



FORSCHUNGSBERICHTE Nr. 74

**The Consequences of Prisonization for Juveniles -
A Theoretical and Methodological Framework for Research**

JuSt-Bericht Nr. 2

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1998

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Juvenile justice embodies a strange mixture of ideals and realities, of different (and divergent) purposes and intentions, and of heterogeneous, often incompatible perspectives. Care or correction, encouragement or punishment, education or therapy, protection or intervention, support or deterrence — any approach toward treating juvenile delinquency and crime has its complementary counterpart. A certain decision may be viewed from one side of the political spectrum as containing too little punishment, while for others the very same intervention may be too harsh. This heterogeneity is mirrored in confused public opinion on these issues (Krisberg & Austin, 1993).

And yet, as Krisberg and Austin aptly state (1993, p. 4), the juvenile justice system ought almost by definition to be guided by a developmental perspective. The very fact that specialized laws apply to the juvenile court system (and have done so for nearly a century; for Germany, cf. Dörner, 1991) implies an underlying belief that juvenile and adolescent offenders should be treated differently from adults. Their responsibility for their own actions (including criminal ones) is different, and so are their need for protection, education and care. One important consequence is that juveniles are kept out of adult jail and lockups. Though there has been much critical discussion as to precisely where the line should be drawn between adolescence and adulthood, there is a firm consensus that the distinction does need to be made (fuzzy boundaries do not make the differentiation itself untenable as long as non-controversial examples can be found *on both sides*).

At the same time, crime rates are on the increase, and juveniles are the cause of this trend (on Germany, e.g. Pfeiffer, Brettfeld, Delzer & Link, 1996, Pfeiffer, Delzer, Enzmann & Wetzels, 1998; on European countries see Pfeiffer, 1998; on the USA e.g. Loeber & Farrington, 1998; Coie & Dodge, 1998; Loeber & Hay, 1997; Loeber & Stouthamer-Loeber, 1998; Tracy, Wolfgang & Figlio, 1990; Wilson & Howell, 1994). Even if a second glance does show that police statistics probably tend to exaggerate the problem (for Germany: Pfeiffer, Delzer, Enzmann & Wetzels, 1998) and that the victims are mainly juveniles too (for Germany: Pfeiffer, Brettfeld, Delzer & Link, 1996), public opinion (i.e., the opinion of non-juvenile citizens) demands that society should respond. There is a growing view that tough reactions are appropriate, that punishment should take precedence over treatment, and sanctions over education. While the juvenile justice system has traditionally tended to emphasize the aim of rehabilitating young offenders to protect them from punishment, retribution and stigma-

tization, the institution of youth incarceration is still alive. Indeed, juveniles are now being incarcerated in increasing numbers, and the general public does not appear to be very concerned about this (to put it mildly). On the contrary, protection of the community, punishment and retribution appear to be in the ascendancy, and to be gaining acceptance as legitimate primary objectives of the juvenile courts (Tate, Repucci & Mulvery, 1995). As a consequence, even locking up children and juveniles is back on the political agenda, for many people at least. If any reasons are given at all, those most often cited are ‘just deserts’ and ‘deterrence’,¹ but neither argument holds much water with respect to juveniles, no matter whether judged on a theoretical or empirical basis (Krisberg & Howell, 1998).

No one disagrees with the fact that juveniles are not adults. They are all entitled to (but unfortunately do not always get) education and a proper upbringing. Yet if they *haven't* had this, they cannot be considered fully responsible, if at all, for what they do. It is *our* responsibility as adults to provide this education and upbringing: as their parents, teachers, other social counterparts, and politicians (including policymakers on crime). But there is no point in *punishing* a person unless (s)he is responsible, so how can we be allowed to lock up our *juveniles*? (So much for the “just deserts” line of argument). The typical response to this is that incarceration is justified in terms of its efficacy for the young people themselves or for the social community. Yet all we have learnt about this to date shows that the deterrent effect on *other people* is highly in doubt for juvenile delinquency in particular (Schumann & Kaulitzki, 1991; Schneider, 1990). Certainly, too, there is every reason to doubt that incarceration has a deterrent effect on the young offenders themselves. A glance at the statistics suggests it does not. Figures issued by the federal attorney general in Germany (Generalbundesanwalt, 1990), for example, showed that 77% of juveniles initially sentenced in 1984 had again been fined or received custodial sentences within five years (the corresponding figure for adults is 51%). Despite variations from one study to another (Kerner,

