

# A Review of Conceptual Contributions to Juvenile Justice and Youth Development Arenas

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## **Abstract**

*Four conceptual contributions to the juvenile justice and youth development arenas are examined. After outlining early rehabilitation approaches and accompanying disappointments, deterrence and its failures, and the research-based movement, readers are offered alternatives to them. This fourth contribution remains marginalized as attention to the rehabilitation versus punishment dichotomy takes center stage. Deterrence approaches are outmoded by contemporary research on the failure of punitive responses to juvenile crime, but research-based rehabilitation practices can also be understood as detrimental. Ethnomethodological and anthropological research on justice and youth development institutions guides this engagement with the impediments of theoretical and practical norms within juvenile justice. Discussion calls for more qualitative and longitudinal research in juvenile justice facilities and community centers. Research-based rehabilitation policies and practices will remain within the paralysis of the rehabilitation versus punishment paradigm unless researchers and practitioners contend with normative forces from within the juvenile justice and youth development arenas.*

## **About the Author**

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## **A Review of Conceptual Contributions to Juvenile Justice and Youth Development Arenas**

### **Introduction**

This review presents conceptual contributions from the twentieth century that reflect the major concerns of the juvenile justice and youth development arenas. Four conceptual contributions in academic and policy literatures are outlined with a focus on the ways they engage issues of juvenile delinquency. The conceptual contributions can be understood as strategies for resolving the social problem of juvenile crime. The contributions are organized as: 1.) Well-intentioned, but uninformed juvenile rehabilitation programs, 2.) Deterrence and incapacitation responses to youth crime, 3.) Research-based juvenile rehabilitation programs for servicing “vulnerable” youth and decreasing recidivism rates of youth into incarceration facilities, and 4.) Social science research that examines and dismantles essentializing, or totalizing, theoretical frameworks on which juvenile justice and youth development initiatives are based.

The first three conceptual contributions are presented and then readers are introduced to the fourth through three research studies (Cicourel 1968; Wieder 1974; Favret-Saada 1980). The four contributions do not take an evolutionary path, from primitive thought to sophistication. The first three have existed throughout the twentieth century to greater and lesser degrees during different decades. The fourth contribution spans the 1960s to 2000s and is a redefinition of the problem of crime and popular solutions to crime (e.g. prevention, rehabilitation, and punishment). This review attempts to redirect attention from the endless search for a silver-bullet solution to juvenile delinquency. Discussion of policy and practice implications in the closing

section offer alternatives to the rehabilitation versus punishment dichotomy. I position juvenile justice policy within a broader context of salient conceptual frameworks of crime and criminals.

### **Conceptual Contribution 1: Well-intentioned, but uninformed**

Two sorts of well-intentioned, but uninformed approaches have haunted the juvenile justice and youth development arenas. The first is the tendency to incapacitate youth as the primary response to youth deemed criminal even with the consequence of financial extravagance, high recidivism rates, and criminal justice trajectories. The second is intuitively designed juvenile rehabilitation programs such as boot camps, “Scared Straight,” and token economies (Greenwood 2006), which are not supported by research-based designs. The first conceptual contribution (CC1) is characterized by the debate about “what doesn’t work” in juvenile justice responses to youth activities deemed criminal. Those in the dichotomous rehabilitation and punishment camps share the argument that early rehabilitation practices mostly “didn’t work.” However, the punishment-oriented camp primarily promotes incapacitation even with the lack of evidence for its financial and social practicality.

