Have to Do it For Yourself' Responsibilization in Youth Justice and Young People's Situated Knowledge of Youth Justice Practice. *British Journal of Criminology*. 53(3): 419– 437.
- Raynor, Peter and Gwen Robinson. 2005. *Rehabilitation, Crime and Justice*. Basingstoke: Palgrave.
- Rose, Nikolas. 1998. *Inventing Our Selves: Psychology, Power, and Personhood*. Cambridge: Cambridge University Press.
2000. Government and Control. *British Journal of Criminology* 40 (2): 321-339.
- Robinson, Gwen, Lain Crow. 2009. *Offender rehabilitation: Theory, research and practice*. London: Sage Publications.
- Sykes, Gresham M'Cready. 1958. *The society of captives: A study of a maximum security prison*. New Jersey: Princeton University Press.
- Ten Brummelaar, Mijntje, Lianne Gerrits, Wendy Post, Annemiek Harder, Margritte Kalverboer, Tamara Pultrum, Erik Knorth. 2014. "Perceptions of Participation. The View of Male Adolescents on the Care Process in a Juvenile Justice Facility." *International Journal of Child and Family Welfare*. 15(1): 53-75.
- Vander Beken, Tom. 2015. *Howardreizen. De Rol van de Gevangenis in Europa*. Antwerpen: Maklu.
- Van der Helm, Peer. 2010. *First do no Harm. Living Group Climate in Secure Juvenile Correctional Institutions*. Amsterdam: Vrije Universiteit.
- Van Nijnatten, Carolus, 1986. *Moeder Justitia en haar Kinderen: de Ontwikkeling van het Psycho-Juridisch Complex in de Kinderbescherming*. Swets & Zeitlinger.
- Van Nijnatten, Carolus and Gonneke Stevens. 2012. "Juvenile Participation in Conversations with Probation Officers." *International Journal of Offender Therapy and Comparative Criminology* 56(3):483-499.
- Van Noije, Lonneke. 2012. "Coproductie Veiligheid." In *Een beroep op de burger. Minder verzorgingsstaat, meer eigen verantwoordelijkheid? Sociaal en Cultureel Rapport 2012*, edited by Vic Veldheer, Jedid-Jah Jonker, Lonneke van Noije, Cok Vrooman, 188-212. Den Haag: Sociaal Cultureel Planbureau.

- Vogelvang, Bas. 2005. *De Jongere Aanspreken. Handboek Methode Jeugreclassering*. Adviesbureau Van Montfoort. Utrecht: Maatschappelijk Ondernemers Groep.
- Young, Michael. 1958. *The Rise of the Meritocracy*. New Jersey: Transaction Publishers.
- Weijers, Ido. 2015. "De Terugkeer van de 'Kinderlijke Delinquent'? Wisselende Kindbeelden in een Eeuw Jeugdstrafrecht." *Justitiele Verkenningen* 41(7):97-111.

## DUTCH SUMMARY

### DOE HET ZELF - EIGEN VERANTWOORDELIJKHEID IN HET NEDERLANDSE JEUGDSTRAFRECHTSYSTEEM

Deze scriptie is het resultaat van drie maanden etnografisch veldwerk naar het thema 'eigen verantwoordelijkheid' binnen het Nederlandse jeugdstrafrechtssysteem en geeft antwoord op de volgende vraag:

#### **Wat betekent het concept 'eigen verantwoordelijkheid' voor verschillende actoren binnen het Nederlandse jeugdstrafrechtssysteem?**

Ik focus daarbij op de achterliggende ideeën over eigen verantwoordelijkheid en de manier waarop eigen verantwoordelijkheid wordt gereguleerd in de praktijk. Om hier achter te komen deed ik zes weken participerende observatie in een justitiële jeugdinrichting, waar ik kwalitatieve interviews deed met de jongeren, pedagogisch medewerkers, het hoofd behandeling van de instelling, de teamleider van de school en de methodiek coach. Daarnaast deed ik een dag participerende observatie bij Jeugdbescherming Noord, en deed kwalitatieve interviews met drie jeugdreclasserders, waaronder twee van het Leger des Heils. Verder bezocht ik een rechtszaak, een 'trajectberaad', en een bijeenkomst van wetenschappers over het adolescentenstrafrecht. Daarnaast deed ik literatuuronderzoek en sprak ik met verschillende wetenschappers over het onderwerp.