¹ I leave aside the aspect of protecting the society throughout the following for mainly two reasons. First, this is not an aspect of psychological research (which is my point of view here). Second, security is best served if delinquent juveniles are prevented from committing further crimes, that is if the treatment the society applies to them has the intended effect.

Dolde & Mey, 1996; Snyder, 1998; see section 2 below for a more detailed discussion), this does not say much for the “deterrence” line of argument for youth incarceration.

One point on which experts do appear to broadly agree is that delinquent acts committed by young people in the vast majority of cases manifest an attitude typical of their stage of development, which seeks to challenge the rules laid down by the adult world they are expected to grow up into. In other words these acts, albeit in a sometimes extreme form, express a process in which people are developing their personal and social identities. Even if such a thing as a “noxious tendency” truly exists in some young people (this is the precondition for incarcerating a young person written into the German Juvenile Court Act), it will be the cause for delinquent behavior only in exceptional cases. Moreover, pure punishment, but especially custodial punishment, will hardly be the appropriate reaction in *either* of these cases. It is unlikely to counteract whatever “tendency” has been claimed, and the critical phase in a juvenile’s development would pass off just as readily without applying punishment, probably leaving less scars as a result. For there is no denying that real-world conditions in German juvenile penal institutions (Dünkel, 1990) do not measure up to what would be desirable, or even, quite often, to what is just plain necessary. So what purpose can it possibly serve to wield such a big stick when it would be enough to issue a severe warning or when a sensitive approach offering individual help may be needed?

Actually, we know extremely little about a juvenile inmate’s subjective experience and perceptions of incarceration. We similarly know little about its immediate impact, in terms of recidivism or of subsequent social integration. Already twenty years ago, Malmquist (1978) came to a similar conclusion: “The implication is that detention of juveniles has been on the basis of providing treatments which either do not exist or are invalid. (...) Our knowledge of rehabilitating delinquents is so meager, as confirmed by investigations and results, that we are utilizing techniques on a trial and error basis.” (p. 791).

We need to address two issues in particular if we wish to see our subject more clearly. Firstly, before reflecting on the *impact* of incarceration we ought to find out more about *whom* we are sentencing to this punishment. That leads us down the road to a relatively general theory of delinquency (juvenile or otherwise): How should we view deviance and criminal behavior by juveniles, and how should we set about explaining it? What circumstances tend to promote or

impede it? We cannot judge whether incarceration would be indicated for certain offenders or offenses (given specific personal or social circumstances) unless we have a general theory of how criminality develops. Even recidivist delinquency is, generally speaking, just a special case of delinquency, so if past punishment does not play any part in explaining it, or in explaining desistance from committing later crimes, the punishment itself loses one of its key justifications.

Secondly, what do we actually do to people when we lock them up? What effects does “prisonization” have in general, and especially what impact on juveniles? If we intervene as drastically as this in a person’s development, we ought not *only* to examine the intervention’s impact on recidivism, but also to take other, possibly negative, consequences into account. After all, when a new drug is licensed it is tested not just for its proven efficacy but also for potential risks and side-effects.

This paper initially discusses the two starting points touched on above (juvenile delinquency and the effects of incarceration) in the light of the literature (sections 1 and 2). If we intend to address the combined issue – i.e., the incarceration of delinquent juveniles – empirically, we first need to focus on more specific issues selected by means of a general theoretical approach. So the second part of the paper aims to sketch a theoretical framework from a developmental point of view and to distill out three core concepts for that purpose, namely coping, identity and action (section 3). Finally, this will lead on to an outline of the methodological consequences that it is essential to take into account when making detailed empirical inquiries into the issues set out here (section 4).