During the twentieth century, institutionalization with academic and vocational education programs dominated the range of official juvenile justice approaches. In the nineteenth century, institutions for unruly and abandoned children were well established. In 1824, the New York legislature, under the pressure of philanthropic organizations, passed the New York House of Refuge to rehabilitate, and specifically educate and train “incorrigible” children. Children who were deemed criminal or vagabonds could be arrested and brought to the Refuge. Guidelines for bringing youth to the Refuge were vague, but were generally applied to youth out of school, caught begging on roadsides, or convicted of crimes. In a matter of a few decades, it became

known that Houses of Refuge across the country were punitive institutions (see court cases for 1838 *Ex Parte Crouse* and 1870 *People v. Turner*). (Shelden 2006)

After the initiation of juvenile courts (in Cook County, Illinois 1899), juvenile court systems spread throughout the United States. Vocational, industrial, and reform school institutions were developed as appendages of these court systems. Starting in the 1920s and on into the 1960s, juvenile courts took up the task of studying juvenile delinquency and its treatment. Prevention work focused on cleaning up and out slums and “broken” communities, and moving “troubled” youth into institutions. Throughout this time, juvenile rehabilitation programs for incarcerated youth were developed by administrators in institutions and local groups. Programs included group therapy, boot camps, and social etiquette. By the 1970s, researchers, practitioners, and politicians began to question the effectiveness of juvenile rehabilitation programs. A hallmark publication by Martinson (1974) challenged the rehabilitation camp arguing, “Rehabilitation is an unexamined assumption.” Subsequent juvenile justice research fell into two camps: 1.) those who measured the outcomes of early rehabilitation programming and found no or few benefits to the programs, and 2.) those who studied rehabilitation programs and called for rigorous program designs accountable to measureable outcomes.

Juvenile courts and their incarceration facilities have always offered incarcerated youth varying degrees of educational services. In the 1990s and 2000s, there were attempts to reform federal standards for education inside youth facilities, but the attempts simply reflected the 1824 House of Refuge mission to educate “unruly” youth (OJJDP 1994, 2000). Educating and training

“juvenile delinquents”<sup>1</sup> for their future adult lives was held up as the integral role of the juvenile court system regardless of any evidence for the relevancy of traditional incarceration with academic and vocational services. Today, little research exists on schooling inside juvenile facilities. It is understood that the institutions provide youth with academic and vocational education services that mostly look like middle school and high school classes (Foley and Goa 2002), and social and moral education programs such as Alcoholic Anonymous and creative writing workshops (Vélez Young 2009).

Recent research illustrates the ways which intuitively-based rehabilitation programs fail to impact youth incarceration recidivism rates, including MacKenzie et al. (1995) and Austin (2000) who found little or no positive outcomes for the use of adult and youth boot camps. Longitudinal research for the educational outcomes of youth who return to schools in the community after being in custody indicate barriers of some sort in the institutional educational services and experiences of court-involved youth (Balfanz et al. 2003). Nonetheless, the century-old investment in training youth while institutionalizing them has not proven fruitful for most youth who enter juvenile court systems. Youth without access to research-based rehabilitation programs, at best return to incarceration at only a rate of 50% (Lipsey 1992, 1995). Researchers are beginning to demonstrate in their studies the financial and social costs of incapacitation (Greenwood 2006; Ubah 2005).

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<sup>1</sup> The term “juvenile delinquent” is problematic, yet the juvenile justice and youth development arenas utilize the label in their research, policy, and practice. The term is discussed further within the body of the article. From here on out, the term will not be accompanied by quotation marks, but is nonetheless a limited and detrimental classification of youth deemed criminal.

## **Conceptual Contribution 2: Deterrence and incapacitation**

In contrast to CC1, researchers and policy makers characterized by the second conceptual contribution (CC2) waste no time in the rhetoric of punishment and community safety through deterrence and incapacitation. During the late 1970s and 1980s, sentencing laws became the responsibility of legislators within the context of what appeared to be failing rehabilitation efforts (see above for CC1). The movement of sentencing policies from local to legislative offices streamlined the range of possible sentences across the country, but the change to legislative control became a major tool in the push for incarceration as deterrence and punishment. What this meant for adults and youth brought before courts is that the careers of legislators weighed heavily on holding “criminals” accountable for deviance. For example, the 1994 Federal Crime Bill and its 1995 Amendments created a new norm of legitimate responses to delinquent youth. Conservatives in Washington DC saw prevention aspects of the Bill as suspect and too closely resembling ineffective rehabilitation attempts. Liberals in Washington wanted to provide alternatives for youth to replace delinquent activities, but also supported highly punitive responses to youth, such as increasing funds for prison construction, new police officers, and decreasing funds for prevention programs. Democrats’ response positioned them as compassionate, yet “hard on crime.” Blumstein (1989) articulates the politicization of sentencing offenders as pushed by “politically entrepreneurial legislators” who find their identity niche among crime issues. (Greenwood 2006)

