



## Commitment to Crime The Role of the Criminal Justice System

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### ABSTRACT

Commitment is an important contingency in the criminal career and signifies a refutation by the offender of other possibilities of action. It is often facilitated by the perception on the part of the offender that little is to be gained by abandoning the criminal career. This perception is strengthened by a number of processes, including contact with the criminal justice system. This paper adopts a symbolic interactionist framework and explores how 41 incarcerated young offenders in Malta perceived their contact with the police, the courts and the prison as having influenced their involvement in crime. These young people were interviewed in depth, and their biographies were then used to develop grounded theory. The findings show how interventions by the criminal justice system were interpreted by young offenders as an intrusion that contributes to a reduction in their status. Offenders did not view themselves as locked into a deviant career; they regarded themselves as having chosen such a career after consideration of the costs and benefits. The paper concludes that commitment to criminality is not a passive process. Rather, commitment grows out of offenders' interpretations of the contingencies encountered along the career path. Contacts with the police, the courts and the prison often solidify commitment because they are perceived as reducing the offender's opportunities in the conventional world.

**KEY WORDS**  
Commitment / Criminal Career / Criminal Justice System / Malta.

### Introduction

This paper documents how young men in Malta perceive and interpret their interactions with the police, the courts and the prison as being linked to the

development of their criminal careers. The focus of interest is young men's interpretations of the contingencies that make progression in a criminal career more or less likely. It is proposed that it is not the mere presence of contingencies that influences changes of trajectory, but the recognition and interpretation of such contingencies by the social actor involved. The way the offender explains his own behaviour is considered to be significant. The experiences of the 41 young offenders who were interviewed are interpreted in the light of relevant criminological theories, especially the symbolic interactionist perspective. The method used to pursue this goal is interpretative biography. Mead's (1934) conception of the social actor as both subject and object, both acting and acted upon, is emphasized.

### The tradition of symbolic interactionism

The concept of career emphasizes the subjective point of view of actors on the path they are taking in life (Goffman 1968; Adler and Adler 1980; Fagan et al. 1990). The offender, aware of the implications of past events for his/her biography, interprets future contingencies as a continuation of that story. Career arises from the person's awareness of a past sequence of events associated with a particular identity, deemed significant by oneself and others and seen to extend into the future. It may be conceptualized as a corridor with various doors running along its sides. The offender may enter the criminal career or exit back to conventional living at any of the available doors. Never is he/she completely constrained to remain in the corridor (Clark 1999). Because humans are self-reflexive, they exert control over the direction their lives take (Blumer 1969). Career contingencies simply set the stage for a variety of steps where the individual may become more involved and committed to the behaviour.

The amount and kinds of interaction that take place between the individual who is suspected of criminal behaviour and the agents of social control are important for the future course of that person's deviant career (Garfinkel 1956; Melossi 1985; Sampson 1986; Braithwaite 1989; Nagin and Paternoster 1991). The process of interaction typically goes through different stages: a phase when the criminal is undetected in the community; a stage when the behaviour comes to the attention of the police; a phase when the offender is institutionalized in prison; and a phase when the offender is an ex-convict back in the community. Apprehension, adjudication, sentencing and imprisonment may bring about changes in the individual's self and in his/her relations with others, which, in turn, influence the career path (Lemert 1951; Becker 1963; Sherman et al. 1998; Braithwaite 1989). The longer the deviant career and the more publicly

known and seriously regarded the deviant's activities, the more problematic it becomes to re-enter conventional life (Abramsky 1999). Committed criminals reject the possibilities of alternative courses of action, and may take a series of decisions that cumulatively bring about a situation where turning back becomes problematic. The higher the stakes in decisions, the more consistency in behaviour and identity (Marcia 1980). Commitment is related to the belief, on the part of individuals, that they are trapped in their deviant role by the force of the penalties to be suffered if they try to establish themselves in non-deviant circles (Stebbins 1971). Recognition of these penalties marks a major turning point in the deviant career – one where the realization of the forces both for and against continued criminality is especially acute. For many delinquents, commitment need not be a lasting aspect of their lives. Many non-professional criminals discover that conventional living is more secure and at least as rewarding (Åkerström 1985).

