Moral Judgement of Delinquents

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Abstract

It is a fact that the value system of those countries which are in a transitional period is significantly disrupted. Such condition has a negative effect on the entire society, institutions, families and young people. The proof for that is a heightened number of juvenile delinquents which is increasing more and more each year. Also, when it comes to a disrupted value system which is dominated by the famous, rich, influential and powerful, the question arises: From whom do the young learn about life and humane values? One of the features of many people who are going through the existing crises is explicit contradictoriness, meaning that they know what is right and moral but they do not act accordingly because it is a lot more difficult to satisfy their needs in that way. Therefore, young people too, modelling themselves on the adults, have not started to choose means to achieve their aims, while they are, at the same time, aware that the means they are using are not moral. In accordance with these facts, the problem of this theoretical qualitative research is set, and the problem is that young delinquents, besides knowing which moral values they should follow, still act in the opposite way. However, in order for a person to align his/her behaviour with personal and general principles of moral values, he/she has to reach a certain cognitive and developmental stage of moral judgement. That is why the problem of this research is the degree of moral judgement of juvenile delinquents.

Keywords: Moral judgement; juvenile delinquency; moral values; value orientations;

1. Introduction

It is a fact that the value system in those countries which are in transition is significantly disturbed. Delinquent behaviour of minors is viewed not only from the perspective of the gravity of the criminal act itself, but also in the light of the potential risk of developing anti-social behaviour in adulthood. Sanctions have the aim of not only...
punishing but also re-educating. In the process of searching for their identity, adolescents involve themselves in social activities because they have the need to be a part of a group. Sometimes, those groups can involve deviant behaviour, which usually happens under less controlled conditions. With the intention to include as many young people as possible in certain activities intended for them, the process of mass implementation of those activities has a consequence of losing individuality. Amorality, whose variance is dominated by a primary factor identified as the pro-criminal value system, is most directly connected with delinquent behaviour. Kohlberg argued that a defective morality, as the basis for the occurrence of delinquency, is the result of the individual cognitive development of an individual, as well as the process of learning under the influence of the surrounding environment. Cognitive models, on their own, cannot explain the absence of moral behaviour of delinquents who are not intellectually handicapped in relation to the normal population. The absence of morality and the related occurrence of delinquent behaviour is a consequence of either an absence of disciplining children, that is, a lack of the process of conditioning which serves to form conscience, or the impossibility to form conscience due to a distinctive structure of personality or the existence of negative socialising influences. During their moral development, juvenile delinquents mostly stay at the level where they observe the world in an oversimplified way. They are not capable of understanding the needs, feelings and motives of others. They observe the social environment only as an arena in which people are manipulated in order to achieve personal gain.

2. Theoretical approach to the research

The lack of morality and the occurrence of delinquent behaviour is a consequence of the lack of discipline in children, that is, the absence of the process of conditioning which forms conscience, which is caused either by inability to form conscience due to a specific structure of personality or by the existence of negative socialisation influences (Laursen, 1995; Opotov, 1991; Watkins & Wagner, 2000). During their moral development, juvenile delinquents usually stop developing on a level at which they perceive the world in an overly simplified way. They are not capable of understanding the needs, feelings and motives of others. They perceive social environment only as an arena in which people are manipulated in order to achieve personal gain.

Rest (Rest et al. 1999) and his associates speak about macro-morality and micro-morality and their differences. Namely, according to these authors, macro-morality refers to a formal social structure which is defined by social institutions, rules and roles. Micro-morality refers to an individual relationship which people have every day, where the subjects themselves are expected to be moral and to act according to the unwritten moral norms. Piaget (Piaget, 1965) has argued that moral development is primarily an intellectual process. In other words, the same way in which cognitive development goes through certain stages whose sequence is unchanging, moral development goes through an unchangeable sequence of moral stages. Also, the essence of morality, according to Piaget, consists of respect, which is felt by a person according to the rules of the social order, and the way in which that person understands justice. Piaget has displayed a scheme of moral development which consists of two general stages. The first stage is a stage of heteronomy and coercion, that is, moral realism, which gradually transfers into the second stage of moral reasoning which is based on autonomy and cooperation, that is, moral relativism (Norcini and Snyder, 1983).

