Responsible Submission: The Racialized Consequences of Neoliberal Juvenile Justice Practices

Bio:
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Abstract:
This article focuses on the racialized consequences of neoliberal juvenile justice practices. Based on over two years of ethnographic fieldwork inside of one state's secure residential facilities and alternative to incarceration programs, the article scrutinizes contemporary intervention practices used with young people. These practices emphasize the cultivation of individuality, rationality and 'responsibility' by young people. I argue that to be successful in these programs, these forms of behavior invariably define 'success' as deference and submission to program staff and standards. In other words, 'responsibility' is often a form of repression. In a youth justice system where a vast majority of the young people in detention and residential placement are African-American, it is quite possible to trace the direct line between the early forms of social control directed at African-Americans in the United States and those that exist today.

The racist *effects* of incarceration have been well-documented, but less easily discernable are the continued racist *intents* that may be inscribed within criminal justice systems in contemporary life. Recent Supreme Court jurisprudence has increasingly marginalized claims made by those who argue that intentional racial discrimination exists in the criminal justice system. The Supreme Court ruled in *McClesky vs. Kemp* that "conscious, discriminatory intent" to exercise racial discrimination must exist for sentencing practices to be considered in violation of the Fourteenth Amendment (Alexander, 2010). Outside of the legal system, scholars and theorists struggle to assertively identify racist intents in the criminal justice system in an increasingly empiricist context where evidence is more frequently heard than theory.

This article describes the ways that behavioral interventions used in juvenile justice systems are shaped by racist assumptions about reformability. It examines contemporary behavioral change interventions that conceptualize the ideal

recipient of those interventions as submissive, deferential, and responsible. Success in these programs, which can facilitate freedom from incarceration, involves submission to them. I will argue that these behavior change interventions have been structured and informed by racialized forms of social control that have existed since slavery and which arguably have devastating consequences for the life chances of the thousands of black and brown young people who pass through juvenile facilities each year.

Behavioral change programs exert forms of control that are both structured by racist assumptions and result in damaging forms of racial inequality. It is argued here that these programs have a lineage that goes further back than the history of behavioral psychology that they are often linked to. I make a critical link between early discourses of change, reform, and freedom as they were connected to African-Americans during the post-Emancipation era and those that are used in juvenile justice systems today.

A brief historiography of Reconstruction-era interventions in the lives of putatively 'free' African-American adults and children reveal the pernicious ways that ideas about the expression of 'freedom' and will were in fact highly controlled and circumscribed (Hartman, 1997). Reconstruction-era forms of social control also arguably created the foundations for our contemporary systems of justice. Black Codes, chain gangs, convict leasing, and the transmogrification of these institutions into the mass criminalization of African-Americans remain profoundly influential in our contemporary justice system (Muhammad, 2010, Blackmon, 2008). Americans also have history of differentiating in a racialized manner between children who are considered to be deserving or undeserving of help that has persisted to the present day (Ward, 2012, Pickett and Chiricos, 2012, Feld, 1999). While our juvenile facilities may be racially integrated, and services provided to young people charged with crimes may be at least putatively equal in their application, those young people who are punished by the state are overwhelmingly black and brown.

In the juvenile justice system today, discussions about 'race' at the policy level are often focused on the disproportionate *numbers* of youth in the system. Advocates have sought to remedy this by creating what Geoff Ward has termed the "nonracial" juvenile justice system by reducing racial disproportionality, not necessarily the system itself (2012: 255). What is often overlooked in these discussions is that the disproportionate confinement of youth of color means not only that they disproportionately encounter these approaches aimed at their submission, but also that the approaches are arguably *specifically tailored for them.* In addition to tracing the roots of these discourses of change, I will also point to the ways that juvenile justice interventions perpetuate racial inequality.

