

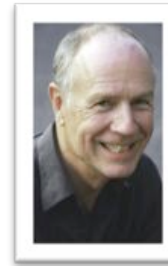
# **Analysing Body Language in NSW Youth Justice Conferencing**

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# Orientation

- Youth Justice Conferencing
  - ARC project “Enacting Reconciliation: Negotiating Meaning in NSW Youth Justice Conferencing”
- Body Language
  - 3 systems (protolinguistic, epilinguistic, linguistic)
- YP identities
  - Syndrome of mulitmodal features



# Restorative Justice

- One common way of understanding **restorative justice** is to define it against practices of **retributive justice**.

- Crime as:

“a violation of the state, defined by lawbreaking and guilt. [Retributive] Justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules” (Howard Zehr, cited in Van Ness, Morris and Maxwell 2001: 3).



V

“a violation of people and relationships. [...] It creates obligations to make things right [and] involves the victim, the offender and the community in a search for solutions which promote repair, reconciliation, and reassurance” (Zehr in Van Ness, Morris and Maxwell 2001: 3).



Dichotomies are bad

But a useful spot to start

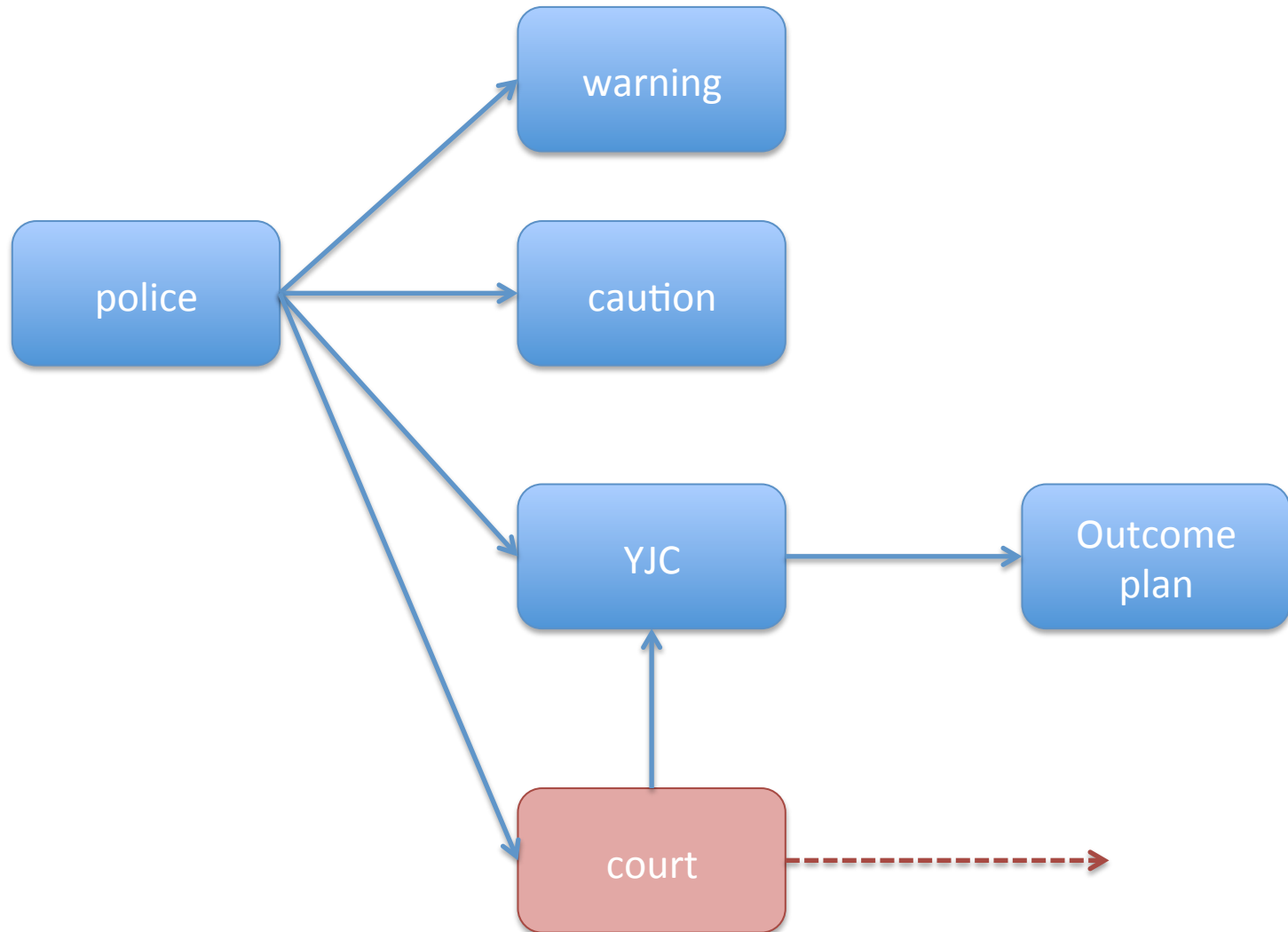
# NSW Youth Justice Conferencing (YJC)

