

Summary

In this study the juvenile court proceedings in the United States (US) and the Netherlands will be compared to gain a broader insight in the proceedings and the communicative behaviors of juvenile court judges, when dialoguing with a juvenile suspect. The comparison will be based on observations of the communicative patterns taking place in the courtroom. Important questions in this research project are how the juvenile court judge directs the trial and how he perceives his role in the courtroom, in relation to the young suspect, the public prosecutor, present attorneys and parents or other family members of the suspect, and if he makes an appeal upon the moral responsibility of the young suspect, by means of questioning feelings of guilt, empathy, remorse or shame, or if he makes a moral reprimand towards the juvenile. Therefore, the main **research question** of this study is as follows:

What is the difference between Dutch and American juvenile court hearings, with respect to the dialogue between the juvenile court judge and the juvenile suspect and the appeal upon moral emotions?

Relevance

To start with, the relevance of this study is to create a broader insight in the rituals and proceedings taking place in the juvenile courtroom, in the Netherlands and the US. Juvenile court proceedings will be made more transparent for outsiders and the differences between an adversarial and inquisitor justice system will be outlined. The observations during juvenile court hearings will reveal whether a dialogue between the juvenile court judge and the minor suspect takes place, and what the content of such a dialogue is. The pedagogical content of this dialogue can be important in reaching a juvenile. Moreover, the occurrence of more juveniles with different ethnic and cultural backgrounds can make this task of the judge difficult, but at the same time necessary as well.

To this extent, this research project will add new knowledge to the existing (judicial) knowledge about juvenile court proceedings. This knowledge will not be gathered by a law scholar, as will be usually the case, but from the perspective of the social sciences. This adds a special dimension to this project, because insights from the social sciences i.e., about moral and social development, and emotions or states such as guilt, shame, empathy or remorse, will be taken into account.

Imbedding

This same research project will be conducted in several countries around the world, to make a broad exploration of juvenile justice systems. Students from Utrecht University are preparing for their research in Swiss, Ireland, Australia, Germany and the Netherlands. In Toronto, Canada a study in has just been wind up, in addition to the study in the United Kingdom (Weijers & Hokwerda, 2001).

Design

The observations take place in the county court of Utrecht, The Netherlands and in Broward county court in Fort Lauderdale, Florida. The interviews will be conducted with judges from these courts, and additional courts when available.

The research instruments to be used are direct observations, using a standardized observation list, in the juvenile court and interviews of juvenile court judges. The interviews serve the purpose of gaining deeper insight about the motives and rationales of judges of their behavior in court.