Republican House Representatives, NRA spokespeople, and others at the time of the 1994 Federal Crime Bill and its 1995 Amendments positioned rehabilitation programs as wasteful spending of tax monies, ineffective responses to community threats, and requiring unreliable implementation of tax monies in Democratically-controlled urban centers. The



predominant criticism of rehabilitation programs came in the form of a dramatization of vile criminals needing punishment, not handouts, and communities needing immediate safety (Greenwood 2006). This posturing characterizes CC2, which is traditionally reactive and distracts discussion from the actual experiences of youth in the juvenile justice system and community programs.

For all intervention methods, punishment-oriented ones make the least impact on recidivism of criminal activity (Lipsey, Wilson, and Cothorn 2000), and yet punishment is a politically successful slogan on issues of crime control. Greenwood (2006) points out that in addition to the marketability of punishment-oriented responses to crime, the delay and invisibility in some outcomes for rehabilitation and prevention programs lack a charming sales pitch. Recent meta-analyses on juvenile rehabilitation programs indicate which programs and programmatic aspects are reliable, noting the consistent lack of positive outcomes for deterrence policies (Aos et al. 2006; Lipsey 1999; Andrews et al. 1990).

### **Conceptual Contribution 3: Outcomes-based research**

The time and money invested in early juvenile rehabilitation programs and its disappointments, offered a stage for CC2 and its criticisms of social welfare efforts. The seventy year-long failure of intuitively designed rehabilitation programs, were used to legitimize resistance to funding research and programs for prevention and rehabilitation. The failure was also used as ammunition for curtailing the research-based prevention initiatives of the third conceptual contribution (CC3). Greenwood (2006) points to public relations as the component that ensures success or failure of research-based rehabilitation programs in the punishment-oriented justice arena and body politic. In 1997, the Oregon State legislature established the Deschutes County Community Youth Investment Program. The program was designed to

“increase investment in community-based delinquency prevention and rehabilitation programs by shifting funds from costly state incarceration programs” (Greenwood et al. 2003). Deschutes County was successful with its implementation by including strict guidelines for youth restitution and community service work, and an ad campaign to inform the community of the multi-method approach of the new program (Greenwood 2006). While CC2 dominates the justice system arena, the Oregon case indicates methods for a successful public acceptance of youth programs in the midst of the political popularity of deterrence and incapacitation.

Research-based prevention, intervention, and rehabilitation programs inside and out of juvenile incarceration facilities characterize CC3 (aka evidence- and outcomes-based research). Aos et al. (2006) review 291 separate programs for implementation inside adult correctional facilities. While their work addresses adult populations, it nonetheless employs a rigorous methodological approach for understanding the sorts of programs that decrease recidivism rates across many categories of crimes. Greenwood (2006) also discusses promising programs across age groups for vulnerable youth populations. His discussion is based on the evaluation work of two youth research databases – Blue Prints Program at the University of Colorado and the Surgeon General’s Report from 2001 – that employ degrees of internal reflectivity about the study designs for which they deem reliable. Contemporary individual- and meta-analysis projects illustrate the usefulness of certain types of rehabilitation programs (Wilson, Gallagher and MacKenzie 2000).

Decades after a rush to implement any program that intuitively seems important (CC1) for decreasing youth participation in drugs, gangs, crime, and school failure, researchers highlight programs that “work” (Aos et al. 2006; Lipsey 1995). Research-informed CC3 assumes that with appropriate programs and tax funds, many youth will be redirected from criminal

justice trajectories, at least in comparison to CC1 and CC2. Researchers and practitioners are still grappling with what has gone wrong all these years, with all the efforts and good intentions going into juvenile rehabilitation and youth development initiatives. Unfortunately there is a lag effect from the point of completed studies and their implementation as common practice.