De scriptie is geschreven vanuit een antropologisch perspectief en tracht een breder perspectief te geven op de term individuele verantwoordelijkheid door uit te zoomen; welke betekenis hechten we aan individuele verantwoordelijkheid in de samenleving, en waar komt dat vandaan? En door in te zoomen; hoe wordt individuele verantwoordelijkheid ervaren en gestuurd op verschillende plekken in het jeugdstrafrecht-systeem?

Eigen verantwoordelijkheid is een veelgebruikt begrip in de Nederlandse politiek, en een graag gebruikte beleidsterm, maar wat bedoelen we er eigenlijk mee? Ik laat zien dat de interpretatie van eigen verantwoordelijkheid context afhankelijk is, en dat verschillende interpretaties van de term naast elkaar bestaan. Om meer grip te krijgen op deze verschillende manieren van denken maak ik



onderscheid tussen twee verschillende interpretaties: eigen verantwoordelijkheid als beheersing en verantwoordelijkheid als bevrijding. In de eerste interpretatie ligt de nadruk meer op verantwoordelijk houden, mensen worden verantwoordelijk gesteld voor hun eigen daden. Verschillende auteurs hebben in die context geschreven over hoe (jeugdige-) wetsovertreders steeds meer individueel verantwoordelijk gehouden worden voor hun daden, en dat de oplossing voor crimineel gedrag in het individu zelf wordt gezocht, niet in het veranderen van structurele omstandigheden. Dat is ook verbonden aan een bepaald mensbeeld; zie je de mens als van nature vrij, met de mogelijkheid om rationele beslissingen te maken, dan zal je eerder iemand individueel verantwoordelijk houden voor zijn situatie.

Aan de andere kant komt de roep voor meer eigen verantwoordelijkheid vanuit een bevrijdende interpretatie van de term. Autonomie, zelfstandigheid en de mogelijkheid om verantwoordelijkheid te nemen worden als belangrijke waarden gezien in het jeugdstrafrechtssysteem. In de gevangenisliteratuur is bijvoorbeeld veel geschreven over hoe het verliezen van autonomie kan zorgen voor institutionalisering, waardoor het moeilijker wordt weer verantwoordelijkheden op je te nemen buiten detentie. Binnen jeugdzorg heeft het concept 'participatie' aandacht getrokken als een belangrijke factor voor het bereiken van positieve behandeluitkomsten. Het kunnen beïnvloeden van beslissingen voorkomt passiviteit en verhoogt de motivatie om actief deel te nemen aan het behandelproces. Daarnaast is 'participatie', mee kunnen praten, een van de Rechten van het Kind.

Mijn scriptie gaat over het spanningsveld tussen deze twee interpretaties van eigen verantwoordelijkheid. Aan de ene kant ligt de focus in alle fasen van het jeugdstrafrechtssysteem op verantwoordelijkheid als bevrijding; samenwerken met de jongeren door ze meer mogelijkheden te geven om te participeren en mee te doen in besluitvorming wordt als essentieel gezien voor succes. Haaks daarop staat de logica van verantwoordelijkheid als beheersing; individuen worden verantwoordelijk gemaakt om zich op de juiste manier te gedragen. Het gaat niet om de jongeren hun eigen keuzes te laten maken, het gaat er om ze de juiste keuzes te laten maken. Op die manier is individuele verantwoordelijkheid zowel een uitdrukking van vrijheid, als een vorm van regulatie en beheersing.

**De jeugdrechter** benadrukt het belang van de motivatie van de jongeren zelf en stimuleert hen om

hun zegje te doen. De jongeren echter, voelen zich onmachtig tegenover op een rechter die kan 'beslissen over hun leven.'

**In de jeugdige jeugdinrichting** is individuele verantwoordelijkheid een belangrijk onderdeel van de officiële YOUTURN methodologie, met het idee dat het nemen van verantwoordelijkheid belangrijk is in het proces van stoppen met criminaliteit. In de praktijk wordt individuele verantwoordelijkheid echter vooral gebruikt als een manier van besturen. Een wordt een beroep gedaan op de eigen verantwoordelijkheid van de jongeren 'als een alternatief voor meer directe controle en bestraffing.