The processes whereby individuals come to occupy deviant roles and to progress along deviant careers are an important theme in the labelling perspective (Agerton and Elliott 1974). This approach emphasizes the processes of response and counter response through which behavior takes on social meaning (Schur 1971: 3). Labelling theorists stress the amplification of deviance through the process of social definition and interaction between individuals, and between individuals and organizations, for example, between the criminal and the courts. It is through such interaction that deviant self-concepts are fostered and criminal careers propagated.

Labelling is a process and not a simple causal factor (Holdaway 1992). Once deviance is initiated, it may escalate to become a central feature in the individual's life (Lemert 1951). Official typing, and consequent stigmatization, may lead to an altered identity and necessitate a reconstruction of the self (Mankoff 1971). Symbolic interactionists attempt to unite the role of actors in the construction of their social reality with the deterministic influence of the structures that they play a part in creating, allowing the analysis of change over time as experienced by individuals.

Whereas the positivist construction of humans perpetuates a perception of offenders as passive puppets at the mercy of biological, social and psychological factors, the symbolic interactionist tradition is more congruent with the view of offenders as having some degree of control over the direction that their career takes. Mead (1934) conceptualized the individual as a rational being who does not respond directly to the activities of others, but rather engages in reflection. Humans think about their future, plan their actions and reflect on past conduct. There is no certainty about the processes engendering the criminal career.

The classic view of crime holds that the decision to violate the law comes after careful consideration of the benefits and costs of criminal

behaviour. The core of choice theory is that the offender chooses to commit crime and can therefore be deterred. In recent years this theoretical perspective has regained prominence among writers who focus on criminal acts rather than criminal careers (see Cornish and Clarke 1986; Katz 1988). The classic conception of the rational human being may well be applied also to the analysis of criminal careers and is not incongruent with an interactionist interpretive tradition. Symbolic interactionism may well serve as a bridge between the positivist and classic schools in criminology.

## Method

This paper uses qualitative data gained from interviews with 41 young men in prison. The interviews were used to elicit biographical narratives. The central postulate of this method is that there are real people out there and their experiences can be told, written about and shared (Denzin 1989). I gathered concrete, contextual biographical data by prompting the subject to talk about key aspects of his life in relation to his involvement in criminality. I then subjected the consequent narrative to careful reading and interpretation. Theoretical ideas regarding the development of criminal careers were developed and grounded in the interview data. I looked for patterns of meaning in the stories that young men told about their lives, focusing on contingencies that contributed to the development of the criminal career.

Since the research aimed to identify contingencies that make criminal career development more or less possible, I chose a sample of individuals with extensive criminal careers. The sample comprised all the young men under the age of 30 who were at the time of the research imprisoned in Malta's only correctional facility, Corradino Correctional Facility (CCF), thus ensuring representativeness. Doing research on criminality within a prison setting naturally places constraints on the research design. Participant observation is ruled out, although qualitative interviewing remains a viable alternative. However, interviews need to be constructed with great care. The interviewer in the prison context must be seen as independent. The quality of information will suffer if the inmates view the researcher as part of the prison organization. I spent time before the interviews getting to know the inmates and establishing a role as an independent researcher from the university in whom the inmates could have confidence.

Prisoners may make particularly difficult interviewees if they do not feel comfortable in the interview situation. This is where my training in counselling and therapeutic interviewing came in useful. I took care before and during the interviews to create a comfortable and safe atmosphere for

the inmate. My approach was to present myself as a researcher keen to learn from the inmates. In this manner, the interviewees were given the upper hand in the interview and, with that, confidence in themselves and in what they were recounting. Through the use of empathy and inductive probing, I was able to establish a rapport with the inmate and elicit the information that was central to the aims of the project. It is important to note that, before the empirical work commenced, there was a very important period of 'befriending'. During a period of two months prior to the interviews, I spent time at the Corradino Correctional Facility getting to know the inmates on an informal basis. This proved to be one of the most important stages of the study since it established me as a trusted figure independent of the prison authorities. Interviews were held in the room used by the lawyers for conducting interviews, which provided a quiet and private environment.

I conducted the interviews in Maltese, since many respondents would not have been fluent or relaxed in English. The interviews were tape-recorded and then transcribed in the original language. After transcription, they were translated into English. Great care was taken with the translation; advice on difficult passages was provided by an expert linguist (a professor of the Maltese language at the local university).