- Alternative to sentencing in Court
  - NSW Young Offenders Act 1997
  - “To establish and use youth justice conferences to deal with alleged offenders in a way that: (i) enables a community based negotiated response to offences involving all the affected parties, and (ii) emphasizes restitution by the offender and the acceptance of responsibility by the offender for his or her behaviour, and (iii) meets the needs of victims and offenders”
- A designed macro-genre within the general framework of restorative justice



General aim is to divert the YP from  
the retributive system

# Diverting the YP from court



At the heart of conferencing is



# ‘The Young Person’ (YP)



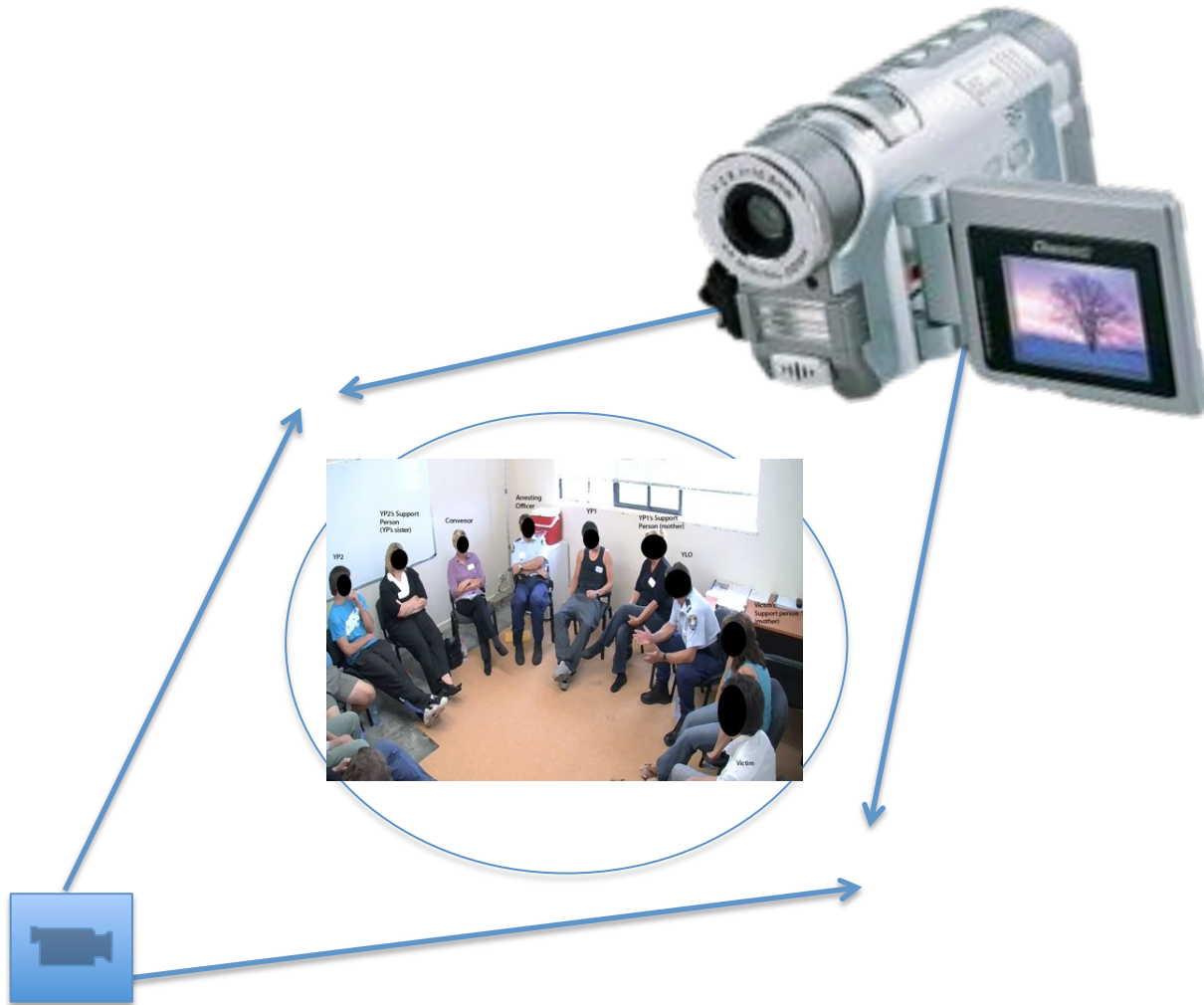
Not the ‘Young Offender’