The stage of moral autonomy – a more mature type of morality, autonomous morality, starts to develop around the age of 10 and its basic feature is responsiveness (reciprocity): being good means being righteous, unlike the previous feature when being good has meant being obedient. This more mature type of morality is a consequence of changes in opinions, on the one side, and on the other, changes in interaction with the social environment. When it comes to cognitive changes, there is a gradual loss of egocentric perspective, distancing from the self-centred focus, an increase of the ability to take someone else’s point of view and to understand other people’s opinions and feelings. Moral heteronomy reflects in the fact that authority determines what is good and what is bad, what is right and what is not. Punishment and reward determine whether a certain act will be considered good or bad, right or wrong. If a person with authority punishes a child for what he/she has done, this act is considered bad, but if the child is rewarded, the act is considered as good. An American psychologist Kohlberg (Kohlberg, 1963) has developed a theory in which righteousness takes a central place. However, as Baek explains, he did not limit his claims about universal moral reasoning only to moral stages, but he also applied them on moral orientations. He argued that an individual, who comes from any culture, tends to make moral judgements which are based on four moral orientations: normative orientation, utilitarian orientation, ideal or harmonious orientation and righteousness or
righteous orientation. Normative orientation is focused on duties, strictness or rigor, and this is precisely that basic thing which is taken into consideration when a decision is made in certain social and moral situations. The orientation of egotistic consequences refers to individual needs for reputation or to rewards and punishments directed to the very person. An individual who takes egotistical orientation literally, brings decisions in order to avoid bad reputation or punishment. Orientations which refer to utilitarian consequences point out good or bad consequences of a certain action, and those consequences can reflect on others, on the person who took that action, or both. One action is considered moral when there is a maximum of goodness and happiness, and a minimum of suffering and bad consequences for each individual or a group of individuals. Ideal or harmonious orientation focuses on the character of an actor as a good person or as someone with conscience, and on his/her motives or virtues. This is moral righteousness which contributes to the harmony of actions of a person or to the harmony of a society. Righteousness or orientational justice emphasises justice which is focused on freedom, righteousness, equality, reciprocity and agreement among people. Having respect for all these orientations, Kohlberg admitted that the highest, structurally characteristic feature of moral stages is the orientation of righteousness (Beak, 2002). Kohlberg believed that morality is an area of different experiences, which is different than others because it depends on the ability of a person to reason. Morality assumes that an action of a person should be rational, motivated by purpose and intent, and should include an autonomous free will of that person. Developed on these assumptions, psychological understandings about the possibilities of personality for the development of moral reasoning have been established. Kohlberg believed that the development of personality was actively contributed to by the social environment. And that is precisely the reason why there is a structure or a form of reasoning which develops into more mature stages, in terms of quality, as a result of social experience. Kohlberg’s theory about the six stages adds to a better understanding of the development path of the moral reasoning of personality, and it implies progressively larger area of socio-moral perspective, as well as the world views on justice and the rights of others (Arnold, 2000).