## Data analysis

Labelling theorists hypothesize that apprehension and processing through the justice system often results in an escalation of criminal activity, especially among juveniles (e.g. Tannenbaum 1938; Rubington and Weinberg 1968; Schur 1971). They stress the way in which deviance is amplified through processes of social definition and through interactions with individuals and organizations, especially formal agents of control. This contributes to the development of a deviant self-concept (Becker 1963, 1977; Lemert 1951; Schur 1971).

Under one set of conditions, contact with the justice system may contribute towards the development of a deviant self-concept, movement into a criminal group and escalation of the criminal career; yet, under a different set of conditions, apprehension by the police and appearance at the juvenile court may well serve as a deterrent and curtail the criminal career. This analysis will explore how Maltese young offenders perceive their interactions with the criminal justice system as tending to lengthen or shorten their criminal careers. Contact with the system will be examined at each stage of the process: apprehension, adjudication, sentencing and disposition.

### The police

The fact that most youth activities take place in the public arena means that young people are likely to come into contact with the police (Foster 1990). These contacts are crucial to the formation of negative attitudes towards the police. The interviewees reported that they were well known to the police and felt they were treated with suspicion, often resulting in arrest. They reported that such arrests were sometimes unfounded. This set the stage for believing that the police are corrupt and that injustice prevails.

*They start to arrest you for nothing ... The police, they do whatever they want. They can even frame you if they want to and you can spend the rest of your life in prison. I reached a point where at least once a week they would arrest me. (RZ)*

*Don't mention them to me, I can't stand the sight of their uniform. (MC)*

The development of negative attitudes towards the police resulted in hostile interaction between the police and the young offenders. Demeanour plays an important role in the outcome of an encounter between policeman and offender (Phillipin and Briar 1964; Foster 1990). Frequent encounters with the police and disproportionate surveillance may create hostility among those subject to it and may reduce the significance of the encounter (Hunt 1985). Some interviewees account for their continuation in crime in this manner:

*Once we were three guys in a bar ... It was after nine, when the sergeant came and he started to pick on me. On me, nor on the other two. He told me that I have now lost bail. And when he told me that I smashed his face in with a rod of iron which I had under the table. I got three and a half years for that. (RS)*

*The police here in Malta, even more here than abroad, because Malta is a small place, once you get a bad name with them, you've had it. They'll continue to pick on you. It is true, for example, that I often become aggressive with them. I don't really like violence and am not a violent person, normally. But, if they challenge me, I don't say 'I should keep my mouth shut because he is a policeman'. (GG)*

The acquisition of a criminal record was perceived by the inmates as having influenced interactions between the two parties:

*I mean, once you get the reputation, for example if somebody throws a bottle at you, the police who are used to seeing you, they'll turn it against you straight away. They won't listen to your point of view. You are in the wrong, automatically. You get to the extreme that, even if you are in the right, the police won't accept that. And then you become even more aggressive. And for you the laws no longer apply, you are always in the wrong. You feel that, when you do something wrong, they'll use everything in their power to put you away, but when something bad is done to you then no law applies. (DS)*

Once you have contact with them then it's like you carry on with them. They keep after you until they put you in prison. Only then are they happy. And then I was often arrested for nothing – everything that went on in my locality they would arrest me. That really used to make me furious. Often when I went out I would come back home to find the police waiting for me. I hated the fact that they kept such close surveillance on me. (AF)

A negative reputation was perceived as influencing police decision-making.

For example, that case where I got two years' probation. I mean we got into a fight amongst ourselves, a couple of young people ... And the fact that I had this case pending of the accident and the fact that they knew about me and who I was and all that, that made them pick on me even more. As if you get two years' probation for being in a fight. They were out to nail me. (IF)

In this study, the police were often described by the inmates as embarking on a personal vendetta rather than as simply doing their job.

All of them [the police] know me as 'Zikizok' and they know that I mean trouble. I'm infamous with the police. I've been arrested so many times ... But now they have me where they want me, behind bars and for a long time. They must be happy. (JA)

Some interviewees manifested particularly negative attitudes towards the police because they claim to have been subject to police brutality.

And they were always winding me up and then I would get aggressive and there would be another case against me. I never used violence directly on the police but they have with me ... They beat me up several times ... I went to register and while I was at the police station there was a policeman and he gave me a court mandate. It was not mine, it was for someone else, but he wanted me to take it, he insisted ... When I continued to refuse he hit me on the head with a stick. I was bleeding and he freaked me out so much that I started to beat him up ... But when I was in the shaft [the internal yard in an apartment block] I heard the police talking. One of them said, 'If we find him in the water tanks we'll drown him there, we'll keep his head under the water.' They wanted to kill me. It's not the first time that I nearly faced death with the police, because there was another time when they beat me and you don't know what police beatings are like. (GG)

The police may justify the use of force as a morally appropriate response to certain categories of crime and criminals who symbolize a threat to the moral order (Hunt 1985). Such force may have the unintended consequence of increasing hostility towards the police and lessening respect for the law (Hunt 1985).

