



Title

Youth Justice Conferencing: Ceremonial redress

Authors

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Abstract

New South Wales Youth Justice Conferencing is a form of diversionary justice involving young offenders in a carefully structured meeting, ideally with their victim, a mediator, support persons, the arresting police officer and a police liaison officer (and a translator and an ethnic community liaison officer as required). During the course of our research we have been struck by the relative absence of the passion play of remorse, apology and forgiveness expected by conference designers and celebrated by its proponents. At the same time, both offenders and victims report relatively high rates of satisfaction with conferences. In this paper we address this puzzle, asking what it is that makes conferences a worthwhile experience for participants, and ultimately for the justice system. In doing so we focus on conferences as a form of ritual redress, drawing on recent work in anthropology (Lewis) and semiotics (Tann) on ceremony, iconography and affiliation.

1. Youth Justice Conferencing

We all know and feel the difference between passing exams and the graduation ceremony, between winning a race and the medal presentation, between falling in love and marriage, between a casual prayer and a religious service, between birth and baptism, and between dying and the funeral. In this paper we explore this kind of difference in the context of young offenders in New South Wales, Australia – in this case the difference between getting caught by the police and a formal legal process dealing with that offence.

In particular we will focus on one form of diversionary justice, Youth Justice Conferencing, which has been designed to deal with less serious offences committed by young persons who are not yet 18 years of age. Youth Justice Conferencing (hereafter YJC) is one level of a scaled response to offending behaviour, involving a warning (delivered by police at the scene of the offence), a caution (delivered by police in an appointment at the police station), conferencing (our focus here) and court (involving sentencing, with the possibility of juvenile detention). Either the police or a magistrate can recommend a conference, which involves bringing the Young Person (hereafter YP) face to face with the Victim (or Victim's representative) in the presence of a specially trained Convenor, the Arresting Officer and a Youth Liaison Officer (hereafter YLO). Both the YP and the Victim can have support people present, and conferences are attended by an Ethnic Community Liaison Officer (hereafter ECLO) and/or Translator as appropriate. Conferences are held in a

room normally deployed for other purposes, such as a meeting room in a Police Citizens Youth Club (as exemplified in Fig. 1 below).



Fig. 1: A conference involving two YPs (from the left, YP2, YP2's support person, Convenor, Arresting Officer, YP1, YP1's support person, YLO, Victim's support person and Victim pictured)

From a linguistic perspective a YJC is a designed macro-genre (Martin & Rose 2008), within the general encompassing framework of restorative rather than retributive justice. In our observations, NSW YJCs unfold through a series of elemental genres, as outlined in Fig. 2 below. They begin with Mandate step, welcoming participants and legally constituting proceedings with reference to the NSW Young Offender's Act (1997). Then in the Testimony step, the

YP, who has to have admitted his offence, recounts what happened – and the Victim has an opportunity to respond. Following this, in the Rejoinder, other parties present have an opportunity to speak; it is here that, ideally, the YP apologises for the offending behaviour. Although not envisioned by conference designers, we have noted that it is very common for a YLO to caution the YP about future behaviour, in a manner we suspect relates closely to what might take place during a formal caution at the police station (which YLOs are in fact trained to deliver). The next step involves the brokering and ratification of an Outcome Plan, generally involving some form of community service by the YP by way of reparation. The conference then closes with a Reintegration step, comprising a formal closing and informal gathering of those involved, with refreshments provided.



Fig. 2: Macro-generic structure of a NSW Youth Justice Conference

2. Small target persona

In our previous work (much of it compiled in Martin 2012) we have explored the ‘small target’ persona typically enacted by YPs in YJCs. Text 1, from the Testimony step in the macro-genre, illustrates a performance of this kind – with the Convenor having to extract an account of what happened from a reluctantly compliant YP. Because of the controlling role of the Convenor and its necessity in the macro-genre, we refer to this member of the story genre family as a ‘commissioned recount’. The offence here has to do with the YP throwing a shopping trolley onto railway property near a train line.

[Text 1¹⁹]

Convenor: Alright, we're going to start with YP. And basically YP, your going to, um, tell us all exactly what happened on that night. So, I need you to start from before you even got there, when you met your mates, what was going through your head, why you actually...

YP: (I can't remember) that much.

Convenor: OK, well whatever you can remember will be great.

YP: (I don't know. I was) going to there, to the place... (few drinks).

Convenor: So you met your mates...

YP: Yeah, met my mates there. |

¹⁹ At a few points in this text the audio is unclear; this transcript is thus a minimally idealized account of what we were able to hear (with unclear wordings in parentheses).

Convenor: And what did you do when you met your mates.

YP: Had a few drinks.

Convenor: And how old are you?

YP: Sixteen.

Convenor: Right. OK.

YP: And (then, yeah) I - I don't know, I nearly had a fight with one of my mates. And then, yeah, so I was angry so I threw the trolley and then I was about to leave when, I don't know, ten, twenty people jumped out of the bushes, over the fence and so yeah, I don't know, I was up the street and I got dragged back and my mates got bashed by them. So yeah, that's pretty much what I remember.