Research Background

The analysis advanced in this article is based on a qualitative research study about juvenile facilities in New York. For the two studies on which the research was based, I gained access to four juvenile facilities where I conducted observational fieldwork and interviews with young people and staff from 2008 to 2012. In the first study, I examined the lives of 39 young people as they experienced the justice system, focusing on their responses to the forms of governance they faced in secure

care. For the second study, I examined the role of staff in juvenile facilities, interviewing over 70 frontline and administrative staff. In both studies, I spent extended periods of time observing daily life in the facilities, from meals, to recreational programs, to school, to treatment groups and team meetings. Throughout both research periods, I also engaged in participant observation at a number of state and local juvenile justice policy meetings.

The research responded to theories of 'neoliberal' penality (Muncie, 2006, Wacquant, 2009, Gray, 2005). Scholars have argued that recent transformations in the American political economy have also re-configured our approaches to offending. They claim that these new approaches seek to induce self-governance and responsibility for offending and crime control in part as a way of reducing the responsibilities of governments to provide for its citizens. These processes of so-called 'governmentality' arguably seek to induce individuals to self-govern "actively and autonomously" (Crewe, 2009: 141).

It has been argued that contemporary prisons in advanced liberal democracies may be exhibiting 'softer' forms of power, which are aimed at inducing self-regulation (Crewe, 2009: 144). Therapeutic interventions—and in particular, cognitive behavioral therapies—are increasingly introduced in prisons as a means of addressing the offender's ostensible problems of self-control and regulation. Prisons have thus become the sites of what the criminologist Ben Crewe calls "neo-paternalism," or indirect efforts at control which seek to create a fully agentic, self-governing citizen (2009: 137-148).

Few have examined the role that these forms of governmentality may play in juvenile facilities (although see Myers, 2013 for a recent example). Juvenile facilities are fraught with tensions about care and control, and their existence raises considerable questions about how and why we induce 'self-control' and responsibility amongst young people who lack basic citizenship rights. My research addressed two questions: How do theories of governmentality get experienced and expressed in practice in juvenile facilities? What is the perspective of young people who are governed on being responsibilized?

Racialized Governmentality

If the so-called responsibilizing practices present in juvenile reformatories both stimulate and suppress individual responsibility and development in juvenile facilities, it is arguable that we should be asking what the broader *effects* of these practices are on the group of individuals most likely to be incarcerated—black and brown youth. Much of the language and theorizing about governmentality is stripped of any allusions to racism. Yet, if, as some commentators suggest, we now have forms of *neoliberal penality,* which are animated by a focus on responsibilizing offenders to participate in their own self-governance, should we not interrogate those practices more carefully for their potentially racist underpinnings? For inasmuch as governmentality is a form of *control*, it is more specifically a form of *racialized control*.

Recent scholarship about the racialized effects of neoliberal penal practices have focused on the "expurgation" and warehousing of individuals—particularly people of color—who are considered to be useless in contemporary economic life,

or simply a threat to social order (Wacquant, 2009). A number of scholars have pointed to the black "ghetto" resident, and in particular, the unemployed and *young* black person, as the socially constructed *antithesis* of the ideal neoliberal citizen (Roberts and Mahtani, 2010). Yet, these analyses have largely focused again on the *effects* of neoliberal politics and policies; those who are deemed to be useless are said to be largely people of color. As some have argued, however, this scholarship does not account for the ways that race may actually be an "organizing principle of society that neoliberalism reinforces and modifies" (Roberts and Mahtani, 2010: 254). Furthermore, it is critical to analyze the ways that even though racism might actually be constitutive of neoliberal practices, it is *masked* by them; the power of discourses of neoliberalism to promote the language of rationality, choice, and individuality is also to strip away at structural explanations for individual and social behaviors (Goldberg, 2009, Roberts and Mahtani, 2010).

This article largely focuses on the ways that racism becomes masked by treatment practices aimed at young people charged with crimes. It moves beyond the focus of contemporary theorists on the overtly punitive practices of today's warehouse prisons and instead focuses on the seemingly innocuous practices of treatment for behavioral change.

