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Fetishizing the will in juvenile justice, policy, and practice

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Our preoccupation with young people's capacities to successfully develop, grow up, and to change is age-old. When a young person is accused of a crime, those concerns become more acute and the questions more perplexing: Do young people grow out of crime? Do they need assistance in doing so? If so, what form should that assistance take? We know more clearly than ever before that the vast majority of young people age out of crime, even those charged with serious offenses (Mulvey 2011; Mulvey et al. 2004). Thus, do interventions matter? If so, *how* do they matter with respect to a young person's role as a citizen-in-waiting? Juvenile justice programs demand that young people work on their capacities to be compliant with the law and thus exercise self-control and control over their will. Juvenile justice interventions raise critical ethical questions because they are aimed at shaping young people's roles as compliant citizens in the liberal state.

It is arguable that these questions about the relationships among paternalism, justice, and liberty are particularly salient in the study of juvenile justice systems in the United States today. Since the country's first juvenile courts were founded at the turn of the twentieth century, they have sought to distinguish their role—ostensibly one aimed at "rehabilitation"—from that of the adult justice system—"punishment" (Tanenhaus 2002; Schlossman 1977). Today, many states are shifting toward what they describe as a more "rehabilitative" approach to juvenile punishment in response to what has been presented by advocates for reforming the system as the overreaching, punitive, and zero tolerance mentality of the 1990s-era forms of punishment aimed at teenagers. The rhetoric of reformers quite consistently focuses on the need for softer, more caring forms of "treatment" over ostensibly harsher forms of "punishment." This rhetorical strategy is not a new one: there have been a number of previous eras of reform in which advocates have sought to distinguish an older, more punitive system against the newer, more rehabilitative system they seek to build (Bernard & Kurlychek 2010). The approaches endorsed by system reformers today have included the expansion of treatment programming within facilities, particularly cognitive behavioral therapies and so-called "trauma-based" modalities (Council 2012; National Juvenile Justice Network, 2012). The new approaches are distinct in that they rely heavily on the idea that the practices are evidence-based, rational responses to previous regimes that have failed children. The positive outcomes found in these so-called "evidence-based practices" are those which result in lower recidivism rates than comparable programs. As so-called "evidence-based" treatment

programming has expanded in these juvenile facilities, it has arguably become more critical to assess the ethics of these programs, particularly in the ways that they impact on young people's abilities to participate as social agents and citizens in a liberal democratic order. The reason these ethical questions are particularly relevant is that the state's reliance on and appeal to "evidence" sometimes prevents scrutiny of the underlying motivations and morality of such practices. The focus on the singular outcome of a reduction in recidivism (often over a short period of time) also obscures the significance of softer dimensions of "success" in individuals' lives, such as their ability to build a "good life" where avoidance of arrest and prosecution is not central to their existence and instead they are full participants in the social world, engaged in pro-social relationships, housed, and productive in their labor (Ward & Brown 2004). In practice, policy-makers' invocation of the term "evidence-based" builds the legitimacy of their choices to employ rehabilitative practices that are immune from the critiques of those who might deem them "soft" on crime.

As scholars have long suggested, juvenile justice interventions have long been understood to be repressive—particularly in their effectiveness of maintaining class positions and hierarchies—rather than liberating (Platt 1969/1977; Schlossman 1977). Thus, as we see a new form of reform more focused on treatment and less focused on harsh discipline, do these newer programs do a better job at facilitating young people's future role as social agents and citizens?

As social agents, individuals require adequate conditions under which they can develop, grow, and act in the world in a way that is functional for their well-being and that of those they are connected to (see also Farrall, Bottoms, & Shapland 2010). The conditions under which they can arguably develop and grow into their potential as social agents are those that nourish the dimensions of human agency most related to the "capacity for autonomous social action" (Calhoun 2002): the habits and routines—or dispositions—that undergird the human's position in a social world (Bourdieu & Wacquant 1992) and the space for reactive, unconscious desires to be understood and developed in relationship to one's understanding of choice and action (Elliott 2002; Hitlin & Elder 2007).

