

# SYSTEMIC RACISM AND POLICY EVASION IN U.S. JUVENILE JUSTICE: A CRITICAL APPRAISAL OF *THE NICKEL BOYS* THROUGH THE LENS OF THE JUVENILE DELINQUENCY ACT

***Faiza Ali Azam***

*COMSATS University Islamabad, Lahore Campus*

***Dr. Memoona Idris***

*COMSATS University Islamabad, Lahore Campus*

## ***Abstract:***

*The paper analyzes how U.S. juvenile justice policies contain embedded systemic racism through a study of the Juvenile Delinquency Act's application in *The Nickel Boys* written by Colson Whitehead. Through its fictional narrative, the author presents an analytical view on juvenile reform facilities while exposing racial discrimination that pretends to work for rehabilitation. The research analyzes juvenile policy discrimination through the combination of Critical Race Theory (CRT) and Institutional Betrayal Theory (IBT) to understand how these equality-based policies functionally disadvantage the Black youth population through heavy punishment and long-term criminal consequences.*

*The investigation focuses on four main issues that expose the racially discriminatory nature of JDA establishment while challenging the pretense of equal juvenile justice treatment and the organizational failures to monitor reforms, along with the way that racial policies push youths into adult justice systems. The fictional experiences of Elwood Curtis at Nickel Academy demonstrate juvenile justice facilities replicate harsh prison approaches by doing psychological hurt and physical harm that leads Black boys to encounter enduring social struggles.*

*Research evidence demonstrates that replacing racially discriminatory language with race-neutral language within policy frameworks fails to stop racial bias because it lets systemic discrimination remain secret while continuing its operations. The book operates on multiple levels as literature while maintaining political relevance to real-life events similar to those found at Dozier School in Florida. The research supports substantial systemic adjustments and racial equality in juvenile justice by advocating for better reforms beyond policy rhetoric.*

***Keywords:*** Juvenile Delinquency Act, Critical Race Theory, systemic racism, institutional betrayal, *The Nickel Boys*, juvenile justice reform, Black youth incarceration

## **Introduction**

The American juvenile justice system initially sought to rehabilitate juvenile offenders while providing them with reentry possibilities. However, the practical implementation of juvenile justice policies—particularly the Juvenile Delinquency Act (JDA)—reveals a long-standing pattern of systemic racial injustice, especially against Black youth. All of these discriminating practices combine to target young persons based on their race while meting out harsher punishments and preventing them from accessing rehabilitative measures their policies created. *The Nickel Boys* (2019) by Colson Whitehead stands as a Pulitzer Prize-winning fictional work that offers an in-depth analysis of how these policies failed their promises. The book presents a fictional setting based on the Arthur G. Dozier School for Boys in Florida to portray the harsh treatment Black children experienced during their alleged rehabilitation (Ramzan and Khan, 2024a.b)

This paper evaluates the treatment of structural racism by U.S. juvenile justice policies through examination of the JDA and its representation in *The Nickel Boys*. The paper analyzes juvenile justice racial disparities through Critical Race Theory and Institutional Betrayal Theory and investigates how governmental protective failures are hidden behind race-independent policies.

### Statement of the Problem

Evidenced data proves beyond doubt that Black adolescents encounter significantly more punishment than their peers throughout the juvenile justice system from arrest through sentencing to imprisonment. The JDA together with other policies have proved unsuccessful in eliminating racial disparity in the system while simultaneously giving institutions a cloak to protect them. The implementation of racial bias into juvenile justice policies creates the core issue that The Nickel Boys exposes as a crucial problem.

### Purpose and Objectives

This paper analyzes juvenile justice policy mainly focusing on the JDA while studying its treatment and non-treatment of systemic racism through an analysis of Whitehead's narrative. The central objective is:

- This paper addresses whether the Juvenile Delinquency Act together with other U.S. juvenile justice policies either handle or bypass issues of systemic racism within The Nickel Boys.

The paper investigates several components to fulfill its objective.

