Analysing Body Language in NSW Youth Justice Conferencing

Michele Zappavigna
Department of Linguistics
University of Sydney
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 multilingual modal 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

- Police
- Warning
- Caution
- YJC
- Outcome plan
- Court
At the heart of conferencing is
‘The Young Person’ (YP)

Not the ‘Young Offender’
Video recordings of YJCs
Designed Macrogenre

What happens in a conference? (according to the Dept. Juvenile Justice)

Introduce participants

Tell the story

Discuss Impact of crime

Agree on reparation

Close

Step 1: The convenor asks those present to introduce themselves and explain their relationship to the offence.

Step 2: The young offender tells the story of what happened. The convenor, asking questions of the young offender, ensures the full picture of the event is revealed to the group.

Step 3: The convenor asks the victim to tell the young offender how they have been affected by the incident.

Step 4: The convenor invites others in the group to tell their thoughts of the offence and its impact on the victim.

Step 5: The convenor asks the victim what they would like the young offender to do to repair the harm they have caused.

Step 6: The young offender and their family or support people are then given time alone to decide on an appropriate proposal for an outcome plan.

Step 7: The victim and their support group respond to the proposal, and, together, everyone in the group talks about what should happen and how it can happen.

Step 8: The final agreement is written into the outcome plan. Both the young offender and victim must agree to the outcome plan.

Step 9: The group nominates conference participants to monitor the young offender and provide support to ensure they can meet the agreement.

Step 10: The conference finishes with refreshments and the signing of the outcome plan.

YJC as an emergent macrogenre

Mandate
- Gathering
- Socio-legal framing

Testimony
- Commissioned recount
- Victim’s recount

Rejoinder
- Victim’s supporters’ evaluation
- Third party evaluation
- Offender’s supporters’ evaluation

Caution
- YLO’s caution

Outcome plan
- Brokering an agreement
- Ratification of outcome plan

Reintegration
- Formal closing
- Refreshments & dispersal
‘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.
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]
<table>
<thead>
<tr>
<th>Speaker</th>
<th>Talk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenor</td>
<td>It’s affected his life.</td>
</tr>
<tr>
<td>YP2</td>
<td>Yeah I know it has. That’s what I am saying. It’s changed a lot. I- I do realise what we’ve done.</td>
</tr>
<tr>
<td>=Convenor</td>
<td>Well the snickering and the smiling doesn’t make me think that-</td>
</tr>
<tr>
<td>=YP2</td>
<td>[inaudible] Yeah well I’m not a rat from LocationX</td>
</tr>
<tr>
<td>Convenor</td>
<td>W- I know that.</td>
</tr>
<tr>
<td>YP</td>
<td>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]</td>
</tr>
<tr>
<td>=YLO</td>
<td>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”</td>
</tr>
<tr>
<td>=YP1</td>
<td>[inaudible] [shakes head then folds arms]</td>
</tr>
</tbody>
</table>
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 epilingualistic 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)
ELAN – tracking intermodal coupling
“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

<table>
<thead>
<tr>
<th></th>
<th><strong>meaning</strong></th>
<th><strong>kinetic expression</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>regulatory</strong></td>
<td>I want, refuse, threaten</td>
<td>✡ eg raised fist, glower</td>
</tr>
<tr>
<td><strong>instrumental</strong></td>
<td>give me, I invite you</td>
<td>✡ eg extended hand</td>
</tr>
<tr>
<td><strong>interactional</strong></td>
<td>togetherness, bonding</td>
<td>✡ eg mutual eye gaze</td>
</tr>
<tr>
<td><strong>personal</strong></td>
<td>emotions</td>
<td>✡ eg smiling face</td>
</tr>
</tbody>
</table>

(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 \(\blacklozenge\) jiggling legs, fidgeting, posture shifts etc”

• “The **interactional** potentially includes degrees of involvement \(\blacklozenge\) 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?

Recalcitrant  

Remorseful
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”
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

forthcoming 'redeemed' (forthcoming, contrite) this is the persona youth justice conference theorists, designers and practitioners celebrate as far as the performance of restorative justice ideals are concerned

forthcoming but unremorseful YP ('guilty' as charged, but inclined to blame others for what went wrong)

remorseful but unforthcoming 'prodigal' YP (common enough where the YP is sorry but was too intoxicated by drugs or alcohol for example to remember much of what went on)

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No regrets accused prodigal

No regrets accused prodigal

milde 'small target' reality, namely an 'accused' (unforthcoming, reluctantly remorseful) YP

Based on Maton’s Legitimation Code Theory
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

hardened **criminal** YP who is rational but prefers to hang with his mates and has plans to further offend

**rational, re-affiliating** persona, embodying **reintegration**

delinquent YP who gets inadvertently caught up in illegal behaviour as a result of the mates he keeps as friends

**law-abiding** YP who leaves mates behind and stays out of trouble for fear of being caught
Serious material

I have introduced some heavy stuff – things that cannot be laughed off in YJC s. 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.”

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?