Responsibilizing Practices

The facilities I studied use behavioral change programs that exist in reformatories and residential facilities across the country. The programs employ a 'stage' system, in which residents ascend through a behavioral hierarchy by receiving incentives for compliance with the program of treatment in the facility. This has also been described as a 'token' economy, or points and levels system, which became *en vogue* in mental health and juvenile delinquency settings in the 1960s (Kazdin, 1982).

The behavioral change programming that exists in the facilities derives from theories of moral development. It is assumed that youth who enter the facilities are morally *underdeveloped*, in that they've committed a crime. Through a system of corrections, they are eventually expected to engage in what are sometimes termed "pro-social" behaviors or more apparently more age-appropriate behaviors. While there are some explicit group treatment offerings that focus on facilitating moral reasoning, this process of development is largely expected to occur by youth following various rules for behavior. In New York, a young facility resident is provided these rules and expectations in the form of a resident behavior manual and via the oral directions (and corrections) of frontline staff members.

It should be noted that in the last five years, New York, like many other states around the country, has sought to introduce new treatment modalities, specifically those focused on young people's experiences of trauma, into their residential facilities. System administrators have also changed rules, including those guiding the use of physical restraints (forcing staff to rely less on restraints), introducing some more extracurricular activities, and trying to improve conditions of confinement.   But what did *not* change over the course of these reforms was what everyone in the facilities referred to as 'The Program.' This *gestalt* term is symbolic

of the way that the expectation of behavioral change was *the* life force of the facility. For the staff and the youth, 'doing the program' was the foundation of daily life.

The philosophy that youth can be guided through stages of cognitive and moral development is rooted in problematic assumptions about the universality of childhood development. These ideas –promulgated by theorists such as Jean Piaget and Lawrence Kohlberg—characterize childhood development as a path away from disorder and toward order (or, as Piaget characterizes it, "from chaos to cosmos" (Piaget, 1955)). Yet a number of scholars have pointed out that there is no universal experience of childhood, and that the "hegemony of developmental stage monitoring" has resulted in the disproportionate punishment of "those who fail to meet that standard, whether in education, bodily development or welfare" (James et al., 1998: 19). Additionally, there is an "assumed universality" in understanding the "practice and experience" of childhood (James et al., 1998: 25) that grows out of Enlightenment epistemologies and from white, and masculine, researcher orientations. This has arguably resulted in models resulting from this research being both androcentric and ethnocentric (Haines and Case, 2008, Holland et al., 2000).

A child's ability to progress according to hegemonic notions of development is arguably connected to their community's economic 'development' (Katz, 2004) and their relationship to institutions of education, medicine, and welfare, which either praise or condemn their cognitive and emotional growth. Under the developmental stage models, unrestrained and unsocialized youth are arguably brought under 'control' through normalizing and institutionalizing processes. It is inevitable that those youth who are seen to depart from normal stages of development are those whose relationships to development are structured by their race, ethnicity, class and gender.

The behavioral change programs used in juvenile facilities also link notions of development to a young person's riskiness. Juvenile facilities around the country use what is called a 'Risk-need-responsivity' model which connects interventions to the 'risks' and needs of offenders, and "match[es] strategies to the learning styles and motivation of cases" (Andrews et al., 2006: 7). These 'risks' and 'needs' are generally identified at a young person's entrance into the system through actuarial tools. Those critical of these tools have shown that the risks that youth present are structured by race, class, and gender constructs (Moore and Padavic, 2011, Harcourt, 2010). Kelly argues that risk factors simply recode "institutionally structured relations of class, gender, ethnicity, (dis)ability and geography as complex, but quantifiable, factors which place youth at-risk" (2000: 469). Yet while these interventions are said to be responsive to risk, they are also actively seeking to *neutralize* youth risk—they seek out ways of limiting young people's outward manifestations of 'riskiness.'