1 Juvenile delinquency: Individual disorder or developmental pattern?

Although we have extensive literature available to us on juvenile delinquency and crime (e.g. Coie & Dodge, 1998; Loeber & Hay, 1997; Moffitt, 1993; Pepler & Rubin, 1991), there is still consensus only on a small number of points. One obvious reason for that is that “juveniles” cannot be defined as a homogeneous group, and no more can “delinquency” be established as a homogeneous category, whether in criminological or, still less, in psychological terms (cf. Goffman, 1963). Public order offenses, those against property, and violent or sexual offenses all need to be judged in different ways, while crimes of status (i.e., acts that would not have been illegal if the offenders had already reached adulthood) form yet another category in their own right. The picture is more diverse still once we take account of individual and situational conditions (e.g. personal goals, normative convictions, restrictions on action, individual competencies, etc.) and of social factors (a person’s financial situation, education, social attachment, etc.). Consequently, numerous correlates for juvenile delinquency have been established over time. The work of Glueck and Glueck (e.g., 1950) became famous in this respect: With the declared aim of breaking away from one-sided views of delinquency, they took many different aspects into account, ranging from the parental home via leisure activities to a person’s physique (Sampson & Laub, 1993).

Unfortunately, the theoretical grounding for these numerous crime correlates is often uncertain. For example, poor performance at school could be: a) one cause of delinquent behavior (e.g., because the latter is performed in order to maintain esteem within a peer group), b) an ancillary condition for delinquency to occur (e.g., because temptations are perceived differently against a backdrop of acute dissatisfaction with school), c) a result of delinquent behavior (e.g., because a youth is distracted, or his/her time and intellectual resources are committed to other things), d) like the delinquency itself, the result of *other* conditions such as an unfavorable social environment at home, or else, most probably e) a combination of all of these. Equally, it is often quite unclear whether a “crime-generating” factor is structural (e.g. poverty) or procedural (e.g. attachment): If their poverty makes parents less capable of nurturing family attachment, the operation of a structural factor would actually be mediated by a procedural one (Sampson & Laub, 1993). The basic problem, then, is that empirical findings are inadequately integrated into a theoretical framework.

In a preliminary approach, at least three perspectives can be distinguished in the theoretical treatment of crime in general, and juvenile crime in particular (Loeber & Hay, 1994). First, from a developmental perspective biographical and ontogenetic conditions of juvenile delinquency are investigated. Second, from a social perspective situational cues and social circumstances of the emergence of youth criminality are focused on. Third, a differential perspective looks for the areas of individual vulnerability and for the dispositions that actually allow biographical or social conditions to engender criminal action.

1.1 Deviance as a consequence and/or manifestation of developmental processes

Developmental approaches toward explaining juvenile crime (for a recent overview, cf. Coie & Dodge, 1998; Farrington, 1995) can be roughly divided into two main lines of argument. Particularly in criminological literature, in the first of these, juvenile delinquency tends to be seen as manifesting a developmental *phase* which, though ubiquitous, is confined to a short time period. Accordingly, this perspective focuses on the discontinuity of juvenile delinquency. In contrast, the second line of argument inquires into individual ontogenetic (biographical) conditions giving rise to criminal behavior. In the latter view, crime is not a manifestation but a result of developmental processes. Thus, this perspective focuses on the continuity of deviance and delinquency.

In their careful discussion, Huizinga, Esbensen and Weiher (1991) argue that there is some evidence that it may be "appropriate and, perhaps, necessary to pay greater attention to the possibility of typological diversity" (p. 104). Typologies, even crude ones, may provide a first valuable step toward acknowledging the central tenets of explaining crime: (1) considerable evidence of persisting conduct problems over the life course, (2) wide diversity and change with age, and (3) wide variety from one person to another (Loeber & Hay, 1994). Accordingly, Moffitt (1993, 1997) has put forward an approach that integrates these two viewpoints by distinguishing between two *types* of delinquents: "... antisocial behavior is remarkably stable across time and circumstance for some persons but decidedly unstable for most other people" (Moffitt, 1993, p. 676). She thus distinguishes between "life-course-persistent offenders" and "adolescence-limited offenders" (Magnusson, Klinteberg & Stattin, 1994, call these types "persistent" and "juvenile" offenders, respectively). Yet another distinction, between long-term and short-term escalation (Loeber & Hay, 1997) highlights the