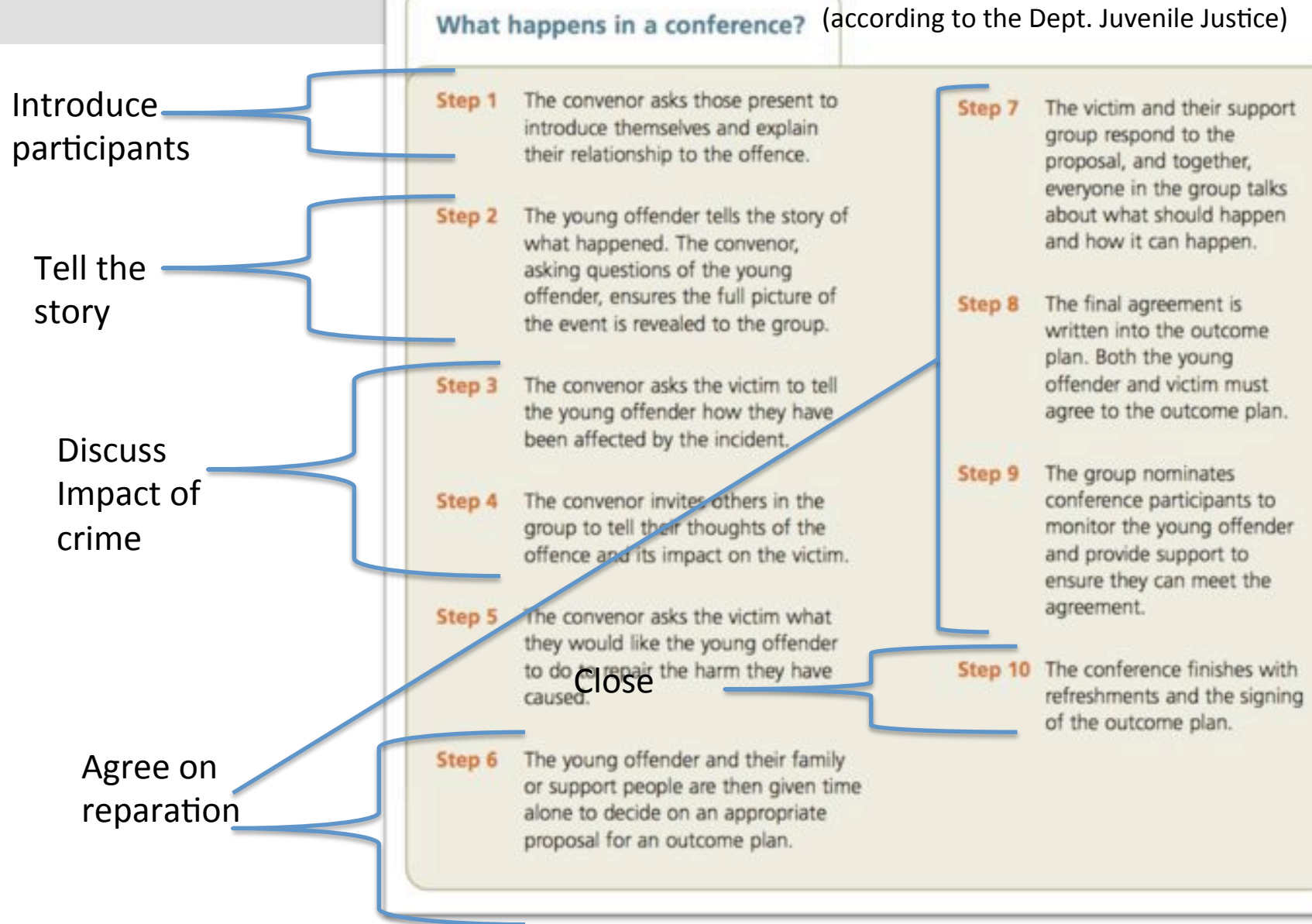




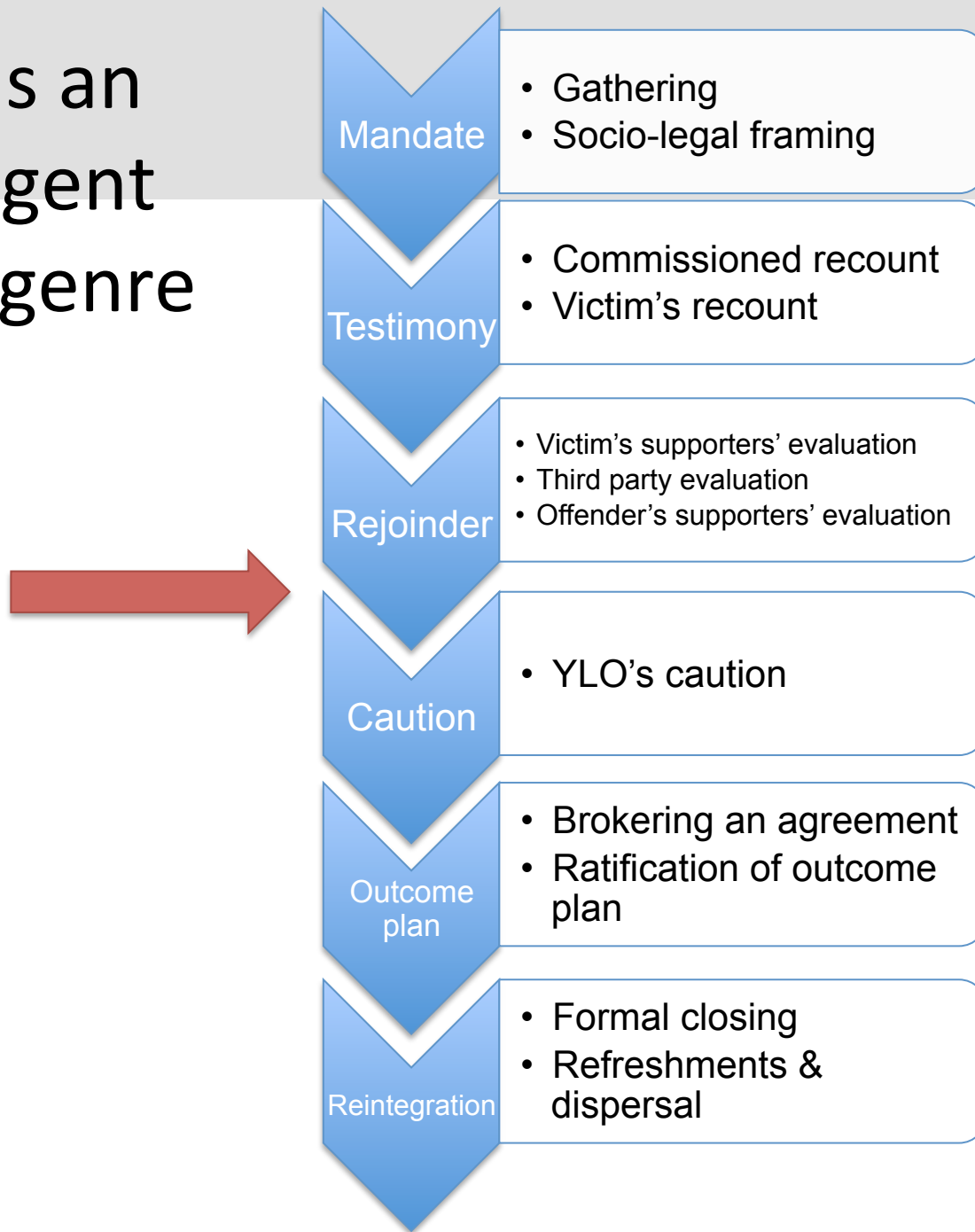
# Video recordings of YJCs



# Designed Macrogenre



# YJC as an emergent macrogenre



# ‘reintegrative shaming’ (Braithwaite, 1989)

“...treating the wrongdoer respectfully and empathetically as a good person who has done a bad act and making special efforts to show the wrongdoer how valued they are after the wrongful act has been confronted” (Braithwaite & Braithwaite, 2001: 4).

Not because of you as a person. Because of something you're doing that's not right. We're not targeting you personally, brother. It's what you're doing that's no good. You're probably a good person. What you're doing is not good. You understand the difference? [Ethnic Liaison Officer]

Note the parallelism!



# YJC as 'passion play'

- core sequence of remorse, apology and forgiveness (Hayes 2006).
- 'emotional contagion' (Tomkins, 1962) and 'collective vulnerability' (Moore and McDonald 2001).
  - “When everyone has spoken and so contributed to the collective picture of what happened, individuals experience a sense of deflation, and the group experiences a collective sense of vulnerability (or a collective experience of shame)” (Moore & McDonald, 2000, p. 51).
- → need a multimodal approach to emotion as socially constructed and influenced by genre



Shame?

however

What we have observed often  
doesn't seem to conform to the  
passion play model

# Tempered body language

- Gestures relatively constrained
- Generally no large shifts in posture



However conferences 'work'...

**process** appears transformative

Indeed YJCs are associated with  