Thus, while juvenile facility authorities cannot change a young person's class, their race, or their gender, these interventions focus on changing a young person's behavior. Evaluations of 'good' or respectable behaviour are often deeply tied to one's class and race (Skeggs, 1997). As "structurally organized social positions enable and limit our access to cultural, economic, social and symbolic capital" (Skeggs, 1997), and these forms of capital shape not only the ways that an individual's identity is perceived to be coherent (and arguably, developed), but also

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their behaviors that are seen to be normative, then it is inevitable that those who have been barred access to these forms of capital are at a disadvantage. In the case of our juvenile justice systems, it is most often children of color whose social positions have barred them from acquiring these forms of capital.

Racialized Reformability

Notions of *reformability* have played a key role throughout the history of the juvenile justice system. Those youth who are perceived to be most *reformable* but also *assimilable* throughout the history of the system have been provided with interventions aimed at their integration and assimilation. In the late 19th century, white youth who transgressed standards of morality were placed in early juvenile *reform*atories, while black youth, considered unredeemable, were placed in prisons (Ward, 2012, Tanenhaus, 2004). As juvenile reformatories began to accept black, Mexican, and Native American youth over the early part of the 20th century, these institutions sought ways to maintain the racial hierarchies that continued to predominate in social worlds outside of these institutions. One solution, identified by leaders at the Whittier reformatory in California, was to introduce intelligence testing; those youth deemed to be 'feebleminded,' who were mainly made up of recent Mexican migrant youth who were made to take intelligence tests in English, were identified for segregation and sterilization in colonies for the feeble-minded in the service of social engineering and eugenics (Chavez-Garcia, 2007). Those white youth who remained in juvenile reformatories were provided with interventions aimed at building character and self-discipline.

Juvenile institutions continued to be racially segregated well into the 20th century, even after *de facto* segregation ended; in New York, the collision of race and religion effectively resulted in Jewish, Irish, and Italian youth housed in reformatories run by religious and charitable organizations well into the 1970s (Bernstein, 2001).   The lack of charitable institutions available for black youth who were considered to be *neglected* and abused, as well as an adequate foster care infrastructure, often resulted in those youth being pronounced *delinquent* simply for the purposes of identifying a placement for them, as noted by Justine Wise Polier, a former New York City Family Court judge:

> When there was no voluntary agency willing to accept a neglected child and no home to which the child could be returned, a flimsy delinquency petition might be concocted in order to get a bed for a black child in the State Training School for delinquents (1989: 141).

Thus, as delinquency and neglect collided for young African-American youth in New York, so too did ideas about class, poverty, neglect, race, and 'risk.' Those youth in need of assistance were summarily transformed into those at risk for delinquency; as we know from the research about the criminogenic effects of confinement, it is quite possible that these young people's very experiences in confinement actually made them more 'risky.'

Black youth began to be sent to reformatories previously only reserved for whites as the 20th century began, and yet their experiences there remained marked

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by racism. Black youth were provided interventions aimed at securing their futures as menial laborers, and they often remained in reformatories longer than their white counterparts (Ward, 2012). Thus, in early juvenile justice systems, expectations that Black children would not move beyond their class position shaped the harsher and longer punishments and interventions they received.

      While the foundations of the juvenile justice system may have been explicitly linked to racialized desires for social control, as juvenile justice systems throughout the 20th century and early part of this century were desegregated, racist eugenics practices eliminated, and explicitly race-based distinctions removed, what remains are simply what some see as the racist effects of these policies. In the sections below, I will focus on some aspects of contemporary behavioral interventions that reveal the persistence of racialized forms of social control. These themes all relate to the construction of young people's responsibility, their choices, and their capacity for agency and self-change.   I will then go on to trace some of the ways that these themes express racialized governmentality.

Physical Punishment

      In his analysis of the early forms of punishment that emerged in the post-Civil War South, David Oshinsky points to the contiguity between the forms of corporal punishment that occurred under slavery and those which occurred in the convict leasing system and in prisons. He found that on the convict leasing farms, "whipping was the punishment of choice. Though it had long been used against both races in the South, the belief persisted that discipline for blacks required a strong dose of physical force" (1996: 61). As a number of scholars have pointed out, early racist beliefs which promulgated theories about the 'bestial' nature of African-Americans, and which were used to justify slavery, found new force in the Reconstruction South, but also in the scholarship of some early sociologists, who used scientific racism to "write crime into race," as Muhammad (2010) argues.