**Tijdens het trajectberaad** wordt erkend dat er grenzen zijn aan 'individuele verantwoordelijkheid'. Het kan moeilijk zijn voor de jongeren verantwoordelijkheid te nemen, vooral na een lang verblijf in een gesloten context. Bovendien zijn ze afhankelijk van anderen en instellingen, wat het niet altijd gemakkelijk maakt. Daarom proberen de professionals tijdens het trajectberaad alles tot in de puntjes te regelen voor de jongeren: van vervoer tussen huis en werk, tot een sportschoollidmaatschap.

**Bij de reclassering** krijgen de jongeren meer vrijheid dan in de jeugdinrichting. De jeugdreclasserders spreken van 'gedeelde verantwoordelijkheid' tussen de reclasseringswerker, de jongere en de ouders. De jeugdreclasserder hevelt taken over aan de ouders en het netwerk van de jongere, en vraagt hen een 'extra oogje in het zeil te houden', om recidive te voorkomen.

**Wetenschappelijke paradigma's** vormen de basis voor strafrechtelijke praktijken, en de gedachte achter gouvernementele strategieën. Een van de belangrijkste wetenschappelijke paradigma's in het gevangeniswezen is de *What Works* benadering, die bijdraagt aan de nadruk op individuele verantwoordelijkheid, door te focussen op individuele risico's, behoeften en responsiviteit.

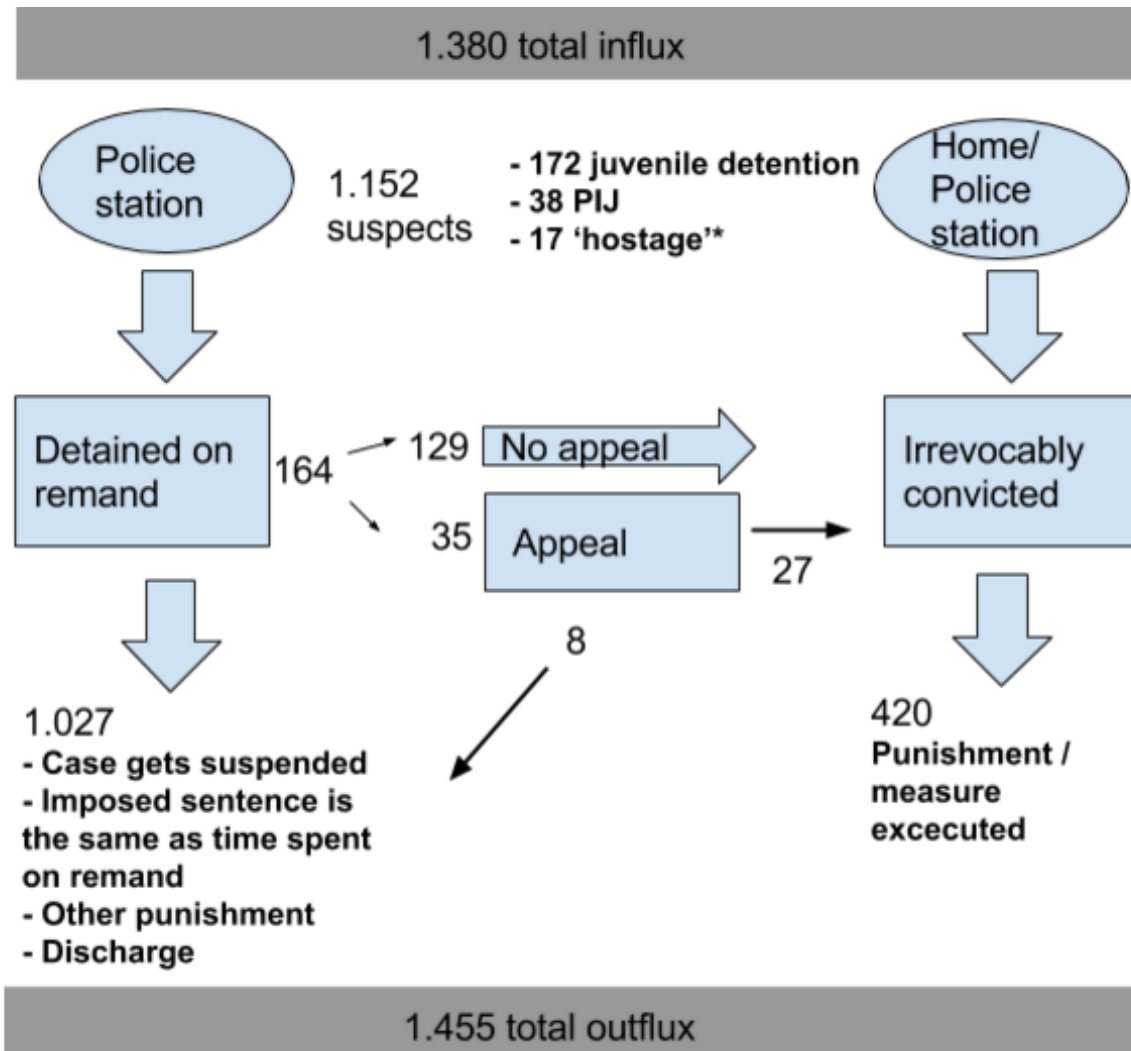
De balans tussen vrijheid en controle, is kenmerkend voor de moderne samenleving, waarin autonomie een kernbegrip is, maar ook de nadruk ligt op veiligheid en het voorkomen van risico's. Aan de ene kant benadrukt de overheid de eigen verantwoordelijkheid en eigen kracht van individuen en hun netwerk. Aan de andere kant is de overheid meer dan ooit aanwezig. Ze houdt strikt toezicht op hoe ouders hun kinderen opvoeden, en risicovolle jongeren worden gemonitord en in de gaten gehouden. Die focus op risico vindt ook zijn weerslag in de justitiële jeugdinrichting, die met een dubbele taak wordt belast; aan de ene kant het bevorderen van eigen verantwoordelijkheid, aan de andere kant het bewaken van de veiligheid en zorgen dat er niks mis gaat.