As far as these 'commissioned recounts' are concerned we observed that significant details (such as the below legal drinking age of the YP above) have to be elicited by the Convenor (who knows what has happened from the police report). And unlike personal recounts, which have an ongoing prosody of evaluation (Martin & Rose 2008), these YP recounts were typically ideationally focused; virtually all evaluation is introduced by the Convenor, with the YP responding a word or phrase at a time. This recurrent pattern of extracted evaluation is illustrated in Text 2 below (from another conference in relation to a stolen mobile phone).

[Text 2]

Convenor: And what did dad say when he got here?

YP: He (was) just asking why am I here?

And the police told him.

Convenor : And was he happy? Did he say anything to you?

YP: Don't go anywhere.

Convenor: As is when you get home you've got to stay home? Do you think your father was disappointed in you?

YP: Yep.

...

Convenor: Do you think you deserved the lecture? Why did you deserve the lecture?

YP: Because I did something wrong.

...

Convenor: Do you think that mum and dad were disappointed in you?

Were you disappointed in yourself? Or Not? Or you don't care?

YP: Yeah.

Convenor: Yeah or you don't care?

YP: Disappointed in myself.

In our observations the reluctantly forthcoming 'small target' persona enacted by YPs was not restricted to the Testimony step. Rather it characterised the conference as a whole, which was surprising to us as linguists. Our surprise was based on the descriptions of conferences offered by conference designers and advocates, who make reference for example to 'the regular tangible, visible progression through clearly marked stages of tension, anger, shame, remorse, apology, forgiveness, relief and cooperation' (Moore & O'Connell 1994: 70) or 'an avalanche of shame, after which the individual is likely to express remorse' (Nathanson 1997: 25). We were thus puzzled by the relative absence of sustained

emotional language in the conferences. Why didn't the young person cry? Why was the apology often prompted by the Convenor rather than fervently offered by a visibly contrite offender? Where was the 'passion play' we had expected? The conferences we observed seemed in general fairly procedural. At the same time, the social significance of these proceedings was apparent (see examples below) and we were also aware of research suggesting that participants, including both the YPs and Victims, reported high rates of satisfaction with the process (Hayes & Daly 2003; Palk, Hayes & Prenzler 1998; Strang, Barnes, Braithwaite & Sherman 1999; Trimboli 2000).

This led us to wonder whether proponents and critics had been looking in the wrong place to interpret the restorative power of conferences. Instead of considering conferences from a personal and psychological perspective as 'passion plays' dependent on outpouring emotion, we turned to a social semiotic perspective – following up a long-standing tradition of work in anthropology and performance studies on ritual (inspired by Turner 1967) and also drawing on recent work in functional linguistics on iconisation (Martin & Stenglin 2007; Martin 2010). We began to ask in what sense YJCs could be interpreted as a rite of passage (van Gennep 1960) or redressive action as part of social drama (Turner 1982). Particularly intriguing for us were Turner's notions of liminality (the transition phase of a rite of passage) and *communitas* (the sense of sharing and intimacy amongst persons experiencing liminality). Turner's ideas have been significantly developed by Lewis (2008, in press), who proposes treating special

events as ritual, ritual-like or not ritual according to a range of criteria (importance, social consensus, mode of participation, past orientation and encompassment). For further discussion of these social science perspectives see Zappavigna et al (in press); here we will concentrate on the complementary social semiotic work, basically asking how it is that ritual and ritual-like special events engender ceremonial power – in our case how YJCs engender a form of restorative justice.

3. Iconisation

The key concept we have been developing in SFL influenced social semiotics as far as ceremonial impact is concerned is iconisation (Martin 2010). In general terms iconisation refers to the process whereby the everyday meaning of an event or an entity is backgrounded and its emotional significance to members of a group is foregrounded. Technically speaking, in SFL terms, ideational meaning is discharged and interpersonal meaning is charged. This is a familiar process in language, which we all recognise in relation to idioms and metaphors. An idiom such as *cool as a cucumber* for example invokes someone's imperturbable character, and doesn't normally call to mind the salad vegetable; similarly if we describe the toilet paper in a lavatory as hidden in its cover and *peeping through its slit*, we are commenting on the prophylactic character of the householder, not the toilet paper's sneaky 'peeping Tom' ogling of people in the loo (cf. Martin & White 2005 on lexical metaphor and provoked attitude).

The same iconisation process is at work with interpersonal grammatical metaphors. An indirect speech act like *Would you like to do the washing up now?* is pragmatically a request for a service, not just an inquiry about what you'd like to do; the expected response is compliant action – *OK (I'll do it)*, not an expression of feeling – *No, I'd hate it*. Similarly, with explicitly subjective metaphors of modality²⁰ (e.g. *I suppose they'll win*), we're mainly assessing the probability of a proposition ('maybe they'll win'), not telling someone about our mental processes of cognition ('what I'm thinking').

