

## **Institutionalized Social Reality - Juvenile Offenders and Juvenile Committees in Estonia**

**Ilona-Evelyn Rannala**

MA in Social Sciences

Currently studying at Tallinn University (PhD program)

Current position: Head of Youth Department, Tallinn City Government

Active in Estonian Youth Workers Association (Board member)

### **Abstract**

*This article examines how juvenile offenders in Estonia and members of Juvenile Committees, who are assigned to support their socialization and influence them, construct social realities and explain the background of problems which has lead youth to the offences, and possible solutions. By analyzing the viewpoints of Juvenile Committee members through 26 focus group interviews, characterizations given by school or child protection worker (781 cases were analyzed) and individual interviews with youth, I describe how differently social realities are seen and constructed. These differences become an obstacle when sanctions and solutions are negotiated, if they are negotiated at all.*

**Key words:** social constructionism, risk society, juvenile offenders, dialogue, sanctions of influence, Estonia

### **1. Estonia**

Estonia can no longer be considered a post-Soviet transition state: since 2004 Estonia has been a member of the EU, in 2011 it joined the euro zone, and it has successfully put the recent economic crisis behind it. With regard to many indicators of democracy, such as freedom of speech and independent media, as well as in terms of development indicators such as IT solutions, Estonia has won recognition and made significant progress (Deutsch and Dunham, 2011; Ministry of Social Affairs, 2008). On the other hand, like the rest of Europe, Estonia has an ageing population and low birth rate – although the latter has been on the rise in recent years. Also, the third aspect is that the country is characterized by solid performance in the field of education (the PISA test), but then - there is also a high rate of dropouts from schools; teachers suffer from chronic fatigue and school stress; there is a low number of child protection workers in local governments; and a high number of households in relative poverty (Ainsaar and Stankuniene, 2011; Heidmets et al., 2011; Lauristin and Vihalemm, 2011; Randoja, 2010; Ministry of Social Affairs, 2008; OECD, 2010, UNICEF 2012 ). Estonia is also coming to grips with various integration problems. Of a population of 1.35 million, 31% are not Estonians, and 90% of these are Russian-speaking. Between these groups often exists a large difference of opinion. (Siiner and Vihalemm, 2011;). Crime in Estonia – including juvenile crime, which made up 4% of the total in 2010 (1,788 juvenile crimes were registered) – is also an issue. Juvenile crime has decreased a little, however, in recent years. Theft is still the leading category, making up close to one-third of juvenile crime. Battery is second, making up one-fourth of juvenile crime (Ministry of Justice, 2010 and 2011).

### **2. Research Question**

Over a period of several years, I have had experience dealing with issues faced by specialized schools, as well as with children whose families faced significant difficulties (economical and social). Specialized schools in Estonia are semi-closed boarding schools, to which students who meet the somewhat grandiloquent criterion of “having special educational needs and requiring special treatment due to behavioural problems” are assigned (Basic Schools and Upper Secondary Schools Act, 2010; Tapa Specialized School Statute, 2011).

Estonia has two specialized schools – one for girls and the other for boys. In a previous study I conducted, I focused on the problems and coping strategies of risk behaving youngsters, and reached the same conclusion as other studies with the same point of departure – that youth risk behaviour is mainly caused by an erosion of close relationships such as family, or a complete lack thereof, as well as influence of peers, who themselves, may already exhibit problem behaviour (Emery and Forehand, 1996: 64-99; Edovald, 2005 and 2011; Rutter, Giller, Hagel, 1998).

I have had the opportunity to track the lives of a certain number of youth in risk groups for over 10 years. In my own way, I could have followed in the footsteps of Howard Williamson, who described and documented the lives and problems of young boys with risk behaviour in late 1970s, and then interviewed them again 20 years later in *Milltown Boys Revisited*, stating that quite some of them are doing acceptably well actually (Williamson, 2004). This preceding research and practical experience have allowed me to describe thoroughly the perspective of the group of at-risk on their lives and future prospects, as well as their understanding of themselves and others. There are a number of other studies that help understand young people who have run afoul of social mores and the law, and also seek to make sense of their background (Edovald, 2011.; McAdams-Crisp, Aptekar, Kironyo, 2005; Rutter, Giller, Hagel, 1998; Strömpl, 2002). One problem I see is that in spite of the extensive, thorough and relatively available research results on these topics, current practices and institutions that work with risk group youth are loath to change in the matter of having dialogue with youth. Thus, I am looking for an answer to the question of whether the opinions and perspectives of young people themselves are significant in finding solutions for many dilemmas they face? This includes institutions charged with providing support, education and development services to youth (Edovald, 2005; Ministry of Justice, 2010 and 2011; Riigikontrolli aruanne, 2004; Salla, 2010; Strömpl 2002; Tiko 2003).

### **3. Different Social Realities?**

The main theoretical point of departure in this article is social constructionism, the primary tenet of which is that there is no objective reality or “truth” per se. Everything is constructed in interpersonal relations, interaction and based on cultural background and heritage. People ascribe meanings to events and phenomena and interpret them; among other things, they create new meanings, endorse them and thereby create new worlds (Berger and Luckmann, 1966; Burr, 2003: 80-143; Hacking, 1999: 2-6; Gergen, 1999: 46-60). In this article, I will proceed specifically from these basic tenets of social constructionism. How much do the existing structures and institutions (school, child protection institution, police, juvenile committee) shape groups such as youths with risk behaviour or juvenile offenders, and does belonging to such a constructed group impact the individual’s own view of himself, does it impact his or her identity, or on the other hand, the existence or lack of opportunities that will begin determining his or her future (Giddens, 1991: 86; Suoninen, Virokannas, 2008: 47-65)?

A second basic theoretical principle of the study is risk society theory, based primarily on a theory proposed by Ulrich Beck (1986). Risk society theory analyzes categories and means of modern society that could be presumed to have ensured social progress – democracy, education, medicine, science, development of professional expert analysis, but which have offered a setback instead (Gergen, 1999; Beck 1986: 186-190). Society no longer unconditionally spreads just well-being, but also risks and negative consequences; research and knowledge contribute to this (Bradley, Morss, 2002; Giddens, 1991: 4). The more experts we have, the more contradictory the assertions are (Bradley, Morss 2002; Myerson, 1994). The abundance of risks, insecurity and lack of a sense of security are qualities that characterize a risk society (Beck, 1986; Giddens, 1991: 28, 32). Moreover, the meaning of risk is also different, as it is not necessarily negative; the courage to take risks would appear to mean thinking outside the box and embracing challenges (Chisholm, 2006).