      Corporal punishment was part of the American juvenile justice system from its inception (Fox, 1970). However, physical restraints, which are used by staff in facilities to prevent young people from harming themselves or others, did not come into use in settings for children with "emotional disturbance" until the 1950s (Ryan and Peterson, 2004).   Today, physical restraints are used in juvenile facilities across the country, ostensibly as a form of protection for youth. Yet, as the United States Department of Justice have found in their investigations of juvenile facilities across the United States, staff members often used physical restraints as a form of punishment (see, e.g. King, 2009). In response to these findings, a number of state-based juvenile facilities have actively sought to force staff to reduce their reliance on physical restraints.

      In New York, a number of staff interviewed for this research study spoke about their sense that they had "lost control" over the young people when their ability to use physical restraints was restricted as a result of systemic reforms. Staff sometimes used animal metaphors to describe the ways in which young people *should* be addressed by the system, and connected these characterizations to their lamentations about the decline of physical restraints. A facility-based teacher, when

speaking about his frustrations about a new disciplinary model in the system, said "if a dog comes and pees on the floor, you don't talk nicely to him." Another staff member discussed how he had employed the same techniques of sanction and reward which a young person that he had used with his dog, referencing his dog's electric collar. These ideas are rooted in the assumption that physical punishment and control were an effective means (or perhaps the only means) of establishing social control over the young people. It is hard not to also make the connection between early racialized conceptions about which groups of individuals 'need' physical force in order to exercise conformity with institutional and social norms.

'Structure' vs. 'Street'

A number of juvenile facility staff felt that their facility, its programming, and its routines offered an antidote to what they perceived of as the undisciplined existence that the young people lived on 'the street' and with their families. For the staff, the facilities offered these youth what they described as "structure." These perceptions were often racially coded; at the time of the research 62 percent of the young people in the rural facilities studied came from New York City, and 88 percent of those admitted to the facilities were youth of color (Office of Children and Family Services, 2009). Thus, for many staff (regardless of whether those staff were white, Latino/a, or African-American), "city kids" was a metonym for kids of color.

Urban life, and thus by extension, the lives of youth of color, was perceived by a number of staff to be criminogenic. Some of the staff described what they perceived as an almost feral existence the young people had lived 'on the streets' and 'in the city' before they had arrived in the facility and received structure and 'discipline' in their daily lives in the facility. A number of staff members expressed the sense that the programs and practices—and in particular, the 'discipline' and 'structure' of the facility—were necessary for these young people. Yet while staff made vague allusions to the discipline and structure of facility life preventing young people from offending, at least temporarily, few of them offered concrete ideas about how the particular interventions would change young people's lives for good. In fact, a number of staff lamented young people's departure from facility environments "back to the streets," as they said that the young people would simply revert to their previously unstructured lives, and thus resort to crime again. In this sense, the facilities were presented as a kind of temporary, incapacitative site rather than a full transformative tool. As one staff member put it, "we can change the kids, but we can't change the outside." The ideas of urbanity and criminality have been powerful tools in bolstering rurally-based punitive strategies.

Self-Discipline and a Disciplined Self

In New York, as in many other states, a young person's progress in treatment in juvenile facilities is assessed and documented by staff who exercise the discretion to determine whether or not they are meeting the organization's expectations. In the facilities studied, residents are assessed through a progress report that focuses on two categories of behavior: self-discipline and interpersonal relations. Progress

reports differ by the 'stage' that a resident is on; in the first ('orientation') stage, for example, there are five criteria for self-discipline:

- Obey laws and comply with facility rules with staff direction.
- Describe non-violent alternatives for resolving conflicts and use them with staff direction.
- Describe acceptable methods for controlling impulsive behavior and use them with staff direction.
- Acknowledge rule violations, but minimizes its [sic] importance.
- Describe the problem solving steps and use them with staff direction.

