



The logic of responsibilisation: a critical discourse analysis of the juvenile offenders law in Chile

Claudia Mohor Valentino & Jimena Carrasco Madariaga

To cite this article: Claudia Mohor Valentino & Jimena Carrasco Madariaga (21 Nov 2024): The logic of responsibilisation: a critical discourse analysis of the juvenile offenders law in Chile, Critical Policy Studies, DOI: [10.1080/19460171.2024.2423079](https://doi.org/10.1080/19460171.2024.2423079)

To link to this article: <https://doi.org/10.1080/19460171.2024.2423079>



© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.



Published online: 21 Nov 2024.



Submit your article to this journal [↗](#)



Article views: 441



View related articles [↗](#)



View Crossmark data [↗](#)

The logic of responsabilisation: a critical discourse analysis of the juvenile offenders law in Chile

Claudia Mohor Valentino^a and Jimena Carrasco Madariaga^b

^aGovernment Department, University of Essex, Colchester, UK; ^bMedicine Department, Universidad Austral de Chile, Valdivia, Chile

ABSTRACT

Drawing from the logics approach to discourse analysis, and supplementing with the nodal framework, this paper seeks to contribute to the critical analysis of the punitive turn in the youth justice system. Taking the case of Chile, we suggest that current interventions framed around the signifier of 'responsibilisation' can sustain discourses of both punishment and right protection simultaneously, whilst preventing their radical contestation by providing a term that 'covers over' or conceals the contradictory elements of both.

KEYWORDS

Logic approach; critical policy studies; discourse analysis; young offenders

Introduction

Global, contradictory, and coexisting discourses

In the last few decades, global discourses regarding 'young offenders' have been shifting considerably. From a protection perspective to what has been called the 'punitive turn' (Bateman 2011; Goldson 2002; Goshe 2014; Muncie 2008; Schaefer and Uggen 2016; Wacquant 2008), the conception of how the penal justice must act when a juvenile is the one who committed a crime is a terrain plagued with ambiguity and tensions (Beloff 1993; Goldson and Muncie 2012; Madariaga 2018; Muncie 2014).

The global, and specifically Western context regarding penal justice, has brought the attention of several scholars that have focused on the turns of discourses regarding penal justice from a critical perspective (Garland 2001; Estrada 2001; Muncie 2006; Wacquant 2008). During the late 2000s, Wacquant (2008) poses six common features that supported the new penal policies in the USA landscape. First, he shows the focus of discourses that mainly claim to put an end to what is seen as an 'era of leniency' and thus concentrate on attacking the problem of crime, as well as urban disorders, including those who border the confines of penal law. From this, second, a proliferation of laws, bureaucracy and technological gadgets began to emerge. Third, the need for this punitive turn is supported by a catastrophic and alarmist discourse of 'insecurity' broadcasted by the media, political parties, and professionals, clamoring for order. Fourth, in this 'war on crime', where

CONTACT Claudia Mohor Valentino  Cm19606@essex.ac.uk  Government Department, University of Essex, Colchester CO4 3SQ, UK

This article has been corrected with minor changes. These changes do not impact the academic content of the article.

© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author(s) or with their consent.

‘deserving’ citizens are the crime victims, this discourse openly revalorizes repression and stigmatizes youths from underprivileged backgrounds. Fifth, regarding the carceral front, the therapeutic philosophy of ‘rehabilitation’ is more-or-less supplanted by a managerialist approach. Finally, the implementation of these new punitive policies results in an extension and tightening of the police dragnet and increases the population in prison, without anyone seriously addressing the question of their financial burden, social cost, and the civic implications.

From a critical social policy approach, particularly the focus on responsabilisation, has been largely studied from different fields, such as education (De Lissovoy 2018; Fougère and Solitander 2023), health (GC 2009; de Ortuzar 2016), playing an important role within what has been understood as neoliberal accountability, which is characterized by the mercantilisation of social policy, and particularly its lack of interest in the emphasis on social contexts and protection states, focusing instead on individual responsibility (Barry, Osborne, and Rose 2013; Brown 2015; Goldson and Muncie 2006; Miller and Rose 1990; Rose 1996). Muncie (2008), following Wacquant’s observations, problematizes the concept of responsabilisation linking it to discourses of neoliberal penalty. He argues that these neoliberal ideas have been widespread in the Western world, providing the framework for governments, and many organizations around the globe, to valorize the diminution of the social welfare state and the expansion of a penal or punitive state as an alternative to deal with the economically excluded. Muncie focuses on this ‘punitive turn’ in young offenders’ penal law, which he claims to be represented by a new culture of control characterized by mass imprisonment, curfews, and zero tolerance, among others, which extrapolates and affects everyday social relations. Evidence supporting Muncie’s conclusions show an overwhelmingly punitive response to crimes committed by young population (Garland 2001) which is enhanced by a turn from traditional principles of juvenile protection and support to new values associated with incapacitation, individual responsibility, and offender accountability, among others.

Along with the development of this punitive discourse, another type of process and discourse was building – even resisting – the treatment of youth offenders, those related with the protection and the rights of children. The Convention on the Rights of the Child (hereinafter UNCRC), promulgated in 1989 (Unicef 1989), is considered a founding milestone in the paradigm shift from the doctrine of ‘irregular situation’ to the doctrine of ‘Integral protection’, a step characterized by the abandonment of the consideration of children and teenagers as objects of guardianship to conceiving them as subjects of rights (Beloff 1997, 2011; Berríos Díaz 2011; Cillero 2006; García 1992; Hurtado 2013; Perez Vaquero 2015). The UNCRC established a global consensus regarding the rights of children. Within the transformations that this convention considered, was the reconceptualization of the punishment mechanisms for children who have committed crimes, establishing a system dedicated for young offenders, with its own guarantees, separated from the adult sanctioning systems that also provides alternatives to the deprivation of liberty, advising this measurement only as a last alternative (Article. 37 and 40, CRC, 1989). This instrument works as a comprehensive framework for juvenile penal justice for global human rights compliance.

Muncie (2013) observed the anomalies and contradictions regarding the discourses surrounding juvenile justice and categorized them in two: the pessimistic, which include the neoliberal penalty, and penal severity; and an optimistic, which encompasses the

universal children's rights and rights compliance. He observes that these narratives act as 'mirrors', 'one emphasising state protection rather than individual responsibility; reduction rather than expansion of the penal sphere; and the promotion of child dignity rather than law and order as core state responses' (46). Muncie also points out the ambiguities and paradoxes that beset youth justice systems regarding what the law should prioritize:

Typically, systems of youth justice are beset by the ambiguity, paradox, and contradiction of whether children and young people in conflict with the law should be viewed as 'children first' and in need of help, guidance and support or as 'offenders first' and thereby fully deserving their 'just desserts'. Traditionally this confusion has played itself out along the axis of 'welfare' or 'justice' (...) Many systems are apparently designed to punish 'young offenders' whilst simultaneously, and paradoxically – in keeping with international children's rights instruments – ensuring that their welfare is safeguarded and promoted as a primary objective. Discourses of child protection, restoration, punishment, public protection, responsibility, justice, rehabilitation, welfare, retribution, diversion, human rights, and so on, intersect and circulate in a perpetually uneasy motion. (43–44)

Thus, even if it could be seen as two opposite discourses, neoliberal penalty, and child-friendly narratives are – to some extent – working together, both coexisting in the same system. Supporting this argument, important approaches to the punitive turn have focused on different forms of exclusion and domination beyond and also in intersection with economic exclusion, such as race and migration, showing that although there has been an attempt to move toward a child-friendly perspective, what has changed can be perceived more in the language we use to justify incarceration than an actual structural change (Remnick 2020; Wacquant 2024). Therefore, although there has been increased attention on moving from the punitive perspective, scholars warn that we need to explore the impact of the structural discursive tension and the sustained prevalence of incarceration, particularly focusing on which population continues to be stigmatized, excluded and then most likely to be imprisoned (Cifali, Chies-Santos, and Alvarez 2020; Gisi, Santos, and Alvarez 2022a, 2022b).