#### **CC4: Disassembling silver bullet ideology**

Macallair and Males (2004) offer an explanation for the failure of reform initiatives. Their point stands as important with and without the presence of research-based programs in juvenile justice and youth development arenas. In their article, they explore the failure of a twenty million dollar juvenile justice reform in San Francisco during the late 1990s. They report that instead of decreasing the number of youth behind bars, implementation of the reform measures resulted in the incorporation of more youth behind bars. Macallair and Males present the details of the reform and the aspects that account for its failure. Implicated as the third of three causes of the San Francisco reform failure is that the reform measures were “simply absorbed” into the juvenile justice institution without adjustments to institutional practices. Macallair and Males include an essential recommendation for future successes in juvenile justice and youth development reform. They warn of treating reform initiatives and new programs as adjuncts to old structures. They advise that when future reforms are designed, the reforms replace core system elements instead of treated as accessories to established operations.

Adjustments to institutional perspectives and operations characterize conceptual contribution four (CC4). CC4 contends that juvenile justice and youth development programs, whether or not well researched for outcomes, will fail in relation to the dominant theoretical frameworks which reinforce norms within the juvenile justice and youth development arenas. Take for example the following statement by Macallair and Males: “Despite the city’s [San

Francisco's] investment in juvenile justice reform from 1996 to 1999 there is no evidence of system change. Instead it appears that new services and programs were simply marginalized. Marginalization occurs when new programs are designed as simple adjuncts to current operations, rather than intended to replace core system elements" (2004). Reform in the juvenile justice system (or any institution) demands a re-evaluation of core system elements for which justice personalities stake their careers, their understanding of crime and law, and their relationships to orthodox responses to social issues.

Macallair and Males (2004) appear radical, but they simply implicate the theoretical foundation of juvenile justice institutions in the failure of good intentions. Reforms that are attached to dominant theoretical and institutional frameworks share themes in their documents and vocabulary such as 1.) working to organize just the right programmatic aspects to make a winning response to juvenile delinquency, 2.) locating reliable and sustainable funding sources, and 3.) using precise tools to diagnose troubled youth and their delinquency. What is absent from such reform rhetoric is the questioning of primary components of institutional modes of operation and the reorganizing of the theoretical foundation. For significant change in juvenile justice and youth development arenas, the warnings of Macallair and Males must be heeded, and for this, their recommendations are practical rather than radical.

Researchers represented in CC4 do not approach issues around crime and rehabilitation with the intention of uncovering a silver bullet solution. The distinction makes a tremendous difference in the contributions of CC4 to the juvenile justice and youth development arenas. CC4, however, is not apathetic. Researchers understand that the search for a silver bullet distracts from critical reviews of institutional norms and that when youth fail in new programs they are accidentally stigmatized. The disciplines of ethnomethodology and anthropology have

said a lot about popular attempts to understand social phenomenon like crime, and what primarily goes unnoticed to our detriment. CC1, CC2, and CC3 share an essentializing lens (seeing youth who commit crimes as “essentially” a certain kind of person—a “juvenile delinquent,” a “bad kid,” or a “criminal”). Looking through such a lens, researchers and policy makers who intend to make a positive difference in the lives of youth actually encourage the management of youth as if youth have been accurately sorted into the category of “juvenile delinquent.” This lens reflects the theoretical foundation that dominates the arenas.