Significantly, iconisation is a matter of degree; ideational meaning may be more or less fully discharged, inversely in relation to the interpersonal charge. This enables Sherlock's smug repartee in the following exchange from 'The Great Game' episode of the TV series *Sherlock*; Watson is modalising (*Has it occurred to you...*) – but Sherlock cuts him off by treating the metaphorical modality literally as a question about what Sherlock is thinking.

[Text 3]

Watson: You realize we've only stopped for breath since this thing started. **Has it occurred to you—**
Sherlock: **Probably.**

²⁰ Grammatical analyses deployed in this paper are based on Halliday & Matthiessen 2004.

This forces Watson to repeat his move, in order to table the proposition he is actually trying to negotiate (i.e. the fact that the bomber is playing a game with Sherlock).

[Text 3 continued]

Watson: No, has it occurred to you that the bomber's playing a game with you. The envelope. Breaking into the other flat. The dead kid's shoes. It's all meant for you.

Sherlock: Yes, I know.²¹

Iconised expressions of this kind, including highly iconised items like idioms, can be ideationally recharged, as Caple's work on image nuclear news stories has shown (Caple 2008, 2010, in press). This happens frequently in this news genre as editors select an image which draws attention to ideational meaning that has at some point been discharged from the headline in order to charge the attitudinal meaning of a phrase. For example, the idiom *getting the cold shoulder*, attitudinally charged as 'being rudely brushed off', is recharged ideationally by an image featuring the relevant the body part in Fig. 3²² below.

²¹ <http://www.planetclaire.org/quotes/sherlock/series-one/the-great-game/>; downloaded 19/2/2013.

²² Our thanks to Helen Caple for recording this image, drawing it to our attention, theorising how it works and letting us borrow it.

Getting the cold shoulder



Belarus soldiers in Minsk pour cold water over themselves at a military show during Maslentsa, a Slavic holiday that marks the approach of spring and Lent. Photo: AFP/Walter Drachev

Fig. 3: An image recharging ideational meaning in an idiom

Work on iconisation was initially inspired by Stenglin's work on bonding in museum exhibitions, where bonding is concerned with constructing the attitudinal disposition of visitors in relation to exhibits; its basic function is to align people into groups with shared dispositions. She points out that bonding is realised in part through symbolic icons (flags, logos, colours, memorabilia etc.) which rally visitors around communal ideals. Bonding icons, termed bondicons for short, are explored in a Te Papa museum exhibition in Martin & Stenglin 2007, and in relation to Olympian ideals in Stenglin 2008 (see also Stenglin 2010, 2012; Stenglin & Djonov 2010).

Familiar bondicons for peace, which anchor communities of protest against war, are exemplified in Fig. 4 below. Symbols of this kind illustrate the way in

which values can be materialised as images. But iconisation can also involve people, including well-known embodiments of peaceful protest, such as Ghandi, and of liberation, such as Mandela. Further examples of iconisation would include ceremonies, proverbs, slogans, memorable quotations, flags, team colours, coats of arms, mascots and so on – all of which radiate values for specific communities of people to rally around.

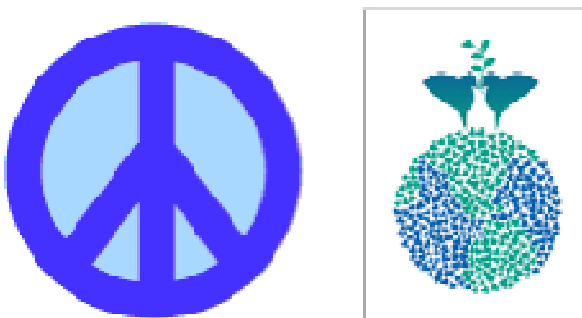


Fig. 4: Well-known bondicons for peace

YJCs are Spartan events when compared with formal court proceedings, in a sense stripped bare of the symbolic regalia iconising the authority of the state (coat of arms, gowns and robes, wigs, gavel, bible, elevated seating, crafted wooden joinery, designer furnishings, legal tomes and so on). This however creates opportunities for iconisation of other kinds. The circle seating arrangement prescribed for conferences itself symbolises the consultative reintegrating processes designers had in mind. In addition, in our data, both the hijab (Muslim head scarf) and police uniform were

leveraged as iconising identities of different kinds (see examples below). And arguably, even the modest, often shabby room, in a Police Citizens Youth Club, relying on minimal resources from the state, is itself a kind of bondicon – its bareness standing against the richly appointed courtroom alternatives which iconise the retributive power of the state (the bare YJC room as an ‘anticon’ if you will).

Consider at this point a phase from a YJC dealing with a YP who has been charged with affray (violent conduct in a public place threatening someone’s safety). The YP is from a Muslim background, and his mother is acting as his support person; an Ethnic Community Liaison Office (ECLO) from the Muslim community is also present. Here, out of apparent frustration that the exchanges aimed at eliciting remorse from the YP may have failed, the ECLO invokes relevant bondicons as a means of getting through to the YP – since they bring to bear the Islamic cultural background that the YP and ECLO share. The first bondicon he introduces is the hijab:

[Text 4]

ECLO: Listen, [looking to the convenor] I want to take, with your permission, I want to take a different angle. OK? Mate, what's your mum wearing on her head?