In a risk society we cannot predict the course of our lives or “inherit” a secure, unflinching understanding of who we are (Bradley, Morss, 2002; Giddens, 1991). The non-linearity of the course of life pertains in particular to young people, who do not live or plan their lives the way their parents did (Wall, Olofsson, 2008) Perhaps it is because of this that their lives, choices and decisions, chaotic nature, extremes, mobility and indeterminateness can seem frightening and unacceptable to adults. These same adults are the same ones who are shaping policies, strategies, and working in schools, committees, the police, child protection etc – the institutions that still attempt to shape and direct youths’ lives.

The question of what social reality is for youth belonging to a so called risk group and the adults who work with them – as well as how differently or similarly reality is seen, and whether it is possible to find common solutions and design plans based on a common understanding – this is the primary question here.

### 3.1. Study background: the institutionalized “juvenile offender”

During the Soviet era, Estonia had juvenile affairs committees and juvenile affairs inspectorates, which were dissolved by 1992. This was followed by the development of a new system including legislation (Strömpl, 2002). In 1998, the Juvenile Sanctions Act (1998) was adopted. By orders of the county governor, a juvenile committee was set up in each county (a total of 15). The local governments (there are 226 of them in Estonia) can also create a committee and in such a case, the county committee does not discuss offences of youths who reside in that administrative jurisdiction (ibid.). There were 67 juvenile committees in Estonia in 2011 (Estonian Youth Work Centre, 2011). Committees are institutions with long traditions which „...are created for coordinating criminal preventive work with juveniles in their administrative jurisdiction, also for influencing and reducing criminal behaviour of juveniles and to support their socialization and structure their lives by applying sanctions provided by law“ (Juvenile Committees Statute, 1998). Altogether there are 9 sanctions from which the most meek is warning and most serious one is assignment to specialized school (mentioned in the beginning of the article).

The rest of the sanctions are for example mandatory appointment scheduled with a psychologist or other specialist; community service; participation in youth or social programmes (Juvenile Sanctions Act, 1998). The sanction most frequently used – at a rate of 41% over the ten years – has been the warning. The next two most popular sanctions after the warning were community service and referral to a specialist, both accounting for about one-fifth of the sanctions applied (Kereme, 2010). Over 10 years, the number of youth assigned to various programmes has increased only a little, the reasons being the low number of providers of such programmes and inadequate funding (Kereme, 2010). It is important question whether sanctions at the school level to prevent juvenile offences are sufficient and whether the selection of these sanctions could be expanded. Thus, although it would appear possible on the basis of law for a juvenile committee to choose from among nine sanctions for **structuring** young lives and **to support** (my emphasis) youth in socialization, only half are actually used and the warning is used most often, its value may be questioned in many cases.

Juvenile committee has seven members. In the case of a county committee, it includes people who have experience working in the field of education, social welfare and health care, and also a police official, a probation officer, a staff employee of the county government, who is the secretary of the committee. On the municipal level, the committee includes people with experience working in the field of education, social welfare and health care, police and municipal council representatives and the juvenile committee secretary (Juvenile Sanctions Act, 1998).

As is evident from the statute for juvenile committees, one of the primary tasks of the committee is structuring the lives of young people through sanctions. Thus, it can be asserted with confidence that the committees participate in influencing the future of young people. In recent years, the number of cases referred to the juvenile committee by the police has grown. It was 44% in 2002, but already 70% by 2011 (Estonian Youth Work Center, 2011). At the same time, the number of referrals from the school decreased – 45% in 2002 and 15% in 2009 and since 2010, due to the changes in law, the schools cannot direct juveniles to committees any more, they should first turn to representatives of local authority and use the methods of influence they have (ibid.). Position of school is rather important. Has the school been too distant from juvenile problems?

The school, the police and child protection or social workers have an opportunity to shape the social reputation of young people by writing characterizations and the description of their offences. Thus, by the time that youth comes before the committee, his or her identity is to a greater or lesser extent “clear” (a reality often *taken-for-granted* – at least by those who have a voice in this process). A social reality has been created – based on the position of authority. If we proceed from the notion of dialogue-based relationship and the idea of mutual interaction as a means of planning common assumptions, progress and life in a risk society (Bradley, Moss, 1999; Gergen, 1999), then the following question justifiably arises: when does the young person get to speak? Is there a need for dialogue – how differently youth and professionals see social reality of what has happened, all different aspects of social reality, what have led young person to juvenile committee?

## **4. Study Results**

### **4.1. Study methods and sample**

The findings of the research presented in this article are part of a study initiated and funded by the Ministry of Justice of the Republic of Estonia, entitled “Youth with behavioural difficulties and application of prescribed sanctions in juvenile committees” (2006). The data was gathered from September 2005 to January 2006 all over Estonia. The sample included all the county juvenile committees and some of the local government juvenile committees, including those from Tallinn. Data on 781 youths who were referred to the juvenile committees in 2004 (i.e., one-fifth of the juveniles who appeared before the committee) were documented. The method used was, first of all, document analysis (characterizations of the juveniles written by child protection officials and teachers, and reports of the juvenile committees). To ensure compliance with the laws of the Republic of Estonia, including ethics requirements – above all for preventing persons from being identified – the documents each had to be examined and read by employees of the juvenile committees, which made the research process time consuming. Second, 26 focus group interviews were carried out with juvenile committees of all county governments (15), all of the Tallinn as capital’s committees (8) and average (2) and smaller (1) local government committees. In 2007, the author carried out an additional study, comprising also the addition of individual interviews (6) with youth referred to the committee. To further enrich the material, the author used individual interviews, which were conducted during the previous study, in 2000, with girls assigned to specialized school. The interviews are denoted as follows in the text: county juvenile committee – CJC number.; local government juvenile committee – LJC number; interviews with youths – sex, ethnicity, year in which interview was conducted and age at that time.