Research from ethnomethodologists Aaron Cicourel (1968) and D. Lawrence Wieder (1974), and French anthropologist Jeanne Favret-Saada (1980), illustrates the alternative lens that CC4 offers. Cicourel, Wieder, and Favret-Saada explore the participation of multiple parties (e.g. criminals, police, therapists, priests, etc.) in crime and rehabilitation practices. Each researcher offers a meticulous understanding of the complex relationships and interactions among people and institutional forces involved in criminal activity and rehabilitation practices. The juvenile justice arena masquerades as a debate between rehabilitation and punishment, but the arena is actually circumscribed by acceptance of the essentializing definition of “juvenile delinquent” and is wooed by political and popular demands for silver bullet solutions. Cicourel, Wieder, and Favret-Saada indicate that criminal activity, and rehabilitative and punitive responses, are sophisticated arrangements of activities and people. All people participate in the engineering of interactions for the carrying out of 1.) activities deemed criminal and 2.) formal rehabilitative approaches. Juvenile justice norms for the incapacitation of youth and youth development services for prevention and rehabilitation are cloaked in a sense of “normalcy,” as expected modes of operation.

People are invested in maintaining the norms within relationships and interactions, securing the integrity of what they have organized in their lives and institutions. A sense of history accompanies the organization: “This is the way it’s always been.” Justice personalities (e.g. judges, police and probation officers, administrators, and teachers) rely on certain norms for maintaining the dominant understanding of crime and rehabilitation. Criminal activities and rehabilitation practices are not things, they are arrangements of relationships and interactions. In small communities (like Favret-Saada’s work with rural towns in France) and Wieder’s work (inside a halfway house for ex-convicts), and in larger contexts (like Cicourel’s study of counties in California), the image holds relevant. Activities deemed criminal are not anomalous, instead they operate as norms that are produced by way of the interactions, relationships, and the living-out of expectations and cues among *all* people in that setting, not just those deemed “criminals.” With this understanding, criminal activities are not to be resolved as much as managed in a way that takes account of everyone’s involvement in the activity. Silver bullet strategies aim the gun at “criminals” alone, with no recognition of the shared creation and responsibility of criminal activity.

***Three researchers: A redefinition of activities deemed criminal and rehabilitation theories and practices***

Cicourel (1968) points to an insidious relationship between official texts in large organizations and the discourse of people employed within the organization. He uses the juvenile justice system to explore methodological concerns about both employees of the juvenile justice system and social science researchers interested in large organizations. Cicourel is concerned with the way official data on juvenile delinquency (statistics on crimes, police and probation reports, and youth’s files, to name a few) become reliable and timeless sources of knowledge

about crimes committed and the “essential nature” of offending youth recorded in justice system documents. The assumed knowledge about delinquent acts and youth’s “natures” (based on official data), influence juvenile justice theory, policy, and practice. Cicourel uses examples of interactions and rhetoric (written and spoken) from police and probation officers, juvenile court officials, and so on to emphasize one of his concluding points: technical modifications to organizational procedures (e.g. improving data collection methods or interpersonal skills for employees) will not resolve the challenges that justice system employees, youth, and researchers experience, nor will their attempts to resolve problems bear fruit.

Wieder’s (1974) research comments further on how to understand criminal activity and rehabilitation practices. His contribution, from an ethnography of a halfway house for ex-convicts, is the dismantling of the normative practices in the halfway house, particularly their use in the organization of official rehabilitation and punishment practices. Readers learn that house staff and convicts analyze (fellow) convicts’ house rule violations and other activities that can be referred to as negative behavior (for example, what Wieder terms “doing disrespect” and “doing distancing”). Staff and convicts classify the activities as conformity to The Convict Code. The Convict Code is a sociological label for the commonly found alliance of convicts to each other instead of to staff, guards, and police. For example, ex-convicts generally subscribe to not “snitching-out” fellow convicts to staff for house rule violations. In Wieder’s analysis, he highlights the tendency of halfway house staff members and convicts, and many social scientists who study deviance, to draw a causal connection between convict behavior and The Code.