As indicated above, a young person in the 'orientation' stage of treatment is expected to exhibit a kind of *controlled* self-discipline; their efforts at self-discipline must be responsive to staff direction. Thus, this is a paradoxical form of self-discipline in that it is a *disciplined* self-discipline.

The young people who were disciplined by these practices often found themselves trapped by their pernicious consequences. One young man, Derron,[1] was found to "need improvement" in controlling his impulsive behavior while he was in the facility. Derron was in a facility several hours away from his home in the city. He was placed there after he violated the conditions of a community-based program to which he had been originally sentenced. While participating in the community-based program, Derron did not meet a court-imposed curfew, nor did he attend school; his probation was revoked, and he was sent to confinement. While he was out in the community, he had been told by probation that he needed to find "acceptable methods for controlling impulsive behavior." Throughout his time in the facility, Derron was identified as someone who was non-compliant with the facility's behavior expectations and was again told by staff that he needed to control his impulses. He remained frustrated, withdrawn, and defiant in response to these commands.

Derron perceived the staff in his facility to be racist, a quality they shared with the police officers back home in Derron's community. He felt that police and staff perceived "black" to mean "bad" and that it was inevitable that he would be punished and policed more harshly than his white counterparts. His perception was that these forms of racism were linked to the policing of his behavior, as shown in his response to the following question about staff:

> A: Can you give me some examples of how they're racist?
> D. They'll write me up quicker than they write up somebody else. Somebody who's racist will write me up, pretty quick.

Derron was resigned about his feelings of systemic injustice, and his way of fighting back against it were simply to resist the rules of the facility he was in, because he felt he had no power. He felt "bored" by the facility programming, which made him "angry" that he wasn't able to be productive while he was inside—his sense was that

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[1] Pseudonyms are used throughout this article.

he was wasting time there. Yet his ability to develop a sense of self through this anger was arguably prevented by the sanctions that he experienced as a "non-compliant" resident; his life in the facility was ultimately harder than those who complied with the rules, and beset by his constant interface with staff who found him to be non-compliant.

For staff who worked in the system, Derron was a classic example of a "neutralizer," someone who was overly focused on his experience of being victimized by staff in a way that precluded his ability to take responsibility for his behavior (Maruna and Copes, 2005). Staff felt that Derron's resistance to the program, and his inability to change and ultimately stop offending, was rooted in his preoccupation with the racism of the facility staff. Yet Derron understood the ironies of responsibility and self-discipline in the facility; he saw that adults felt that "acceptable behavior" was simply deferential behavior.

Responsibility taking/Personal responsibility

Derron framed responsibility and blame in a manner which was deemed unacceptable according to the logics of the facility program. In the program, young people were expected to take "personal responsibility" for the crimes that they were involved in and any behavior they engaged in which went against facility rules. Any young people who engaged in what was deemed to be excuse-making were seen by staff as underdeveloped—unable to be mature enough to individualize their problems.

The facility programming—rooted in social learning theories that connect neutralizations to criminogenic behaviors—promoted the idea that the young people had been socialized to rationalize not only their offending behavior but even their everyday resistances to the norms of the institutions they interfaced with—schools, welfare centers, and so on. Thus, in the facility, any behavior in the classrooms which did not conform to traditional classroom expectations—sitting upright in one's chair, raising one's hand, asking to leave the room—was seen to be consistent with the idea that these were young people who just simply did not know how to conform. Thus, even low-level incivilities—such as failing to tuck in a shirt, stepping out of line when walking between activities, or falling asleep in class—were penalized with "levels" or demerits.   Some institutional staff felt that policing these behaviors reinforced ideas about normative, acceptable and "responsible" behavior, which could be generalized to the outside world.

Young people's "irresponsible" thinking was also policed. There were several kinds of thinking that were deemed to be irresponsible within institutional life. One was the language of racism; as one staff member said, in describing the ways that young people identify racism as the source of their struggles, these young people "feed off the victim mentality that's been taught to them." Another form of thinking considered to be irresponsible within the program discourse and that was actively suppressed was any kind of suggestion, on the part of young people, that the crimes that they engaged in were in any way reflective of the structural violence that they may have faced in their lives.   Instead, they were encouraged to speak the language of personal responsibility.

