

CONFRONTATION INSTEAD OF ISOLATION

the theory behind the enlightenment-project "Delinquency & Society" explicated in order to support the abolitionist view

THE PROBLEM OF PUNISHMENT

Several decades of criminological research have not given us unanimous answers to the question of causes of delinquency. In discussions about this subject, there is however a reasonable measure of agreement about the necessity to distinguish primary from secondary deviance.¹⁾ This agreement implies, that the causes of a first-time offense differ from the causes of second-time offenses.

Obviously this means that the process of prosecution and punishment changes the personality and/or the situation of the first-time offender. A transformation that often increases the chance on delinquent behaviour. Now whatever we expect from a punishment, this consequence can never be meant to be. If we consider the importance of handling criminality for the subsistence of society, the ultimate goal of punishment, whatever intermediate goal is at stake, is to restrain an offender from delinquent behaviour in the future. In other words, in a society punishment should serve as a mechanism that corrects deviations from the normal. Imprisonment however, appears to serve as a mechanism that fortifies deviations.

In this paper I will concern myself with the question how it is possible that something that is meant to be a correctional mechanism and that seems to have the ingredients to do so - one might expect that imprisonment is sufficiently deterrent- works in the opposite direction. Thereby I shall make use of the experiences I gathered while

1) Edwin M Lemert; Social pathology (New York, McGraw-Hill, 1951)

working for the project "Delinquency & Society" (D&S).
Before giving my attention to the question mentioned above,
I shall introduce this project as well as the philosophy
behind it.

" DELINQUENCY & SOCIETY"

"When men define situations as real, they are real
in their consequences".²⁾ This statement of W.I. Thomas,
explains at least a part of the negative consequences of
prosecution and punishment. The mere fact that a person has
been legally punished is for the majority of society sufficient
reason to ascribe to him or her a series of characteristics.
Characteristics that have great influence on the behaviour
of people when they are dealing with a (former) delinquent.
The expectations about the behaviour of an officially labeled
criminal, derived from a stereotype image, prevent or bias
interaction in such a way, that it becomes very hard for an
ex-delinquent to maintain himself in a normal way. Unfortunately,
prejudices like these often end up in situations that confirm
the prejudices; they are often self-fulfilling prophecies.

D & S was founded to fight against the prevailing
prejudices against ex-delinquents. What makes this project so
special is not its goal, but its method. The founders did not
choose a method in which acknowledged experts try to make
people aware that they are prejudiced. Instead of that they
choose for a real confrontation between bearers of prejudices
and those to whom they are ascribed. So ex-inmates visit
schools to tell the scholars about their experiences and to
discuss the pro's and contra's of the existing forms of
punishment. By expressing their feelings and ideas, as well

2) W.I. Thomas ; The child in America (New York,1938) p.572

about their penitentiary experiences as about others, they are saying: "Here I am, an ex-inmate. Look at me, talk to me, try me out and judge afterwards."

In 1981 I was asked to investigate the effects of this method of enlightenment and, if possible, to find ways to make it more effective. In lack of means to do quantitative research, I studied the possibilities to take away prejudices by this method and designed an enlightenment program. A frame to make the actual confrontation more effective. This program is based upon Lewin's triple-step model for creating social change within small groups.³⁾ These three steps are called: unfreezing, moving and freezing. The idea behind it is that people in general are not quite willing to change their attitudes on rational grounds. Especially because one attitude is part of a internally consistent complex of beliefs and evaluations. To change an attitude, we have to unfreeze or weaken these existing beliefs and evaluations. After that, the attitude can be changed or moved. Finally, the new attitude has to be funded or frozen; a process that takes a social environment that confirms the beliefs and evaluations that are related to the new attitude.

