Adolescents – Categorically Less Culpable

Steinberg and Scott [2010] argued persuasively that youngsters (people under the age of 18) deserve second chances in the criminal and juvenile justice systems. They amassed evidence that adolescents are a work in progress: biologically, developmentally, and socially, and that sentencing a youth to die in prison – with no opportunity to ever argue for release, or to show their rehabilitation and remorse – is never fair.

The fact is that the US stands alone in the world with this sentence of juvenile life without parole (JLWOP). For youth, it is a sentence clearly prohibited by international law. There are more than 2,500 people in US prisons sentenced to life without the possibility of parole, whose crimes were committed when they were under the age of 18. They are in 42 states. Readers can learn more about the Supreme Court cases and the 15 state-based campaigns to abolish this sentence at www.endjlwop.org.

Egregiously, African American adolescents are ten times more likely to be sentenced to life without parole than White youth. In Illinois, for example, 82% of the JLWOP prisoners are African Americans. This patent racial unfairness in JLWOP sentencing has been rebuked by numerous international bodies.

The two pending Supreme Court cases, Sullivan v. Florida and Graham v. Florida, both address the issue of whether the sentence of JLWOP can be given in nonhomicide cases. There are 106 such cases – 77 of them in Florida. Sullivan also raises the question of how young is too young for the most extreme youth sentence; Joe Sullivan was 13 years old at the time of his crime. There are nine 13-year-olds sentenced to JLWOP, and sixty-four cases of 14-year-olds.

Five years ago, the US Supreme Court abolished the juvenile death penalty in Roper v. Simmons, noting that youth are ‘categorically less culpable’ than adults for reasons of immature judgment, vulnerability to peer pressure, and potential for rehabilitation. There, the court cited US isolation in the world for our extreme harshness in youth sentencing, and wrote that youth must be given the opportunity to grow into their own humanity. Serious crimes by youth require punishment and protection of public safety, to be sure. Steinberg and Scott’s [2010] piece is convincing in
arguing that because we cannot predict which juvenile offenders will become rehabilitated, sentencing them to die in prison, without the opportunity for meaningful, periodic review of their sentence, makes no sense and has no bearing on public safety or protecting our children, families, and communities. Second chances for adolescents is a better policy.

Bernardine Dohrn  
Northwestern University School of Law, University of Illinois, Chicago, Ill., USA

References


Clarifying the Construction of Moral Agency

Pasupathi and Wainryb’s [2010] conceptualization of moral agency development through narrative construction is an intriguing and valuable contribution to current discussions in moral psychology. The attempt to frame active human agency (moral or otherwise) and meaning making as the cornerstones of moral development should be lauded. These researchers provide an important and novel perspective, but there are several important questions their work and future discussions of moral agency must address.

The first pertains to the definition of moral agency itself. Pasupathi and Wainryb defined moral agency as the understanding and experience of our own (and others’) moral actions as based in goals and beliefs. They argued that individuals develop these understandings through the process of creating and maintaining narratives. They emphasized the phenomenological experience of being a moral agent and coming to terms with intentional wrongdoings. While this is certainly a crucial component in their narrative account, this description does not clearly distinguish between the experiential process of constructing meaning and the actual meaning itself. That is, it is unclear whether narrative construction contributes to an understanding of moral agency that is
akin to a sort of self (and other) understanding, or whether the actual experience of creating a narrative is what the authors define as moral agency. In addition, or perhaps, intertwined with this is the question of whether moral agency is, in their view, an individual difference or situational variable. Is moral agency a stable individual characteristic that individuals possess (or develop) and apply in a variety of circumstances (akin to moral identity), or is it a circumstance-specific response or process that depends, in part, on the characteristics of the situation? This is an important distinction that needs to be clarified.

Another question concerns the necessity of privileging moral narratives in the construction of moral agency. Although researchers have acknowledged the possible role that untold stories can play in the construction of the self [McLean, Pasupathi, & Pals, 2007], the main focus of narrative research typically revolves around the role of sharing one’s experiences and stories with others. Although the co-construction of narratives with others, especially parents, may be a particularly important developmental process in childhood, it is less clear whether this interpersonal process is as necessary and fundamental as children mature into adolescence and beyond. Theorists have argued convincingly for the importance of an audience in the building and constructing of one’s life story, which is made up of the salient, memorable, and self-defining events in one’s past and which, it is argued, becomes possible in adolescence. But research on narratives has not demonstrated (or even addressed) whether this same process is as crucial to understanding how adolescents approach day-to-day experiences that do not constitute self-defining life experiences. It seems plausible, if not likely, that many of the everyday moral experiences adolescents and adults encounter are not disclosed to others, or if they are, may not be stories that are told repeatedly. We believe that narratives may provide a useful methodological tool for collecting evidence and may constitute one process through which individuals construct moral agency. We do not, however, believe that the development of moral agency is solely dependent on the narrative process.