reductions in reoffending

# Ritual-like form of redressive action

designed to ameliorate tensions in the  
broader social drama of youth crime.

# YPs usually try to be 'small targets'

- Previous work on emotionally flat commissioned recount

## **Orientation**

Yeah, I was, I was walking to a mate's house.

## **Record of events**

This guy just came up to me  
and goes 'Do you want to buy a phone?'  
and I go 'No'  
and I go 'Do you want to swap?'  
[inaudible] want to swap with my phone  
and he looked at my phone  
and he goes 'Yeah'  
and we swap  
and I went and stayed at my mate's house  
and when it came to night time I was going back  
home,  
and we was walking, was walking up the road  
and the police just came and got us.

## **Re-orientation**

That's it.

In this talk I will focus on a different  
YP identity

YP transgressing genre as an  
'angry boy'



# School Library YJC

- YP1 & YP2 entered the grounds of a school and threatened/roughed-up a student in the library.
- Explained that they were 'protecting' female students:
  - “When it all comes down to it I know I wouldn't change anything I've done for anything. Like I still feel like- like a girl's getting picked on and that. It's not right for a guy to pick on a girl and I've just been brought up to stand up for girls and guys shouldn't do it. If a guy's got a problem do something to a guy not to a girl.” [YP1]

Masculinity is at risk in this  
conference

# Bravado

“See you two guys are a bit like the old farm yard rooster. All farm yard roosters all fluffed up and wanting to impress people.”