- The juvenile justice system operates with built-in racial discriminatory designs throughout its creation and delivery of policies.
- The illusion of equal treatment under supposedly neutral policy frameworks.
- Governmental neglect and failures in oversight and accountability.
- Black youths face structural racism when they move from juvenile to adult courts.

### Theoretical Framework

CRT stands as the foundation that asserts racism exists as a fundamental element within legal frameworks and policy frameworks, as explained by Delgado and Stefancic (2023). Through CRT we can understand how juvenile justice policies use covert methods to sustain racial ranking among youth populations. Institutional Betrayal Theory (IBT) works in synergy with the framework by studying how institutions ruin individuals they should guard (Smith & Freyd, 2014). The Nickel Boys illustrates through these theoretical perspectives that reform institutions use Nickel Academy to deliver violent treatment against Black youths while appearing to serve society positively.

### Significance of the Study

This paper joins academic discussions regarding juvenile justice policy reform through its analysis of how literature relates to legal processes. The Nickel Boys functions as an artifact of culture that contains authentic historical information that allows readers to understand real-world juvenile justice system inadequacies. The research results demonstrate that systemic changes need to go beyond symbolic changes because they must specifically confront institutional policies' racialized nature.

### Literature Review

Academic research devoted to juvenile justice in America demonstrates that racial inequality functions as a fundamental design element within the system. Since the early 20th century up to our current time, juvenile detention has adversely impacted Black youth according to patterns that duplicate the social racial inequalities existing throughout America. This section analyzes The Nickel Boys using academic research focused on five critical areas, which include juvenile justice, racism analysis, and Juvenile Delinquency Act history alongside critical race theory and institutional betrayal theory and the assessment of literary fiction as legal criticism.

### **Systemic Racism in Juvenile Justice**

The elevated percentages of Black young adults in juvenile courts function as expressions of systemic prejudice against minorities. Hinton along with Alexander (2011) and Hinton (2016) suggest that incarceration facilities for youngsters enforce racial patterns from slavery and its subsequent period of segregation (Nawaz et al., 2021). Hinton's *From the War on Poverty to the War on Crime* demonstrates juvenile institutions built in the twentieth century for youth reform and racial control through Black child criminalization (Khan et al., 2017).

According to Puzzanchera and Hockenberry (2018) racial statistics demonstrate that Black young people face five times higher detention and commitment rates than White young people. Research indicates Black children face disproportionate discrimination from police services along with biased school administrations and criminal system biases that lead to racial stereotypes.

### **The Juvenile Delinquency Act and Its Implementation**

Juvenile Delinquency Act (JDA) started operations across the mid-20th century as a legislative solution for youth that provided alternatives to regular prison terms. The JDA utilizes protective and rehabilitative language as a deceptive mechanism that supports the growth of incarceration systems and discriminatory targeting practices (Akram et al., 2021; Akram, 2020). According to Feld (1999) the JDA pretended to maintain a colorblind framework while failing to prevent discriminatory application against African American youth and other minorities. His argument states that racial bias can penetrate the entire justice system process through the discretionary choices made in juvenile courts starting from arrest until trial through sentencing.

In a recent work, Wacquant (2020) establishes that the expansion of juvenile detention aligns with the general policies related to mass incarceration and urban policing. The detention facilities operate within a "carceral continuum" that directs most youth from disadvantaged backgrounds especially Black boys, toward full-grown prison systems.

### **Critical Race Theory: Racism as Structure**

CRT establishes a theoretical approach for discerning how inequality remains persistent even when laws change. CRT declares racism appears as a built-in element of American institutions because it functions as an ordinary and structural component of law (Delgado & Stefancic, 2023). In the eyes of CRT scholars, race-neutral legislation such as the JDA functions to maintain inequalities because it fails to detect racial prejudices that persist within actual implementation. t Crenshaw (1995), has claimed that young people who are simultaneously black and poor face the highest levels of disadvantage, because traditional institutional and policing systems target their identities through race and economic means (Ramzan & Javaid, 2025). According to Critical Race Theory, these "colorblind" policies fail to address the reality because they avoid recognizing the racial background that shapes how these laws affect the public (Ramzan et al., 2019, 2021). The Nickel Boys demonstrates how institutional programs use reform claims to assimilate Black children, although their facilities reduce them to a dehumanized status through silencing practices (Ramzan et al., 2023).