As is possible to read in Cillero (2006) and Beloff (2011), this contradiction and tension can be seen in the UNCRC, which suffers from a lack of clarity and ambiguity regarding penal rights, being precisely the one area that least presents a clear rupture with the old paradigm. Although the UNCRC is explicit about the need for recognizing the substantive and formal guarantees that children and young offenders should enjoy against the coercive apparatus of the state, it does not provide substantial elements when discussing legal reforms in relation to the content and scope of the responsibility of young people who break the law. In this way, despite the fact that the UNCRC comes to integrate and synthesize the international agreements on child criminal matters, especially the Beijing rules on the administration of Juvenile Justice (UN 1985), the years after this convention saw the emergence of new instruments that seek to emphasize and clarify relevant aspects that are not specified within the UNCRC, such as the Tokyo Rules that aims to give concrete alternatives and minimum rules on non-custodial measures (UN 1990a); Riyadh guidelines for the Prevention of Juvenile Delinquency (UN 1990b); and the Havana Rules for the Protection of Juveniles Deprived of their Liberty (UN 1990c). In this sense, different scholars have raised the difficulty on the part of the states of interpreting and implementing the UNCRC recommendations (Beloff 2011; Goldson and Muncie 2006; Hurtado 2013; Maldonado Fuentes 2014).

Considering these relevant debates surrounding young penal justice, and especially focusing on how the right protection narratives and neoliberal penalty intertwined and highlighting the implication of the mechanisms of operationalization of these discourses, we take the case of Chile to shed light on how these debates take shape in a situated context where, despite being one of the most progressive countries within Latin America in terms of structural reforms to the penal system, the establishment, operation and discourses of the youth penal justice have followed an uneasy motion. First, we will contextualize the emergence of young offender Chilean penal law to map out the discourses surrounding its enactment and turns, and then using a post-structuralist 'logic' approach (Glynos and Howarth 2007) we will move to the analysis of the National Minor Services guidelines (SENAME hereinafter).

Chile: toward a law of juvenile responsabilisation

For several years, Latin American countries followed the irregular doctrine, establishing a hegemonic perspective of children as objects of protection (García 1992), and although the UNCR was a crucial milestone toward a right protection perspective (Madariaga 2015), as Beloff (1993) poses, the process followed by the Latin American countries has been difficult in three ways:

In some countries, the ratification of the aforementioned international instrument has not produced any impact or has a very superficial political effect; 2. In other countries, a merely formal or euphemistic adaptation of the rules of domestic law to the international instrument has been carried out; Finally, 3. Other countries have carried out or are in the process of substantially adapting their domestic legal order to the international instrument. (p. 4)

However, even though over time more countries have generated substantial changes in their penal systems (Unicef 2014), the indications of the convention pose challenges in how it should be implemented. The conundrum of right protection vs. punishment is very much present during the transformation of the penal justice system in this region.

The case of Chile is particularly interesting. First, because like most of Latin American countries, Chile ratified the UNCHC during the 90's, a time that coincided with the end of the dictatorship, and thus also with a renewed interest in human rights. Second, following the UNCHC guidelines, Chile was one of the first countries within the region to adopt structural reforms in its penal system, and yet, third, during the 2000's Chilean penal social policies were continuously exported from the USA neo-liberal juvenile penal systems (Tsukame 2016). Nevertheless, these policies took their own particularities.

The 90s, media and the perception of civil insecurity

Although the Chilean state ratified the HRCHC in 1990, the need to make changes in the penal system for young offenders only led to the legislative agenda being taken from the hands of historical and social conditions typical of a Latin American context, characterized by what has been called 'security logics' (Bustelo Graffigna 2012). More specifically, the need to reform the legal systems for young offenders in Chile came into political discussions amid opinion polling where juvenile delinquency was a relevant issue (Pincheira 2012; Tsukame 2016) and, therefore, central in presidential candidates' speeches of the time and a fertile territory to reap political dividends (González and

Mitsuko 2013). Cases such as the ‘Vatos locos’ or the ‘Pandilleros de San Miguel’ during the late 90s, became a mediatic object of discussion regarding the phenomenon of juvenile delinquency (Tsukame 2016). With this, public opinion also appears, concerning the impunity of minors who commit crimes, as well as the ineffectiveness of the National Service for Minors, seen as responsible for the control of juvenile delinquency.

A strong discourse that characterized young offenders as irresponsible, lazy, violent, unproductive, and usually coming from a poor and vulnerable background began to emerge (Hoecker Pizarro 2010; León 2015; Madariaga 2015; Tsukame 2016), and several penal policies, which were exported from the USA, such as zero tolerance and the preventive ‘Don Graff’ campaign, among others, started to gain popularity and enhance the perception of insecurity among the population (Pincheira 2012; Tsukame 2016).

The 2000s, young offenders’ responsibility and Law 20.084

After several discussions in the congress regarding the criminal responsibility of minors, in 2005 the Law 20.084 on Adolescent Criminal Responsibility (hereinafter LRPA) was enacted which regulates the criminal responsibility of adolescents for crimes they commit, the procedure for the investigation and the establishment of said responsibility, the determination of the appropriate sanctions and the form of their execution (Chile 2005). A specialized penal system was created which oversaw the investigation and punishment of crimes stipulated in the Penal Code committed by minors between 14 and 18 years of age. As in the criminal system for adults, crimes are classified depending on their severity in order to establish the sanction, which may be aggravating and/or mitigating, yet, following the UNCHC, the sanctions are replaced by other types of measures (see Figure 1), leaving deprivation of liberty as the last alternative, only applicable in the most serious cases. In addition, regardless of the type of sanction ordered by the judge, an accessory sanction is added if the situation of the young person warrants it, e.g. compulsory rehabilitation treatment for alcohol and drug use.

From the moment of the enactment of the LRPA, the SENAME was the organ responsible for the execution of the sanctions, a body dependent on the Ministry of Justice. However, SENAME only directly executes the custodial sanctions, since the other modalities of sanctions, which are the majority, are executed by non-governmental actors under the term ‘collaborating organisations’. On the other hand, the Ministry of the Interior and Public Security, through the National Service for the Prevention and Rehabilitation of Drug and Alcohol Consumption (SENDA in Spanish and hereinafter), was in charge of providing financial resources to public and private organizations for the treatment of drug use. These treatment programs, as well as the sanction programs in the assisted freedom modality, are tendered in a yearly basis according to the indications delivered by the agencies in charge, that is, SENAME and SENDA (see Figure 2). As proposed by Madariaga (2015), Law 20.084 becomes effective through a complex network between government entities and a series of non-governmental organizations under the market logic of programmatic offers.

Framed in the New Public Management narrative, SENAME operation relies on a competitive bidding process where different NGOs apply yearly to secure their funding (see Figure 2). To set a quality standard, SENAME elaborates guidelines that establish requirements to provide and ensure that the application of each program fulfills the aims

Extension of the sanction	Applicable penalties
From 1 to 60 days	<ul style="list-style-type: none"> - Community service - Repair of damage caused - Penalty fee - Reprimand
From 61 to 540 days	<ul style="list-style-type: none"> - Internment in a semi-closed regime with a social reintegration program - Assisted freedom in any of its forms - Community service - Damage repair
From 541 days to 3 years	<ul style="list-style-type: none"> - Internment in a semi-closed regime with social reintegration programs - Assisted hospitalization in any of our forms - Community service
From 3 years and one day to 5 years*	<ul style="list-style-type: none"> - Internment in a closed regime with a social reintegration program - Internment in a semi-closed regime with a social reintegration program - Special assisted release
From 5 years and one day to 10 years**	<ul style="list-style-type: none"> - Internment in a closed regime with a social reintegration program - Internment in a semi-closed regime with a social reintegration program

* For offenders who initiated the execution of a crime while being over 14 and under 16 years of age, the maximum penalty period is 5 years

** For offenders who initiated the execution of a crime while over 16 and under 18 years old, the maximum time can be up to 10 years of sanction.