[YLO, SchoolLibrary YJC]



Speaker	Talk
Convenor	It's affected his life.
YP2	Yeah I know it has. That's what I am saying. It's changed a lot. I- I do realise what we've done.
=Convenor	Well the snickering and the smiling doesn't make me think that-
=YP2	[inaudible] Yeah well I'm not a rat from LocationX
Convenor	W- I know that.
YP	I'm not one of those friggin' retarded people that just say "oh yeah I done that. I w- I'll do it again". [pause] I'll do everything that I can to change everything that's happened [inaudible]. Seriously. Walk the streets, mate. Go have fun. Go get drunk. Do whatever. Party on. [inaudible]
=YLO	See you two guys are a bit like the old farm yard rooster. All farm yard roosters all fluffed up and wanting to impress people. So you go into the school grounds all fluffed up ready to go and then you want to impress people so you barge through and just "I'm here. I'm here to do what I like. No one's going to stop me"
=YP1	[inaudible] [shakes head then folds arms]

# Genre-transgressing challenge



# Body language (Cléirigh, 2010)

- Three semiotic systems:

## **protolinguistic**

- A continuation of pre-linguistic semiosis
  - e.g. leaning forward as more engaged
  - e.g. supine hands as more engaged

## **linguistic**

- in sync with the rhythm, or in tune with the intonation of prosodic phonology
  - e.g. Hand beating on salient syllables
  - e.g. Eyebrows raising with pitch movement

## **epilinguistic**

- express meanings made possible by having language
  - e.g. (ideational) gestures that involve drawing in the air
  - e.g. (textual) indexical reference through finger pointing
  - E.g. (interpersonal) polarity realised by nodding, shaking head

The systems can be simultaneous

As in this example...





Body language is capricious

Let's first consider epilinguistic body  
language

“As **epilanguage**, body language is a *metafunctionally* organised bi-stratal system with an articulatory kinology realising semantics (meaning)” (Cléirigh, 2010)

# Epilinguistic Body Language

- Metafunctional
  - Ideational
    - Phenomena e.g. defining a shape in the air
  - Interpersonal
    - Modalisation e.g. oscillating hand
  - Textual
    - Reference e.g. pointing

# Ideational epilinguistic body language

- YLO: “All fluffed up”
- YP imitates YLO’s gesture



# Interpersonal epilinguistic body language

- Shaking head – negative polarity



# Textual epilinguistic body language

- Referencing YLO





Linguistic body language

“As **language**, body language involves a prosodic kinological expression system acting in sync with the rhythm, or in tune with the intonation, of prosodic phonology” (Cléirigh, 2010)

# Linguistic Body Language

- Metafunctional
  - Textual
    - E.g. salience – hand/head beating in sync with the speech rhythm
  - interpersonal
    - Tone – \_eyebrow moving up and down *in tune* with the tone choice

(Cléirigh, 2010)

- “Gesture is a partner with speech in the utterance as finally constructed.” (Kendon 2004: 111)



*“I’m not one of those friggin’ retarded people”*



# Linguistic Body Language

- *“I’m not one of those friggin’ retarded people”*
- Raises hand ‘in sync’ with the intonation and ‘in tune’ with the pitch shift.
- Supports the emphatic meaning being made about policing the boundary of his identity.
  - Another example:
    - ““Well I’m not a rat from LocationX”

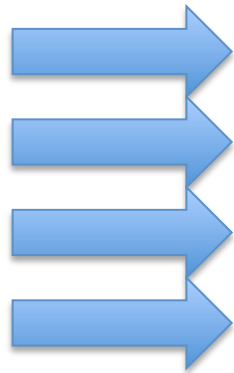


Protolinguistic body language



“As **protolanguage**, body language is a development from infant protolanguage; as protolanguage, it is a *microfunctionally* organised bi-stratal system in which kinological expression realises meaning” (Cléirigh, 2010)

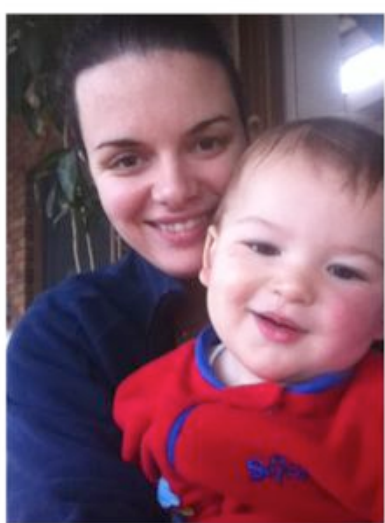
# Protolinguistic body language



	<b>meaning</b>	<b>kinetic expression</b>
<b>regulatory</b>	I want, refuse, threaten	✧ eg raised fist, glower
<b>instrumental</b>	give me, I invite you	✧ eg extended hand
<b>interactional</b>	togetherness, bonding	✧ eg mutual eye gaze
<b>personal</b>	emotions	✧ eg smiling face

(Cléirigh, 2010)





**'you and me together'**

Mutual eye-gaze [on  
iphone  
screen]

Interactional  
microfunction



**I don't like that! – you do  
it!**

**[you take me out of this  
chair now!!!]**

Glower/angry stare +  
shaking

Regulatory microfunction



**'that's interesting!'**

Excited face

Personal microfunction



**I want that! – give it to me!**

Outstretched hand

Instrumental microfunction

# Cléirigh (2010)

- “The **personal** potentially includes such states as nervousness, agitation, restlessness and discomfort ⇨ jiggling legs, fidgeting, posture shifts etc”
- “The **interactional** potentially includes degrees of involvement ⇨ facial and postural orientations (who faces whom?)”