This research

These questions about paternalism and governance in the juvenile justice system were explored through two qualitative research studies inside New York's juvenile justice system, conducted over a period of three years, from 2008 until 2011. The first study explored young people's capacities to exercise agency and ultimately to get out and stay out of the juvenile justice system in the context of rehabilitative programming that was explicitly aimed at facilitating "change" in them (see, e.g., Cox 2011). Staff members within these institutions are trained to implement programs that seek to stimulate young people's acceptance of responsibility for their actions, their acceptance of the rules of the institution, and by extension, a form of self-regulation. The second study examined staff members themselves, analyzing some of the ways that they engaged with and resisted these tools aimed at young people's self-change (Cox 2013).

The programs in New York's juvenile facilities are putatively aimed at stimulating young people's capacities to lead lives that are compliant with the law upon their departure from the facility. The facilities employ a medley of programming that focuses on stimulating individual change; they range from cognitive behavioral approaches to those with crudely behaviorist orientations.

This chapter explores the ways that these programs uphold a notion of the will—and in fact *fetishize* that idea of the will—in ways that damage and can destroy young people's agential capacities. I use the term "fetishize" here to suggest that the idea of the will that is possessed by program administrators in juvenile facilities is in fact one that is both impossible and irrational

for young people to control. I also argue that power over the will is fetishized by program administrators as the source of change in young people who have committed wrongdoing, when in fact this is a false or misleading site of preoccupation.

Many contemporary policy-makers and advocates focus on the damages of juvenile incarceration on young people's bodily integrity—the harms of physical and sexual abuse, for example, or the dangers of regimes focused entirely on punishment and deprivation (Bernstein 2014). While it is important not to disregard these critiques, it may be useful to explore some of the "persuasive" forms of discipline (Schlossman 1977) aimed at facilitating change in young people's capacities for self-control, rather than the more explicitly and overtly physical forms of punishment.

Many contemporary programs in juvenile facilities seek to change the individual through a combination of incentives and earned privileges. In his recent study of the role of behavioral change regimes in men's prisons in England, Ben Crewe (2009) has found that behavioral change programs in prisons exhibit a form of what he calls "neopaternalism," in which people in prison are induced to improve themselves in ways that are "soft" in their influence, as opposed to the "hard" and authoritarian prison regimes of the past, where the forms of control were overt in their physical demands on inmates, their unilateral forms of power and control, and their clear and rigid forms of spatial separation and control. This form of "soft" power also arguably exists in contemporary juvenile facility life, but in a more embedded form: The behavioral change expectations are woven into the fabric of daily life of the facilities and affect young people from morning until night. From the making of their beds to the way they hold their bodies, they are monitored and assessed by staff members who use those assessments to determine a young person's progress in a way that is described in facility life as "the program."

The program of change

In juvenile facilities across the United States, programming is structured around a model of behavioral advancement; young people progress through "stages" of change that map onto ideas about the stages of moral development that were proposed by developmental psychologists (Piaget 1955; Kohlberg 1976).[1] Many facilities employ a token economy to try to incentivize such advancement; in New York State, young people receive privileges associated with their progress through the behavioral stage system. Their place in that system is symbolized by the color of their shoelaces, with white being the lowest stage and green the highest.

The ideal typical resident in New York's juvenile facilities is constructed through the program design and literature as an individual with a fully pliable and programmable will. The young person's exercise of will is arguably the primary aim of the behavioral intervention. A model resident—and one who obtains the privileges and advantages associated with such a status, including an opportunity for early release—is one who can successfully demonstrate control over his or her will.

There are four core ways in juvenile facilities in which young people can demonstrate this ability to control their will: through their bodies, through their embrace of a philosophy of self-change and self-help, through deference to staff rules, and through the acceptance of responsibility for both the actions that led them to the facility and the responsibility of maintaining order—both physical and social—within the institution.

Ironically, although those in charge of the institutions described the institutions as treatment-oriented, little in the way of treatment was observed within the institutions on a daily basis. It is theorized that this in part occurred *as a result of* the extensive reforms aimed at introducing new treatment modalities. Facing confusion about what treatment and behavioral

change modalities they were expected to use and which ones they were expected to abandon, and noting that many of the new tools resembled older ones, a number of staff members simply gave up on employing treatment strategies, and instead relied upon the enforcement of rules and the expectation that they might facilitate change. Staff would occasionally engage in group treatment with young people and employ cognitive behavioral change curricula, but they more fully relied upon behavioral expectations rather than interventions to guide change within young people. In this sense, then, it is arguable that staff in the institutions was not in fact concerned with change as much as focused on institutional order and management. It is also arguable that juvenile justice systems have long been concerned with the idea that young people's engagement in juvenile delinquency represents a failure of personal control (Reiss 1951). One of the most direct avenues to a form of control that staff members found they could exercise over young people was through the route of rules and regulations, as opposed to treatment for change.