### **4.2. Study findings**

#### **4.2.1. In general**

The findings showed that boys are more often referred to the juvenile committee than girls (78% to 22%) and that they are most often aged 12-16. In 39% of the cases the offence was theft and in 17% of the cases truancy (prohibited in Estonia by law). Next in order was different kind of violence (13%) and alcohol use (9%). During the years truancy as the reason for referral to juvenile committee has decreased, being 11% in 2011 (Estonian Youth Work Center), although the reason behind it can be the above mentioned change in the law, where school simply has no right to direct youngster to the committee any more and has to seek other solutions first.

#### **4.2.3. Juveniles described by professionals**

On the basis of the study findings, it can be concluded that the assessments of school and child protection workers concerning juvenile offenders, given to the juvenile committee, describe youths largely as follows: they are mostly poor and very poor learners, and sometimes satisfactory learners; they behave poorly or very poorly in school and also act in a conflicting manner; they have family problems (neglect, isolation, poverty, illness and violence in family), and they generally lack interests and reasonable ways of spending free time. In addition to everything else, they commit offences and therefore they are a nuisance to the community or the school community (see also Table 1 and Figure 1). All of the “hopes” are invested in the juvenile committee, which is expected to intervene and have an influence.

It should be noted that the juvenile committee, largely due to its diverse composition, consolidates various opinions and assessments from different fields regarding the problems, background and possible means of influencing juveniles. The committee members see a more integral picture of the young person’s life. The assessments made by the individual committee members are certainly more diverse, and, to some extent, view the young person as a partner. To another extent, however, this can even be discerned from the evaluations of the committee itself. A patronizing attitude can sometimes be detected; this can also be found in the characterizations penned by the teachers and child protection workers. Naturally, the members of the juvenile committees are generally more capable of describing the juvenile offenders’ interests, or can at least give recommendations as to what should be thought of when structuring the free time of these youths: variety, “extreme”, room for self-expression etc.

*“I often get the feeling that schools do not know what sort of work they should be doing. It seems – this is my subjective opinion – that there is a desire to rid oneself of these children. At the end of the academic year, the children begin to be referred to the committee – but the interval is too long, if the problems cropped up in September. These children tend to become truant.” (LJC 1)*

*“Very many youngsters have problems organizing their lives and unresolved tensions – they await some more definite answer or closure. They find themselves here in a place where they can talk about things that aren’t talked about every day. You get the sense that the young people are often really confused.” (CJC 9)*

The juvenile committees do not see themselves as an institution that could change or influence anything significantly in the young person’s life.

*“There are few cases when we can help. There are those whose problems are very profound; we don’t always manage to help them, as the family does not provide support.” (CJC 15)*

*“We are working in neutral gear. It sometimes seems as if we were running in place. I understand that the committee was created to do battle with consequences. But our arms are too short to wipe out crime.” (CJC 14)*

Thus, in the eyes of the committee members, the expectations projected on the committees by other professionals and the obligations imposed by law tend to go unfulfilled. Often, expressions such as “the committee is toothless” were heard. Such an expression would appear to lend credence to the assertion of risk society theory with regard to the failure of existing institutions in the new conditions.

#### **4.2.4. Reasons for trouble with the law and possible solutions through the eyes of adults and juveniles**

What problems are mapped by teachers, child protection workers and above all, how are the juvenile problems and roots of the problems seen by the juvenile committee members, considering that they are the most professional group in Estonia, and the only one charged by law to influence juvenile offenders?

*“It starts with truancy, then loitering and vagrancy. Then it gets worse...” (CJC 8)*

*“The committee becomes involved at the truancy stage, and the truancy in turn may have 70 different motivations.” (LJC 2)*

The interviews reveal that the juvenile offences and problems or reasons for them are very connected. Yet, separate and institution-centred emphasis are largely found in the characterizations from the school, as well as – with focus on family problems – the characterizations written by child protection workers.

The members of the juvenile committees cite truancy as one of the most significant problems – from the standpoint of youth behaviour and coping – at the same time that crimes against property lead the list among the actual reasons for referring youths to the committee, as was mentioned earlier. There are a number of reasons that truancy is so prominent for committee members among the various problems. In daily or weekly meetings with groups of at risk youth, it has been noticed that truancy (as corroborated by the interview excerpts above) points to already mounting problems or the inception of serious problems. Committee members cited one reason for truancy (and mounting problems thenceforth or in retrospect) as the inflexibility of the school system as a whole, and the low use of alternative forms of study. The seriousness of truancy as a problem is also underscored by the fact that 29% – nearly a third – of the youth repeatedly assigned to the juvenile committee had problems in this area.

*“The school has not offered a suitable form of study and then is amazed that it winds up with a thug in 7<sup>th</sup> grade who disrupts lessons” (CJC 7.)*

*“I often get the feeling that schools do not know what sort of work they should be doing. It seems that this is my subjective opinion: there is a desire to rid oneself of these children. At the end of the academic year, the children begin to be referred to the committee – the interval is too long, if the problems cropped up in September. These children tend to become truant.” (LJC 1)*

The same adults described other problems typical for these youth, which are not noticeable right away. Drawing on theory, it can be presumed that the existence of problems can, in some way, be attributed to the family (illness, alcoholism, neglect, criminal past or present etc) and negative peer influences (gangs, falling developmentally behind, psychological or other health problems) (Edovald, 2011; Rutter, Giller, Hagel, 1998). It is evident from the interviews that, in describing the situations of the juvenile offender, the members of the juvenile committees support constructs that are existing and common in society.

*“The child is not at fault if he or she has been raised that way. For God’s sake, come and rescue this child from such a mother!” (CJC 14)*

*“These young girls who already have boyfriends or husbands, and where alcohol is involved, we aren’t able to influence them when they are already 15-16 and in a gang, and so forth....” (CJC 15)*

Definitely, in this perspective, there is a need to work more closely with the family and to influence the parents through specific obligations and measures set forth in legislation. Such measures are not, however, set forth in legislation in today’s Estonia. Even so, the committee members feel that youth need to have access to adults (if family members are not supportive), who are understanding, supporting and serve as role models.

