



**FORSCHUNGSBERICHTE Nr. 74**

---

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

**JuSt-Bericht Nr. 2**

**Werner Greve**

**1998**

---

**Kriminologisches Forschungsinstitut Niedersachsen e.V. (KfN)**  
**Lützerodestraße 9 • 30161 Hannover**  
**Tel. (05 11) 3 48 36-0 • Fax (05 11) 3 48 36-10**  
**<http://sun1.rrzn.uni-hannover.de/n5x5link.de>**  
**e-mail: [kfn @ kfn.uni-hannover.de](mailto:kfn@kfn.uni-hannover.de)**



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’,<sup>1</sup> 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,

---

<sup>1</sup> 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, Mofitt (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 desistence. 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* desistence 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

some time.<sup>2</sup> In this view, it is almost inevitable that young people who are developing their own personal identities, who are getting to grips with the social and societal norms by which we live together —i.e. who are looking for signs of where their social environment “draws the line” for their own personal action— will not just run up against explicit and informal social norms but will also occasionally transgress them. “Common opinion holds that breaking adult rules is a normal occurrence during adolescence. Yet common opinion also views such behavior as a sign of maladjustment” (McCord, 1990, p. 414).

Additionally, an “aging out” effect of juvenile delinquency is equally well corroborated. Both police records of crime and the statistics on convictions for criminal offenses are at by far their highest levels in the juvenile age groups, and the curve soon quickly falls off again in the young-adult age group, with offenses returning by age 30 to the level reported for 15-year-olds, and continuing on down thereafter (e.g., Blumstein, Cohen & Farrington, 1988; Gottfredson & Hirschi, 1983, 1986; Kerner, 1989; Moffitt, 1993; Smith, 1995). Studies looking into undetected deviance regularly show a similar picture (Coie & Dodge, 1998; for Germany, e.g. Villmow & Stephan, 1983). Thus it appears that, in the majority of cases, a combination of greater maturity (including perhaps a growing individual awareness of having done wrong) and informal sanctions applied by parents, teachers or friends are sufficient to prevent further transgression of the socially drawn limits. In addition, the patterns of incentives and opportunities available change as people grow into new life situations and face new developmental tasks in adulthood (“waning motivation and shifting contingencies”; Moffitt, 1993, p. 690; cf. Moffitt, 1997). However, another largely unresolved issue is *why* the majority of juvenile offenders do eventually desist, even those who have encountered the penal system including prison. Sampson and Laub (1993) propose that as people age so does the level of social control (cf. also Gottfredson & Hirschi, 1994) that raises the threshold of delinquency to an extent that only (a few) persistent offenders will now cross it.

---

<sup>2</sup> This paper will not dwell on the issue of gender differences in delinquency and violence (cf. Coie & Dodge, 1998; Pepler & Slaby, 1994). The consequences of youth incarceration are less significant with regard to female delinquency for the simple reason that young women are rarely put in jail. According to Germany’s penal statistics, just 129 of the 4,980 juveniles held in custody as of March 31, 1995 were female.

*(II) Persistent offenders*

Actually, only a very small proportion of juveniles are responsible for committing the vast bulk of offenses, especially more serious ones (Kerner, 1989; Patterson, Capaldi & Bank, 1991; Wilson & Howell, 1994; Wolfgang, Figlio & Sellin, 1972; Wolfgang, Thornberry & Figlio, 1987; Tracy, Wolfgang & Figlio, 1990). Variance in the incidence of juvenile crime is not only great, but evidently also bimodally distributed: that would support Moffitt's pragmatical two-type typology. Evidently, a small number of juveniles and young adults break the law so frequently and so seriously that the authorities concerned find it unavoidable to punish them severely on repeated occasions. In the event, very few juveniles are actually sentenced to incarceration (in Germany, 1990 1.3% of the juveniles and 2.8% of the adolescents confronted with the Juvenile Court are sentenced to prison; Kreuzer, 1993). However, those juveniles who *are* incarcerated are most likely to belong in this group of persistent offenders (Lösel, 1995). However, the conversion does not hold: Chronic offenders in particular have proved notoriously difficult to detect in the "dark figure" of crime (Cernkovich, Giordano & Pugh, 1985).