Figure 1. 'Extension of the sanction and applicable penalties' (Based on Oviedo 2017, 115).

of Law 20.084. These guidelines are public and mandatory for any organization in charge of applying the programs related to SENAME.

Although the LRPA set a milestone regarding young offender's law in Chile, different discourses surrounded its enactment, not being clear what to expect regarding the punishment versus children rights protection dilemma, as showed in a public declaration by Luis Bates, the Justice Minister, when the law was enacted:

We want to deal with the crime committed by young offenders aged 14–18, yet we want to give them real opportunities of rehabilitation. We seek to improve the efficiency in the prosecution of the crime, offer an effective protection to the victims and guarantee the right process to the young offenders. (Emol 2005)

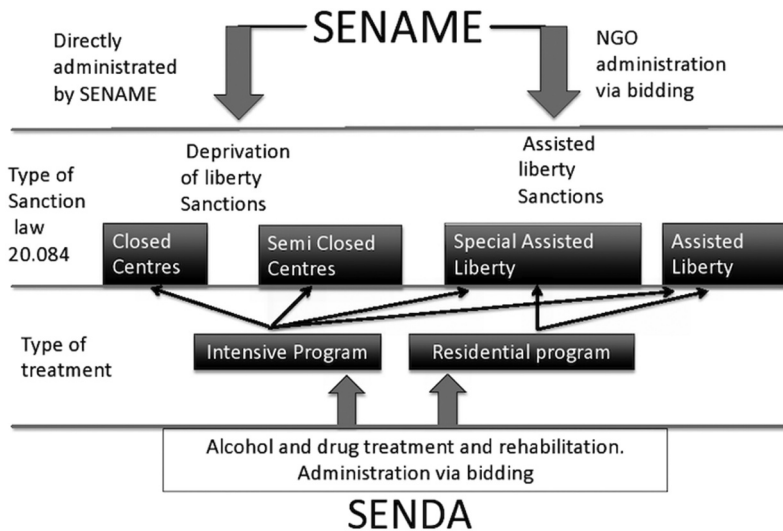


Figure 2. SENAME program administration.

The key point was to ‘deal’ with the crime, yet it was not clear what ‘deal’ implies. The protection of victims appeared as a concern in response to the mediatic insecurity regarding this population, and yet another sentence refers to the opportunities and rehabilitation of the young offenders. Several questions arise, such as what this law entails in terms of intervention, protection, and punishment when it comes to implementation.

Late 2000s and after, the LRPA professional turn

During the first years of the LRPA the young offenders’ separate penal system was the focus of the law and it is not until 2007 when mediatic cases, such as the tragedy of a fire at a SENAME young detention center, where more than 10 children died after they initiated a mutiny refusing to go to bed at 10pm, and the case of the Cisarro, a 10-year-old child with a long trajectory of delinquency, that the question regarding rights protection and the need for professional intervention gained more traction (Checa, Quijada, and Lira 2014). The ‘Multisystemic therapy’ was a clear example of the professional turn regarding young offenders. The characterization of this subject began to concentrate on aspects of vulnerability, lack of environmental opportunities and family control. The main task was the rehabilitation of the subject. What is important during these times is that the explicit punishment for young children and the conditions of the young detention center was questioned, yet the argument followed the same Wacquant structure quoted above. First, before the emergence of the penal law, there is a perception of impunity and the need to render young offenders ‘responsible’, thus the entitlement to rights works as a way to make them a subject that is possible to hold to account; then comes the law and different penal initiatives that discursively appear as ‘fighting the war’ on young delinquency, such as the USA exported penal policies, together with mediatic catastrophic discourses that

justified such measures. These policies are mostly aimed at underprivileged children and after their implementation a question regarding the professional intervention emerges; however, the focus is set on rehabilitation and initiatives such as the Multisystemic therapy emerge, which from critical social policy scholars are seen as a neoliberal response that make the subject responsible for their acts and capable of self-governance (León 2015; Pincheira 2012; Madariaga 2018). Several studies from the field of justice and sociology have analyzed and focused on the procedure of this law, showing that it has not been able to provide answers to problems of vulnerability of children and juvenile offenders (Langer and Lillo 2014). More specifically, the analysis from the framework of protection of the rights of children has shown that the system does not have mechanisms to guarantee special protection for children, so that the protection of rights only remains at a declarative and nominal level. Furthermore, the young offender's procedures established by the LRPA are inconsistent with the principle of special trial (Duce 2010; Lathro, 2014). Finally, another important strand of literature regarding the young penal system focuses on the lack of social intervention that guarantees social right protection for children who break the law (García 1992; Madariaga 2018).

Considering that there are different, and sometimes contradictory demands that support the creation of Law 20.084, and that a complex organization network is in charge of its application, it is important to ask how these different demands come together in the guidelines of its application, specifically, how the goal of the 'responsibilisation' of the subject can respond – or not – to demands of security and rights at the same time. The present investigation then does not seek to evaluate the LRPA and its implementation in terms of compliance with the obligations derived from the ratification of the UNCRC by the Chilean state, or to compare the before-and-after of juvenile crimes since its enactment. Instead, we aim to analyze and critically explain, from a poststructuralist perspective, what 'logics' (Glynos and Howarth 2007) are at play in the punitive and protection discourse in SENAME guidelines. In doing so, we can critically analyze how the goal of 'responsibilisation' is conceived and how this institution deals with the tension between punishment and right protection through it.

Theoretical approach, corpus and research strategy

The logics approach, proposed by Glynos and Howarth (2007) is grounded in Laclau and Mouffe's discourse theory (1985). This theory assumes an understanding of discourse whereby all objects are meaningful, and their meaning is historically established by the system of meanings to which they belong (Howarth 2000). Therefore, the meaning of a thing, object, action, etc., depends on the order of the discourse that a certain entity confers to it and its significance. For example, a box can be seen as a container in a certain context, while in an election context it comes to be meant as a ballot box. The attribution is not contained by the object itself, but by the system of significations in which it is found, which is not only contingent but is never completely closed. Drawing upon the Lacanian notion of negative ontology, this theory presupposes that every system or structure of social relations is inherently incomplete. The implications of this assertion for the social and political context are that there is an 'impossibility of society'. Therefore,

contrary to an essentialist perspective, for these scholars every political project, every ideal of how a society should be, is contingent and impossible. Yet, there would always be a social project that would try to render a particular configuration as hegemonic, fixing the meanings and identities of elements. In the naming of this project, there is what Laclau (1996) calls ‘empty signifiers’ (p. 36) that emerge as a signifier that are capable of gluing together heterogeneous demands – even if some of them are contradictory – and promises the fullness that is lacking in the social system, such as ‘democracy for all’, ‘dignity’, ‘recognition’, and so forth. Thus, discursive structure is conceived of as a political and social construction, which establishes a system of relationship between objects and practices, providing subjective positions with which social agents can identify (Howarth 2000).

If this strand of discourse theory investigates the way in which political and social processes fix and articulate meaning in a society, the logics approach emerges as a way to propose a methodology that can analyze and critically explain how certain political or social projects becomes hegemonic; in other words, that it focuses on the logics that allow a social project to establish itself as dominant in a society. To do so, this approach establishes three levels of analysis articulated with each other, that is, three logics that are always in operation but analytically separated. First, there are ‘social logics’ that account for everyday social practices, and institutional norms. These practices are not problematized or resisted, they are rather perceived as natural for the subjects in a particular context, such as using public transport, standing in line at the bank, among other daily activities that are considered routine. Second, there are ‘political logics’, which although are always operating they appear as visible in a moment of dislocation where the hegemonic order is questioned, meaning that some social practices are not seen as ‘natural’ and become open for contestation. At this point, the contingency of the current social order is clear, and it opens a space for new social projects to become hegemonic. Thus, political logics characterize the processes that establish, dispute, challenge, defend or transform existing rules and try to fix new meanings and identities. Finally, ‘fantasmatic logics’ provide the means to understand why a specific practice or regime is established. In Laclauian terms, if the political logic is concerned with operations of significance, fantasmatic logic is concerned with the force behind these operations (Laclau 2005). That is to say, fantasmatic logics imbue political and social practices with their ‘grip’ and is concerned with the affective reach of discourses and the signifiers therein.