YP: Scarf.

ECLO: Yeah. OK.

Here the ECLO is presuming that the YP shares his respect for this Islamic symbol, and that it will thus provoke an emotional response that might inspire him to

talk more candidly about his offending behaviour. The next bondicon is the police uniform, which is leveraged here to condemn the YPs behaviour and shame him in front of mother:

[Text 4 extended]

ECLO: What a -- where is she now? In the presence of who?

YP: Me.

ECLO: Who -- who's -- No. Who's sitting here? Who's sitting here right now? Have a look across.

YP: Men.

ECLO: Have a -- but have a look across. What uniform are they wearing?

YP: Police uniform.

ECLO: OK.

From these examples we can see that iconisation can play a pivotal role in discourse processes aimed at reintegrating YPs into relevant communities. This makes it important to ask how iconisation works in phases of discourse – in relation to the kinds of iconisation involved, the values iconised and the communities aligned around these values. For this we turned to Tann's work on iconography, which he initially developed in relation to periodically resurgent discourses of Japanese nationalist identity (2010a, 2010b, 2013).

4. Iconography

Tann's focus is on the way in which belonging is iconised in discourse. To explore this he sets up a

tripartite model comprising the concepts of Gemeinschaft, Doxa and Oracle. Gemeinschaft is concerned with the ways in which discourse construes communities as fellowships that both include and exclude. Doxa attends to the communal values around which fellowships rally – their ‘heart and soul’ if you will. And Oracle deals with the axiologically charged bondicons that radiate the values membering communities.

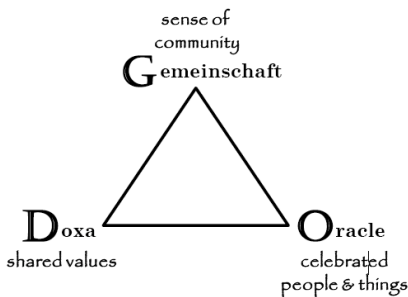


Fig. 5: Tann’s topological perspective on iconography

Tann 2010b effectively illustrates this perspective with respect to Obama’s rise to power in the USA. There a range of discourses construed ‘Americans’ as a distinct fellowship (as opposed to say Iraqis or Chinese), collectivised as ‘we’ and with a homeland ‘in America’, not elsewhere (not in Bush’s ‘axis of evil’ for example) – Gemeinschaft. Bonding this American fellowship were values such as ‘freedom’ and ‘democracy’, and the ‘we can do it if we just try hard enough and believe deeply enough’ mythology immortalised in the campaign adage “yes we can” – Doxa. Campaign posters and TV ads

drew heavily on ‘Obamicons’, including images of the ‘hero’ himself, the multicultural story of his life and the star spangled banner – Oracle. The resources at play here are exemplified in Fig. 6 below.

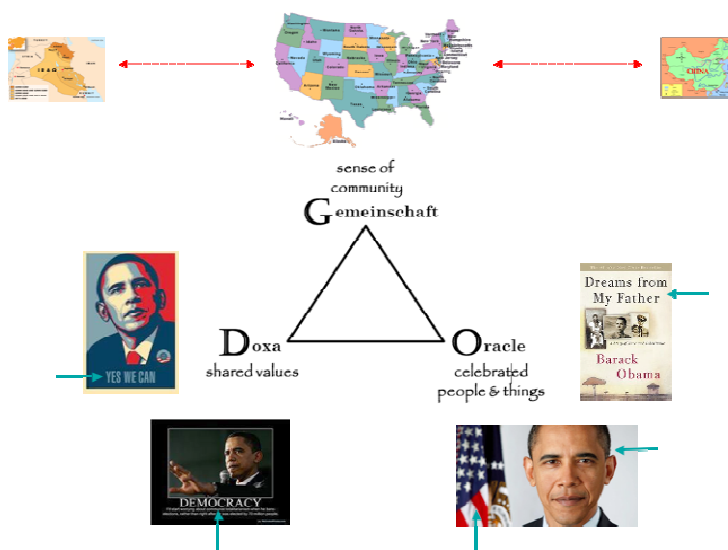


Fig. 6: Obama iconography (based on Tann 2010b)

Tann’s model can of course be applied to communities of different sizes (from nations to family dyads). Systemic functional linguists uninspired by the Obama iconography in Fig. 6 will probably feel more at home on viewing Fig. 7. There SFL is positioned as one functional theory, alongside Role and Reference Grammar (RRG) and Functional Discourse Grammar (FDG); key doxa include its functionalism and relational theory of meaning (‘meaning is choice’) are noted; and instrumental bondicons comprise SFL’s founding ‘guru’

(M A K Halliday), key ‘scripture’ (his *Introduction to Functional Grammar*) and an emblematic ‘artifact’ (the system network – instantiated here as a coffee choice network ²³ drawn on a Starbucks’ coffee cup photographed during an SFL pre-conference coursework institute in Lisbon).