Some youths may be deterred by police contact, fearing that their future prospects in the conventional world might be ruined. However, not all police contact results in deterrence and the cessation of delinquent

activities. The interviewees in this study were more likely to report feelings of anger and injustice, which appear to have rationalized further offending and hostile interactions with the police.

#### The courts

The interviewees reported that, as time went by, they became familiar with the rituals of the court, which helped to perpetuate a sense of injustice.

And the court teaches you as well. I got 2 years for stealing a car stereo and then I got 18 months for stealing a large amount of money. Therefore the court is telling you to steal big straight away. (OC)

When you see the way that the law functions, and especially when you see that the offence you've committed is not one that requires imprisonment but they still threw me in prison with all these people, then you get very angry. And then you start to hate them, the police and the court and everything that has to do with them, because I really believe that I was treated unjustly. (GG)

Association with other criminals results in discussions about how other people's cases have fareed. In this study, it emerged that a sense of injustice (Marza 1969) increases commitment to the criminal career through the development of a sense of entitlement (Walters 1994).

Some of the inmates accounted for their continuation in crime by the fact that court cases often take a long time to be settled. One offender reports:

We did the burglary when I was 16 but they didn't sentence me till I was about 18½ and by that time I had settled down, because at about 16 I was fostered by a family. I used to live at their house and things started to work out for me. I had even started to work because he, the father, helped me find a job. Anyway my life was falling into place... since I had started to live with this family that I told you about I had gone straight. I was OK then and I didn't expect to be sent to prison. Why did they send me to prison if I had reformed myself? I had settled down, got a job and everything and now all that is screwed up again. They should've given me a break once they saw that I'd settled down. (JV)

Another inmate claims that his pending cases in court and the indefinite length of time that they would take to be resolved increased his commitment to a criminal career.

[T]he pending cases were a real problem for me... This time when I came to prison they closed all my cases, and that's something that really makes me happy. I was actually happy to come to prison because now I can leave and will have no pending cases. (LA)

A young man who had been convicted of involuntary manslaughter after running over two tourists with his vehicle claims that it was during

the five-year period that his case was in court that he started to get seriously into trouble with the law.

Interviewer: So let me see if I understand you correctly. This case that you are presently doing time for started when you were 19. And then how long did it take for the case to be settled in court?

Prisoner: Five years. And it was in those five years that I started getting into trouble... They kept me hanging on for far too long. I would go for a hearing and then it would be postponed for three weeks. Come three weeks, it would be postponed again. (JF)

An impending prison sentence might be interpreted as an encouragement to deviate further:

Often cases take as long as four years to be closed. I don't think that that helps individuals reform themselves. (AF)

The young men's experiences in court were reported to have contributed to a sense of injustice, which appears to have facilitated continued criminal activity. Two themes were salient: the offender's perception that the courts did not mete out equal sentences; and the perceived lengthy legal processing of cases.

#### The prison

A theme that consistently emerged was that prison was experienced as a 'school for crime'. The idea that prisons are training grounds for a life of criminality is not new (see Tannenbaum 1938; Clemmer 1958; Matthews 1999). At the time of the research (Winter 1996), there was no classification system for offenders housed in CCF. As a result, inmates of all ages and lifestyles with a wide range of convictions, could be found together in any one division. Many of the inmates commented that placing young offenders with older, more criminally experienced inmates has important consequences for the criminal career of the younger person. Since, in prison, conversations centre mainly around crime, this provides the opportunity for younger offenders to discuss where they went wrong and how they could have avoided detection. Association with more committed offenders may provide the novice in crime with techniques hitherto unknown to him.