Given that Chile, through Law 20,084, establishes that the criminal responsibility of the young offender will be the focus of the intervention, we proposed to carry out a discursive analysis of SENAME guidelines, which aim to crystallize the LRPA in the application of the programs addressed to young offenders. As stated above, from the year 2000 and onwards a new focus on the professional dimension of the programs directed to young offenders was the main concern. Considering the number of actors involved in the application of the sanctions, SENAME decided to elaborate these guidelines as a way to foster similar practices among institutions. This is an important point because these documents are not the practice at the actual level of the program’s operation (e.g. a specific practice held by a staff member), and as such, can completely differ from what is happening and being informed within the institution. Although this is a clear limitation of these guidelines to account and analyze what happens within a particular institution in

charge of executing a particular sanction, the value of these documents and what we are interested in analyzing, is at the level of what SENAME's desired practice would be, and to what extent the setting of this ideal can provide important insights to our analysis of the child friendly-punitive tension we have presented above. Furthermore, from a Foucauldian (Foucault 2006) perspective of governmentality, defined as 'the network that is constituted by the institutions, procedures, analysis and reflections, the calculations and the tactics that allow the exercising of a specific form of power, which is aimed at the population' (p. 136) we consider these guidelines a key feature of 'expert knowledge' and, therefore, part of the framework of knowledge and therapeutic psi technologies. From October 2018 to October 2019, we gathered all SENAME guidelines issued from this entity and published on its website (see Figure 3). These were all technical guidelines addressed to the staff that work with young offenders, whether in a closed, semi-closed or free environment. This information is taken as the corpus for this discourse analysis – a total of 10 guidelines was available, which went from 2009 to 2014 (SENAME 2009a, 2009b, 2011a, 2011b, 2011c, 2011d, 2011e, 2012, 2013, 2014). As a first step, we generated categories from the above explained Logics methodology, establishing questions to the corpus that would allow us to understand the social logics at play, that is, what are the 'everyday' practices that are assumed in the application of the different programs and how the staff and the young offenders are characterized. Articulated with the political logics, we can observe which discourses are being crystalized regarding the notion of young offenders and also addressed to the staff. And finally, considering the fantasmatic logic we seek to interpret the ideal of this institution regarding the application of the law. An exhaustive reading of all the documents is carried out, generating categories of analysis using the Atlas-Ti software.

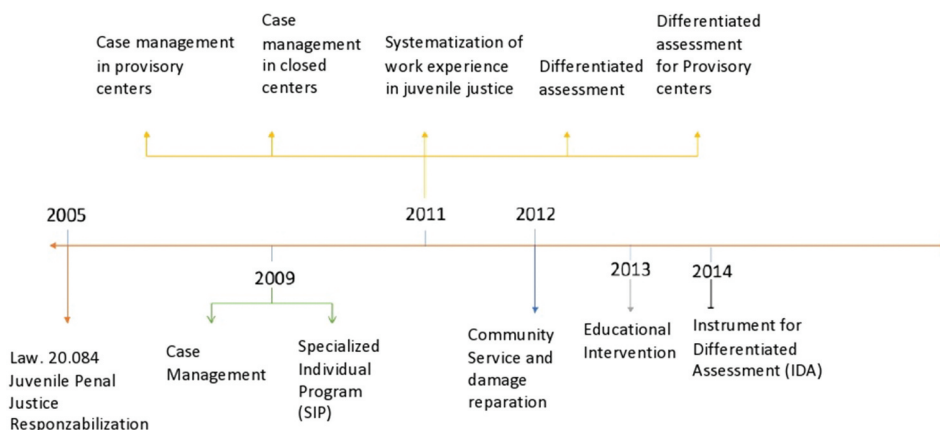


Figure 3. Timeline SENAME's guidelines.

Contextualizing the corpus

Summarizing, and in order to help us simplify the corpus used in a visual image, the following is a timeline of SENAME guidelines since the enactment of Law 20.084 until 2019.

We started the reading of this sources, aiming to articulate the social, political and fantasmatic logic, yet in the course of the research we realized the richness of the contradictions of the social logics, and how they related to the signifier of responsabilisation. The concept of responsabilisation, which from the LRPA describes to what extent can children be held accountable for their crime, emerges through our analysis as a signifier, which plays a central role in the interplay of the punitive vs. child-friendly tension. We decided then to present how these logics were deployed, intertwined, and sustained in relation to the signifier of responsabilisation by using a ‘nodal framework’ to operationalize the logics approach (Glynos and Speed 2012; Glynos, R. Klimecki, and H. Willmott 2015a). The nodes of ‘provision’, ‘governance’ and ‘delivery’ helped us to organize the presentation of our findings by categorizing and articulating the social logics and projected social logics, and to suggest that the signifier of ‘responsibilisation’ acts as the central signifier, which organizes and hosts different logics, which at the same time avoids the possibility for progressive alternatives and contestations.

To work with the node framework, we first organize the analysis of the corpus in social logics and projected social logics, which are conceived in this analysis as ‘not only the existing practices but also the imagined alternatives practices’ (Glynos and Speed 2012, 396). This means adding a question to the corpus regarding ‘what norms are seen as a possible alternative to the current operation?’. Second, we categorize them in different nodes of analysis. The node of provision refers to the way that young offender programs are provided, and the conditions under which these services can be instituted. The node of delivery points to the performance of the program, which is how norms shape the relationship between the staff and the young offenders. Finally, the node of governance refers to how the norms characterizing node-specific practices are instituted, evaluated, maintained, or transformed. While we will refer to all nodes, our analysis will concentrate primarily on the node of delivery (see Figure 4).

Results

In the following section, we will present the results of our guidelines analysis. We divided our results into three sections, which present SENAME’s punitive vs. child-friendly tension. First, we introduce what we observed in the guidelines as competing social logics which dispute mainly if the focus of the operation should follow the sanction or the social intervention component; then we present how SENAME deals with the mentioned tension through the rationalization of the operation, which implies the creation of an instrument that contains both the punitive and the social dimension. Finally, we introduce how SENAME points to the relationship between the young offender and the staff as a way to measure and focus the success of the intervention and how expects to solve the punitive and child-friendly through this particular bond.

Frame of the intervention: competing social logics of delivery ‘sanction vs. social intervention’

As part of the provision of the service and concentrating on how the young offender is referred to a specific program, the adolescent must first receive legal sanction in court. When the young offender is sanctioned, this takes the shape of an Individual Intervention

Nodes	Social logics	Projected Social Logics
Provision: <i>How the service is provided, and condition of its institution. (Program offer)</i>	<ul style="list-style-type: none"> • Market offer • Public-private partnerships • Competing tendering • Quality Indicator 	<ul style="list-style-type: none"> • Public operation
Delivery: <i>How the service is delivered and performed. (Young Offender-Staff)</i>	<ul style="list-style-type: none"> • Sanction • Individual responsibility • Focus on job skills and qualification for labour market. • Vertical relationship 	<ul style="list-style-type: none"> • Care/Need/Protection • Community based intervention • Rehabilitation • Horizontal relationship
Governance: <i>How the service is evaluated. (Feedback and evaluation).</i>	<ul style="list-style-type: none"> • Accountability of spending and intervention. • Evaluation of efficiency. 	<ul style="list-style-type: none"> • Participatory channel for Staff and centre to evaluate intervention • Socially responsible intervention. • Evaluation of Child Right protection

Figure 4. Nodes, social and projected social logics of young offender SENAME guidelines.

Plan (IPP) which is sent from the court to the center or young offender workers indicating the general orientation, time, and expectation regarding the intervention. Throughout the guidelines, the IPP is invoked, mostly in a tense relation with the Specialized Intervention Plan (SIP) which emerged as a response to staff criticism of the IPP.