Bodily change

Throughout institutional life, young people's bodily functions, habits, and expressions were monitored and policed by staff in ways that were connected to the regulation of the will. Self-control over one's physical actions thus came to be equated with personal control. Policing of the body was almost exclusively focused on directing young people to regularly keep themselves clean and, at least outwardly, self-possessed. Staff often focused on what was described as "hygiene," directing young people to shower, braid their hair, and keep themselves regularly clean, often in infantilizing ways for the overwhelmingly late adolescent population who was ostensibly capable of self-grooming and dressing. The staff often demanded that young people's uniforms be tucked in and that their pants be pulled up. In classrooms, they made young people sit up straight in their chairs or walk straight in lines as they moved throughout the facility. Although there were no facility rules that enumerated these forms of bodily control, they were the unwritten priorities of staff within the facility. In over four years of observational research, I noted many instances of staff members urging young people to demonstrate that they were in *control* of their bodily functions and their bodies in ways consistent with and demonstrable of an expression of willful self-control.

You come here alone, you leave here alone

The expression "you come here alone, you leave here alone" was used by a number of staff members in institutions, often in an effort to discourage young people from engaging in conflict or from seeking the approval of their peers. The expression reflected staff members' attempts to engender notions of "personal responsibility" among the young people.[2] It grows out of the personal responsibility discourses that these young people came of age in—many of them were born in the early 1990s, and their parents were forced to participate in onerous welfare to work programs as a result of Clinton-era welfare reform programs, enacted in 1996, that explicitly relied upon discourses of personal responsibility (c.f., Fraser 1993). The welfare reforms of the 1990s increased the number of sanctions that individuals faced if they failed to meet the requirements imposed by state welfare administrations that mandated individual movement toward jobs and education, sometimes at the cost of the lives of children and families. Some states chose to impose a federal law that required that those with felony drug convictions would lose access to food stamps; other states imposed a federal rule banning access to public housing for those with a drug conviction. The welfare rolls decreased sharply after welfare reform, but not necessarily to the advantage of poor people (Soss, Fording, & Schram 2011).

The program of behavioral change in the facilities was often explicitly linked to ideas of personal responsibility by staff members. For some staff members, the notion of personal responsibility was seen as perhaps the *most* integral part of the change process. One staff member refused to accept my offer to donate the book *Race, Crime and the Law*, by Randall Kennedy, because he said that the title of this book might convey to them that they could blame racism instead of taking personal responsibility for their actions (he had never read the book). While speaking to a group of young men at a juvenile facility, a judge echoed this sentiment when he said "you have the keys to your jail cell in your control."[3] Staff would routinely implore young people to avoid engaging systemic or structural critiques of the juvenile justice system and their routes into it.

These notions that "getting out" of treatment are connected to an individual's focus entirely on themselves is one that also has increasing purchase in contemporary prisons, which have highly individualized forms of punishment and treatment (Crewe 2009). They have unique purchase in American prisons, where staff members engaged in the practice of what has been called "color-blindness"—or their choice to suppress young people's assertions of racial identity and racism in favor of what they said was a more liberal minded assertion of "color-blindness" and individualism (Bonilla-Silva 2003). Fused with their critique of youth claims of structural disadvantage, the focus on the individual melded well with staff members' promotion of the notion of hard work on oneself as a "way out" of the juvenile justice system and thus their endorsement of the "American Dream." In many senses the staff members were themselves living what they felt that "Dream" was—they possessed a secure, unionized, and well-paid state job, and many of them had made it out of the impoverished urban core into a secure rural, middle-class existence.[4] Thus, there is a sense in which they were projecting their own notions of success onto the young people under their care.