The large number of findings to the effect that deviance and the willingness to use violence are highly stable, and that they are highly predictable from personal characteristics in early life (e.g. Caspi, Elder & Herbener, 1990; Eron & Huesman, 1990; Farrington, 1991, 1995, 1997; Farrington, Loeber & van Kammen, 1990; Le Blanc & Loeber, 1998; Loeber & Stouthamer-Loeber, 1998; Thornberry, 1997; Stattin & Magnusson, 1991; White, Moffitt, Earls, Robins & Silva, 1990), suggest that one ought in these cases to be looking for *specific* individual developmental conditions, not seeking any explanation for persistent offending in *general* developmental patterns. Le Blanc (1990) distinguishes two general processes by which persistent offending can develop, namely activation and escalation. Activation focuses on the stimulation of offending at the outset and how its persistence is assured, whereas escalation refers to an age-related sequence of delinquent activity growing increasingly serious over time. However, very few studies have examined developmental sequences of delinquency with respect to the (possible) impact of earlier reactions to earlier forms of deviance (cf. Huizinga, 1995).

One aspect of the concentration on „career criminals“ (early onset, high persistent) was the hope (or, as Gottfredson & Hirschi, 1986, claim, the illusion) that their early identification and selective incapacitation would protect the society from their delinquency. It seems worth noting, however, that this is not my primary interest nor my personal opinion. The question I am dealing with throughout this chapter is to ask for the consequences of a certain type of intervention, that is, of incarceration during adolescence for which kind of delinquents. Any typology, even the pragmatical two-type version, is pertinent to the question of what impact incarceration might have on the development of young people, since if we follow Moffitt’s approach we shall need to use different theories to explain the consequences of restrictive punishments of deviant and criminal behavior for these two different categories of offenders. Yet even approaches that are explicitly developmental have so far paid too little attention to the impact of sanctions in general and incarceration in particular. While a good deal of scientific effort has been devoted to the explanation of recidivism and of criminal “careers” (cf. Gottfredson & Hirschi, 1986; Blumstein, Cohen & Farrington, 1988), most of these studies do not refer explicitly to juvenile delinquency, and certainly not to the developmental consequences of incarceration for *juveniles* in particular.

This leads to a somewhat different perspective. Criminal behavior may not just be a manifestation and consequence of developmental processes, but may equally well condition them or trigger them off. Deviance can, as Montada (1995) aptly termed it, turn out to be a “developmental accident”. The institutional punishment of delinquent behavior, in particular, will normally have consequences for the further development of the juveniles concerned. So it is crucial to know how such formal sanctions impact on the young offender as a person. For example, although being arrested by the police does not lead on to conviction in the majority of cases (Wolfgang et al., 1972), the experience can nevertheless have a considerable effect. However, it is rather less clear what sort of consequences the experience has for what sort of people (Keane, Gillis & Hagan, 1989).

## 1.2 Situational and social conditions of juvenile delinquency

However, a developmental approach runs an inherent risk of underestimating the significance both of later critical life events and of the institutions of social control (whether formal or informal, such as implicit social norms) even during adulthood. Particularly the fact that

sometimes quite radical short-term quantitative and qualitative changes occur in levels of youth crime cannot be readily explained using a developmental perspective focusing on individual patterns or conditions. Social shifts of this nature cannot be explained by pointing out that the behavior is a passing phase or a manifestation of the dynamism of individual developmental processes.

Actually, the majority of theories in use by criminologists focusing on social circumstances said to favor the emergence of criminality (some go so far as to claim that a developmental — and longitudinal— perspective is unnecessary; Hirschi & Gottfredson, 1983). A typical example of a social perspective is the anomie theory derived from Merton's work (Adler & Laufer, 1995): The crime-engendering factor investigated in this case is the discrepancy between the objectives and norms preached by society on the one hand and the means of achieving or fulfilling them on the other. The general theory of crime (Gottfredson & Hirschi, 1994) also focuses on social control, though from what could be termed an opposing viewpoint. According to this approach, a “general” tendency toward delinquency (based on the promise of short-term gains) needs to be counteracted by social control, and criminal behavior will occur if such control is lacking or too weak.