Because in here all you hear them talk about is drugs, robbery, murder. But one learns a lot just by listening. Everybody talks about their crime, and a silent observer like me notices where they went wrong, what led them to be caught. So I would say 'Aha, if I were them, next time I would avoid this and that', until you learn to become a professional criminal. You can plot the perfect crime in prison, just by listening to others. In my case, for example, I learnt that there is a chemical

that reacts with traces of blood. After the murder, we had scrubbed the floors well but this chemical revealed it anyway. If I had known about it before, I would have set fire to the place or taken up every tile off the floor. You know what I mean? I realized where I had gone wrong. (RM)

Many of the interviewees reported that in prison they learnt more about crime and became more professional. Through conversations with other inmates they claim to have become convinced that, if they are going to commit a crime they will no longer waste time on petty theft. In this study, consideration of the costs and benefits of crime emerged as an important aspect of commitment to a criminal career.

I think that it is very bad for a young kid to be sent to jail because from here he learns a lot of things ... some things I didn't even know then ... you talk with those that are worse than you, those who stole, who did a hold-up, and then you start to learn. Once you're in here and start learning ... and I wanted to tell you something about jail. When a young person is put in here for stealing a stereo and he has to do three years, the other prisoners tell him that he's stupid, because for stealing a stereo you get a sentence of three years and for staging a hold-up you might get only four or five years in jail. It's more worth it - it's like they're telling you what to do because when you see someone who's done a hold-up and gets four or five years in jail and he acquired £10,000 and then someone who had stolen a stereo gets three years' imprisonment for only £10, then you say it'll be better if I do what he did. (JS)

Many of the interviewees experienced prison life at a young age. One inmate who had first been incarcerated for a short period of time at the age of 14 recounts:

Here you become an expert on crime. When I was our I was a good thief but in here I have become an excellent one. Here I learnt what to do and what not to do. Because here in prison, if you take crime seriously, you come in a thief and you go out a professional. And a professional not only of thieving but of everything - murder, hold-ups and many other things ... I would try and stick with the real criminals and see what they're saying, to learn you see. (MS)

Another inmate recalled:

The first time I was sent to prison, I swore to myself that I would not be sent there again, but when I was ready to leave I left with a lot of information ... I learnt a lot in prison, in the negative sense. (RU)

Perhaps even more important than learning the technicalities of crime is learning the rationalizations for continuing a criminal career. Discussions among the inmates centre around the various convictions, fines and probation orders received. An inmate often concludes that he has been sentenced to more time than he should have been and that committing more serious crimes that promise greater revenue is more worthwhile.

The older interviewees claimed that when a young man is admitted to their division they will go and ask him what he is in for and give him advice.

In my case I straightened out and they threw me in here and so I tell myself, 'straight or not, I still got time and so you begin to doubt whether it's worth staying straight. I think that I might start on that life again. In those two years after they busted me for attempted burglary I was completely straight. I swear that I was not doing anything against the law. Some good it's done me. When I came to prison, the people who were here before said to me, 'so you're here again'; they tell me that I stayed straight for nothing. They tell me that it was all for nothing. (IV)

When a new kid comes in here, everyone is curious to see what he came in for. They ask him, 'Why are you here' and he says 'Burglary' and they say 'Did you admit it to the police?' And he says, 'Yes, because they said they wouldn't send me to prison', and they tell him, 'How could you be so stupid? You should never confess to the police.' And so he learns not to be honest but how to avoid coming to prison. We tell him that in the future he should refuse to cooperate with the police and to go for bigger things. We tell him, 'Next time, don't simply steal a cat, hold someone up', because if you must go to prison it's better to go for a more profitable enterprise... when I came to prison there was this guy and he told me, 'Son, make sure that next time you're taken to the station you don't make a statement, because the police are holding a knife to your throat and if you say "no" there's a chance that you'll escape, but if you say "yes" and nod, the knife will go in.' And I think that prison didn't teach me a lesson. At the time there was a guy called Parapet, he's dead now, he was a dope dealer and he told me, 'Let me tell you one thing, prison will try and break you Alfred, but you must not let it, you must break it.' And I had said, 'How can I break it with all these bars and walls?' And he laughed and said, 'With your mind' ... And then I started to learn what I needed to do in prison to live a good life. (AB)

The older criminals claim that, just as they themselves were tutored on how to avoid detection and what to do when detection had taken place, so they passed this information onto the younger inmates.

Placement in a correctional institution may facilitate the making of criminal contacts. Owing to Malta's small geographical size, when an inmate is released back into the community he will come into contact with other ex-prisoners who were serving time with him. If an ex-prisoner is not readily welcomed into conventional groups and he prefers to associate with individuals in a similar situation, thus increases the likelihood that he will choose to associate with those he has got to know well in prison. Criminal contacts are not easy to acquire (Åkerblom 1985) but prison provides the opportunity for them to be made.