The notion of "freedom coming from within" can be found in some prisoner narratives and literatures (see, e.g., McCall 1994) and is one that is arguably a source of ontological security—or a sense of continuity and order in the events of one's life (Giddens 1991)—and grounding for some people who are incarcerated and a source of relief from some of the feelings of loss of control that imprisonment causes. A number of the young people felt that time in custody was their sole responsibility and that it was entirely "on them" to do that time. However, their expressions of doing their time on their own may be distinct from this notion of freedom from within in that it was actually about managing and surviving the behavioral change program they were expected to complete. A number of young people spoke about the notion of change coming from within while simultaneously acknowledging their struggles with managing the behavioral change program and their fears about surviving beyond it.

Young people would reflect these notions of individualized progress in their descriptions of their experiences in the facilities. One young woman spoke about how each young resident's program was her "responsibility" and that this could only be accomplished successfully alone. A young man said that while he was in the residential facility "I've been in control 100 per cent of the time," and that "every decision I made was on my own." Another young man similarly spoke about his realization that the only way he could do his time in residential custody was to "do me," and that it was best to ignore other people in that process:

> … all you gotta do is ignore. If you can ignore somebody, if you can ignore negativity, you will be the best person that you can ever be. You can be the best.

Many staff members encouraged young people to do their time "alone"—through contemplation, introspection, and self-control—rather than with the assistance of others. Staff relied upon familiar narratives of self-reliance and willful self-change that some have argued are a

key component of our contemporary mood economy (Silva 2013). Yet it seemed that the staff members' inducements to the young people to "do me" often seemed more like attempts to get those young people to avoid conflict with others in the period of their incarceration, and thus seemed to serve staff interests and institutional prerogatives rather than the developmental needs of young people. In fact, "doing me" might actually work *against* a young person's interest in the sense that they were asked to be introspective and independent in a context where interdependency and relationships might better serve their broader needs in growing, developing, and building character.

These narratives of responsibility were supported by the philosophy of the cognitive behavioral change treatment programs that were in use in the juvenile facilities. These "evidence-based" programs are undergirded by a philosophy of personal responsibility and control; in their deep focus on the psychological nature of self-control, and deliberate shift away from socio-structural explanations for offending, these programs work to support an emphasis on the responsible self. In some program curricula, for example, a young person's decision to speak about their previous experience with abuse or violence may be an indicator of their inability to take full responsibility for their actions.

Other scholars examining the lives of young working class people in the context of contemporary life have identified the ways that young people embrace a self-change narrative in the face of structural disadvantage and social insecurity (Silva 2013; Furlong and Cartmel 2007). Structural changes in recent years have severely limited opportunities in the labor market for young adults (Rampell 2009; Sum et al. 2008). We live in a changing social order, where transitions to adulthood have become less fixed, lengthening young people's periods of dependency upon their parents and guardians and slowing their transition to full citizenship (Furlong and Cartmel 2007). In the face of this insecurity and uncertainty, young people—especially working class and poor young people—have increasingly embraced self-help and self-change narratives (Silva 2013). The narratives are, in a sense, a means of exerting control over a future that seems increasingly out of their control. These experiences of economic uncertainty were arguably magnified by the stigma of the criminal conviction and the collateral consequences of incarceration, perhaps leading to many young residents ironically embracing the idea that their happiness and well-being lay in their own hands and that their change process belonged to themselves. The staff in the facilities actively rewarded young people for embracing these ideas about selfhood and often discouraged them from relying upon their peers and others for support in such change.

Peer contagion and relational ethics

Consistent with the notion that "peer contagion" was the cause of delinquency, staff often appealed to the idea that young people's engagement with their peers was dangerous and toxic—that peers are only sources of tension or conflict, or temptation, not of progress. These ideas are as old as the inception of America's juvenile justice system (Schlossman 1977). Young people were not allowed to speak to each other at meals and during movements throughout the facility, and they were discouraged from talking to each other during their down time in their rooms. They were not allowed to remain in contact with each other or staff members once they left the facilities. While there has been a great deal of research literature devoted to the negative effects of peer relationships on adolescents' capacities to offend, the knowledge about which is in part leveraged by institutional authorities to discourage peer interaction, we increasingly know and understand that adolescent friendships can be an important facilitator of healthy development and wellbeing (Way 2011).