Although these criticisms are expressed in terms of technical procedures, such as the requirement of time, the partialized evaluation, and the impossibility of assessing and diagnosing the young offender in a comprehensive manner, these criticisms nonetheless point toward the social logic of sanction as coming under contestation. The SIP then emerges as a guideline to contrast the legal character of intervention with the social features demanded by these criticisms. This can be seen in the following quote (SENAME 2009a)

These technical socio-educational orientation **includes and prioritizes the will and motivation of the adolescent, without altering the legal context in which the intervention is framed.** This situation establishes a **dialectic for both the adolescent and the team between the “vertical” dimension of the legal sanction and the horizontal dimension of the socio-educational objectives**, without forgetting that it is a **link between a teenager and an adult.**¹ (6)

In this sense, SENAME points out the difference in intervention as being concerned, on the one hand, with the courts and legal field (vertical), and the other centered on the staff-young offender intervention (horizontal), implicating other assertions that organize different dimension of the intervention (as summed up in [Figure 5](#)).

IPP	SIP
Legal	Psych-educational
Sanction	Comprehensive Intervention
Court	Staff
Vertical	Horizontal
Mandate	Flexible-dynamic

Figure 5. Logic of Sanction vs. logic of social intervention.

SENAME locates itself in a gray area where it recognizes the primacy of the sanction while at the same time prioritizes the social aspect of the intervention. Throughout the guidelines, SENAME’s tension between both dimensions is not resolved, sometimes appearing as opposed and at other times as complementary. SENAME (2011b) recognizes the important role of the SIP and thus the social intervention, indicating the need for a dynamic and flexible process, which can be able to grasp the individual, family, and social needs, and the relevance of the social aspect thus ‘minimizing the punitive and penalising character’ (5), so as to not be considered as a ‘mere “sanction-executor” it has to become a specialist in rehabilitation of the young offender’ (9). However, at the same time this establishes a primacy of the legal mandate, which is thought to organize the management and implementation of the whole young responsibility programs providing the general framework for the intervention from which then the SIP can draw upon the social intervention. This subordination of the social intervention logic can be seen as one of the ways to prevent its materialization and maintains it only as a projected social logic.

Rationalization: accountability of responsabilisation and responsibility

Another way that SENAME has to deal with the tension between the legal sanction and the social intervention is through the establishment of the quality standard, which implies a systematic rationalization of the intervention, regardless of whether it is about the sanction or the social intervention. In this sense, their accountability allows the maintenance of both of these dimensions.

SENAME (2009b), poses the need for a quality standard to increase ‘the quality of the intervention that our users receive’ (11) with quality standards of care and technical guidelines that ‘allow the application of sanctions and the development of programs that promote the social insertion of young offenders, with the support of their families and the community’ (3)

Following this logic SENAME creates protocols and evaluations that the staff must follow in order to compliance with the basic standard of the intervention and to evaluate its progress. One of the key tools to evaluate the goal of responsabilisation is the Instrument for Differentiated Assessment, which was created with the aim to operationalize the goals of the intervention (see Figure 6).

In this evaluation tool, it is possible to observe how, on the one hand, the mechanism of rationalization supports the production of instruments that can assume moral values

Responsibilisation for the crime
1.1.1 Recognise authorship in the commission of crime
1.1.2 Accepts that he/she was wrong in committing the crime
1.1.3 Feels regret for having committed the crime
1.1.4 Manifest responsibility of the crime committed
1.1.5 Assumes the consequences of the crime. e.g., deprivation of liberty or visiting restriction
1.1.6 Perceives the sanction as fair in relation with the crime
1.1.7 Qualifies himself positively for taking responsibility for the crime he committed (<i>attribute of value that is part of the self-concept</i>) [Italic maintained from the quotation]
1.1.8 Express in an authentic and negative way their participation in the commission of the crime in front of the personnel of the centre
1.1.9 Express and / or negatively verbalize their participation in the commission of crime in front of their peers
1.1.10 Other, specify:

Figure 6. Extracted from the instrument for differentiated assessment (SENAME 2014).

and other ideological implications, making its assessment mandatory for the intervention. And on the other hand, it can allow for the intertwining of the logic of sanction and social intervention, which in turn impacts the meanings that the projected logic of social intervention could entail, and thus preventing ways to sediment more progressive interventions.

As a clearer example of this situation, in SENAME's case management sequence (2009b), it is possible to follow the path that transforms a recognition of social

vulnerabilities into an individual feature (see Figure 7). In this case, first there is an explicit recognition of the structural vulnerabilities and needs of the young offender and the conception of these adolescents as holders of rights, which then leads to an operationalization of these characteristics in order to perform the intervention.



Figure 7. Graphic sequence of the social logic of structural responsibility to the logic of individual responsabilisation.

through an active participation in their process differentiated approach; in depth evaluation that allow target complex profiles, evaluate levels of criminal risk and that allow to evaluate the resources and needs of each adolescent. (10)

If there is an understanding of the young offender as a victim of their social vulnerabilities, this then takes the form of an individual evaluation, and thus, these structural and past ‘injustices’ are once and again considered as another individual feature that the young offender has to overcome through the intervention. This quality standard then rationalizes the intervention transforming it.

Individual responsibility: staff–young offender affective bond

We have identified a tension between the social intervention logic and the sanction logic, which together are found framed in the dialectical tension between the horizontal and vertical levels of SENAME’s practices. Rationalization supports those social aspects of the intervention, though recognition of the structural vulnerabilities is not sedimented into practices, indicating that these practices form part of a projected social logic; a possible alternative not yet materialized in the intervention. One aspect is still necessary to explore in more depth on the node of ‘delivery’, which is crucial about the subject, which we are treating here, that is, children responsibility. As we saw in the first section, SENAME (2009a), establishes that the dialectic between the horizontal and the vertical dimension of the intervention has to be solved ‘between the adolescent and the team, (...) without forgetting that it is a link between a teenager and an adult’ (6); locating the tension between the sanction and the social intervention in the relationship between the staff and the young offender.

Focusing for a moment on how the bond between the adolescent and the young offender is highlighted would serve in understanding important assumptions regarding the conditions of possibilities of this intervention. First, remembering that the young offender is characterized as a subject that needs intervention in order to become ‘responsible’, past vulnerabilities can act as obstacles for the intervention, such as drug addiction, family abuse, mental illness, and so forth. It is important to think then how children can in practice acquire the goal of responsabilisation that this law entails, and

which is the role of the staff in this task. The SIP (2009a) guidelines show us an entry point to shed light on these questions,

The bond established by the educator, delegate, or representatives of the staff with the adolescent is essential. (...) Since they fill-in the roles that were not accomplished in their family, enabling the development of affectivity and experiences of social inclusion that favour their feeling of belonging, in addition to the diversification of expectations of significant others to broaden the options in the process of identity construction. (...) This bond contributes to the development of the process of personal responsibility and adherence of the young offender to the programs or activities proposed. The established relationship influences the adolescent to be actively involved in the decisions regarding their process. (37)

What we encounter in the disquisition regarding neoliberal responsibility, where also past injustices are brought to the individual terrain, is that with regard to a subject who is considered not capable of full responsibility, then it is the staff who also become responsible. Not only are the tensions and contradictions between the different dimensions of the intervention expected to be solved by the relation between the staff and the young offender, but moving forward we find that because there is an ambiguity regarding the full agency of the child, then it is not possible to blame them totally for the success or failure of the intervention. Thus, the accountability is also transferred to the staff who are now also to blame if the intervention does not succeed. In other words, it is the staff who are failing if they are not able to build the rapport required to achieve the task of responsabilisation, in sum, becoming responsible for the responsabilisation. At this point it is important to differentiate between responsabilisation and responsibility of the intervention. On one hand, we have shown how the young offender is expected to achieve the responsabilisation of their acts-and even their own structural vulnerabilities – through the intervention which entails the problematic tensions seen above between sanction and protection. However, SENAME's guidelines ultimately locate the Staff in charge of the success of this achievement, and thus become responsible for the success of this intervention, needing to solve through their own materialized practices the contradictions of the intervention pointed out above.