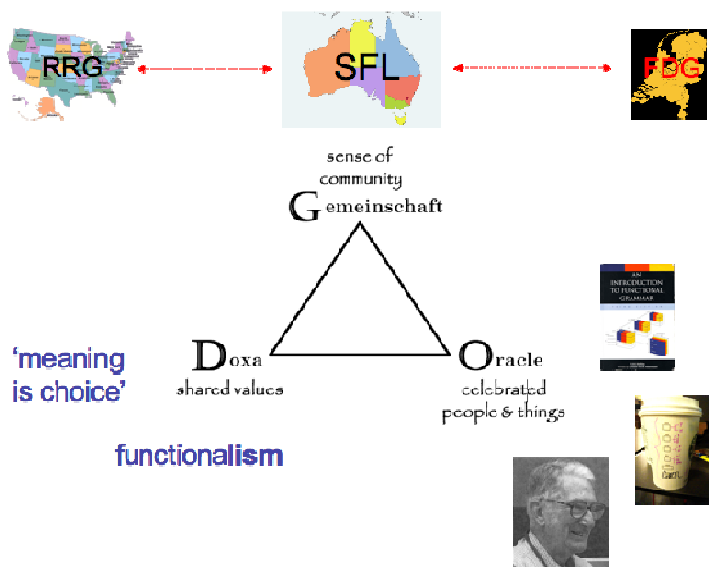


Fig. 7: SFL iconography

In our work on discourse iconography in YJCs we have adopted Tann’s three basic dimensions, although

²³ Note that it is precisely the iconic status of the system network as a rallying SFL artifact that led to the network being drawn, photographed and sent to the lecturer concerned (Martin), who was enraptured and has been canonizing the image ever since.

renaming *Gemeinschaft* as *Communitas* – in part paying homage to Turner’s concern with the intensity of communion experienced by those participating in a rite of passage, and in part with respect to reservations we have about opposing *Gemeinschaft* to *Gesellschaft* (in Tonneis’s 2001 terms) when analysing iconisation. Tann’s Oracle category has been provisionally adjusted²⁴ to make room for our interest in ceremony. As outlined in Fig. 8 below, it opposes icon to creed, with icons distinguished as heroes (e.g. Obama, Halliday) and relics (e.g. American flag, system network). Creed is divided into rituals (e.g. presidential inauguration, book launch), parables (e.g. generalised exemplary ‘stories’ such as those invoking the Horatio Alger ‘rags to riches’ myth), and scripture (phases of discourse preserved in writing or collective memory, typically sourced, which distil the essence of a particular set of values bonding a community – e.g. the often referenced passages from Halliday, e.g. 1961: 270, on ‘shunting’ in linguistic description or from Firth 1957: 74 on ‘modes of meaning’ analogised to the dispersion of light as a colour spectrum).

²⁴ We are currently discussing the best way of mapping these resources with Tann; please do not refer to this provisional classification without permission.

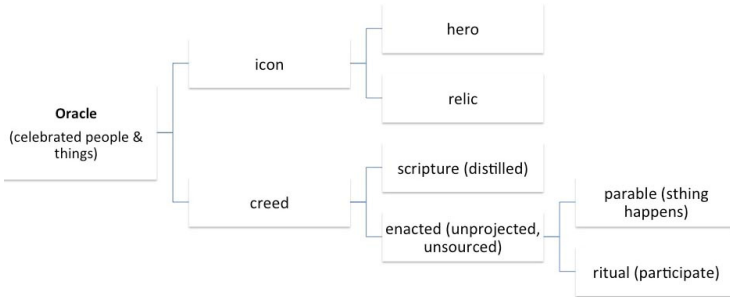


Fig. 8: Iconisation resources in discourse (Oracle)

Let's now consider some examples of discourse iconography at work in our YJC data. The most obvious example of sourced scripture is the New South Wales Young Offender's Act 1997. In the Mandate step of conferences this act is invoked as the relevant encompassing legal framework for the meeting. Its invocation enacts the conference, performatively, as a legal proceeding.

[Text 5]

Convenor: ... and the conference has been convened under the Young Offender's Act, OK, and YP has admitted to his offence. Yes?

YP: [nods]

In our next example, the Convenor invokes a 'decisive moment' parable by way of impressing on the YP that it is time to turn his life around. The parable is introduced through the expression 'draw a line in the sand', a piece

of distilled creed²⁵ which names the generalised story line to follow. The story is then unpacked as the sequence of events an ideal YP should be proceeding through. Creed is here enacting ceremonial transition – creating a boundary between an unreformed YP persona and the reintegrated YP persona which the YP is expected to assume.

[Text 6]

Convenor: Draw the line in the sand, OK? Have you heard that expression before? You draw a line in the sand. Yesterday was on this side of the line, everything we did, everything we did wrong, decisions we made, are forgotten, and we step over that line to tomorrow, to the future, where we learn to make the right decisions and where we think about what we do before we do it. Yep? So this is it, today's the line in the sand, YP, alright? Tomorrow you move on. You go back to school, you work hard, you get your school certificate, you stay out of trouble, you make yourself proud and you make your family proud, by not getting into trouble. Alright?