### **Institutional Betrayal Theory: Betrayal by Design**

Institutional Betrayal Theory (IBT) which Smith and Freyd (2014) formulated provides extra depth to understanding how Nickel Academy's institutional betrayal happens against its supposed youthful beneficiaries. According to Institutional Betrayal Theory institutions which exist to safeguard people create great damage by their inability to stop and address abuse mainly for disadvantaged groups. Within *The Nickel Boys* the institutions exacerbate their betrayal of

students by choosing to keep silent or minimize and deny the problems happening inside the reform school

State authorities betrayed the students at the Arthur G. Dozier School for Boys in Florida through their persistent refusal to investigate documented abuse and missing children's incidents. The neglect of children by state institutions matches the central focus of IBT because institutions participate in preserving the very risks they must protect against.

### **Literary Fiction as Legal and Social Critique**

The Nickel Boys may be fictional, but it presents a cultural depiction that examines true political and legal systems in America. The analysis of institutionally racist behavior through literature stands as an essential tool, according to both Hartman (2008) and Coates (2015), because fiction successfully depicts psychological truths that official policy documents and court documents omit. The fictional account in *The Nickel Boys* offers embodied truth about the lived realities of young Black people just like Elwood Curtis, whose story parallels genuine historical events.

Gonzalez (2012) explains that narrative fiction functions as “counter-storytelling” according to CRT to emphasize excluded viewpoints within dominant legal discussions. *The Nickel Boys* tells the story of Elwood so readers can understand how juvenile justice reform policies fail to meet their promises in real-life situations.

### **Methodology**

The research uses an interpretive qualitative methodology derived from CRT and IBT to evaluate *The Nickel Boys* critique of institutional racism in American juvenile justice systems. This paper analyzes Colson Whitehead's novel through close reading while focusing especially on how reform schools function as racial control mechanisms instead of working toward rehabilitation. Nickel Academy exists as the primary story in the narrative; this institution drew inspiration from Arthur G. Dozier School for Boys, which operated in real life.

This study uses literature as counter-discursive evidence following a methodology recommended by CRT scholarship instead of using statistics or official records found in empirical legal studies. Through his fictional narrative, Whitehead exposes the day-to-day experiences of Black young people who suffer institutional abuses from systems whose purpose should be protection.

The study relies on *The Nickel Boys* to provide evidence through selected passages that illustrate the following points:

- Disparities in treatment between Black and White students.
- The performative nature of government reform efforts.
- Certain language employed in policies functions to hide the violent conduct of institutions.
- Emotional and psychological effects of institutional betrayal.

An analysis of the extracted passages follows their comparison with academic literature that studies racial systems and juvenile justice policies and institutional responsibility standards. The objective applies understanding of the social commentary in *The Catcher in the Rye* together with its placement within American Juvenile Delinquency Act history and national juvenile justice standards.

### **Analysis**

*The Nickel Boys* by Colson Whitehead articulates a forceful literary argument about how the Juvenile Delinquency Act along with other juvenile justice policies utilize critical race theory and institutional betrayal theory to maintain racial invisibility. The novel incorporates details drawn from the Arthur G. Dozier School for Boys to expose how neutral-sounding legal regulations get applied to target Black youth in racially-biased manners.