Fetishizing the will

The behavioral change program used in the juvenile facilities encouraged youth to cultivate a highly controlled form of agency. As a resident ascended the behavioral change system, they were expected to demonstrate their capacities for initiative and independent action, yet these capacities were ultimately highly controlled in that notions of *acceptable* independent action were delineated by staff members. Thus, Derron, who was on the 'orientation' stage of the behavioral change program, where young people were expected to follow staff directions at all times, was ultimately not in a very different position of power than his counterpart Panama, who was on the highest behavioral stage, the 'Honors' stage, but who ultimately had to engage in high levels of behavior management in order to maintain his position at that stage. In other words, Derron was highly policed; Panama engaged in a high level of self-policing.

Panama and his cohort of 'honors' residents would often speak about the forms of strategic individualism they would engage in so they could find their ways through the program more successfully. The young people in this group would often use the language of the staff—and an oft-repeated phrase—"youcome here alone, you leave here alone"—to describe what they felt was their strongly agentic passage through treatment. A number of the young men in particular would use a conversion narrative to describe their ability to embrace the individualized passage through treatment (one young man even described being in the "wilderness" before he decided to 'change' and embrace 'the program'); Jamy, for example, said that once he started improving his "behavior," he was able to improve himself. One young man, Peter, was like a few of his peers who asked for "stronger discipline and stronger consequences" from staff so that they could learn how to enforce this sense of self-discipline. In some respects, this is reflective of Scott's (1990) notion of compliance with rules and norms as a means of obtaining material benefits and as a form of resistance.

While these statements at first seemed to mimic staff language about willful change, it is arguable that their words were less performative than they initially seemed—they were ultimately *strategic* and responsive to the demands of the system. The young men who engaged in self-disciplined behavior would acknowledge that those who did not, like Derron, might mock them or say that they had sold out to the system. A well-respected Honors resident, Steve, said that a younger resident had come up him and said, "the system got ya'll," and that "you've changed." Panama said that he told these younger residents that "I'm trying to go home," and that "I don't care" what they think.

A number of these young people, and the staff that they worked with, held out the exercise of the will as *the* marker of individual change and the facilitator of desistance from crime. The 'will' became fetishized in this process; young people were taught that their success in the program was solely dependent upon their *willful self-change* (Silva, 2013). The irony of this idea about the will was that a number of the young people—boys and girls—performed this notion of change in order to simply lift some of the pains of imprisonment (Cox, 2011).

Barriers to the exercise of agency

In her book on working-class young adults trying to exercise self-change in the context of neoliberalism, Jennifer Silva (2013) points to the onset and the ironies of notions of willful self-change. The idea that people are responsible for their emotional fates grows out of some of the neoliberal discourses of personal responsibility. Silva finds that working class young adults, who are in a sense most likely to be negatively affected by the rise in social inequality, unemployment, and social dislocation, are just as apt to embrace narratives of willful self-change as those wealthier individuals who ostensibly have greater access to the resources of the mood economy—including self-help narratives, therapy, and so on.

Silva's work has important parallels to the lives of the young people in juvenile justice settings. The inducements towards willful self-change in the facilities are made to a group of young people who face extraordinary barriers to self-efficacy, self-actualization, and ultimately, economic and social survival beyond bars. The structural barriers to reentry from juvenile facilities and prisons are immense: young people face difficulties in reentering their schools (and applying to college), finding employment, obtaining public benefits, finding a home (and sometimes, as a result of their arrest, being banned from their homes), and recovering from punishing debts and court fees (Apel and Sweeten, 2010, Harris et al., 2010, Sullivan, 2004). Perhaps most significantly for the purposes of this article, the young people in this research were returning home to a climate in which they would face disproportionate police scrutiny simply as a result of the color of their skin; many returned to New York City, where during the time of their return, the rates of people of color stopped under the New York City Police Department's Stop and Frisk policies were extraordinarily high (New York Civil Liberties Union, 2013, Jones-Brown et al., 2010). In short, these individuals, especially as ones known to the police, found themselves in police contact on a near daily basis, often simply for walking down the street.