The Convenor uses the parable to invite the YP to realign with the *Communitas* at risk, the family ('you make your family proud'), and to assume the attendant shared values of self-respect and pride. This iconised re-integration process is interpreted in relation to *communitas*, *doxa* and the relevant *bondicon* in Fig. 9 below.

²⁵ We are treating the expression as oral 'scripture', distilling in collective memory the 'decisive moment' parable, just as the Young Offender's Act distills in writing the conferencing rituals we are exploring here.

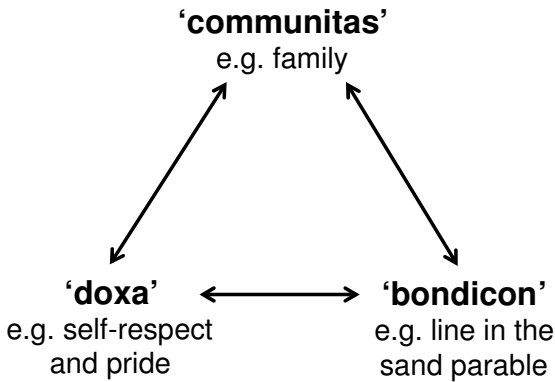


Fig. 9: Re-integration iconography (family, self-respect and pride, line in the sand parable)

A phase of discourse concerned with re-integration into the Muslim community was introduced as Text 4 above, where the ECLO's invocation of the hijab and police uniform bondicons was reviewed. The axiological charge of these iconisation manoeuvres is further intensified as the ECLO re-introduces the icon as “your mum wearing a scarf”, with its attendant iconized religious and cultural meanings in relation to the presence of outsiders (we researchers) at the conference.

[Text 4 extended]

ECLO: [pointing to the university researchers] Where are these guys from? They're from a certain place. OK. What's the perception going to be? Think bad of me. What are they going to- when they see your mum wearing a scarf, I'm Muslim background myself. What are they going to think?

YP: Bad.

ECLO: OK.

These values are even more explicitly inscribed by the ECLO in the following exchange:

[Text 4 extended]

ECLO: You respect your mum?

YP: Yes.

ECLO: No you don't. I'm telling you, brother, you don't respect your mum. Do you understand? You have no respect for your mum.

ECLO: You have no respect for your mum whatsoever, brother. You have no respect for what your mum's got on her head. You have no respect for our community. You have no respect. You tell me, brother, how it's a part of our culture or our religion or our tradition to do things like that. You tell me when.

This iconised re-integration process is interpreted in relation to *communitas* (Muslim community), *doxa* (respect for mother) and the relevant *bondicon* (hijab) in Fig. 10 below.

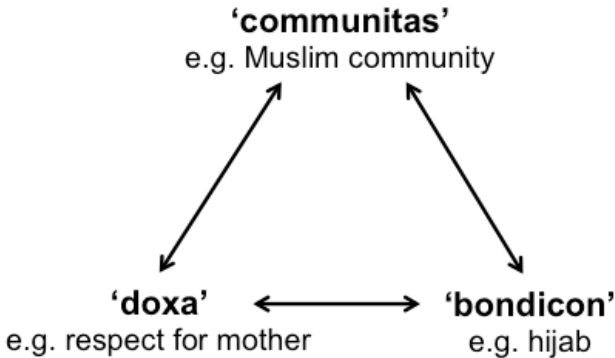


Fig. 10: Re-integration iconography (Muslim community, respect for mother, hijab bondicon)

At times the Convenor will draw upon the idea of an imagined community of ethical citizens who self-regulate their behavior (as opposed to being regulated by a particular world-view such as a religious creed) and obey the law. The rhetoric here will often involve invoking an iconized 'Victim', particularly in conferences where the actual Victim of the crime is absent, as in the following example.

[Text 7]

Convenor: Have you ever been a victim of crime?

YP: No.

Convenor: You are very fortunate, very, very fortunate. Because most people, on average, have had something happen to them in the course of their life, OK. Whether it -- whether they had have had their car stolen, or their bag snatched, or their house broken into, or they've been assaulted. Like YLO and myself, you know, in the police,

you get assaulted. Lots of bad things happen. I'm sure ResearcherX and ResearcherY have had things happen to them. So, everybody, usually has had something happen to them, and I hope touch wood you don't ever have anything happen to you. O.K? Because it's not a good – it's not a good feeling, to have something taken away from you, as you could imagine. Can you imagine is someone came into your home, when you weren't there, and just took everything? How would you feel?

The iconisation of an imagined Victim here reinforces a doxa demanding empathy for other citizens and a corresponding logic of obeying the law. These are the values shared by an imagined communitas of ethical citizens.