The JDA's initial purpose to reform was not reflected in its actual implementation because both punishments and court decisions systematically favored racial bias. The novel shows how Elwood Curtis faces imprisonment at a reform facility only because he unknowingly rode in stolen transportation. Blackness becomes an irrevocable source of guilt for law enforcement to label him as criminal even though his conduct does not matter. Current arrest data shows Black juveniles receive more arrests than White juveniles even when facing similar punishable crimes. The police officer reveals this racism with his declaration that "Only a nigger'd steal that" during the arrest of Elwood Curtis (Whitehead p. 89). The racial slur exposes more than individual prejudice because it reveals underlying institutional beliefs about juvenile enforcement practices. The actual practices of youth justice conflict with the initial favorable impression of justice policies for juveniles. The JDA provides a colorblind method to intervene in juvenile offenses, yet its enforcement pattern supports racial control through legal systems which existed throughout history. The criminal justice systems including juvenile detention have been studied by Michelle Alexander (2011) and Loïc Wacquant (2020) to maintain racial hierarchy by pretending to enforce law and order. Professor Carmine in Whitehead's novel demonstrates an understanding of institutional racial control through his remark that his institution was labeled a school despite harboring hidden elements within its acre of dirt (p. 209). Through his Nickel Academy experience Elwood reveals the inequities created by the JDA policy system. His intelligence and moral character do not protect him from institutional mistreatment because racial discrimination views him as a boundless criminal. Being punished worse than white students for unproven or petty charges demonstrates both Nickel Academy's inadequacy and the failed assumption of fair juvenile justice. White students experience more lenient treatments in the novel alongside the implementation of harsh physical and mental treatment toward Black students. "The capacity to suffer. The entire Nickel population including Elwood existed in this capacity of suffering. The characters breathed in the injustice as naturally as they ate or dreamed through the day. (p. 143). In one chilling statement the author sums up the complete psychological and physical agony that Black boys endure from an institution that only functions through their pain. Whitehead criticizes more than individual mistreatment because he exposes how the complete juvenile justice system perpetuates an expectation for Black suffering.

The racism that CRT identifies as institutional represents a core issue in America based on these findings. Discretionary decision-making within the Juvenile Justice and Delinquency Act helps policymakers maintain racial disparities through legal neutral policies which appear fair on the surface. The fictitious school described in *The Nickel Boys* operates as both prison and labor camp despite its official rehab status.

The Institutional Betrayal Theory explains how correctional institutions like Nickel Academy bankrupt their protective responsibilities by producing harm towards the charges in their custody. Whitehead shows a facility presenting itself as a rehabilitation center that functions through systematic abuse. This betrayal functions as an integral part of the system architecture. The institution remains dedicated to supporting ethnic injustice through its practice of complaint concealment and its systemic patterns of abuse and death cover-ups.

Elwood faces a complete breakdown of his belief system regarding fairness and justice. His commitment to Dr. Martin Luther King Jr.'s principles comes into conflict with his violent treatment so that his faith in official justice systems disappears completely. Through the story of

Elwood Whitehead shows that institutional betrayal leads to extreme mental strain because hope creates problems and survival demands losing hope.

The government deepens the disillusionment of its citizens by ignoring recognized cases of abuse. The state's inspection team conducts minimal checks at Nickel which lead to official apathy instead of proper legal action when guided tombs of dead boys emerge in the facility grounds. Whitehead highlights the state's distress about the boys' mistreatment surface rather than the mistreatment itself in his statement "Even in death the boys were trouble." The broad governmental inactions which allowed facilities like Dozier to function unchecked throughout multiple decades parallel real cases showing that monitoring facilities tended to be lax and reform activities were frequently only superficial or presented as actions.

Equal treatment exists as a myth that remains supported by not equity but rather deceptive language. Racist policies continue their existence because legal terminology abstains from explicit race references. The state maintains a discriminatory system against Black youth through discriminatory practices which are packaged as rehabilitative and reform-oriented policies. The author uses his analytical approach to show the permanent atrocities that stem from this strategy instead of proposing remedies.

Within *The Nickel Boys* the power of silence proves to be dramatic. Black boys face abuse beyond physical harm because they become totally invisible to society. These youth endure the denial of their personal records along with the denial of burial rights and their right to speak. The physical disinterment of graves proves analogous to official state attempts to erase its role in wrongdoing. The book acts as an anti-historic record that exposes forgotten state policy decisions.