Breaking The Code is a moral matter for residents at the halfway house. If residents diverge from The Convict Code, they receive a label based on their behavior (e.g. “snitch,” “ass kisser,” etc.). Staff members and residents are aware of the sorts of actions circumscribed by The

Code. Both groups organize their behavior around it. Staff enforce the principle of “not snitching” on fellow convicts for the sake of convicts’ own safety. Convicts and staff use the rules of The Code to account for behavior—staff and convicts claimed their behavior conforms to The Code. People behave in identifiably conformant ways and claim this to be evidence of the influence of The Convict Code. Over Wieder’s time at the house, he found that conformity claims were inaccurate and misleading. He worried that the work of practitioners and researchers often contributed to theoretical leanings that cite the influence of The Code, and obedience to it. Wieder demonstrates that impediments to rehabilitation are actually not related to the influence of The Code; rather, impediments are organized by ex-convicts and staff who agree (through their relationships, interactions, and dialogue) to support the facade of The (normative) Code.

Favret-Saada’s (1980) fieldwork took place among French rural townspeople inside the world of modern day witchcraft (I understand witchcraft as deviance and find her work applicable to juvenile justice and youth development in this way). Her research focuses on the legitimacy of knowledge about witchcraft—what counts as knowledge about witchcraft, who holds it, and under what premises is it held. Through the course of her years of work with townspeople, she comes to understand that witchcraft is not a thing, but an arrangement of relationships and interactions. Townspeople experience witchcraft through conversation, that is witchcraft is employed and experienced in conversation. For example, it is in conversation that one learns of their bewitching, it is through talking with others that it is pointed out that one’s misfortune could not have been a “naturally” occurring problem. It is then through conversations with an unwitcher, or healer, that the cursed person is confirmed bewitched, and what follows is a complicated process of possible healing. Witchcraft works dialogically. Speech spurs interactions and relationships. Witchcraft rhetoric reconstitutes people’s relationships and



interactions with others, and dully confirms the legitimacy of the relationships and interactions that are based on the rhetoric.

Favret-Saada understands that townspeople allowed her to conduct the research because of her sometimes unintentional participation in witchcraft conversations and activities. At first, her lack of fear of witchcraft made her appear to be a healer. Her later misfortune in a car accident and other events left her interpreted as caught by witches (bewitched). As soon as she is identified as a participant, Favret-Saada exits the traditional academic approach of an outside observer. After she is interpreted as bewitched, she learns more about rural witchcraft through a process of being healed. She realizes that she is interpreted as bewitched when an informant asks her if she will hex the witch who has attacked. In a researcher role and even in a healer role, she was not able to access an understanding of the system. Favret-Saada learns that she can only do research by becoming (or accepting recognition of herself as) a “subject.” She eventually leaves the rural area and writes an academic book in third person, but acknowledges that understanding the system of relationships and interactions (the system of rural witchcraft) is understood through participation. Her insight into witchcraft in rural France illuminates systems based on talking phenomena (such as crime and rehabilitation) into normative practices. Her work is analogous to the participation of *all* people in criminal activities and rehabilitation practices.

### **Conclusion: Policy and practice implications**

Within the entirety of their ethnographies, Cicourel, Wieder, and Favret-Saada, explain intricate operations of systems and institutions. Qualitative research on youth incarceration facilities (Guarino-Ghezzi and Tirrell 2008; Inderbitzin 2007; Bortner and Williams 1997) also contributes to a meticulous understanding of juvenile institutions’ normative frameworks. The defining difference between CC1, CC2, and CC3 with CC4 is that within the former strategies,

remedies are applied to youth in the absence of two vital points: 1.) accounting for the participation of many people within the system (e.g. judges, police and probation officers, teachers, legislators, etc.), and 2.) incorporating a shared responsibility for criminal activity and reform initiatives as core elements of institutions.

Once there is a better understanding of institutional processes, rehabilitative responses to delinquent activity can be anchored within rigorous theoretical frameworks. The juvenile justice and youth development arenas are dominated by theoretical frameworks that assume “juvenile delinquent” is a reliable subject category. The arenas aim to perfect the treatment of this classification of people (whether that be reforming them or locking them up). In some ways, the research of Cicourel, Weider, and Favret-Saada seems distant and abstract, however, it is important that examinations of the presuppositions of juvenile justice system norms are evaluated, challenged, and transformed.