One further aspect for this means of explaining delinquent behavior from a social point of view are differences in opportunity structures: a big city, for example, offers a different set of criminal options and incentives from those that will be found in a rural environment. Within the same metropolitan area, too, when different ethnic or social groups live close by (and in conflict with) one another or when the regional economic situation is tough (with local pockets of unemployment and of welfare dependence) this can lower the threshold to criminality. There is indeed evidence to suggest that the “social toxicity” of closely defined neighborhoods (Garbarino, 1995; Garbarino et al., 1996) tends to act as a form of multiplier to the normal readiness of juveniles to behave delinquently (Garbarino, 1995, speaks trenchant of “war zones”).

However, delinquent and criminal behavior occurs in concrete situations. Even if we take both the developmental conditions and the social influential factors favoring delinquency into account to explain the variance in criminality, we will still get no further if we find individuals acting differently in spite of having the same structural surrounding conditions.

This raises the issue of what factors encourage criminal action in the here-and-now, that is micro-dynamics of the criminal act. Evidently, situational factors and especially each actor's subjective perception and evaluation of these factors also need to be brought into the picture. Theoretical approaches within the broad orbit of rational choice and routine activity theories are explicitly geared to these current dynamics (Clarke & Felson, 1993; Cornish & Clarke, 1986; I shall return to this aspect in section 3).

Yet any approach focusing solely on social conditions will also be incapable of producing a satisfactory explanation, since the theory will not just have to explain why certain juveniles act delinquently but also why others *do not*. In all social contexts, there are always some juveniles who do not become delinquent, even in spite of growing up in a difficult environment. The anomic discrepancy or the effectiveness of social control used as explanatory factors will vary both from person to person (particularly depending on their own *particular* social positions, such as their standard of education and financial resources) and from situation to situation (when differing objectives and norms will be to the fore). A good example of such variations is the finding that when parents separate it tends to have a negative effect on children from homes with middle to high incomes, whereas a positive effect on subsequent integration has been identified for low-income children (Farrington, 1994). Numerous social approaches are indeed liable to the objection that they fail to take into account marginal individual factors and hence the possible interactive effects between certain conditions relating to the person and others relating to his/her situation. Social control theory (for a critical account, see e.g. Agnew, 1985) will eventually find that it has to consider variables at a personal level to explain differences at the interindividual level. Interactive effects make the picture still more complex: Discrepancies between means and ends or deficiencies in social control do not generally change in the same way for all people — some will experience them much more keenly than others.

So it makes sense to integrate a developmental with a social contextual approach. Typically, interaction effects will provide an explanation for the delinquency recorded. Consider the following: In a group of juveniles, it is fair to regard delinquency as a *consequence* of certain social attachments and norms. This could be described as “social delinquency”. Cairns and Cairns (1991) observed that an acceptance of norms that embrace violence appears to be an actual “entry requirement” for some, aggressive peer groups. So crimes against property, too,

may frequently be connected with proving oneself as a member of a peer group (“doing dares”). Yet on the other hand, for other juveniles delinquency may manifest the very fact that they lack social attachment or social competences (examples being the violent escalation of social conflicts, the use of drugs as a palliative, drifting into prostitution, etc.), and this would be better described as “non-social delinquency”. The developmental background to offenses that are phenotypically identical as a justification for incarceration (e.g. a theft that could just as well have been a dare as a need to finance a drug habit) is thus important to know, especially when considering the impact incarceration will have. In the former case, removing a young person from his/her social context may well be an intervention strategy worth considering, with some prospect of success, while in the latter, locking a person up together with other “loners” might if anything just amplify a young person’s sense of isolation.

### 1.3 Personal vulnerability and resilience

Yet even a combination of a social with a developmental perspective fails to completely explain the specific behavior of specific people, since there will always be interindividual variance even when both groups of explanatory factors are taken into consideration. Some juveniles who have grown up in unfavorable social circumstances, who are currently at odds with the norms of the adult world, who are deprived of the chance of fulfilling their needs or attaining prescribed goals because they are not allowed to acquire the means of doing so, and who are currently exposed to temptation, still do *not* act criminally. The number of such people may vary (and indeed may grow very small under extreme social conditions), yet this is an undeniable phenomenon. So that leads us to another question, namely whether there are risk and protective factors that vary from one individual to another and also influence the probability of delinquent behavior beyond the conditions already cited (Freitas & Downey, 1998; Lösel & Bliesner, 1990, 1994).