This opens up a puzzle: Can juvenile justice interventions recognize the role of healthy relationships in the development of character? Juvenile justice institutions typically conceptualize adequate behavioral change on the part of young people through their emphasis on young people's individual self-change; this is rooted in the notion that individual change facilitates a change in character. Yet, what we are increasingly learning in the literature on adolescent development and also in that about desistance from offending is that stopping offending happens *with others*—in fact, one's relationship to others is critical to an individual's ability to change (Weaver 2012; McNeill 2009). It is arguable that the staff members' focus on young people's individual-level change, barring them from peer interaction, fails to appreciate the importance of an approach to treating young people that is concerned with and engaged with the potential of relationships to develop and sustain an individuals' ethical engagement in the world; this has been termed *care ethics* by some. Care ethics seek to "structur[e] relationships in ways that enhance mutuality and well-being" (Lawson 2007: 3). They acknowledge the critical importance *and existence* of interdependency in a world that increasingly imagines the liberal subject as an autonomous, willful individual (Lawson 2007: 3). Care ethicists argue that interdependence, mutuality, and care are actually critical to the establishment of a political economy rooted in justice, dignity, fairness, and trust (Lawson 2007: 3).

It was arguable that the juvenile facilities and their staff had a paradoxical relationship to such "care." Juvenile justice institutions often distinguish themselves from adult institutions in their differential focus on treatment and "care." Yet, as many scholars have argued, care and control are often two sides of the same coin (Sharland 2006; Phoenix 2009). The ban on relationship-building among teenagers in the facilities—ostensibly articulated as a form of "care" or treatment—served facility management purposes as opposed to preventing peer contagion. The notion of peer contagion finds its roots in long-standing sociological ideas that young people tend to commit crime in groups and that they learn crime in interaction with others; the idea is that if delinquent peers are grouped together in institutions like juvenile facilities, they may develop and learn antisocial behavior from each other. Researchers have found compelling evidence that peer group interventions, including those in juvenile facilities, aimed at reducing delinquent behavior actually amplify that behavior (Bayer, Hjalmarsson, & Pozen 2009; Dishion, McCord, & Poulin 1999; Dishion & Tipsord 2011; Mennis & Harris 2011). However, some researchers have found that young people can also exert positive, protective peer influences on each other and that not all interactions are negative ones (Lee & Thompson 2009).

This culture of individualism gave rise to some considerable ironies. The staff themselves knew that they were not only far outnumbered by youth residents in the facility, but that if they never allowed these young people down time on the unit to play cards, watch television, and talk to each other—to build relationships—that they would not be able to effectively run the facility. The staff members did not allow young people to engage in this kind of down time for purely instrumental reasons; this was in part a tacit recognition of young people's need for an "escape" from the indignities of facility life, including behavioral change programming. They found this "escape" through care and concern for each other. The staff members' decision to allow these relationships to proceed was arguably an acceptance of the dignity of the residents amidst facility rules and demands for order. The staff could also enjoy their own down time in these moments; I often observed them reading books, snacking, catching up on paperwork, playing cards with the young people, and even sleeping.[5] While discussions about "structure" and "control" were very much part of the public transcript in the institutions, it was these moments of unstructured down time that arguably enabled the young people and staff to thrive.

The moments in which staff members prevented young people from speaking to each other—during movements, meals, and classes—were those times when they were perhaps able

to exert the least amount of control over the young people. These were delicate, tightrope-like moments—those in which the young people were expected to obediently follow the directives of staff about movement and bodily control, but also ones in which they were most interested in resisting the terms of their domination because the prohibition on speaking seemed most illogical to them. These moments were also an effort to get young people to express willful control over their engagement with others at times that were beneficial to the institutional staff, not necessarily to the young people themselves. In other words, the irony of willful self-change narratives in juvenile facilities was that they supported and sustained facility order as opposed to actually facilitating change. It is the moments in which willful self-change was *not* encouraged that its fictional underpinnings were revealed. The units were quiet, calm, and free of violence when young people and staff were able to rest and be introspective and be engaged and relational and involved in voluntary, self-motivated interactions but not be bored. While the experience of boredom is typical for many teenagers, it could be quite dangerous in the facilities: it led to higher rates of violence and the greater use of physical restraints by staff against young people.