# Prone v supine hands

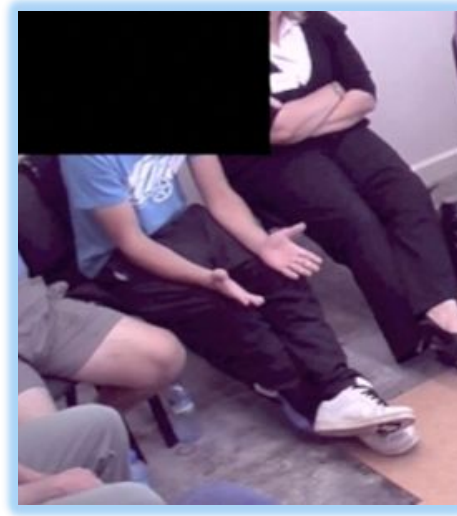
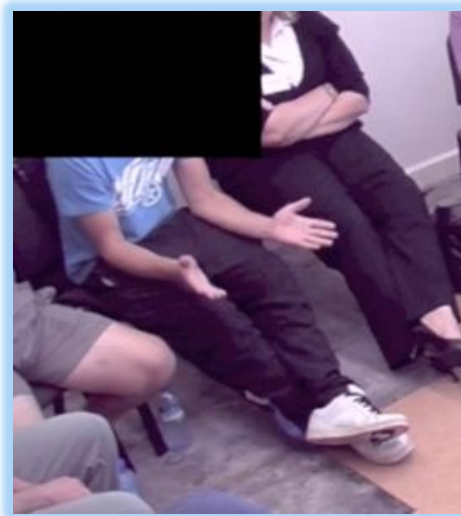
- engagement



“I’m not one of those....”

# Supine hands – open engagement

- Complying with the genre
- “I’ll do everything that I can... Seriously”



Contrasts with

# Opting out

- Transgressing genre
- 'I'm not going to engage with you'
- Not shame!





YLO: So you're actually there to source him out. You're not there to find out what actually Happened [inaudible]. You're not getting the other side of the story.



YP didn't like what the YLO was  
saying...

# ‘Dismissive’ gesture

- Protolinguistic: Action – regulatory
- Epilinguistic - a "charade" acting out a command like "go away/take it away"
- “many dismissive gestures look like an imaginary object is being brushed or tossed away. At the discourse level, this implicit mass represents a referent in the conversation; at the scene-formation level, the dismissive gesture obeys many of the kinematic and dynamic constraints that would shape an actual tossing.” (Brand 1995, p. 5-6)



# Where would you locate these boys?



# Indexes to an angry boy 'syndrome' of features?



Engagement: distance



*"I'm not one of those  
friggin' retarded people"  
"I'm not a rat from X"<sup>81</sup>*

Let's watch some more...



How can we manage the complexity  
of modelling identities?

In terms of how they unfold within  
genres?

meaning x genre



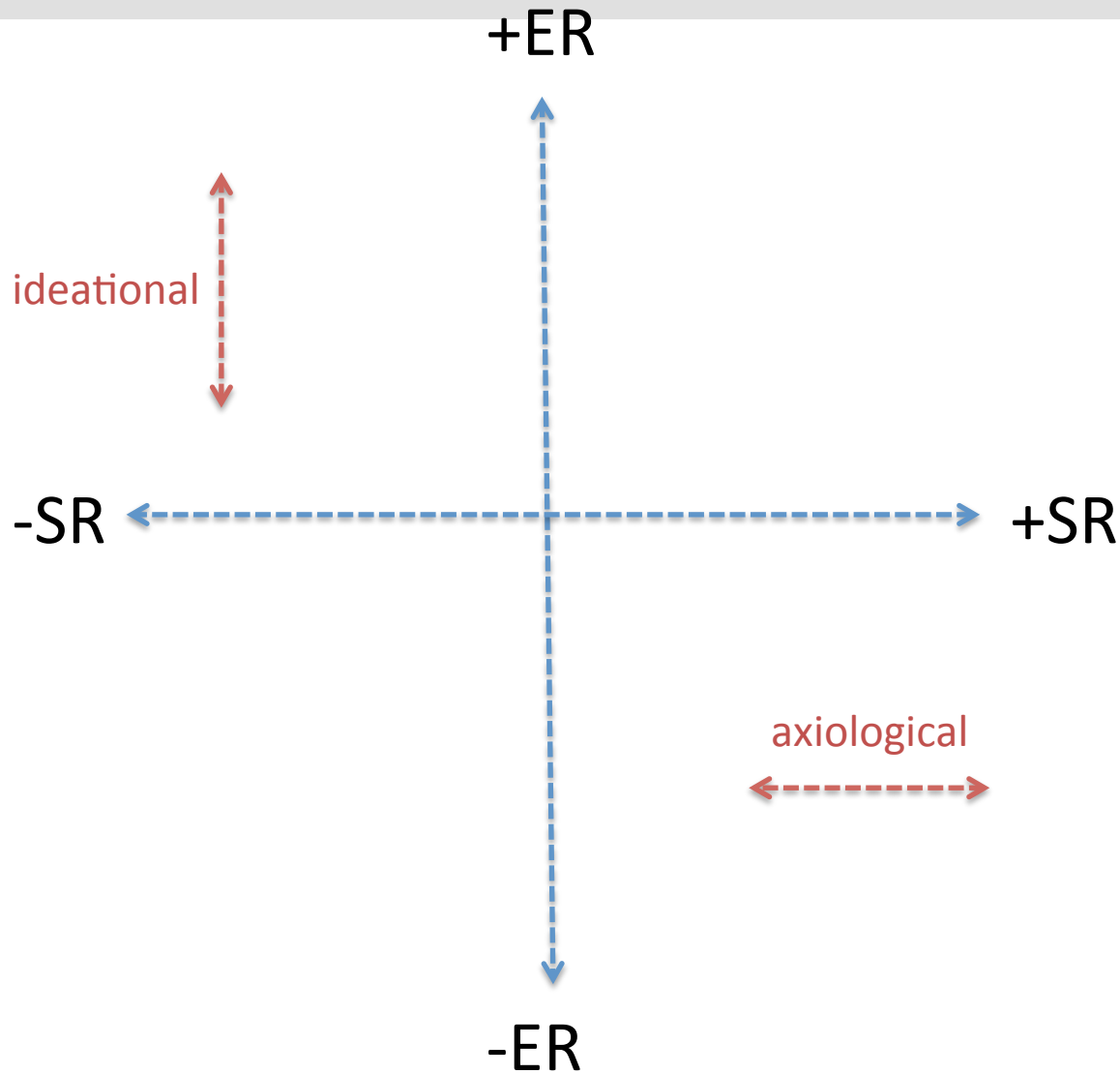
i.e. identity as what we can do as a  
language user within a stage in a genre...