Then in prison I had met a guy. I used to boast with him that I used drugs. And he used to laugh at me and would tell me 'those aren't drugs, heroin is the drug'.

He told me that when we got out he would give me heroin. He said that he'd give me heroin if I sold it for him . . . So when we got out that's what I did. (STC)

Yes of course, because as time went by I started coming to prison and here you don't learn anything good, they tell you to go and steal from that place' or they tell you to go and destroy something for someone when you get out, and they pay you and you go. (OA(A))

Thus, the social interactions occurring within the prison context have important implications for the development of the criminal career (Goffman 1968).

Prisons may have positive consequences in the life of the individual by providing the opportunity to learn occupational skills to individuals who have no means of earning a legitimate livelihood other than through unskilled labour. Prison personnel also point out that, in prison, men learn to comply with authority, and that those who at first have difficulty staying out of fights eventually learn to get along with other men and wardens (Cullen and Gilbert 1995). This would seem to be an important rehabilitative aspect of prison life. It seems likely, however, that after a while the prisoners come to realize that it simply does not pay them to misbehave if they lose their privileges. One positive aspect of prison life could be that, during the time spent in prison, the offender is leading a safer lifestyle without the serious physical and medical hazards that he might have been encountering when in the community, such as being in debt, using illegal and adulterated drugs, being intoxicated and getting into fights. However, prisons are not safe havens either. For example, drug use in CCF at the time of the research was rife. Moreover, needles are hard to get hold of and are therefore shared.

In prison you don't stop using drugs. They just hide you away from society and make your ills worse. Here you can only catch other diseases. If you have a needle because you use it, then it might take them a year to find it and take it away from you. In the meantime, all the junkies in your division are using it. (RG)

This inmate, a known drug dealer on the outside, carried on practising his 'work' while in prison. He was apprehended smuggling a substantial amount of heroin in his child's nappy during a contact visit. Another potential hazard, especially among the younger inmates, is sexual abuse and the possibility of acquiring sexually transmitted diseases. One inmate recalls that when he was imprisoned at a young age he was sexually abused:

. . . prison doesn't help people reform themselves, especially when you're as young as I was; they did what they liked with me. The men they even abused me many times till I learnt that I must stand up for myself. (MS)

Although most of the interviewees may have reported that prison had contributed to an increased commitment to crime, for a few of the other

inmates prison appears to have had an impact in the direction of reformation. More specifically, 5 out of 41 inmates claimed to have been deterred by the prison sentence and reported a decreased commitment to crime. Reduced commitment might result in a change in the path that the career was taking. Among those inmates who reported reduced commitment, prison does not appear to be the only contributing factor. Most of these inmates reported that they now had something to lose by continuing to engage in crime. It was prison that they feared but mainly because prison would interfere with their more attractive options, such as setting up home with a new wife and baby. Other inmates reported that the prospect of spending another term in prison was daunting. Some inmates also claimed to have positively improved their lives and themselves as a consequence of being in CCF because they had developed healthier lifestyles, started to appreciate the meaning of work and also learnt how to get along with others. Prison might serve as a plausible deterrent but, for those who adapt to it, as most of the interviewees claim to have done, it is simply viewed as an occupational hazard. Offenders both in prison and on the streets reason, 'if you can't do the time, don't do the crime'. On the other hand, prison life may orient the inmate towards the possibility of alternatives other than crime through the learning of skills and the ability to deal with others in a more positive manner and by serving as a deterrent.

There is nothing definite about the course a criminal career will take. Many of the inmates in this study accounted for their continued criminality as resulting from prison serving as an opportunity both to learn technical and psychological techniques to support crime and to make criminal contacts. The experience of incarceration appears to have contributed to a sense of injustice and to the solidification of a criminal identity. The consequences for behaviour are likely to be different for those individuals who experience changes in self-conception compared with those who experience only compliant role behaviour.

### Conclusion: Deterrence or escalation?

The labelling perspective suggests that the apprehension and adjudication of offenders, and juveniles in particular, label the offender and facilitate the assumption of a criminal identity. Research evidence of an escalation of criminal activity after contact with the justice system is, however, mixed (Siegal and Semma 1994).