Deference

Upon entering a facility, residents were given a manual in which they learned about the behavioral stage expectations and rules they needed to follow. The basic rules required deference to staff authority, compliance with rules and procedures, "work[ing] out problems" through treatment programs, exercising "self-respect" and respect for others, honesty, cleanliness, and being quiet (New York State Office of Children and Family Services 2008). The facility staff convened "treatment team" meetings, at which a young person's progress in treatment would be monitored. At each treatment team meeting, staff filled out forms that identified the extent to which each resident was making progress in meeting his or her behavioral goals and expectations. Deference to staff members formed a core part of the expectations outlined in the forms. These included items demanding that young people follow the rules of the facility and exhibit respect toward staff. If a young person successfully exhibited such deference, he or she was rewarded within the treatment team process.

A resident's compliance with treatment in juvenile facilities is considered analogous to the normative processes of development and maturation, in which one moves from dependence on others to independence. The principles behind this behavioral change model stem from the idea that, through these treatment interventions, young people will be prepared to make more rational choices—they will be more *willful* in their actions. The young person's evolution toward these choices is expected to closely follow models of moral development developed by the psychologist Jean Piaget (Morash 1981). This process is considerably more bounded than the parallel experience of maturation in a non-coercive context. The first stage (Orientation, described as a *"Reluctant Learner"* stage in a staff training manual) teaches residents that they "will be watched very closely by staff," who will tell them what to do, and that if they stay on track, "it will also improve the way you control yourself." In the next stage (Adjustment, described as an *"Enthusiastic Learner"*), a resident is expected to work without direction, demonstrate improvements in programs, and to show "other evidence that you are accepting your placement and understand why you have been placed here." In the third stage (Transition, a "*Cautious Performer*"), residents are expected to take more initiative in their deference to the rules of the program, using the "skills" that they have obtained in the facility (such as "anger control" and "problem solving") and show that "you are able to say that you feel sorry for your crimes and take responsibility for your negative behaviors, without blaming others." In the highest-level stage (Honors, a "*Competent and Committed Performer*"), residents should be encouraging their peers

to "be positive and to make good choices" by showing "improved self-esteem by cooperating with staff and program expectations." Residents are given what is called a "Resident Behavior Assessment" at their treatment team meeting, on which their stage progression is based. They are also sometimes given "Behavior Improvement Plans."[6]

These forms of assessment comprise what Banks (2008) describes as "scripted" notions of change. The programs are largely aimed at encouraging residents to follow the rules. According to one "Resident Progress Report" issued to him, a young resident named David engaged in multiple incidents and rule violations, which are the markers of resistance to change in the institutional setting, at least in terms of his ability to be released and to receive a higher-level stage. Yet, he complied with or exceeded all of the expectations listed in the report, except for the expectation to "describe acceptable methods for controlling impulsive behavior and use them with staff direction." His initial delinquency offense, like that of many others, is less important in this context than his continuing misbehaviors, which play a role in defining his identity as someone who needs to learn the significance of compliance with norms (Banks 2008).

David arrived at the residential center after a long period of time in the "community," doing an alternative-to-incarceration program. He lived with foster parents, who had adopted him after his mother abandoned him as a child, choosing to maintain her drug addiction. While he was in residential care, David started receiving letters from his incarcerated father for the first time in his life, learning that his father was going to be released within months and wanted to see him. During my visit with David at the residential facility, he showed me the letters he had received from his father, which were posted up on the wall of his room. David's abilities to make choices and solve problems, however, were not evaluated with his family history and circumstances in mind, even though they may have played a role in shaping his behavior in the facility and arguably in his demonstration of self-control and personal control.

Was the behavioral stage model actually a treatment tool, or was it in fact a tool for social control within the institutions? In other words, did the stage process and the rule-making that accompanied it, actually facilitate behavioral change? There was little evidence to suggest it did. Instead, I observed that the expectation that young people exhibit deference to staff members more often than not discouraged or inhibited reflection on, and expression of, their personal histories and emotions in ways arguably detrimental to their character development.