Door het bijeenbrengen van de twee vertogen over eigen verantwoordelijkheid hoop ik een bijdrage te leveren aan twee debatten. Enerzijds voeg ik een perspectief toe aan kritische literatuur op het gebied van criminologie en governmentality studies, waarin responsabilisering wordt neergezet als een allesomvattende –negatieve– trend, door het perspectief van verantwoordelijkheid als bevrijding een stem te geven. Anderzijds laat ik zien hoe eigen verantwoordelijkheid, in een context van afhankelijkheid, ook als beklemmend ervaren kan worden. Enkel de nadruk leggen op eigen verantwoordelijkheid heeft geen zin, als dat betekent dat de sociale en structurele context buiten beschouwing worden gelaten.

In mijn zoektocht naar hoe het beeld van ‘eigen verantwoordelijkheid’ gecreëerd wordt kom ik ook uit bij de wetenschap. Ik laat zien hoe de opkomst van psychologie en gedragswetenschappen in de 20<sup>ste</sup> eeuw hebben bijgedragen aan een bepaald mensbeeld, van het autonome, veranderbare individu, dat ook zijn weerslag vindt in het denken over gevangenisbeleid. Ik wil hiermee een breder perspectief geven op wat we zien als ‘de waarheid’. Wetenschap is niet neutraal, maar is verbonden met maatschappelijke waarden. Het populaire ‘What works’ paradigma in het gevangeniswezen is met name gericht op effectieve interventies op individueel niveau. Daar is niks mis mee, maar we moeten ons bewust zijn van de onderliggende assumpties en consequenties van die benadering; door enkel op het individu te focussen lopen we het risico de bredere maatschappelijke context te missen.

# APPENDIX 1

## INFLUX AND OUTFLOW JUVENILE CORRECTIONAL INSTITUTIONS 2014



\* These are cases in which a juvenile gets taken in hostage (placed in a juvenile correctional institution) for not paying a traffic fine, the fine remains in this case.

Source: Custodial Institutions Agency - Ministry of Safety and Justice "JJI in Getal 2010-2014", published May 2015.