The existential barriers these young people face are also powerful: they struggle to cope with the stigma of their association with the criminal justice system, the time that they spent away from their friends and family during their teenage years, and the ambivalence they may feel about experiencing some level of respect they receive from their peers for having been involved with the system. In short, they found that the very strategies that they had been encouraged to cultivate while inside of the facilities actually may have prevented them from coping with the barriers they faced on the outside, and may have even yoked them further to the systems of dependency that they were taught to stay away from.

Responsible submission?

In her work on the insidious effects of slavery and Reconstruction practices aimed at cultivating freedom, Saidiya Hartman poses an important question: "What if the presumed endowments of man—conscience, sentiment, and reason—rather than assuring liberty or negating slavery acted to yoke slavery and freedom?" (1997: 5). She explores the effects of Reconstruction-era practices ostensibly aimed at

promoting the exercise of rational thought and will amongst recently freed slaves but which instead promoted servility. Her question is instructive for these purposes: what if the behaviors that are promoted within juvenile facilities – personal responsibility and self-discipline – rather than assuring that a young person will be released from custody and ultimately from offending and criminal justice system involvement – actually acted to, paradoxically, link self-discipline and punishment?

A number of scholars have pointed to the persistent conflation of blackness and criminality in our cultural imagination. Hartman takes this one step further— she argues that "the persistent production of blackness as abject, threatening, servile, dangerous, dependent, irrational, and infectious" (1997: 116) *contributed* to the particular strategies that were used to carve out the continued domination of black Americans after slavery. It is arguable that the behavioral interventions used in juvenile facilities mirror and extend those used immediately after slavery; through long terms of incapacitation they neutralize the infectious threat (see also Young, 1999); by encouraging deference they seek to perpetuate notions of servility, at least in its newest form, through participation in the service economy; by requiring expressions of personal responsibility they seek to eliminate dependence; and by preventing young people from expressing their experiences of racist victimization, the pains of poverty, or any structural explanations of offending, they promote a rational choice model of offending (Garland, 2001). In short, these interventions are actually responsive to persistent ideas about blackness in contemporary culture.

Finally, the interventions used in juvenile facilities raise paradoxical and complex questions about the exercise of free will and agency. Derron's expression of 'free will' is not acceptable; Panama's is. Questioning, resisting, and critiquing facility practices are unacceptable. Providing an explanation for one's offending that identifies the complex causes of crime—beyond rational choice—is unacceptable. But responding to orders, engaging in ostensibly self-disciplined behavior, and taking full responsibility for one's actions is acceptable. As Hartman observed of notions of freedom and responsibility at the brink of Emancipation:

> The free(d) individual was nothing if not burdened, responsible, and obligated. Responsibility entailed accounting for one's actions, dutiful suppliance, contractual obligation, and calculated reciprocity. Fundamentally, to be responsible was to be blameworthy. In this respect, the exercise of free will, quite literally, was inextricable from guilty infractions, criminal misdeeds, punishable transgressions, and an elaborate micropenality of everyday life (1997: 125).

Hartman describes the burdens of Emancipation—of demonstrating one's worthiness of freedom but also being systematically denied access to that freedom. As slave owners were forced to abandon the whip, they had to find ways to motivate the labor of the formerly enslaved; she found that they did that through the cultivation of conduct which was considered to be "rational, servile, and self-interested" (1997: 127). Ultimately, they found ways to police those individuals who did not engage in such behavior.

The parallels between notions of constrained agency promoted in the post-Civil War years and today are unmistakable; each are concerned with the exercise social control in which individuals appear to be acting consensually. While some may dispute the clearly racialized process of social control that exists in juvenile facilities today, it is arguable that we can trace a clear path of the racialized governance of youth of color.

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