process element in both of the ways in which delinquency can be engendered. In similar vein, Blumstein, Farrington and Moitra (1985) differentiate between “desisters” and “persisters”. When such a typological approach is taken, the existence of multiple roads to delinquency comes to the fore. In particular, Moffitt (1993) argues both theoretically and empirically from a developmental point of view that we need *different* developmental explanatory approaches for different types of offenders not only with respect to differences in the duration and history of delinquency, but also because one should expect different developmental patterns with respect to escalation, differentiation or desistance. This is an important point since criminologists sometimes have tackled the necessity of developmental explanations at all (Gottfredson & Hirschi, 1986; cf. also Greenberg, 1991).

However, from a more systematic point of view, the taxonomic dimension of (a) persistence *versus* desistance and (b) early onset *versus* late onset are logically independent from each other (although they may be *empirically* highly correlated; cf. also Moffitt, Caspi, Dickson, Silva & Stanton, 1996). Thus, a two-dimensional taxonomy follows from a combination of both aspects (table 1).

Table 1: Four types of offenders in a two-dimensional taxonomy

	persisters	desisters
early onset	<i>persistent offenders</i>	conduct disorders in childhood
late onset	late career criminals	<i>adolescence-limited offenders</i>

However, even this four-type-taxonomy of offenders clearly needs further differentiation. First, even for adolescence-limited offenders the duration of their delinquency period may vary between one deviant act and years of serious delinquency. These differences surely ask for very different psychological explanations and, accordingly, different interventions. Second, desisting from (further) crimes has many faces: It can be either entirely or partially, and, if partially, it can be a kind of deceleration, de-escalation or specialization (Le Blanc &

Loeber, 1998). In a recent study, Nagin, Farrington and Moffitt (1995; cf. also Loeber & Hay, 1997) found that a subgroup of the “adolescent-limited offenders” still showed delinquent and even antisocial behavior at age 32 (self-reported). One possible interpretation is that these people are engaged in what might be termed “circumscribed deviance” (Nagin, Farrington & Moffitt, 1995, p. 132). They appear to restrict their deviance to forms of behavior less likely to result in official sanctions or to disrupt intimate relationships. Their offenses, however, are *non-trivial* ones such as drunk driving, fighting in public, burglary and theft. What’s more, these offenses are not officially recorded. That is, for these offenders the recording, not the offending, is “adolescence-limited”. Furthermore, “late” onset is a very broad category. One has to bear in mind that there are cases in which the first offense was committed in middle or even late adulthood (e.g., this holds for most of the “white collar” crimes). In most cases, however, adolescence-onset (Moffitt, Caspi, Dickson, Silva & Stanton, 1996) would be an adequate description. Fourth, even for persistent offenders different dynamics of development are conceivable. To put it simply, *progressive* delinquency implies an aggravating development (e.g., from theft to murder), whereas *regressive* delinquency implies a decreasing seriousness of deviance (e.g., repeated recidivism, but with a „lower degree“ each time). A closer look reveals, however, that this distinction is still an oversimplification: Acceleration (increasing frequency), stabilization (increasing continuity), and diversification (of crime categories) may be subtypes of aggravation which vary independently (Le Blanc & Loeber, 1998).

For any pragmatical use, however, the two-type-typology may be sufficient, in particular due to the fact that “persistence” and “early onset” are highly correlated. Thus, I shall shortly discuss both “types” and the empirical evidence supporting them.

(I) Juvenile offenders

There is indeed plenty of evidence suggesting that juvenile delinquency remains a “passing phase” in what would be considered “normal” cases. This is particularly borne out by the fact that juvenile delinquency appears to be a ubiquitous phenomenon (i.e. normal in a statistical sense): Almost every male juvenile has acted in breach of some formal or legal regulation at