The program I designed consists basically of four phases. The first is an informational phase, meant to teach the group the elementary concepts they have to know for understanding the following parts, as well as to avoid that the time that is available for the real confrontation is being spilled with questions about various judicial facts. In the second phase, the group is confronted with a mass of scientific information that conflicts with common-sense knowledge of criminality. This internally consistent information is given by a criminologist by means of a video-tape. The purpose here is to undermine the existing beliefs about criminals and delinquency, to open the minds of the groupmembers for the information of the ex-inmate. The third part of the program consists of the confrontation with this former inmate. In contrast with usual enlightenment-meetings, it is primarily not the verbally stated

3) K.Lewin; Field theory in Social Science (New York, Harper, 1951)

message that is important, but the person who brings the message. The ex-inmate should not play a role, to convince the group on rational grounds that their beliefs are wrong. Instead he has to be completely himself, to show the group that his way of interpreting, evaluating and reacting does not differ from what they see as normal. Instead of a rational, the basis of his power is affectional, meant to gain the groups sympathy. The more this sympathy is gained, the harder will it be for group-members to expect "bad" behaviour from this living example of a former inmate. So feelings or valuations are being used as entrance for correcting prejudices.

Now what seems to be so easy in theory, appears to be very hard to realize in practice. The whole program has to fit in the lecture-scheme of schools. Time is precious and much depends on the willingness of teachers. But even if teachers are motivated to cooperate and a reasonable number of hours are available, one should not be too optimistic about the results. Every social scientist knows that it is very hard to change attitudes, especially when there are beliefs involved that are as commonly spread as the beliefs about delinquency. Besides that, the fourth phase- corresponding with Lewin's third- is very hard to implement. So even if a change of attitude is brought about, it will probably be undone by the excess of information in the media and the normal social environment that confirms the common prejudices.

POSITIVE EFFECTS OF ENLIGHTMENT

In spite of the above pessimism, the described method of enlightenment is not useless. There are other effects that give more reason for optimism. One of the effects is what we call "the self-emancipatory effect". While doing fieldwork, I noticed that talking about ones experiences with delinquency and punishment with a group of "normal" people, very often changes attitudes of the ex-delinquent himself. I tried to

find a logical explanation for this phenomenon. The explanation I figured out will be described in the remaining part of this paper.

Central in this explanation is the notion of self-image. Thanks to certain characteristics of the human assimilation of information, every normal human being disposes of a self-image. This self-image can be seen as a complex of attributions, combined with valuations, that a person ascribes to himself. The fact that one describes these attributes to himself does not mean however, that one has complete liberty to do so. Normally a self-image is being handed over, or reflected by ones social environment.

Talking about the way a self-image comes into existence, we have to start at a moment in the development of a psyche where there is hardly a notion of a "self", let alone of a self-image. As children we learn a great number of concepts, that is, we learn the things to which words refer, as well as the values that belong to them. Many concepts, like "table", "house" and "shoe", have a rather neutral value. But others, like "pain", "lying", "honesty" and "friend", have very strong negative or positive values attached to them. Some of these valuations stem from personal feelings, others have a social basis; a concept like honesty is in itself neutral, but by way of various reactions on honest and dishonest behaviour, children learn that honesty is good. So a child not only learns the value of different concepts, but also that one better not do those things that are called "bad"; that it is good to be good.

So by reacting in certain ways on our behaviour, and by ascribing explicitly certain attributes to us, our social environment gives us a self-image. For our selfrespect, the positive valuation of ourselves, it is necessary that our environment ascribes "good" attributes to us. This selfrespect plays a very important role in the human selection of behaviour, because it makes a man avoid those actions that might lead to the ascription of negatively valuated attributes. This is consistent with Festinger's theory of cognitive dissonance ⁴⁾

4) L.Festinger; A theory of cognitive dissonance (Sanford Calif., Reiss, 1968)

and with Heider's Balance-theory.⁵⁾ These theories point to the phenomena that inconsistency in valuations of cognitive elements causes psychological discomfort. So if we have a positive self-image, the ascription of a negative attribute makes us feel bad.