Articulation and critique

In this section, we will reflect on the social logics presented and their articulation with the political and fantasmatic logics, contextualized by the problematization as we have presented it, particularly focused in the media discourse in Chile (Checa, Quijada, and Lira 2014), such that we can analyze how different narratives regarding childhood are at stake and how the current social practices are sustained. We focus our discussion at two different levels. First, we take the political logic of 'quality standardisation' to show how this practice sustains particular narratives that are related to the neoliberalisation of the intervention and at the same time show how this prevented and marginalized other more progressive alternatives. Second, following the presented social logic analysis, we will analyze how the signifier of 'responsibilisation' and the different meaning that it takes, allows for the gluing together of different and competing demands that were circulating at the moment of the enactment of the law, which is where we will locate the fantasmatic logic of this discourse.

Rooted in the New Public Management paradigm, the emphasis on the ‘quality standard’ has allegedly emerged to provide the same service to all of the population no matter which institution is in charge of the operation. As we mentioned in the contextualization, SENAME relies on the public–private partnership which are part of the ‘non-profit’ or third sector and are named as ‘collaborators’ or ‘civil society’, mainly composed of NGOs and charitable foundations (Andrade-Guzmán and Rao 2020). As we showed in the results, guidelines are set to produce indicators about the intervention, producing a means of accountability and the evaluations necessary for future applications. This focus on ‘qualification’ has different consequences with regards to the maintenance of the current operation, as the rationalization of the intervention required to create a quality standard allowed for the support of marketization so that centers become concerned about their accountability and the accomplishment of their performance and in turn giving less space to other possible interventions that are not necessarily transformed into indicators. Second, the tools created to evaluate the intervention already sustain a particular narrative that marginalizes other views. As we have seen, progressive narratives framed in the idea of welfare, protection of rights, or social responsibility, which focus on past vulnerabilities of the children can be transformed into a scale of risk assessment and point vulnerabilities that the child has to overcome through the intervention. Although it is possible to observe a resistance from staff who ask for different times and perspectives, especially regarding the IPP, it is interesting that the critic to the IPP is sorted with another instrument, the SIP, and thus it is subsumed by the logic of the quality standard.

Along with ‘quality standard’, we identify the signifier of ‘responsibilisation’ as key to sustaining current social logics. As we mentioned in the contextualization, there were different narratives at the moment of the enactment of the law that were particularly invested in, which localized the problem of young offenders as a structural problem that should be sorted through the restitution of rights, and at the same time gave a conception of the offender as a subject who extracts the benefits of society does not contribute and is a risk to the security of those who do. The signifier of responsibilisation acts to simultaneously express the practices of both of these perspectives, whilst preventing their radical contestation by providing a term that ‘covers over’ or conceals the contradictory elements of both. In this concealing act, we then also locate the central fantasmatic logic of this discourse: that all of the demands made of the institutions that deal with young offenders can be achieved at the same time, even though to do so would require conflicting approaches.

The signifier of responsibilisation plays an important role within the logic of the quality standard, bringing the center of accountability to the individual, the family, and the community; to specify what Rose and Miller conceptualize as ‘remote governance’ (1990), which in this particular case, we see in how it is also transferred to the staff. From our perspective, the logic of quality standard and the notion of responsibilisation, function to depoliticize the sphere of intervention and preventing alternative perspectives to emerge.

Conclusion

This paper seeks to contribute to the literature on the tension in Western youth justice systems between child-friendly and punishment approaches. Taking the case of Chile, we address how more progressive visions related to a child-friendly paradigm are marginalized and minimized in the official guidelines. Through the logics approach, supplemented with a nodal framework, we generated a critical account of the application of Law 20.084, considering the current social practices together with its political and fantasmatic dimensions. Thus, our paper aims to also contribute to exploring critical approaches for the analysis of young offenders' policy studies.

With respect to the case of Chile, we have shown that the focus on the 'quality standard' to deal with different NGOs and charitable foundations that are in charge of the operation of the programme has facilitated a marketization of the current programmatic offer. Considering the competitive yearly bidding to fund the operation of these programs, the focus on quality indicators and other administrative work minimizes attention being spent on other alternative visions, such as more structural and social-oriented interventions.

Our analysis highlighted how the signifier of 'responsibilisation' is capable of sustaining different meanings and thus, competing demands that were surrounding the political discourse in the media during the time of the enactment of the law. The goal of responsibilisation takes a socially responsible meaning where the intervention is focused on the vulnerable past of the children, then shifting to a focus on responsibilisation understood as the moral capacity of the children to take responsibility for the crime committed and their future acts. There is a constant tension between these two discourses, which is solved through rationalization and centering this goal as part of the accountability of the staff in the intervention. The outcome of this has shown that these practices suggest a complicity with the neoliberal discourse with regard to both the individual responsibility that this entails and the logic of marketization that it sustains, leaving other progressive perspectives minimized and marginalized. In other words, even if in theory both perspectives coexist, in terms of welfare and neoliberalism, just as Muncie (2008) has suggested, we could add in this case that the logic of quality standard operates to reinforce the neoliberalist perspective. We suggest the need for further research to explore how this widespread use of the quality standard mechanism, also followed by declared child-friendly institutions, could have similar effects in practice. In terms of the responsibilisation debate, we also recommend exploring fresh looks of the framing of 'responsibility' (McLeod 2019; Tronto, 2013), applied to the operation of young offender programs, which could show different positive dimensions within the Staff–Young offender relationship.

During the writing of this paper (January 2022), Sebastian Piñera, Chile's president at that time, presented a new service, 'Better childhood', aimed at superseding the current SENAME, transferring the 'protection' area to the Social Development and Family Minister. Nonetheless, the area of 'young offenders' is expected to continue to be part of the Justice and Human Right Ministry, with a 'reinsertion programme' to come. This reinsertion program has not been approved yet, and the media have already alleged a lack of clarity with regard to what this means for 'protection' (Oreña 2021). It is important to emphasize that in October 2019 a national social outburst took place tensioning the political establishment aiming for structural changes in social welfare. We highlight this important milestone

that reinforces the need to tension current viewpoints, as this could be an opportunity to challenge existing practices and propose alternative perspectives and strategies that better provide for the rights and protection of young offenders. Finally, considering the important theoretical trends, which expand the punitive focus including race and migration and different forms of stigmatization beyond economic exclusion, together with new studies that present this intersection in the Chilean adult penal system (Abarca 2022; Cárdenas Marín 2023), we encourage the importance of producing studies that can account for the impact of these elements on the juvenile population.

Note

1. Bolds are mine.

Acknowledgments

We would like to express our gratitude to the members of the Centre of Ideology and Discourse Analysis for their valuable feedback and to our reviewer's insightful comments, which helped us create the best version of this paper.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

The authors disclosed receipt of the following financial support for the research: This work was funded by The National Fund for Scientific and Technological Development (FONDECYT) no [11160195]: Intervention Technologies and Subjectivation Processes in Young Offender's Treatment and Rehabilitation for Problematic Substance Use Programs in Los Rios, Chile.

Notes on contributors

Claudia Mohor Valentino is a Phd candidate and Lecturer at Essex University at the government department. Her interests are related to Discourse analysis, Psychoanalysis and protests.

Jimena Carrasco Madariaga is a Lecturer at University Austral de Chile, her interests are related to youth offenders' policies, critical social policy, and Foucauldian governmentality.

Recent publications

Madariaga, J. C., Vaga-Mosquera, C., & Bustamante-Rivera G. (2022). ¿Quién gobierna? Gobernamentalidad en la intervención de adolescentes infractores en el sur de Chile. *Fractal: Revista de Psicología*, 34.

Castillo, C. A., Parra, I. A., Zhabankova, P. C., Jara, R. M., & Carrasco-Madariaga, J. S. (2023). Análisis de influencias de la perspectiva marxista en el paradigma social de la ocupación. *Revista Ocupación Humana* 23(1), 24–40.