*“Support person would be one of the best options; if only there were an adult beside the child, talking to, teaching, and supervising him or her. But then again, we don’t have people who would voluntarily take on such an obligation.” (CJC 1)*

The lack of supportive adults – both inadequate training, and resources for maintaining such a support system – is also one of the main factors why the sanctions set forth in legislation with regard to probation and conciliation are among those that are least often imposed by juvenile committees (Kereme, 2010).

In addition, risk group youths, in the opinion of the juvenile committee members, need much more diverse, flexible and exciting ways of spending their free time. Yet, unfortunately, there are few such possibilities or people, again, who would be able to work with these youngsters. The trend is the contrary – vocational activities in local governments or county centres are well-organized, but there is specifically a lack of space for at-risk youth – they are often not welcome there and, in the long term, regularly attending such activities would not be of interest to them. The situations vary by area, but in many places it is not practically possible to travel to county centres at appropriate time and take advantage of the possibilities there. In some cases, the family’s lack of financial security is a hindrance, yet this also matches with the family’s lack of social skills and ways of spending free time, a result of which being that children too are lacking the skills and desires to be engaged in some field of leisure time in a manner beneficial for their development.

*“Certainly it can’t be an on-off, short-term thing, but rather long-term and permanent /.../. It has to be interesting. The youths aren’t going to any hobby clubs – it is like another world. It is nice and exists but it is too far-removed or fancy/.../. What is wrong with walking around town, on a dusky fall night, streetlights on, with no obligations? /.../ Summer activities are bound to be organized, but in general, there are few opportunities. The number of people who would want to be engaged with the kids aside from their day job is small in number.” (CJC 5)*

*“They are not particularly welcome, such children are not welcome /.../ well, of course, some impressive programme could be set up at a municipality centre, but the children live far away and can’t attend.” (CJC 1)*

#### **4.2.5. What do the youths themselves see as a problem?**

How much is this question actually asked in practice? The young interviewees, themselves, often consider completely different factors to be the problem, or they place different accents within the same set of factors, compared to the ones that resulted in their referral to the committee or, where applicable, to a specialized school.

Although the reason for the referral has been school violence or other behavioural problems in school – truancy, fights, arson, thefts, loitering – in the opinion of the young person, him- or herself, the problems are mainly relationships with adults. Thus, part of the problem is worry or sadness over the parental or domestic situation. Only then can we talk of problems that were detected at school or by a child protection worker.

*“In graduating from basic school, that social worker has certainly frazzled my nerves with questions and threats.” (B Russian 2007, 16 yrs)*

*“When my mother was not at home and I had to take care of the littler ones, I was sad and unhappy. One can’t manage it /---/. When I was 14, I went over to my friend's house every day, I lived there for many weeks and I felt so good that I didn’t want to go home, as I couldn’t live a normal life there. It was better to live at other people’s homes.” (G Estonian4, 2000, 16 yrs)*

For the most part, the problem that adults define as problem and risk behaviour is, for the youths, solely the consequence of unresolved relationships and interactions. The question, then, certainly lies in the definitions and accents in which the problems and the social reality in which one is operating. A young person operates in a social reality where the number-one concern is, for example, a parent who is drinking, and whose shoes the youth finds that he or she has to fill; a parent whose illness causes heartache; the school social worker who threatens to send the youth to a specialized school and is always “asking something”; teachers who continually “prod” and remind the student of previous failures; or older friends with an eye to using the child’s lunch money etc; and not absences from school, disrupting lessons, fights, stealing.

*“...But there are quite a few at school who simply agitate or derive sadistic pleasure from entrapping you, such as the homeroom teacher taking a coarse thing you said as a personal slight and bearing a grudge.” (B Estonian2, 2007, 16 yrs)*

Clearly youths are lacking skills and opportunities for resolving problems related to complicated relationships and interactions; and furthermore, it is understandable that a suitable, reliable environment is needed to express problems related to interactions, including understanding, change-oriented adults looking for common solutions.

*“Yes, certainly I would want this (for someone to help), but I have not find anyone I could trust.” (G Estonian3, 2000, 16 yrs)*

What do youths like to do in their free time, and what don’t they like to do? And do they even think about how to spend free time or have interests? This is something that interviewed adults questioned and topic was not evident in characterizations.

*“I go to the gym and hang out with friends. I play football four times a week: Monday, Tuesday, Wednesday, Thursday.” (G Estonian, 2007, 14 yrs)*

*“I started getting involved in self-defence, or learning it rather, because I had it up to here with mother hitting me. I wanted to do something besides going to school and laying about at home, and that is why I went, so I could learn and practice the field and how to defend myself. /.../ I spent 7-8 years learning it.” (G Estonian1, 2000, 18 yrs)*

Extreme and thrill-producing areas are indisputably presented, also among girls, but the interests range from wall to wall. As is the case of all of us, some want to learn languages, some prefer computers, others prefer sewing or crafts or sports. If one takes an interest and asks and proposes something, the young people are prepared to talk about it, answer questions, and embrace the issue. Some have been engaged with their chosen field regularly for a long time, but they can get excited about trying such activities out in the short term as well.

Youth self-opinions can be considered a source of interest, as well as contradictory, especially if comparing the present and future plans. Youths’ opinions of themselves tended to be negative at the time they were interviewed. Could this be indirectly related to the judgments passed by significant adults?

*“I don’t think that I am a liar and I hate lying; in the meantime I had a steady employment. I don’t know, I can’t express it, my heart was in it but some sort of evil got the best of me.” (B Estonian1, 2007, 14 yrs)*

*“Everyone is against me. There are problems with studying and behaviour at school. Otherwise, outside of school, I am normal./.../ Well, there are simply people who get on your nerves, they can’t keep their mouths shut, they start picking /.../ some teachers.” (B Estonian2, 2007, 16 yrs)*

Lack of trust, introversion, not allowing others too close to one’s emotional core – these received repeated mention in interviews.

These youths do not tend to open up, at least not when they sense a lack of interest in them, superficiality or animosity. In describing their potential future family life, they list values that are significant for them: positive emotions and trust, but also fear that family life is too complicated, and that it would be wise to shy away from close relationships. In general, they see themselves as getting on in the future: working, continuing education, and – in the case of the girls – becoming homemakers. The younger interviewees had less specific future plans, of course.