Finally, the authors [Pasupathi & Wainryb, 2010] argued that moral agency may be implicated in situations in which the individual does not recognize that a moral transgression has taken place. They use moral theory to define the scope of morality and then examine the gaps between morality thus defined and individuals’ thinking and behavior. This may be particularly germane to situations involving serious instances of violence, where the lack of adherence to the repercussions of one’s actions is obvious to all. Clearly, these situations are particularly vexing for moral development researchers, and Pasupathi and Wainryb’s approach to studying moral agency provides a very useful way of addressing these kinds of circumstances. But what about situations that are less prototypically moral? For instance, what about situations where the potential for psychological harm results from the commission of nonmoral transgressions? In these cases, it may be more difficult for researchers to decide whether a moral transgression has occurred and whether it is implicated in an individual’s sense of moral agency.
Pasupathi and Wainryb’s [2010] paper is an attempt to move the discussion of moral development in a new and exciting direction. In an area that has become increasingly concerned with explaining moral choices and understandings in terms of unconscious, biological, and evolutionary processes, an approach that emphasizes the experiences of meaning making and of conscious agents making sense of their moral worlds provides a breath of fresh air. Our questions and concerns are offered as a way to gain some clarifications for an interesting and, we believe, important new developmental construct.

Marc M. Jambon & Judith G. Smetana
University of Rochester, Rochester, N.Y., USA

References

Moral Agency for All of Us

We want to begin by acknowledging the detailed and careful readings of our paper by the commentators, and the serious consideration given to our proposals about moral agency. In this response, we focus on one issue from each commentary as something of value for future work on moral development. Mark Tappan [2010] pointed out some extremely interesting overlaps between notions of agency and authorship, and we believe this is a productive direction for those interested in narrative and morality. McAdams, as Tappan noted, has made quite compelling proposals about agency and authorship that are worth integrating more fully into any consideration of narrative and morality.
Lapsley's [2010] critique reflects a distinct approach to studying moral development that diverges from our own perspective. These two distinct approaches have quite different implications for the types of questions that researchers pose, and for what they presume about the relationship between moral self/identity and moral agency. Lapsley’s perspective is encapsulated with the following quote from his commentary: ‘narratives of moral agency are constructed by persons of a certain kind – moral persons, persons with an abiding commitment to morality that is deeply grounded as a foundational component of self-understanding’. This conceptualization has been focused on doing good, and it lends itself to asking about who has more or less moral agency, with the assumption being that more moral agency is connected to doing more good, and is therefore better than less moral agency. This is an approach grounded in individual differences and it often takes the strategy of comparing moral exemplars, defined by their history of good deeds, and the rest of the world. Following from these beginning assumptions, researchers might ask how exemplars come to be exemplars (i.e., have moral agency), how these exemplars differ from the rest of us, as well as aim to untangle what types of predictor variables may be linked to exemplary behavior over time. Further, this approach to moral agency does, as Lapsley noted, mean that moral agency and moral self/identity are closely related. Unfortunately, this approach also has limitations that we outlined in our paper, and one of those differences is due to the exclusion of moral harm from the examination of moral development. Rather than emphasizing differences between moral exemplars and those of us who are less exemplary, many of which by definition revolve around volunteerism and other prosocial acts, it may be more effective for gaining an understanding of normative processes of moral agency development to look at what exemplars have in common with the rest of us. Exemplary individuals indeed distinguish themselves from other people in their enduring commitment to volunteerism and other communitarian acts. As history often reveals, however, they unfortunately also share with the rest of us the normal human failings that range from yelling at their children to marital infidelity and beyond [Colby & Damon, 1994]. This unfortunate fact of human existence is at the basis of the second approach to moral development, the one we advocate. It involves acknowledging that everyone has moral agency of some kind. It is not simply that some people have more moral agency and others less moral agency, but that everyone has a sense of themselves as a moral agent. Some of those senses involve the relative weight accorded to other people versus one’s own agency, the extent to which that moral agency is defensive, and indeed, the extent to which moral concerns figure in the construction of agency around morally relevant acts. This very complexity makes moral agency distinct from existing conceptualizations of moral self and identity, as we articulated in the original paper.

Further, if we begin from the premise that everyone has moral agency, the questions about intra- and interindividual differences become more complex, and broader in scope. Beyond including the nature of differences in moral agency that correspond to variations in weighting
oneself versus others, and moral and non-moral concerns, this premise also points towards additional questions about individual differences beyond looking at exemplary individuals. These differences may be examined between persons, as in differences between violence-exposed individuals and others [Wainryb, Komolova, & Florsheim, 2010; Wainryb & Pasupathi, in press], as well as within persons, in looking at different types of experiences, and how people imbue some types of events with a healthy moral agency, and others with more problematic qualities of moral agency such as the narratives of juvenile delinquents about harm to known versus unknown persons [Wainryb et al., 2010].

Monisha Pasupathi, Holly Recchia, & Cecilia Wainryb
University of Utah, Salt Lake City, Utah, USA

References