References

- Abarca, P. B. O. 2022. “La extranjera’ privada de libertad: voces migrantes desde el Centro Penitenciario Femenino de Santiago.” *F@ ro: revista teórica del Departamento de Ciencias de la Comunicación* 2 (36): 86–110.
- Andrade-Guzmán, C., and S. Rao. 2020. “Public-private Interaction in Child Welfare: Lessons for Critical Social Work from Chile and the United States.” *Trabajo Social Global-Global Social Work* 10 (19): 25–47. <https://doi.org/10.30827/tsg-gsw.v10i19.11360>.
- Barry, A., T. Osborne, and N. Rose. 2013. *Foucault and Political Reason: Liberalism, Neo-Liberalism and the Rationalities of Government*. UK: Routledge.
- Bateman, T. 2011. “We Now Breach More Kids in a Week than We Used to in a Whole Year’: The Punitive Turn, Enforcement and Custody.” *Youth Justice* 11 (2): 115–133. <https://doi.org/10.1177/1473225411406381>.
- Beloff, M. 1993. “Teorías de la pena. La justificación imposible.” In *En: determinacion judicial de la pena*, edited by E. Puerto, 53–68. Buenos Aires, Argentina: Editores del Puerto.
- Beloff, M. 1997. “La aplicación directa de la Convención Internacional sobre los Derechos del Niño en el ámbito interno.” In *La aplicación de los tratados sobre derechos humanos por los tribunales locales*, edited by M. Abregu and C. Courtis, 623–636. Buenos Aires: Editores del Puerto.
- Beloff, M. 2011. “La traducción latinoamericana de la Convención sobre Derechos del Niño.” In *Los desafíos del derecho de familia en el siglo XXI. Derechos humanos, bioética, relaciones familiares, problemáticas infanto-juveniles: homenaje a la Dra. Nelly Minyersky*, edited by L. R. Flah, 17–38. Buenos Aires: Errepar.
- Berrios Díaz, G. 2011. “La ley de responsabilidad penal del adolescente como sistema de justicia: análisis y propuestas.” *Política Criminal* 6 (11): 163–191. <https://doi.org/10.4067/S0718-33992011000100006>.
- Brown, W. 2015. *Undoing the Demos: Neoliberalism’s Stealth Revolution*. New York: Zone books.
- Bustelo Graffigna, E. 2012. “Notas sobre infancia y teoría: un enfoque latinoamericano.” *Salud colectiva* 8 (3): 287–298. <https://doi.org/10.18294/sc.2012.168>.
- Cárdenas Marín, N. 2023. *Sistema penal y migración: Análisis de los procesos penales de mujeres migrantes en el Sur de Chile*. PhD diss., Temuco, Chile: Universidad Católica de Temuco. <https://dialnet.unirioja.es/servlet/tesis?codigo=323496>.
- Checa, L., C. C. Quijada, and C. L. Lira. 2014. “Justicia penal juvenil según la prensa chilena.” *URVIO, Revista Latinoamericana de Estudios de Seguridad* (5): 46–58.
- Chile. 2005. “Responsabilidad Penal Juvenil.” In edited by M. Justicia. <https://www.bcn.cl/leychile/navegar?idNorma=244803>.
- Cifali, A. C., M. Chies-Santos, and M. C. Alvarez. 2020. “Justiça Juvenil No Brasil: Continuidades E Rupturas.” *Tempo Social* 32 (3): 197–228. <https://doi.org/10.11606/0103-2070.ts.2020.176331>.
- Cillero, M. 2006. “Ley No 20.084 Sobre Responsabilidad Penal de Adolescentes.” *Anuario de derechos humanos* (2): 189–195.
- de Lissovoy, N. 2018. “Pedagogy of the Anxious: Rethinking Critical Pedagogy in the Context of Neoliberal Autonomy and Responsibilization.” *Journal of Education Policy* 33 (2): 187–205. <https://doi.org/10.1080/02680939.2017.1352031>.
- de Ortuzar, M. G. 2016. “Social Responsibility Vs. Individual Responsibility in Health Care.” *Revista Bioética & Derecho* (36): 23.
- Duce, M. 2010. “El Derecho a un juzgamiento especializado de los jóvenes infractores en el nuevo proceso penal juvenil chileno.” *Política criminal* 5 (10): 280–340. <https://doi.org/10.4067/S0718-33992010000200001>.
- Emol. 2005. “Gobierno pone suma urgencia al proyecto sobre responsabilidad penal juvenil.” *Emol*.
- Estrada, F. 2001. “Juvenile Violence as a Social Problem. Trends, Media Attention and Societal Response.” *British Journal of Criminology* 41 (4): 639–655. <https://doi.org/10.1093/bjc/41.4.639>.
- Foucault, M. 2006. *Seguridad, territorio, población*. Tres Cantos, España: Ediciones Akal.

- Fougère, M., and N. Solitander. 2023. "Homo Responsabilis as an Extension of the Neoliberal Hidden Curriculum: The Triple Responsibilization of Responsible Management Education." *Management Learning* 54 (3): 396–417. <https://doi.org/10.1177/13505076231162691>.
- García, E. 1992. "La Convención Internacional de los Derechos del Niño: del Menor como objeto de la compasión represión a la infancia- adolescencia como sujeto de derechos." *Derechos de La Indancia/Adolescencia En America Latina* (57): 421–432.
- Garland, D. 2001. *Mass Imprisonment: Social Causes and Consequences*. London: Sage.
- Gisi, B., M. C. S. Santos, and M. C. Alvarez. 2022a. "O "punitivismo" no sistema de justiça juvenil brasileiro." *Sociologias* 23 (58): 18–49. <https://doi.org/10.1590/15174522-119875>.
- Gisi, B., M. C. S. Santos, and M. C. Alvarez. 2022b. "Punitivism in the Brazilian juvenile justice." *Sociologias* 23 (58): 18–49. <https://doi.org/10.1590/15174522-119875>.
- Glynos, J., and D. Howarth. 2007. *Logics of Critical Explanation in Social and Political Theory*. Oxfordshire, England, UK: Routledge.
- Glynos, J., R. Klimecki, and H. Willmott. 2015a. "Logics in Policy and Practice: A Critical Nodal Analysis of the Uk Banking Reform Process." *Critical Policy Studies* 9 (4): 393–415. <https://doi.org/10.1080/19460171.2015.1009841>.
- Glynos, J., and E. Speed. 2012. "Varieties of Co-production in Public Services: Time Banks in a Uk Health Policy Context." *Critical Policy Studies* 6 (4): 402–433. <https://doi.org/10.1080/19460171.2012.730760>.
- Glynos, J., E. Speed, and K. West. 2015b. "Logics of Marginalisation in Health and Social Care Reform: Integration, Choice, and Provider-Blind Provision." *Critical Social Policy* 35 (1): 45–68. <https://doi.org/10.1177/0261018314545599>.
- Goldson, B. 2002. "New Punitiveness: The Politics of Child Incarceration." In *Youth Justice: Critical Readings*, edited by J. Muncie, G. Hughes, and E. McLaughlin, 386–400. London, Sage.
- Goldson, B., and J. Muncie. 2006. "Rethinking Youth Justice: Comparative Analysis, International Human Rights and Research Evidence." *Youth Justice* 6 (2): 91–106. <https://doi.org/10.1177/1473225406065560>.
- Goldson, B., and J. Muncie. 2012. "Towards a Global 'Child Friendly' Juvenile Justice?" *International Journal of Law, Crime and Justice* 40 (1): 47–64. <https://doi.org/10.1016/j.ijlcj.2011.09.004>.
- González Litomi, M. 2013. "La construcción mediática de la delincuencia en Chile." *Disponible en*. <https://repositorio.uchile.cl/handle/2250/132911>.
- Goshe, S. 2014. "Moving beyond the Punitive Legacy: Taking Stock of Persistent Problems in Juvenile Justice." *Youth Justice* 15 (1): 42–56. <https://doi.org/10.1177/1473225414537930>.
- Gray GC. 2009. "The Responsibilization Strategy of Health and Safety: Neo-Liberalism and the Reconfiguration of Individual Responsibility for Risk." *The British Journal of Criminology* 49 (3): 326–342. <https://doi.org/10.1093/bjc/azp004>.
- Hoecker Pizarro, L. 2010. "Generando nuestros 'extraños'. Legitimación y reproducción del sistema de justicia infanto-juvenil reformado." *Revista de la Academia* (15): 11–39.
- Howarth, D. 2000. *Discourse*. UK: McGraw-Hill Education.
- Hurtado, H. 2013. "Justicia juvenil: entre el proteccionismo de estado y la garantía de derechos/ juvenile justice: between state protectionism and the guarantee of rights." *Cuadernos de trabajo social* 26 (1): 171.
- Laclau, E. 1996. "¿Por qué los significantes vacíos son importantes para la política." In *Emancipación y diferencia*, 69–86. Buenos Aires, Argentina.
- Laclau, E. 2005. *On Populist Reason*. London: Verso.
- Laclau, E., and C. Mouffe. 1985. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso Books.
- Langer, M., and R. Lillo. 2014. "Reforma a la justicia penal juvenil y adolescentes privados de libertad en Chile: aportes empíricos para el debate." *Política Criminal* 9 (18): 713–738. <https://doi.org/10.4067/S0718-33992014000200013>.
- Lathrop, F. 2014. "La protección especial de derechos de niños, niñas y adolescentes en el derecho chileno." *Revista chilena de derecho privado* 22 (22): 197–229. <https://doi.org/10.4067/S0718-80722014000100005>.