Jacob's story[7]

Like a number of other young residents around him, Jacob was able to articulate his investment in the process of "willful self-change."[8] He worked hard in the facility on what he felt was his self-improvement: He got a coveted job in the facility's kitchen; he earned his way into a college course; and he was on the highest behavioral change level. He spoke about how he wanted to become a police officer after he left the facility. On the day he left the facility, he felt his life had been transformed as a result of his own hard work in the facility; he was ready to be successful because he had changed while he was inside. Yet, when he arrived at home, he had to confront his structural disadvantage and the collateral consequences of his incarceration. He faced serious difficulties in re-enrolling in school, finding a secure and sustaining job, navigating the foster care system in which he remained, and building pro-social relationships and emotional stability after receiving no support or interventions while he was inside that would equip him with the skills to do so.

Jacob, an ideal and successful juvenile facility citizen, found himself struggling after his release. The programming and interventions in the juvenile facilities weren't concerned with Jacob's past; in fact, as a number of criminologists have sought to argue, psychotherapeutic programs

based in insight development are seen as too costly and ineffective to implement and have been abandoned in favor of Moral Reconation Therapy, Aggression Replacement Training, and Thinking Errors curricula, all of which were in place at Hooper. As far as the system was concerned, Jacob's ability to develop the impulse control skills necessary to prevent him from exploding in anger in his low-wage job that he got after he left the facility was one of many similar aims—these programs conceive of desistance in a rather static way, as the ultimate state of self-control. Jacob, like other young people in the facility, was discouraged from forming bonds with his peers and prohibited from staying in touch with the facility staff he had connected to and anyone else who might be connected to the facility while he was on parole. So, his "success" in the facility—his ability to follow the rules—was intended to signal his ability to stay crime free on the outside.

Throughout his young life, Jacob was abandoned by his biological parents and by the systems and safety nets (including the child welfare and mental health systems) that were intended to protect him against such abandonment. And he suffered: Shortly before he was incarcerated for his case, his mental health had deteriorated, and he was in a crisis. Yet, as many putatively competent and intelligent young people do, he was able to mask this crisis in the context of a criminal case that necessitated self-protective behavior, both at the jail where he was initially sent and then at the boys' facility, Hooper, where he was sentenced. His mental health and child welfare records didn't follow him to Hooper and when offered medication, he refused; this would have meant he appeared weak to his fellow residents. He found "the program" of behavioral change at Hooper relatively easy to manage because he was a fairly compliant young man; he had to be, as someone who had grown up with few attachments to his biological parents, he aimed to please whatever adult figures with whom he could form even a minimal bond.

But when a crisis struck, Jacob's past quickly haunted his present. He had no friends beyond those who were selling guns and drugs; he was manic and paranoid and had received no consistent mental health care in confinement, and he had no understanding about how to leverage resources in the community on his own behalf after he lost his foster parent very suddenly. His life spiraled out of control, and he is now incarcerated with only a handful of people who remain in contact with him. Jacob had developed limited abilities to engage in what has been termed as "ethical self-correction" (Jacobs 2014). After his foster parent died, Jacob was robbed. Despairing and panicking, Jacob felt that the only possible solution to this perceived injury was to injure someone else.

In part, these actions emerge quite logically from an institution that fetishized willful self-change. From the ages of 14 to 17, Jacob was in an institution that taught young people that the only power to change was under their own control. If they engaged in conflict with others, the philosophy of the institution was that they should be separated until they "cooled off," as opposed to learning how to mediate conflict through ethical engagement with one another. They were taught that they should follow the rules of all adults but not learn how to set rules themselves or cultivate an understanding about moral engagement with others; that they should change their behavior but not their values. In other words, they were taught to simply perform their responsibility for their actions as opposed to developing insight into why they engaged in those actions. There weren't any facility-based curricula or interventions aimed at facilitating young people's understandings of difficulty and disappointment and how those difficulties and disappointments were not only inevitable, but might also lead them to gain greater insights into the antecedents of their harmful actions (Craib 1994). They were only taught the very individualized form of "anger management," as opposed to empathy, care, and concern.

Jacob's story illustrates some key questions about agency and the will. Interventions in the juvenile court context have, even as they take on different shapes and forms over the history of

this country's juvenile justice system, specifically been centered around the idea that young people are citizens-in-waiting. They are unformed, underdeveloped, and so on, and it is in part the role of the intervention to help to shape that character (c.f. also Kennelly 2011). Young people who offend are in a sense bearing a multiple burden through the intervention. Not only are they being "corrected" for their criminal behaviors, but they are also expected to learn adult-imposed "responsibilities," which, it is assumed, will help them to grow up and learn how to abide by the rules—and moral standards—of the adult world. As Jacqueline Kennelly puts it, they "must be carefully guided toward suitable degrees of self-regulation" (2011).