CC1 is outdated. County-operated juvenile facilities are shutting down their boot camps, and many community centers want research-based programs for their “vulnerable” youth. CC2 is deeply entrenched within political discourse. Hundreds of years of social theory lends a hand to it, and both sides of the U.S. body politic use “get tough on crime” to their benefit during election campaigns. Research-based rehabilitation programs counter punitive tendencies that claim “nothing works.” Nevertheless, the most troubling strategy might be CC3 for its leadership while lacking engagement with rigorous theoretical frameworks. CC3 unknowingly essentializes youth and tends to strive for silver-bullet solutions to delinquency, neglecting an understanding and engagement with the frameworks of the juvenile justice and youth development arenas. Implementation of the fourth conceptual contribution will guide future research on refining

theoretical frameworks upon which prevention and rehabilitation practices are employed, and will support creative alternatives for organizing rehabilitation policies and practices.

Research-based rehabilitation policies and practices will remain within the paralysis of the rehabilitation versus punishment paradigm in the contemporary body politic unless they explicitly contend with normative institutional forces and redefine responsibility for criminal activity. Such practices will look distinctly different from CC3. Transformation of current theoretical and institutional modes of operation for addressing delinquency will not happen overnight, and measuring outcomes of alternative approaches will look different, or possibly even be inappropriate. Careers of professionals will be questioned and new vocabulary will arise, both spawned by alternative approaches within the juvenile justice and youth development arenas. In the immediate, new rehabilitation practices inspired by CC4 might include simple components such as 1.) inside and outside incarceration facilities, allowing youth to develop and coordinate rehabilitation practices, 2.) in court proceedings, turning the gaze from individual youth to community and court personalities, and 3.) in probation situations, centering practices around catching youth in their moments of glory rather than a chronic concern with youth's delinquent moments .

CC4 and the policies and practices inspired by it, can provide a pathway for exiting the rehabilitation versus punishment paradigm, and recognizing the harm of treating criminal activities as things, and youth as essentially delinquent. Readers might ask, "If not rehabilitation nor punishment, then what?" This question highlights the challenge that all adults face and reflects the tendency to subscribe to dichotomies. Understanding the limited use of orthodox and specialized approaches, it is imperative to organize the world of childhood differently before youth – in relation to the adults and institutions in their lives – enact delinquency. It is also

important for adults to do the work, today, to avoid inflicting more adult missteps upon already marginalized youth.

Anthropology of crime research offers insight into the rehabilitation of incarcerated youth. Criminal activities, and formal responses to them, disguise the productivity of crime and government responses to it. Something is being produced through the criminalization of youth. Offenders are reified, categories for certain kinds of people are created, job niches arise, and research and media topics thrive. Formal responses to juvenile offenders are processes for managing youth, “sorting out who can have access to what—or who can and cannot be productive” (Penglase et al. 2009). The authors I quote are referring to how to address cross-cultural understandings of criminal acts, but his point pierces the experiences of court-involved youth. Depending on what kind of youth one is defined to be (by a school, probation or police officer, or judge), youth are sorted into particular institutions. Juvenile justice, specifically, operates as if youth are properly sorted and are a certain kinds of individuals. Contemporary research, even outcomes-based research, could be a source that “initiates criminalizing processes” in its efforts to enlighten rehabilitation policies and practices “or [supports] those that already find targets among people who are consistently placed on the margins of the state” (Penglase et al. 2009). “...[People] develop and modulate their expectations about what the state should do [about crime], and these understandings, promoted or abhorred by media, intellectuals, and others, guide how and under what conditions, social fixes come into being” (Gilmore 2007: 23). With an increase in qualitative and longitudinal research, researchers can dismantle the taken-for-granted rehabilitation versus punishment dichotomy, demystifying juvenile crime and the range of possible modes for dealing with it.

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