Which choices are available to the YPs?

What would you do in this context of situation to show you were 'sorry'?

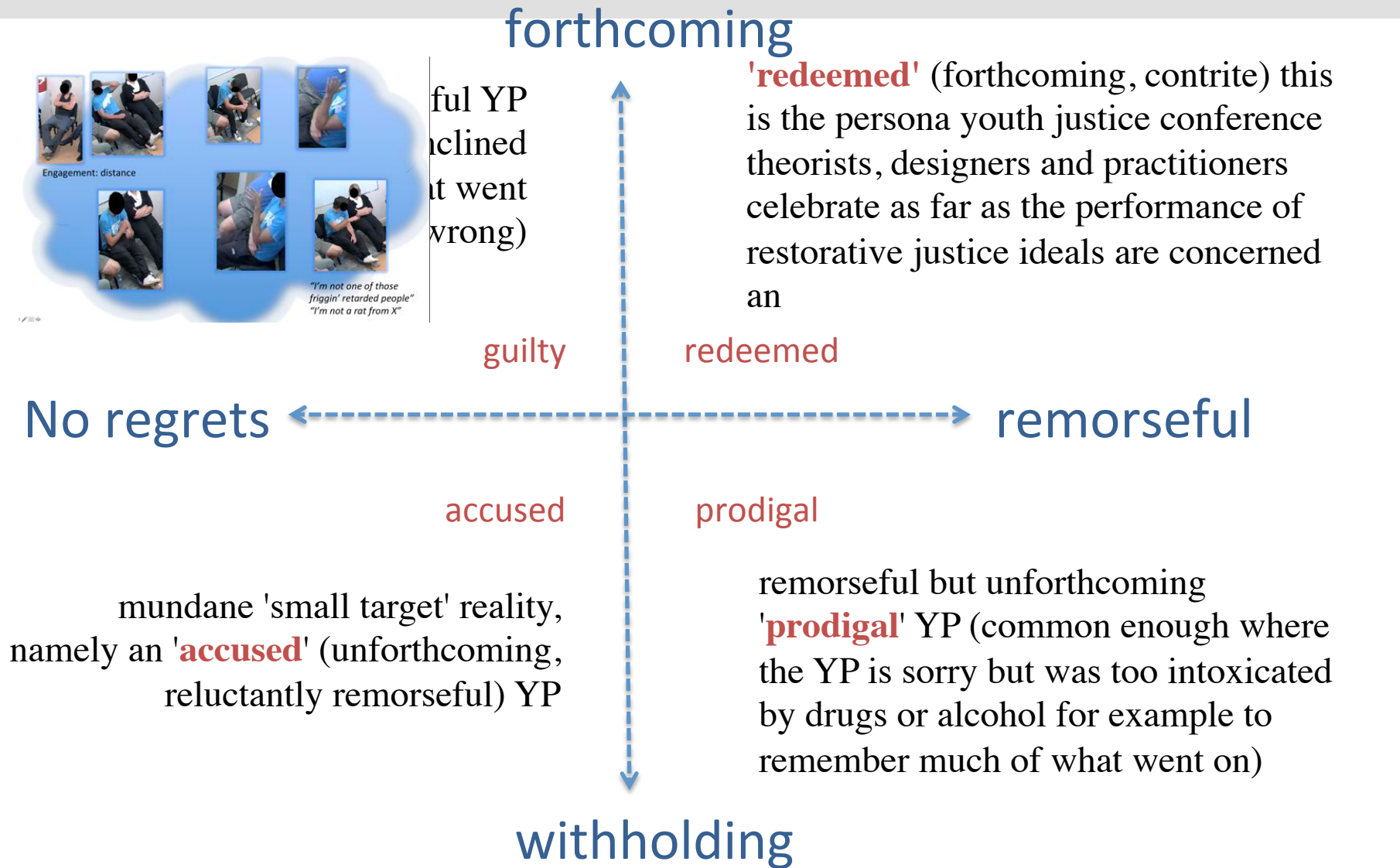
Which semiotic clothes would you wear?