The interventions in the juvenile justice context are arguably ones which are really deeply concerned with character *development*. Yet, they operate with a paradoxical construction of young people—malleable, yet also, ultimately, capable of a great deal of resistance to being shaped and governed. Thus, the solution used by juvenile justice administrators is to create programs of change that are highly simplistic in their vision of what constitutes "agency." In the latest iteration of the juvenile justice system, the interventions are deeply informed moral development theories, which inform the behavioral "stage" system used in the facilities I studied, yet in a crude and often coarse way. What I observed was that their translation was one that ultimately resulted less in moral "development" than in a kind of adaptive conformity. Without the ability to develop one's moral responsibilities in a context that provided thicker opportunities for questioning, relational insight building, and so on, the facilities simply enforced passive compliance with rules, rather than active engagement with them.

Many of the young people in the juvenile facility are in a sense deeply alienated from their sense of agency, despite the fetishizing of the will that occurs in the facilities. This alienation, I think, is actually *enhanced* by three discrete processes: the literal alienation and isolation that comes along with incapacitation; the existentially demanding and potentially troubling form of alienation that occurs when one must devote his or her entire time in confinement to compliance with "the program"; and the deep forms of despair and isolation that accompany the copious amounts of "down time" and thus boredom they experience—which explains why the average amount of sleep the young people get each day sometimes exceeds 12 hours.

Juvenile facility practices raise key questions about the governability and regulation of young people accused of crimes. Within the context of the juvenile prison, those young people who are rewarded the most are seen to be those who are the most "governable." Yet what appears to be wrong here are the terms by which governability is set. I argue that the forms of regulation themselves have a very crude vision for what constitutes the redeemable subject of reform; this is ultimately a young person who is, in a sense, a "bad" citizen—one who is passive, deferential, lethargic, apathetic, and under-informed. Those who are seen to be ungovernable find themselves in the adult criminal justice system.

Conclusion

The juvenile facility programs fetishize the expression of the will in order to regulate and control young people as opposed to facilitating their development and the development of their character. I found in my research that the programs actually acted to *inhibit* young people's capacities to make decisions for themselves both within the facility and beyond it. If performed perfectly, program participation served program ends rather than benefiting the young people; the form of agency that they were taught to exercise sometimes facilitated order within the prison and young people's short-term adherence to the law (at least for a few months after they left the facility), but the young people rarely accrued any real benefits in the form of agency they were taught to enact. In this sense, it was not "agency" per se, it was a form of enforced

self-regulation. The facilities' programs squelched young people's development as relational, insight-driven beings, capable of coping with despair and difficulty as well as the legitimate barriers they faced as individuals with the stigma of a criminal record or experience in a juvenile prison, as well as their near-constant exposure to criminalization via stop and frisk and other policing tactics. This has serious consequences for the development of character and the capacity to care for others.

Notes

1 See Abrams and Anderson (2013), Inderbitzen (2007), Fader (2013), Nurse (2010), and Reich (2010) for contemporary accounts of residential juvenile facilities in states around the country.
2 The notion of "personal responsibility" is said to be consistent with the "ethos of individual autonomy" associated with philosophies of advanced liberalism, and it relates to inducements to self-government (Rose 2000: 329).
3 This judge would often speak of his own story as an individual raised in a working class community in New York City and making it out to the middle class through hard worth and thrift.
4 See Watkins-Hayes (2009) for her analysis of bootstrapping language employed by Black and Latino welfare bureaucrats.
5 These activities by staff may not have been allowed, but they often became a way of coping with time, particularly when staff were given mandated overtime shifts, which required them to work for 16 hours straight.
6 Those residents who have been designated as sex offenders must admit responsibility for their actions as a prerequisite for release from the Sex Offender Treatment Program.
7 Some identifying details about Jacob's relationships and this incident have been changed in order to protect his confidentiality.
8 I use pseudonyms throughout this chapter for the names of young people and the facilities they were in.

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