Whitehead's novel in combination with juvenile justice theory analysis demonstrates how flaws in juvenile policies including the JDA run as deep as the core of national racial policies. The policies present themselves as protective while acting as racial control methods through containment mechanisms. Black children must endure punishment for existing as the legal system and bureaucratic structures and language mechanisms of reform continue to push forward the myth of correctional solutions. *The Nickel Boys* transcends mere fiction status to serve as a vital record that shows the reality which policy chose to overlook.

Since the start of the historical period government oversight of juvenile justice maintained a weak stance regarding racial abuse cases. Through *The Nickel Boys* Whitehead exposes how Nickel Academy along with similar institutions maintained unauthorized freedom to abuse students during numerous abusive decades. Government investigations into these institutions occurred extremely rarely or superficially because moral urgency was absent unless media attention or public complaints arose. According to Institutional Betrayal Theory the state demonstrates structural neglect toward Black youth by not protecting them despite their documented mistreatment.

The story displays this betrayal by silence as a metaphor. Most boys had hinted at the existence of the secret graveyard, yet everyone refused to believe it until another person confirmed its existence. The boys' truths received no attention from the institution because its management chose to dismiss these truths instead of protecting its image. The Arthur G. Dozier School for Boys became the subject of news as government agencies continued their denial of the extent to which students were abused.

Whitehead examines both separate cruel deeds as well as the institutional framework which supports these actions to continue. The government shows unwillingness to punish criminals or eliminate detrimental facilities or give reparations to victims which reveals their surface-level progress rather than meaningful change efforts. The official language about institution closure at Nickel uses unemotional terms like “operational concerns” instead of acknowledging “systemic brutality” despite the widespread abuse that occurred. Instead of real change the institutional problems receive a new branding.

The novel studies how children move from juvenile reform systems into the adult incarceration system. Through sentencing at Nickel Elwood enters into an endless pattern of supervision and psychological damage and social segregation. Statistics indicate that Black juveniles receive adult court transfers much more frequently than their White counterparts for exact same crimes. Within the system these youth maintain records which produce barriers to receiving education and gaining employment as well as securing suitable housing.

The dead boys received burial at Boot Hill before their remains went to their families for acceptance. Several deaths were committed through sinister methods that exceeded typical causes of death. Death itself proves not enough to prevent institutions from shunning Black youth according to this disturbing statement. Beyond their loss of life these young people suffer from institutional denial of their proper death respect. Through Whitehead's literary work and other collective records their voices and graves remain concealed from state documentation yet continue to survive as systemic evidence.

The falsehood of legal reforms stands as the most deceptive aftereffect of juvenile justice laws. The practices that target Black youth continue to operate unnoticed despite multiple investigator findings through the exclusive use of sanitized technical language. Reforms provide new names to previously existing institutions instead of eliminating them completely while changes made to policies happen without real structural alteration. Whitehead writes about the establishment of this facility as the authorities termed it "a school." The space contained within one acre measures up well for concealment when the earth buries it. Behind confined doors legislators maintain complicity with law enforcement and the wider public allows itself to believe that so-called rehabilitation happens despite the hidden reality of abuse.

The novel portrays reform as an act with the purpose of securing public faith while keeping that captive inside unchanged. Judicial institutions show more concern about their public image than the welfare of their young inmates because they neglect to focus on Black perspectives or hold themselves accountable.

### **Conclusion**

Colson Whitehead presents a story in *The Nickel Boys* that delivers fictional elements which replicate factual injustices in American juvenile justice policy under the Juvenile Delinquency Act. Elwood Curtis's traumatic journey exposes the novel's warnings about unfair judicial mistreatment of young people based on race together with government neglect and the fraudulent nature of reform institutions that shield systemwide mistreatment.

This paper shows through analysis of Critical Race Theory and Institutional Betrayal Theory how neutral-seeming policies create racial inequalities at biased institutions. Black youth receive no justice because the state persistently fails to conduct investigations and refuses to take actions that would prevent or address harm. Efforts to reform this system without prioritizing race and accountability and truth about historical events will result in repeat functionality of past deficiencies.