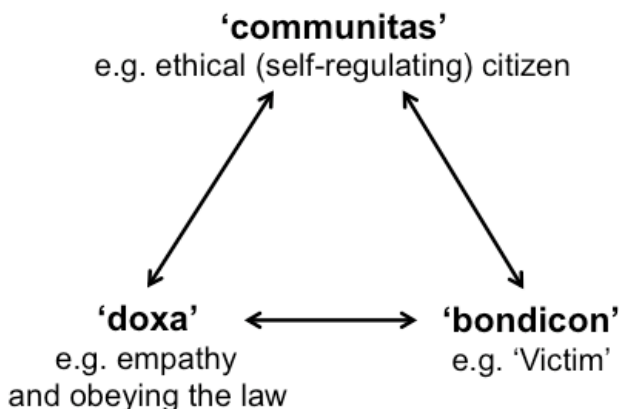


Fig. 11: Re-integration iconography (ethical citizen, empathy and obeying the law, 'Victim')

Perhaps the most iconised Victim that we encountered with our sample was a vision-impaired woman who had

her wallet stolen after chatting with the YP in a shopping centre. The YP's mother explains that she could scarcely believe it when she received the news that her son had stolen from a 'blind lady'.

[Text 8]

Mother: I said "well, what's he done?" and he said "you wouldn't believe it. He's stolen a wallet off a blind lady". And I went "I beg your pardon". And he said it, repeated himself again...

The importance of the subject position of a vision-impaired person in the iconisation processes of this conference is further evidenced by the way the Convenor interrupts the Victim's recount of the offence to allow the members of the conference circle to try on glasses that give the wearer an impression of what it is like to have a comparable vision impairment.

[Text 8 extended]

Convenor: Can I just interrupt you for a minute? Have you got those glasses with you VictimX?

Victim: Oh yes.

Convenor: Can we pass them around? And Support PersonX just open that door just to let a bit of breeze in? Is that OK? Thanks. So these are the actual glasses that that YP put on.

Victim: Yes.

Convenor: I might just pass them around so people can have a look at what your vision's like. Sorry, keep going.

The Convenor also invites this Victim to give a moving personal recount of how she lost her vision:

[Text 8 extended]

Convenor: Do you mind sharing your story about when you lost your sight just so people can get a bit of a background so people realise how hard it's been for you to try and adapt and, you know, live by yourself and things like that.

Victim: Yes- yes, I lost my vision when I turned fifty. And what happened was I had an allergic reaction to a herbal medication I was taking for menopause and the – the reaction caused me to have a bleed in my brain and I had stroke-like symptoms.

In effect what is going on here is that the Victim is being canonized as a hyper-victimised Victim. And she is being super-charged by the Convenor in this way to maximize the impact of the crime and a concomitant feeling of shame in the YP and empathic support persons.

This brings us to the biggest bondicon of all – the figure of the mother²⁶, whose flesh and blood sits beside her, across from their Victim, as the offending YP. As we have already seen in relation to Text 4 above, the anguished support person, typically the mother, is an important rhetorical figure in YJCs and there are numerous instances of support persons expressing distress in the conferences in our sample. The most frequent locus of support person tears in conferencing is

²⁶ This role may in fact be played a de facto parent, for example an older sister, step-mother or grand-mother.

in the Avouchment step of the macro-genre, where the support person vouches for the YP as a ‘good kid’, though episodes of crying can appear throughout conferences (e.g. background sniffing and dabbing at tears while listening to the Commissioned Recount genre).

In almost every conference in our sample the Convenor repeatedly calls on the YP to reflect on the distress that their offending behavior has caused their mother through direct references to the mother’s affect. Consider for example the probing moves made by Convenors when extending the Commissioned Recount, which are clearly designed to leverage the mother’s negative affect as a catalyst for invoking shame in the YP.

[Text 9]

Convenor: You did. And what about- , um, did you see mum upset? Was mum upset?

[Text 10]

Convenor: So YP, how do you feel about the fact that, you know, mum is still getting upset about this? How does that make you feel?

In examples like these Convenors, YLOs and ECLOs are drawing on the emotional power of someone breaking down as they call on the YPs to observe their mothers pain. This is a powerful rhetorical move that works as an important device in the YP’s passage through the conference as a whole. The maternal tears themselves act as a bondicon – making the mother cry in this way is

thus a 'special' form of crying; the mother (or support person) is positioned by the conference more than sad – her crying is a demonstration to the YPs of the sublimely painful consequences of their behavior, not just to the Victim, but to all concerned.

[Text 11]

Convenor: So YP, how do you feel about the fact that, you know, mum is still getting upset about this? How does that make you feel?

YP: (Sad)

Convenor: Do you feel OK about the fact that mum gets upset?

YP: [shakes head]

Convenor: Nup? How does it make you feel?

YP: Sad.

Convenor: Sad. ... Not good to see mum upset is it?

YP: Mm.

Convenor: Mums don't like getting upset. Trust me. YLO and I will tell you that. When our kids do something wrong, it really hurts us. Deep down, here. OK. Because you think you are doing the right thing for your kids and you're teaching them and educating them and giving them a roof over their head. Remember I spoke to you about that the other day? How lucky you are? And yeah, all - all par - every parent wants is the best for their kid. Don't they, you can imagine that. You've got nieces and nephews, yeah? You don't want them to get into trouble do you? So you can understand how mum's feeling and dad's feeling? Does that make you stop and think about whether or not you may do

something like that again? What does it make you feel?
What does it make you think?