- León, M. A. 2015. *Construyendo un sujeto criminal: criminología, criminalidad y sociedad en Chile. Siglos XIX y XX*. Santiago, Chile: Editorial Universitaria de Chile.
- Madariaga, J. C. 2015. "La historia de la ley de responsabilidad penal de menores de edad en Chile: un ejercicio genealógico y una propuesta de análisis." *Fractal: Revista de Psicología* (27): 272–280.
- Madariaga, J. C. 2018. "tecnologías de intervención en adolescentes infractores de ley en Chile: siguiendo un portafolio." *Fractal: Revista de Psicología* (30): 292–301.
- Maldonado Fuentes, F. 2014. "Estado y perspectivas de la reforma proyectada en Chile sobre el sistema de protección de menores de edad." *Ius et Praxis* 20 (2): 209–233. <https://doi.org/10.4067/S0718-00122014000200006>.
- McLeod, J. 2019. "Reframing Responsibility in an Era of Responsibilisation: Education, Feminist Ethics." In *Responsibility and Responsibilisation in Education*, 43–56. Vol. 38. no. 1. Routledge. <http://dx.doi.org/10.1080/01596306.2015.1104851>
- Miller, P., and N. Rose. 1990. "Governing Economic Life." *Economy and Society* 19 (1): 1–31. <https://doi.org/10.1080/03085149000000001>.
- Muncie, J. 2006. "Governing Young People: Coherence and Contradiction in Contemporary Youth Justice." *Critical Social Policy* 26 (4): 770–793. <https://doi.org/10.1177/0261018306068473>.
- Muncie, J. 2008. "The 'Punitive Turn' in Juvenile Justice: Cultures of Control and Rights Compliance in Western Europe and the USA." *Youth Justice* 8 (2): 107–121. <https://doi.org/10.1177/1473225408091372>.
- Muncie, J. 2013. "International Juvenile (In) Justice: Penal Severity and Rights Compliance." *International Journal for Crime, Justice and Social Democracy* 2 (2): 43–62. <https://doi.org/10.5204/ijcjsd.v2i2.107>.
- Muncie, J. 2014. *Youth and Crime*. London: Sage.
- Oreña, A. 2021. "Que ocurrira con los menores de edad que han infringido la ley?" *Diario Concepcion*.
- Oviedo Fuentes, P. A. 2017. La intervención con jóvenes infractores de ley en Chile. Análisis institucional y propuestas de optimización de la política de justicia juvenil de Chile.
- Perez Vaquero, C. 2015. "La justicia juvenil en Latinoamérica." *Derecho Y Cambio Social* 12 (39): 21.
- Pincheira, I. 2012. "Delincuencia juvenil y sentimiento de inseguridad. Acerca de la incorporacion del miedo en la gestion gubernamental en el Chile actual." *Espacios Nueva Serie* (7): 304–319.
- Remnick, D. (2020) "Ten Years After 'The New Jim Crow'." *The New Yorker*.
- Rose, N. 1996. "Governing 'Advanced' Liberal Democracies." In *Foucault and Political Reason*, edited by A. Barry, T. Osborne and N. Rose, 37–64. UK: Routledge.
- Schaefer, S. S., and C. Uggen. 2016. "Blended Sentencing Laws and the Punitive Turn in Juvenile Justice." *Law & Social Inquiry* 41 (2): 435–463. <https://doi.org/10.1111/lsi.12172>.
- SENAME. 2009a. "Guía operativa: Programa individual especializado." In edited by J. Juvenil, Chile: SENAME. <https://www.sename.cl/web/index.php/documentos-de-apoyo-y-orientaciones-tecnicas-medidas-y-sanciones-lrpa/>.
- SENAME. 2009b. "Manejo de caso." In edited by J. Juvenil, Chile: SENAME.
- SENAME. 2011a. "Guía para el Manejo de Casos en Centros de Internación Provisoria (CIP)." In edited by J. Juvenil, Chile: SENAME.
- SENAME. 2011b. "Guía para el Manejo de Casos en Centros de Régimen Cerrado (CRC)." In edited by J. Juvenil, Chile: SENAME.
- SENAME. 2011c. "Guía para la sistematización sobre experiencias de trabajo en justicia Juvenil." In edited by J. Juvenil, SENAME ed. Chile: SENAME.
- SENAME. 2011d. "Orientaciones Técnicas Centros de Internación Provisoria (CIP)." In edited by J. Juvenil, Chile: SENAME.
- SENAME. 2011e. "Orientaciones Técnicas Centros de Régimen Cerrado (CRC)." In edited by J. Juvenil, Chile: SENAME.
- SENAME. 2012. "Orientaciones Técnicas Programas Servicios en Beneficio de la Comunidad y Reparación del Daño (SBC y RD)." In edited by J. Juvenil, Chile: SENAME.

- SENAME. 2013. "Orientaciones Técnicas para la intervención educativa." In edited by J. Juvenil, Chile: SENAME.
- SENAME. 2014. "Manual de aplicacion de herramienta de evaluacion diferenciada." In edited by J. Juvenil, Chile: SENAME.
- Tronto, J. C. 2013. *Caring Democracy: Markets, Equality, and Justice*. New York and London: NYU Press.
- Tsakame, A. T. 2016. "El rol de los medios de comunicación en la construcción de discursos en la "guerra contra la delincuencia juvenil" en Chile (1990–2016)." *Polis, Revista Latinoamericana* 15 (44): 1–17.
- UN. 1985. "United Nations Standard Minimum Rules for the Administration of Juvenile Justice." *Adopted by the General Assembly on*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>.
- UN. 1990a. "International Standards Concerning Alternative Measures to Detention in Juvenile Justice." *Jurnalul de Studii Juridice* 85–92. https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf.
- UN. 1990b. "United Nations Guidelines for the Prevention of Juvenile Delinquency: Prevention of Juvenile Delinquency or Promotion of A Society Which Respects Children Too." *The International Journal of Children's Rights* 57. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh>.
- UN (1990c) "United Nations Rules for the Protection of Juveniles Deprived of Their Liberty [Havana Rules]." Reportno. Report Number|, Date. Place Published: Institution.
- Unicef. 1989. *Convention on the Rights of the Child*. New York: UNICEF.
- Unicef. 2014. *Justicia Penal Juvenil. Situación y perspectivas en América Latina y el Caribe*. New York: UNICEF.
- Wacquant, L. 2008. "Ordering Insecurity: Social Polarization and the Punitive Upsurge." *Radical Philosophy Review* 11 (1): 1–19. <https://doi.org/10.5840/radphilrev20081112>.
- Wacquant, L. 2024. *Racial Domination*. Cambridge, UK: Polity Press.