# Identity as both construing reality/enacting values



Based on Maton's Legitimation Code Theory

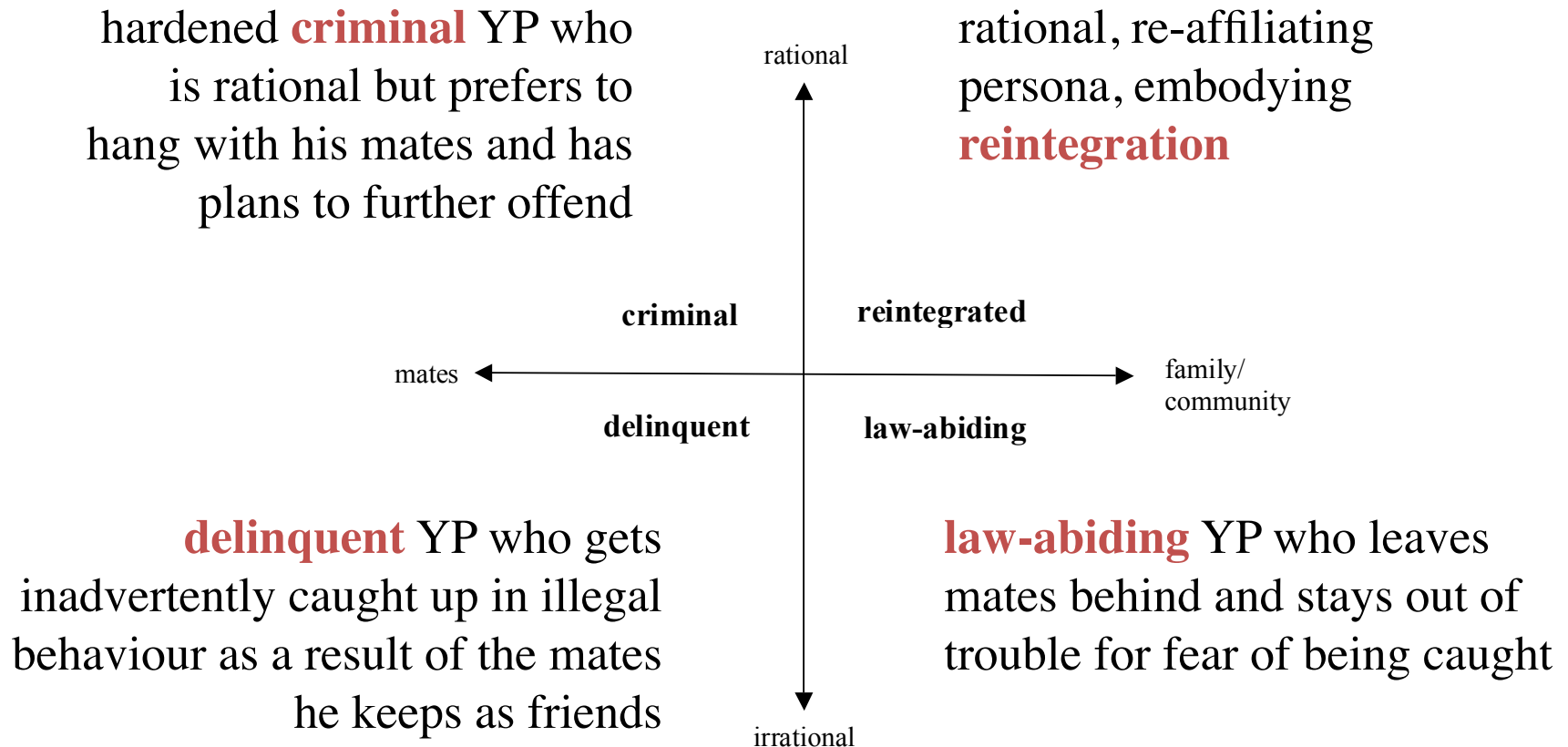
# Identity as both construing reality/enacting values



YPs negotiate a range of identities as  
they move through the stages of the  
macrogenre

Different choices are available at  
different stages

# Previous work on YLO's caution



# Serious material

I have introduced some heavy stuff – things that cannot be laughed off in YJCs. The serious undercurrent in Lilley's parody in the TV series *Angry boys*

**NB: I am not intending to make fun of the experience of the YPs in the conferences I have observed**





# Angry boys?....

“This show is not autobiographical, it’s fiction... but I know the frustration of being a teenage boy, wanting to break free and be a big man... but still being a kid who lives in a bedroom next to his mum.”

[Chris Lilley, interviewed about Angry Boys, 2011 <http://www.au.timeout.com/sydney/timein/features/9192/chris-lilley-on-angry-boys>]

# Re-orientation

- Youth Justice Conferencing
  - Emergent macrogenre
  - Ritual-like form of redressive action
- Body Language
  - 3 systems (protolinguistic, epilinguistic, linguistic)
- YP identities
  - Syndrome of multimodal features unfolding with the choices the macrogenre makes available

Thank you 😊

Questions?