*“I don’t want a family at all. What for? There are so many problems with a family. /---/ People like me never let anyone close to them.” (B Russian, 2007, 16 yrs)*

*“I want to learn a lot, get a proper job – as a secretary. /---/ I wanted a family at first, but something has scared me off.” (G Estonian4, 2000, 16 yrs)*

#### **4.2.6. Dialogue between adults and juveniles.**

With regard to the opinions youths have regarding dialogue with adults, one must remember this fact made evident in the interviews – youths are reluctant to describe their experiences and thoughts. It is likely easier to accept the range of topics and themes initiated by the adults, be they teachers, school staff or juvenile committee members. Understandably, as described above, the choice made by adults depends on which field they represent. In discussion, teachers will time and again return to the subject of academic results and behaviour at school, while a social worker will also bring up behaviour outside of school, and juvenile committee members will visit matters relating to juvenile offences. The range of topics and manner in which the questions are asked has antagonized a number of young respondents, and perhaps resulted in one-dimensional, stock replies.

*“They talked and asked some strange questions (in the juvenile committee). /.../ Well, for instance, how are you doing at school? Everyone will answer ‘good’ or ‘fine’ to that. /.../ I kept on saying things were OK.” (B Estonian1, 2007, 14 yrs)*

The tinge of vexation in this case can be attributed to the fact that, in fact, of the questions that were broached, none were relevant enough to the youths that they jumped to conclusions. Or, they did not ask the youths for opinions on how to rectify the consequences (regarding sanctions, for instance).

*“If you could change anything about the work of the juvenile committee, what would it be?”  
“I don’t know that they would listen more to youths (truculently). /--/ Indeed – they decided everything themselves.” (G Estonian, 2007, 14 yrs)*

Yet youths do have adults they can talk to: some less, others more frequently. These can be family members they live with, but those with more strife at home will turn to relatives or a friend’s parents. Such adults with a sympathetic and understanding ear are assessed and described in very positive terms. It is regrettable that these are not the adults who should be supporting youth in their professional work. The situation is quite the contrary, as is revealed by the excerpts of the interviews already presented; often youths have resistance and rejection toward professionals for one reason or another. This could be related to the fact that professionals force their own topics on the youths (as a result of their role stemming from their field), or that they do not allow dialogue to take shape. But this is certainly also due to the time factor and a number of practical details, such as the presence of a very large number of other adults in the room (in the case of the juvenile committee), or that a stenographer is taking minutes, etc.

*“I trusted her (my friend’s) mother and we were extremely close. Her mother took care of me and I told her. She even wanted to go talk with my mother and father, but there was no point in that.” (G Estonian3, 2000, 16 yrs)*

*“Well, you sit there (in juvenile committee) and you are given a hard time and someone writes down everything that you say.” (B Estonian1, 2007, 14 yrs)*

The juvenile committee is not a very bad place in the eyes of the juveniles. Prior to appearing before the juvenile committee, the youths are nevertheless nervous, having heard all kinds of stories, of which being sent to a specialized school is the most frightening perspective. And on the basis of these stories or prior experience, they are relatively certain that they will be cursed out, scolded or threatened by the juvenile committee.



It cannot be said that the committee was held in high esteem by the interviewees as a place that had significantly influenced their lives. For some it prompted more thinking and effort, but some found that the juvenile committee changed nothing. I asked only the youths interviewed in 2007 for opinions regarding the committee.

*“Well because someone said it was a lame place where you would be interrogated and could be sent to Puiatu (specialized school). /---/ I thought they (the juvenile committee) do help.” (B Estonian2, 2007, 16 yrs)*

*“It got me thinking that this was more or less my last chance. It helped me get myself together. No, I certainly didn’t like it, but I couldn’t evade it either. Anyway, no one cursed me out, everyone talked calmly. Many said it was a terrible place, but everyone spoke calmly.” (G Estonian, 2007, 14 yrs)*

Some of the interviewees had opinions regarding the way the juvenile committee was organized and the matters it chose to discuss. The short amount of time granted to youths to discuss the case did not seem sufficient (average time being 20 minutes per case, as it became evident during the research), and the discussion of certain matters that were too light struck them as pointless.

*“The last time went faster, some 15 minutes, but otherwise perhaps half an hour – I don’t know, it seems too little for a first hearing. You sweat outside the door and fret and then...” (B Estonian1, 2007, 14 yrs)*

## 5. Discussion

For youth, including juvenile offenders, their path leads them through various institutions, the most important of which are certainly family and school, but also – when problems arise – the child protection authorities, police, juvenile committee and prosecutor’s office. The response that various institutions show to the situations faced by youths has indisputably changed, or at least should have changed, so as to support youths in today’s non-linear road through life. According to the most central tenets of risk society theory, many institutions have lost their capacity and ability to cope and adequately respond in late modern society, and it is still presumed that life takes a linear course. Alienation is produced by the so-called yoyo effect: the chaotic, unplanned nature of life, which is at the same time understood or at least accepted by today’s youths.

It has become evident that problems are seen and described from the standpoint as of school employees and also child protection workers, **primarily from the perspective of their own field** – “disrupts lessons, skips school, can’t be taught” or “family is not coping, has problems and lacks social skills, and thus does not support the youth’s development”. Over their long years of practice, the members of the juvenile committees have very clearly arrived at an understanding that schools frequently wish to rid themselves of such youths or lack the skills to cope with the “problem” youths – this motive crops up repeatedly in interviews. From the characterizations given by teachers of the youth who are referred to the juvenile committee, it is evident that practically nothing is known of the youths’ lives outside school and how they spend their free time, or it is not then considered important to write down. Yet it is two sides of the same coin, and again confirms the fact I have mentioned already – that they are too institution- and field-centred – and shows, sadly, a lack of interest with regard to the youth as an individual and his or her interests, life, and, in effect, his or her social reality. The characterizations from the schools also dealt very little with family background. The characterizations of child protection workers, on the other hand, in general, dealt solely with family background. Naturally, child protection workers have the best overviews of family background and the greatest possibilities for influencing the situations related to family problems – yet this is, likewise, too field-centred approach.