Reading this, one might ask how it is possible that so many people show immoral or "bad" conduct. In other words, if we look at reality, this mechanism does not restrain a whole lot of people from violating laws. Does this mean the notion of selfrespect is useless? I say it is not. In the first place his self-image only restrains man from doing certain things if he respects himself. If nobody ever give reason to be proud of oneself, there is no reason to avoid "bad" conduct. Second, it is possible that the direct environment evaluates acts negatively, while the society at large sees those acts as positive or good conduct, vice versa. This is the core of Sutherland's theory of differential association.⁶⁾ We can see it happen in various subcultures.

In the third place, man uses various mechanisms to avoid the pain of cognitive dissonance, like selective perception, selective interpretation and selective memory. We might add one mechanism that is not mentioned by Sutherland, but by Sykes, called "rejecting the rejectors".⁷⁾ By means of these mechanisms man can, in spite of negative attributes being ascribed to him, maintain a positive self-image.

Now if a person gets involved in law-violating behaviour, he will normally keep this secret from a "normal" social environment to avoid negative reactions. But once he is arrested, he is in trouble. Legal officials confront the suspect with a very negative self-image. All his positive attributes are usually being ignored because there is only attention for the negative; violation of the law. The only way to limit the impact of the definitions given by the officials, is to reject their view.

5) F.Heider; The Psychology of interpersonal relations
(New York, Wiley & sons, 1958)

6) E.H.Sutherland; Principles of Criminology (Chicago,1960)

7) see: S.Harbordt; Die Subkultur des Gefängnisses,
(Stuttgart, Enke,1972, 2nd rev. ed.)

In this light it shall be obvious that incarceration works the wrong way. Instead of confronting the violater with the interpretation and evaluation of his normal environment- especially the evaluation of people he cares about is very hard to reject- he is being isolated from them and placed in an environment where the people suffer from the same problem. Here the subject learns, not to adjust his self-image in accordance with the view of the officials, but to interpret that what is normally seen as "bad" as being "good". It is very likely that an inmate develops a self-image that his direct environment sees as being positive, but that is negative if compared to the standards of the society at large.

According to Harbord, most inmates, when the date of their release comes closer, prepare themselves for their return to society by letting go the prison standards and by returning more and more to the societal standards.⁸⁾ I believe that a lot of inmates, especially the less experienced among them, hope for a fresh start according to these "normal" standards. But whereas they expect they can start all over, the society shows them that they have committed another crime: they have been in prison. So what should be a payment appears to be another crime, for which they have to pay after their return to society. In order to keep a positive self-image, an ex-inmate can either minimize his contacts with the "normal" society, or conceal his recent past from his environment. The first option probably leads to deviant subcultures. The second brings along the costs of abandoning the old environment. But even then the problem isn't solved. His new environment can give the ex-inmate who conceals his past a positive self-image, but he himself knows that that image is not complete; it is only part of the total number of attributes that are relevant. Besides being incomplete there is another handicap, namely the fact that concealing things makes him a dishonest man.

The result of both options is doubt about the self-image and for the possibility that people might find the truth. I think this is a very unstable state of mind.

8) see 7

Any disturbance might drive the person back to delinquency. I noticed that the possibility to speak frankly of ones penitentiary past means a great relief for many former inmates. Being treated like a person who has done wrong, but was punished for that, instead of like "just a former inmate", means that one can consider oneself as a respectable person who levelled with his past. It gives rise to the selfrespect that is a condition for morally right behaviour.

This is what I saw happen to ex-inmates who worked for D&S and who really spoke frankly of their past. The enlightenment program served them to settle their past, to reduce psychological uncertainty and to regain selfrespect. It is this program that teaches ex-inmates to do in a little threatening environment what ought to be done in their normal environment. Besides that it shows young people that it is possible to talk frankly with someone who they would normally stay far from because of the label that is attached to him.

Now the question is what these insights are worth when it comes down to alternatives for the present methods of punishment. I think they teach us that any punishment that isolates a delinquent from the "normal" society or that makes him conceal a part of his past, is due to impel people to commit crimes instead of deterring them from doing so. If this is not the purpose, it is better to replace isolation by confrontation.

Henk Hoiting

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