Because the present research deals with offenders who have shown sustained involvement in crime, it comes as no surprise that, looking back on their past, they claimed not to have been deterred by contact with the

justice system. These inmates' narratives indicate a failure of the criminal justice system to influence their behaviour positively. Police contact was not, in retrospect, perceived as a deterrent. It has already been documented how many felt they were treated differently, resulting in bitterness, a sense of injustice and a belief that the police are corrupt. Tentative flirtations with deviance may simply be shrugged off by the delinquent as 'having a bit of fun'. However, when they come to the attention of the police, they may begin to perceive their misdemeanours and themselves in a different light. Labelling by the police was reported to have many consequences for the life of the offender.

And even the police no longer treat you right... They exaggerate matters completely and try and incriminate you when you're not guilty. And then when there is really something serious that they should make a fuss about they do nothing. And you think, 'Who the hell are they to tell me what's right and wrong.' And when you're in the right they won't accept it and you come to lose all faith in them... And so you carry on in crime because whether you do so or not it's the same for you... whatever I did I still managed to get into trouble... And you'll remain a criminal, you're tainted. It's like when you crash a car and you dent it, the dent stays and, even if you fix it, it's not the same. (LA)

Police attention need not necessarily result in the escalation of criminal behaviour and the assumption of a criminal identity. Had the sample included ex-offenders who had not carried on with their criminal behaviour, they might have reported that police contact was an important deterrent.

A common theme developed by the respondents was that contact with the criminal justice system resulted in a process of social exclusion by making them outcasts in the eyes of other members of the community. For example, the inmates complained that increased police surveillance led to problems with superiors at work and the eventual loss of jobs.

And the police would come to my place of work and say to the boss, 'Why have you employed this man? He's a thief.' And they would tell him about the things I've done... I remember that I went for my wages and he said to me, 'Don't bother coming back. You're too much hassle.' I was really pissed off because I was sure it was because of what the police had said and the fact that they were always coming to my place of work. (AB)

This points to the potentially intrusive role played by the police in the life of the offender. Contact with the justice system in the form of police contact and court cases was reported by the inmates to have influenced their reputation, contributing to a decline in legitimate opportunities. Many of the young men maintained that they had drastically reduced chances of finding a good job and of settling down with a 'conventional' woman and raising a family because their reputation had been tarnished.

Malta's small size and the interdependence and communitarianism at the village level lead to effective shaming and the creation of deviant reputations. The men mostly reported that they continued to be rejected by their community. They interpreted their situation as one where, since legitimate opportunities were scarce, they opted to return to what they are successful at – crime.

I started to do jobs again when they didn't let me work; can you understand, they didn't let me work. So what can you do? One has to eat and drink. What could I do, go and beg for money? You have to do something. (AB)

In time, young offenders learn how to deal with the justice system. The interviewees claimed that their experiences with the police and the courts motivated them to seek ways to avoid detection. The risks they take are balanced out by the possible value of the profits that might be made. This indicates how the perception of rewards and penalties in the criminal lifestyle influences the criminal career.

I can't work now... I won't go on stealing silly things like I did in the past. I mean, what's the point of getting two to three years in prison for something like 100 pounds worth of stuff? (OC)

You become wise and choosy about the things that you go in for... If I'm going to do a job, and now I'm even more convinced than before because I know know about prison, I'll only go into a job if it's worth it. Otherwise I won't bother. It has to be worth it to risk being sent to prison for it. (KT)

Once a reputation has been tarnished, a criminal record acquired and conventional opportunities narrowed, the young person may reason that he no longer has anything to lose by being caught. With social bonds loosened, criminality becomes a viable option (Hirschi 1969). This issue permeated most of the interviews. It seems that committed criminals in Maltese society perceive few opportunities for leaving a criminal career.

Once you start being charged and you know that you're going to go to prison no matter what, then you stop caring. Money was always very attractive to me and I couldn't resist a good opportunity to make some money. (DS)

The knowledge that they would eventually end up in prison was not a deterrent for many of these young men. Since they were likely to be locked up eventually, they felt entitled to enjoy the freedom that they had left. Nevertheless, the prospect of prison does sometimes serve as a deterrent. In this study, tougher measures meted out by the court seem to have been interpreted as a deterrent.