People looking at public policy and governmental officials must look past empty promises and study the actual effects of prison institutions neglect. Real transformation will not emerge from institutional renaming or superficial language changes because it demands a comprehensive examination of racist governance in all its juridical linguistic and tacit behavioral expressions. Nickel Academy's legacy will continue to shape succeeding generations of young people who have been dismissed by protective institutions.

### References:

- Akram, H., Al-Adwan, A. S., Aslam, S., & Khan, M. I. (2021). Pedagogical practices and challenges in cultivating moral values: A qualitative study of primary school teachers in Pakistan. *Education 3-13*, 1-13.
- Akram, H., (2020). Education Governance in Pakistan: A Critical Analysis of Challenges. *Journal of Social Sciences Advancement*, 1(1), 38-41.
- Alexander, M. (2011). *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.
- Crenshaw, K. (1995). Mapping the margins: Intersectionality, identity politics, and violence against women of color. In K. Crenshaw, N. Gotanda, G. Peller, & K. Thomas (Eds.), *Critical race theory: The key writings that formed the movement* (pp. 357–383). The New Press.
- Delgado, R., & Stefancic, J. (2023). *Critical race theory: An introduction* (4th ed.). NYU Press.
- Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court*. Oxford University Press.
- Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of Personality and Social Psychology*, 106(4), 526–545. <https://doi.org/10.1037/a0035663>
- Hinton, E. (2016). *From the war on poverty to the war on crime: The making of mass incarceration in America*. Harvard University Press.
- Khan, M. A., Malik, M. R., & Dar, S. R. (2017). Deconstruction of ideological discursivity in Pakistani print media advertisements from CDA perspective. *Ervena: The Journal of Linguistics and Literature*, 1(1), 57-79.
- Nawaz, S., Aqeel, M., Ramzan, M., Rehman, W., & Tanoli, Z. A. (2021). Language, Representation and Ideological Stance of Brahui In Comparison with Urdu and English Newspapers Headlines. *Harf-O-Sukhan*, 5(4), 267-293.
- Puzzanchera, C., & Hockenberry, S. (2018). *Juvenile court statistics 2016*. National Center for Juvenile Justice.
- Ramzan, M., & Khan, M. A. (2019). CDA of Balochistan Newspapers Headlines-A Study of Nawabs' Stereotyped Ideological Constructions. *Annual Research Journal 'Hankén'*, XI, 27-41.
- Ramzan, M., Qureshi, A. W., Samad, A., & Sultan, N. (2021). Politics as Rhetoric: A Discourse Analysis of Selected Pakistani Politicians' Press Statements. *Humanities and Social Sciences Review*, 9(3).
- Ramzan, M., & Javaid, Z. K. (2023). *Psychological Discursiveness in Language Use of Imran Khan's Speech on National Issues*. *Global Language Review*, VIII (II), 214-225.
- Ramzan, M., & Khan, M. A. (2024a). Textual Coherence as Cultural Insights in Prologue of the Holy Woman and Epilogue of Unmarriageable. *Contemporary Journal of Social Science Review*, 2(04), 266-281.



- Ramzan, M., & Khan, M. A. (2024b). Analyzing pragmatic hedges from politeness principles perspectives in the prologue of the holy woman and epilogue of unmarried. *Journal of Applied Linguistics and TESOL (JALT)*, 7(4), 1170-1184.
- Ramzan, M., & Javaid, Z. K. (2025). Resisting Hegemonic Masculinity: Gender, Power, and Agency in the Narratives of Qaisra Shahraz and Soniah Kamal. *Asian Women*, 41(2), 159-184.
- Smith, C. P., & Freyd, J. J. (2014). Institutional betrayal. *American Psychologist*, 69(6), 575–587. <https://doi.org/10.1037/a0037564>
- Wacquant, L. (2020). *Punishing the poor: The neoliberal government of social insecurity*. Duke University Press.
- Whitehead, C. (2019). *The Nickel boys*. Doubleday.