Even though the juvenile committees evince a much broader understanding of the reasons and solutions to juvenile offenders and their future prospects, the juvenile committee members do not feel that the juvenile committee is an institution that could change or influence anything significantly in a young person’s life. Thus, the expectations projected on the committees by other professionals, and the obligations imposed by law tend to go unfulfilled, in the eyes of the committee members and to some extent also in the eyes of youth.

Significant adults acting in various institutions mainly exhibit the narrow opinion of their own field and a similarly narrow interest in the juvenile. But narrow interests and opinions may prove to be obstacles in supporting and providing guidance to the youth, which was the reason these people were hired. The topics, categories and indicators selected and dealt with on an everyday basis are certainly not topics that the youths themselves consider the top priority in their lives.

Naturally, as described above in the theoretical section, definite views and traditional approaches have taken shape with regard to juveniles' offences and antisocial behaviour. There are specific topics and subtopics that are studied, with regard to which information is gathered, and which are the basis for shaping practices. Understandably, the educational, social and judicial systems are interlinked in this issue, and the same adults and professionals who are significant from the standpoint of the juveniles all operate in this "self-evident" system. How "self-evident" is this reality to the youths themselves?

The youths do not of course deny the problems the adults articulate and highlight. On the other hand, they have no other choice; the position of authority and the way the problems are defined stem completely from the adult's institutional world and their social reality: skips school, does not behave properly at school, committed an offence, is a danger to others, loiters etc. The juveniles have no other choice but to at least assent to the way the problem is expressed. How readily they assent, however, to the way the problem is set out and to the solutions which are based on a certain standard and tradition is a separate question. They acquiesce to everything because they have no other choice. But how important is this in their social reality? It is certainly not their top priority and, therefore, they have limited enthusiasm to deal with topics and solutions set out by other people.

The study showed that youth mainly put priority on different problems connected with relationships and the inability to resolve them. Inability generally comes down to the same topic of position of authority: whether relationships with significant adults have become strained – these being the adults on whom the juvenile depends in some manner (teachers, social workers, parents). Young people also said that they often react in the manner expected of them or consent to the proposed solutions – just as long as the inconvenience would be resolved. They feel that their actual problems are not dealt with anyway and the decisions are made "over their heads".

The understanding that youths actually need an adult to listen to them and help them find specific solutions is, at least at the juvenile committee level, recognized, and – within the realm of possibility, and because it is a perceived need, rather than merely because it is a legal obligation – there is an attempt to apply the solutions (e.g., the opportunity to address oneself to the committee secretary to show a diary and talk about events in one's life that week). Ultimately, for the youths, the beginning of the resolution of the problem comes down to finding an adult they can trust, who listens, tries to understand, does not condemn them, is there for them and helps unravel the tangle of problems little by little, and helps them find solutions to questions. Such an adult is not usually a professional – teacher, child protection worker, juvenile committee member – but someone from "real life", who evidently do not hasten to enter the lives of the juveniles in a manner centred on just one topic or institution.

One more aspect to seeking actual solutions to problems, which could be gleaned from the interviews with the youths, was drawing on one's inner wisdom, strength and decision-making capability. This is a factor that received little attention in the interviews conducted with adults, and was not noted at all in written documents. Yet, this is part of the social reality of juvenile offenders – belief in oneself, one's future, will power, aptitude, and the emphasis placed by young people in their interviews on these topics clearly shows the areas where more attention should be invested in working with them. Also to be considered is the existence of a negative self-concept or belief in an image that adults create based on their reality ("failure", "bully", "no future").

Youths' view of free time and future revealed significantly differ from that of adults. Adults found that juvenile offenders generally lacked interests. However, schools and teachers have not inquired or expressed an interest to this, and do not necessarily know the reality. Juveniles, themselves, say that they do have interests and extracurricular activities. While it is true that their interests are not as devoted to one steady pursuit over the long term as teachers, child protection workers, or juvenile committee members would wish or are accustomed to, it is going too far to state that they lack activities and interests altogether. It can be presumed that risk-behaviour youth (as we call them and view them) are a good reflection of the reality of risk society, late modern society, as I described it in the theoretical section above: a reflection of chaos, constant flux, plurality of identities, risk-taking and indeterminacy, and coping with and balancing it all. In future matters, the opinions of significant adults (members of juvenile committees in this case) and youths diverge; in the case of the former, they are, of course, positive and hope-filled, while the members of the juvenile committees interviewed espouse negative, pessimistic views. The committee members also mainly lacked an overview of what became of the youths later on: there were a few good examples and a few very bad ones.

6. Conclusion

To sum up, it can be said that social realities in which the youths who break the law and the professionals who teach, guide and impact the youths, operate first and foremost with regard to the external descriptions of facts or situations. The meanings, interpretations and accents are very different, and the lack of dialogue or a partnership tradition in institutions will not contribute to finding joint solutions that are common and suitable to all parties and thus, lead to progress. One way or another, youths find that their path takes them through various institutions: school, hobby school, vocational school etc, but sometimes also child protection, police, juvenile committee, prosecutor’s office. Unfortunately, traditional institutions, as risk society theory posits, have failed in their practices; in Estonia, the treatment from juvenile committees and sanctions applied to juvenile offenders attest to this. A situation where an entire range of various institutions and adults who have received professional training operates in an agreed and relatively rigidly rule-driven system toward goals, which are likewise put into place in social reality without taking into account the interpretations, meanings and priorities ascribed by other part, will not lead to progress. Institutional forms that are not based on creating dialogue and a joint reality, and inclusion of the parties as well as experts, require new formats and approaches to offer more suitable solutions in a rapidly changing society. The practice of juvenile committees in Estonia, and cooperation with the rest of the network created to support juveniles, should develop in the direction of dialogue with both professionals and the beneficiaries – the youths – participating.