Once the spotlight is turned on differential factors as an explanation for delinquency and crime, these again can be fundamentally divided into two groups. The first of these, on closer examination, simply constitutes a “coagulation” or the sediment of a person’s ontogenesis: His/her personal biography will make the person more susceptible or more immune to particular sets of circumstances (temptations, incentive structures, social situations). So this aspect of a differential psychological perspective merely points the way back to the



ontogenetic approach. However, there is some plausibility to the idea that part of the interindividual variance will be attributable to dispositions and vulnerabilities that cannot be completely explained in terms of individual biographies but are signs of substantial personal distinctions or characteristics. As well as the increasing evidence of high predictability of later delinquency on the basis of characteristics observed early in life (temperament, hyperactivity), newer findings also suggest that certain basic aspects of personality also influence its development, and possibly therefore also the risk of becoming delinquent (e.g. Gendreau, Madden & Leipziger, 1980; Caspi et al., 1994). Indeed, several findings also point up the predictive uses of examining biological and neuropsychological aspects (e.g. Coie & Dodge, 1998; Moffitt, 1990, 1993; Moffitt, Lynam & Silva, 1994; Plomin, Nitz & Rowe, 1990; Rutter, 1996).

The significance of these dispositional differences (as regards temperament, aggression, the tolerance of ambiguity, intelligence, etc.) contribute toward the predictability of delinquency in particular cases or in general can be left open at this stage. However, two points seem worth noting explicitly. On the one hand, we have to keep in mind the possibility of identifying these kinds of predictors of criminality. This has implications for the way we design and interpret empirical studies. On the other hand, however, admitting the possibility of these “hard-wired” factors in the generation of crime does *not* imply that we have to give up on interventive and preventive measures. After all, even in-born disabilities can be corrected or compensated for in many ways (e.g., optical training or spectacles will help if a person has poor eyesight). Above all, the discussion of biological fundamentals ought not to turn into ideological debates or lead to the dispensation of unilateral judgments, for admitting the existence even of genetic dispositions does not by any means imply a denial of self-regulating processes or social and environmental influences (for a thorough treatment, see Brandstädter, 1998; I shall return to this aspect in section 3 below). The frequently changing “cycles” of youth crime (as at present, too) are another factor that helps to put biological explanatory models of criminal behavior into proportion. Even if it did prove possible to securely identify biological predictors for people who behave delinquently or criminally under current social circumstances (e.g., youth unemployment, tendencies to migration, etc.), plainly the same predictors would *not* have been activated under *different* social circumstances (otherwise we would need to assume that the whole population underwent a “biological quantum leap” some 20 years ago).

## 2 Incarceration as a developmental intervention: Necessary channeling or dysfunctional restriction?

Common sense, everyday experience and human history all teach us that even institutions founded on the highest ideals can easily become inhumane, and particularly that locking up delinquent boys together may very easily turn out to be counterproductive. However, there is little doubt that we shall continue to do so, knowing no other way of preventing the worst among the juvenile delinquents from offending again. “Incarcerated children will be with us for the foreseeable future, even if their incarceration does not achieve their rehabilitation, but actually increases their depredations upon release, and notwithstanding how miserable it makes them to be locked up.” (Gold & Osgood, 1992, p. 1).

This section will first set out some fundamental data on the current picture in youth imprisonment, as manifested in Germany (for USA see, e.g. Gold & Osgood, 1992; Krisberg & Austin, 1993; Krisberg & Howell, 1998; Loeber & Stouthamer-Loeber, 1998). This will be followed up by a summary of the current state of research into the consequences of incarceration. These two sets of information will establish the background for the arguments put forward in subsequent sections to demonstrate that a developmental perspective on youth incarceration is both necessary and appropriate from a theoretical viewpoint and fruitful from an empirical one.

### 2.1 Youth incarceration in Germany: Current conditions and trends

Germany has both the largest population (80 million) and the largest economy in Western Europe. It is federally structured, comprising 16 *Länder* (states or provinces), of which eleven are in former West Germany and five in former East Germany. Despite overall crime levels well below those of the United States (Zimring & Hawkins, 1997), there is increasing concern about crime, in particular about juvenile delinquency, both in Germany and throughout Western Europe (Pfeiffer, 1998). However, German criminal justice contrasts sharply with the American system in a number of important respects (Feeney, 1998). For example, Germany has a single national criminal code, a single national code of criminal procedure, and it also has lower sentences for all crimes (in particular, there is no death penalty).