Prison does help you actually, yes. If you're arrested and nothing comes of it, then that won't scare you; it'll make you think that you can really get away with it. But when you're in jail you tell yourself 'I'm here for nothing'. You come to realize that it is better to go straight. (MC)

If you're caught and sent to prison, but only for a short while, you tell yourself 'it's not that bad' and do it again. When you're given a long sentence, that's when you learn. You learn about your mistake. (OA)

Such reflection may be the difference between those young men who experiment with offending but then stop when threatened with tough penalties and those who pursue a criminal career. Committed criminals tend to view prison as one of the occupational hazards of a life of crime (Åkerblom, 1985). Although the contingency is the same, individuals will interpret it differently.

Societal bonds and attachments to social institutions such as the family, school and the workplace may inhibit criminal involvement (Hirschi 1969). Many of the young men in this study claimed that, as a result of official labelling, they have experienced rejection by the community, the workplace and the family. This social exclusion resulted in a lessened stake in conformity. Further contact with the justice system may serve to amplify this lack of attachment and commitment to conventional society. The comment 'I have nothing to lose' was often repeated throughout interviews. Those who felt that they had something to lose, mainly by way of respect from family members, were more likely to claim to be deterred by punishments meted out by the courts.

For a few men (five), a long term in prison seems to have reduced their commitment to a criminal career. These young men, in looking back at their criminal career and making a mental cost-benefit analysis, discover that the costs far outweigh the gains. They feel that, in the future, conventional living may well offer them more gains.

If you're into crime and you don't get busted by the police, then it is worth it. But if they catch you, then it isn't. As time goes by you learn. You start to say to yourself, 'Am I going to spend the rest of my life in jail? I want to do something with my life.' And so you try to work. Time will teach anyone. While you're stealing and getting away with it, that's cool, but when you start to get busted you think twice. (MC)

Prison has taught me never to steal again. (PP)

By way of conclusion, the data from the interviews indicate that contact with the justice system may be seen by offenders to contribute to both a reduction and an increase in commitment to crime. Among the sample of Maltese inmates, increased contact with the police was reported to have instigated the development of negative attitudes towards them and often resulted in hostile interaction with them, thus increasing the likelihood of arrest and prosecution. Being arrested by a police officer and being required to appear in court did not always serve as a deterrent. Many of the young men reported experiencing a significant change in identity

after repeated encounters with the police. Among these men, contact with the police served not as a deterrent but as a motivation to be more careful not to get caught.

The young men soon figured out the workings of the court and how best to take advantage of it. The fact that cases take so long to be settled in Malta results in a backlog of cases for the individual, who then reasons that, with the certainty of a prison sentence at some point in the future, he might as well live it up during the little time of freedom left. Many of the inmates reported an escalation in their criminal activities after contact with the courts. Lentient sentences often led to the rationalization that one can get away with crime. On the other hand, rough sentencing often led to the development of a sense of injustice when, through discussions with other criminals, the offender finds that he has been given a tougher sentence than the next offender.

Prison was interpreted as a learning experience in the world of crime. Many offenders claimed to have made important contacts and increased their criminal knowledge during their incarceration. The absence of any form of classification in Maltese prisons during the time of the interviews meant that younger offenders were often made to interact daily with more experienced criminals and this served to help them develop techniques to develop their criminal career. Long prison sentences, however, do seem to have served as a deterrent for some men, who claimed that they have now realized that, with the amount of time that they have to serve, the benefits of crime are not worth it. Most of the men, however, tended to see prison as an occupational hazard, much like a person in a conventional career puts up with the down-side of a job. Prison is also seen as contributing to continued criminal activity because, on returning to the community, the ex-convict often finds that his opportunities in conventional living are drastically reduced because people know that he is an ex-convict.

### Final note

The image of the deviant as passive object that is often portrayed in the labelling literature is not in fact supported by the data explored in this paper. Although the interview material highlights the influence that interactions with the criminal justice system are reported to have had on these young offenders, they do not in fact view themselves as 'more sinned against than sinning'. Many of the respondents claimed that they were somewhat constrained by the reactions of the criminal justice system, but they mainly argued that consideration of the rewards and penalties inherent in a criminal career influenced their commitment to criminality. The most

salient factors reported by the young men as contributing to an increased commitment to a criminal career were the social and material penalties encountered when they attempted to re-enter conventional life with a now altered status, that of publicly identified offender. These, in combination with the rewards inherent in the criminal lifestyle, were utilized as a rationalization for increased involvement in criminality and ultimately a commitment to a criminal lifestyle and identity.

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