Tables and figures

Table 1. School evaluations (characterizations given by teachers) to juveniles’ academic performance and behaviour at school (%)

	Very good	Good	Average	Poor	Very poor	Controversial	No data
Academic performance	4	13	28	22	21	-	12
Behavior at school	5	13	24	25	9	10	14

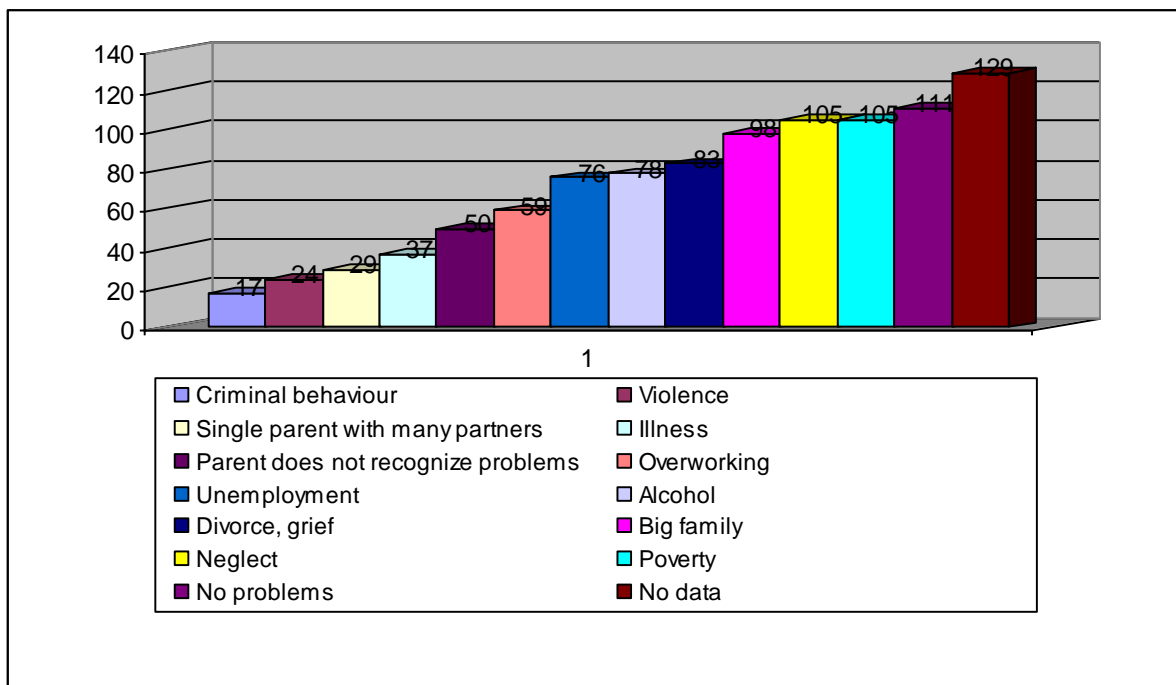


Figure 1. Evaluations regarding family background (number, different problems may appear in same family)

## References

- Ainsaar, Mare and Stankuniene, Vlada (2011). Population changes, life expectancy and health in Vihalemm, Peeter; Ainsaar, Mare; Heidmets, Mati; Vihalemm, Triin; Pettai, Vello; Terk, Erik (eds.), *Estonian Human Development Report 2010/2011. 'Baltic Way(s) of Human Development: Twenty Years On'*, pp 44-51. Eesti Koostöö Kogu, Tallinn: AS Eesti Ajalehed
- Basic Schools and Upper Secondary Schools Act (2010). Riigi Teataja (Estonian Legal Acts, The State Gazette) 2010, 41, 240.
- Beck, Ulrich (1986). *Riskiühiskond: teel uue modernsuse poole*. Tartu: Tartu Ülikooli Kirjastus.
- Berger, Peter L. and Luckmann, Thomas (1966). *The Social Construction of Reality : A Treatise in the Sociology of Knowledge*. Garden City, New York: Doubleday Anchor.
- Bradley, Benjamin S. and Morss, John R. (2002). Social Construction in a World at Risk. *Toward of Psychology of Experience, Theory & Psychology*, vol 12 nr 4, 509-531.
- Burr, Vivien (2003). *Social Constructionism*. London. New York: Routledge.
- Chisholm, Lynne (2006). European Youth Research: Development, Debates, Demands, in Manuela du Bois-Reymond and Lynne Chisholm (eds.), *The Modernization of Youth Transitions in Europe, New Directions for Child and Adolescent Development*, vol 113, 11-22.
- Deutsch, Karin and Dunham, Jennifer (2011). Press Freedom in 2011: Breakthroughs and Pushback in the Middle East, *Freedom House 2011*, [Online] Available: <http://www.freedomhouse.org/sites/default/files/FOTP%202012%20Booklet.pdf> (April 20, 2012)
- Edovald, Triin (2011). *Self-Report Delinquency in a Post-Soviet Context : Prevalence and Correlates in a National Survey in Estonia*. Saarbrücken : Lambert Academic Publishing.
- Edovald, Triin (2005). Ülevaade alaealiste kuritegevuse vähendamise strateegiast ja programmidest maailmas, *Kriminaalpoliitika uuringud 4, Justiitsministeerium*, , [Online] Available: <http://www.just.ee/orb.aw/class=file/action=preview/id=36260/%DClevaade+alaealiste+kuritegevuse+v%20E4hendamise+programmidest%20%238230%3B.pdf> (November 19, 2011)
- Emery, Robert E. and Forehand, Rex (1996). Parental divorce and children's well-being: A focus on resilience in Robert J. Haggerty; Lonnie R. Sherrod; Norman Garnezy and Michael Rutter (eds.), *Stress, Risk and Resilience in Children and Adolescents: Processes, Mechanisms and Interventions*, pp. 64-99. Cambridge University Press.
- Estonian Youth Work Center (2011). Alaealiste komisjonide 2011. a tegevuse statistiline analüüs, [Online] Available: <http://www.entk.ee/sites/default/files/Alaealiste%20komisjonid%202011.a.%20ulevaade.pdf> (November 19, 2011)
- Gergen, Kenneth J. (1999). *An Invitation to Social Construction*. London. Thousands Oaks. New Delhi: SAGE Publications.
- Giddens, Anthony (1991). *Modernity and Self-Identity: Self and Society in the Late Modern Age*. California: Stanford University Press.
- Hacking, Ian (1999). *The Social Construction of What?* London : Harvard University Press.
- Heidmets, Mati; Kangro, Andris; Ruus, Viive; Matulionis, Virgiljus; Loogma, Krista; Zilinskaite, Viktorija (2011). Education in Vihalemm, Peeter; Ainsaar, Mare; Heidmets, Mati; Vihalemm, Triin; Pettai, Vello; Terk, Erik (eds.), *Estonian Human Development Report 2010/2011. 'Baltic Way(s) of Human Development: Twenty Years On'*, pp 101-106. Eesti Koostöö Kogu, Tallinn: AS Eesti Ajalehed
- Juvenile Committees' Statute (1998). Vabariigi Valitsuse (Regulation of the Government) 22. septembri 1998 määrus nr 207.
- Juvenile Sanctions Act (1998). Riigi Teataja (Estonian Legal Acts, The State Gazette) 1998, 17, 264.
- Kereme, Helen (2010). *Alaealiste komisjonide tegevuse analüüs [Analysis of Juvenile Committees' work]*. Tallinn: Estonian Youth Work Center.
- Lauristin, Marju and Vihalemm, Peeter (2011). Commonalities and divergences in the path of transition and human development of the Baltic states in Vihalemm, Peeter; Ainsaar, Mare; Heidmets, Mati; Vihalemm, Triin; Pettai, Vello; Terk, Erik (eds.), *Estonian Human Development Report 2010/2011. 'Baltic Way(s) of Human Development: Twent Years On'*, pp 19-22. Eesti Koostöö Kogu, Tallinn: AS Eesti Ajalehed