YP: Think before you do something.

The offending behavior of the YP has obviously brought them into conflict with the doxa of the parent-child dyad. The YPs have broken the value of respecting their mother and have, as far as affiliation is concerned, broken the parent-child bond. Elsewhere (Zappavigna & Martin in press) we argue that there is an oracular carnival at play here, related ultimately to the Mater Dolorosa ('mother of sorrows') iconography so deeply rooted in Christian faith²⁷ – including scripture, centuries of painting and agnate parables proverbialised in secular life as 'breaking your mother's heart'. The intensely radiating iconography is outlined in Fig. 12.

²⁷ And as we saw in relation to Text 4, this mother oriented iconography is not restricted to Christian practice, but is iconised in comparable ways across religions (and cultures) – although not necessarily in such gendered terms, nor restricted to parent/child relations (e.g. a long line of ancestors may be involved).

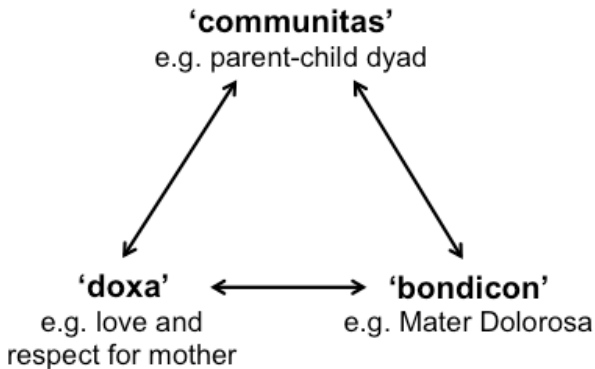


Fig. 12: Re-integration iconography (parent/child, love and respect for mother, ‘Mater Dolorosa’)

5. Ceremonial redress

In this paper we have tried to explore, from a social semiotic perspective, the ceremonial power of YJCs. In Lewis’s terms, it is clear they are special events – that participants are carefully prepared for by Convenors and have the opportunity to remember and reflect upon for years to come. For Turner (e.g. 1982) the problem of youth crime (and the attendant failure of institutions like the children’s court and juvenile detention centres to deter and/or rehabilitate young offenders) is a form of social drama – a breach in the social order that requires redressive action if an eroding schism in the community is to be avoided. He identifies legal-judicial processes and ritual performances as the two most important mechanisms of redress, though clearly these are not mutually exclusive negotiations of meaning. Some elements of ritual have always existed in courtroom proceedings. At the same time, an emergent genre such

as conferencing may be understood as a ritualisation of alternative social processes (police cautions, family counselling, parent/teacher interviews, carer/child admonitions etc.) which function as adjuncts to conventional legal-judicial remedies. Following van Genep (1960), we can read the YJC form of redressive action as a rite of passage, which participants talk about in terms of ‘facing up to the challenge’ of meeting the other participants, and of ‘getting through’ the conference process in order to be able to ‘draw a line in the sand’ and ‘move on’ with their lives.

Our basic point is that instead of attributing the restorative power of conferencing to an outpouring of emotion (a passion play), we need to begin exploring the ceremonial impact of its iconisation processes and possibilities. Compared with court, conferences look at first blush like a legal process stripped bare. Where we might wonder has all the ritual gone? But from a discourse perspective what the designers have in fact done is create an orderly convocation which affords a range of iconizing processes inviting, enacting and hopefully enabling re-integration of the YP into the appropriate ‘communities of concern’ (Braithwaite, 1989). Drawing on SFL work on iconisation (inspired by Stenglin) and on discourse iconography (adapted from Tann), we have provided examples of re-integrative iconisation as they have arisen in our corpus – with a focus on the kind of bondicons deployed, the values they symbolise and the communities they engender. This social semiotic perspective on identity is still in its infancy; but we hope to have shown the value of a focus

on iconisation as far as the redressive potential of the YJC macro-genre is concerned.

We began this paper by reminding readers that they have probably all experienced the difference between everyday activity and ritual – whether this has involved the difference between passing exams and the graduation ceremony, between winning a race and the medal presentation, between falling in love and marriage, between a casual prayer and a religious service, between birth and baptism, between dying and the funeral and so on. But outside of religious life, this difference is not something many of us are used to talking about. We experience it, but the sublime transcendent impact of ceremony is hard to verbalise; and very few of us are gifted enough to compose the song or write the poetry that captures the momentous emotion – the *communitas* in Turner’s terms. Theorising this impact is no easier, as we have found. But as theorists our job is to face up to what we’d rather left unsaid, especially where something as important as restorative justice is concerned – in a world where diversionary processes for offenders continue to be a controversial dimension of redressive action. One important challenge for forensic linguistics is thus to develop an ever-improving secular theory of ceremony which can be drawn on to inform and possibly reform truly re-integrative performances of ritualised redress. We hope to have scattered a few seeds in this direction here.

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