- McAdams - Crisp, Jacqueline. , Aptekar, Lewis. and Kironyo, Wanjiku. ( 2005).The theory of resilience and its application to street children in the minority and majority world, in Michael Ungar (ed.), *Handbook for working with children and youth: Pathways to resilience across cultures and contexts*, London: SAGE Publications .
- Ministry of Justice (2010). Kuritegevus Eestis 2009 [Crime in Estonia 2009], *Kriminaalpoliitika uuringud 12*, [Online] Available: <http://www.just.ee/orb.aw/class=file/action=preview/id=52485/12.+Kuritegevus+Eestis+2009.pdf> (November 19, 2011)
- Ministry of Justice (2011). Kuritegevus Eestis 2010 [Crime in Estonia 2010], *Kriminaalpoliitika uuringud 15*, [Online] Available: [http://www.just.ee/orb.aw/class=file/action=preview/id=54700/KuritegevusEestis2010\\_web.pdf](http://www.just.ee/orb.aw/class=file/action=preview/id=54700/KuritegevusEestis2010_web.pdf) (November 19, 2011)
- Ministry of Social Affairs (2008). Sotsiaalvaldkonna arengud 2000-2006 [Developments in Social Field 2000-2006], [Online] Available:<http://www.sm.ee/fileadmin/meedia/Dokumendid/V2ljaanded/Toimetised/2008/02.pdf> (November 19, 2011)
- Myerson, G. (1994). *Rhetoric, reason and society : rationality as dialogue*. London: SAGE Publications.
- OECD (2010). PISA 2009 Results: What Students Know and Can Do – Student Performance in Reading, Mathematics and Science (Volume I), [Online] Available: <http://dx.doi.org/10.1787/9789264091450-en> (April 12, 2012)
- OECD (2010). PISA 2009 Results: Learning to Learn – Student Engagement, Strategies and Practices (Volume III), [Online] Available: <http://dx.doi.org/10.1787/9789264083943-en> (April 12, 2012)
- Randoja, Marin (2010). Vaesuse mustrid in Statistics Estonia (ed.), *Vaesus Eestis* [Poverty in Estonia], pp 64-68, Tallinn: Ministry of Social Affairs
- Riigikontrolli aruanne (2004). Erikoolide funktsioon ja tulemuslikkus [State Control Report on Effectiveness of Special Schools], [Online] Available: [http://www.just.ee/orb.aw/class=file/action=preview/id=20514/erikoolide+funktsioon+ja+tulemuslikkus\\_Riigikontrolli+aruanne.pdf](http://www.just.ee/orb.aw/class=file/action=preview/id=20514/erikoolide+funktsioon+ja+tulemuslikkus_Riigikontrolli+aruanne.pdf) (April 12, 2012)
- Rutter, Michael; Giller, Henri and Hagel, Ann (1998). *Antisocial Behavior by Young People*. Cambridge University Press.
- Salla, Jako (2010). Alaealiste vägivaldakuritegevus [Crimes of Violence among Juveniles]. Tallinn: Ministry of Justice, [Online] Available: <http://www.just.ee/orb.aw/class=file/action=preview/id=49167/Alaealiste+v%E4givallakuritegevuse+anal%FC%FCs%2C+Justiitsministeerium.pdf> (April 13, 2012)
- Siiner, Maarja and Vihalemm, Triin (2011). Language and Integration policies of the Baltic states in the EU context in Vihalemm, Peeter; Ainsaar, Mare; Heidmets, Mati; Vihalemm, Triin; Pettai, Vello; Terk, Erik (eds.), *Estonian Human Development Report 2010/2011. Baltic Way(s) of Human Development: Twent Years On`*, pp 120-123. Eesti Koostöö Kogu, Tallinn: AS Eesti Ajalehed
- Strömp, Judit (2002). The K. School. *Residential Management of Troublesome Girls in Transition-time Estonia*. Tartu University Press.
- Suoninen, Eero and Virokannas, Elina (2008). Juvenile and drugs. Fascination of contesting identities, *Young. Nordic Journal of Youth Research* vol 16 nr 4: 47-65
- Tapa's Specialized School Statute (2011). Vabariigi Valitsuse (Regulation of the Government) 28. juuni 2011 määrus nr 40.
- UNICEF Innocent Research Centre (2012). Measuring Child Poverty: New league tables of child poverty in the world's rich countries, ,, *Innocenti Report Card 10*, UNICEF Innocenti Research Centre, Florence
- Wall, Erika and Olofsson, Anna (2008). Young people making sense of risk: How meanings of risk are materialized within the social context of everyday life, *Young. Nordic Journal of Youth Research* vol 16 nr 1: 431-448.
- Williamson, Howard (2004). *The Milltown Boys Revisited*. Oxford. New York: BERG.