An important characteristic which should be noticed, and which is indicated by Zeidler and Keefer, is that individual stages which are developing should be perceived not only as a direct product of the process of maturation, but also as the point that interaction of children with the physical and social environment contributes to the development. A prominent feature of the stages of development is that different levels of thinking or reasoning happen within invariant stages as sequences which require specific qualitative changes in cognitive structure, from one stage to another, during the entire process of development. Restructuring of unusual information which is obtained by an interaction with the physical and social environment, with already existing conceptions, enables new understandings and new ways of thinking. Therefore, the stages of development do not demand sudden beginnings and endings, but rather they require a continuous process of transformation during the period of development. As a result, there is a thinking process, logic in perceiving and reasoning about a certain individual, which is expressed through words and actions which are of central importance in the process of observation and understanding of moral development. Moral reasoning is based on specific characteristics of the thinking process which goes through different stages of development and reflects an individual interpretation of rules, principles and conflict situations. The speed with which an individual goes through the stages of development depends exclusively on the possibilities and potentials of that individual. Moral development runs in parallel with but separately from cognitive development. Cognitive development is, of course, necessary but not a sufficient requirement for the moral development to happen. If someone understands demands, where the highest moral stage corresponds to the highest psychological balance of moral reasoning, then that person can understand the justification that the highest stage is better or more sophisticated by means of development. The concept of development of the next stage provides the psychological balance of moral reasoning, then that person can understand the justification that the highest stage is better or more sophisticated by means of development. The concept of development of the next stage provides the basis on which the superiority of higher stages of moral development is justified (Zeidler, & Keefer, 2003). However, some other researchers find inconsistencies between Kohlberg’s stage of moral development and the stage of moral development in real, life and moral dilemmas. Gilligan points out the differences between her model of moral reasoning and Kohlberg’s model. Both models assume primary sources of variation in moral reasoning, focusing on internal differences among people. According to Gilligan, moral problems are like ambiguous forms, so they can be understood in different ways and from different perspectives. She defines the perspective of justice as drawing attention to the problems of inequality and oppression, and focuses on the ideal of reciprocity and the respect of equality for all; she also expresses concern for the perspective which draws attention to the problems of the separated or the abandoned and focuses on the necessary attention and responsibility. Gilligan argues that people...
can use both perspectives while describing a moral conflict. She believes that people tend to focus on one set of worries, and that women tend to focus on worry and concern more than men do. Gilligan has criticised Kohlberg because he evaluated moral development by using hypothetical dilemmas which include conflicts of justice, more than real life dilemmas which are based on evaluating a concern. Gilligan stresses out that most people who show deficiencies in moral development, according to Kohlberg’s scale, are women whose moral reasoning is on a third stage, out of six stages in total. If we compare the moral reasoning of men with the moral reasoning of women, according to Kohlberg’s scale, the results for women are very low. By using her research, Gilligan has discovered that in real life dilemmas women primarily rely on concern in their moral reasoning, while men tend to make moral judgments based on justice (Wark & Krebs, 1997). According to Minnameier, Kohlberg’s theory has a good side and a bad side at the same time; the bad side is the fact that Kohlberg’s theory about individual stages is disputed due to his approximate theoretical stages and because it is supported and contributed to by cognitive development. As Minnameier explains, despite those bad sides, it is definitely better to further develop Kohlberg’s theory than to remove it completely (Minnameier, 2009).

3. Method of research

3.1. The problem of research

Within the literature that deals with the phenomenon of delinquent behaviour, different terms such as social maladjustment, bad social behaviour, socially unacceptable behaviour of the young, delinquent behaviour of the young, anti-social behaviour of the young, etc., have the aim of avoiding stigmatisation of a child. At the same time, each of the terms above, more or less, implies different forms of disorders in the behaviour of a young person, starting with the least harmful such as inattention in the classroom, bad academic achievement and alike, leading to aggressive behaviour at home and at school, ending with the trouble with the law. “Many researches in Serbia emphasised the important role of the family in generating socially unacceptable behaviour of young people (Hošek, Miomirović, 1998, Milosavljević, 1999, 2002, Lovrić, 2006). The previously mentioned researches have shown that inadequate communication, trust on a parent-adolescent level, social anomy, feeling of self-rejection and acquired helplessness can be indicators of the risk of generating socially unacceptable behaviour of young people, and also that socially unacceptable behaviours are a result of the actions of many agents (factors) within the process of socialisation. Adequate maintaining of social control on all levels of socialisation can be an important link with the preservation and progression of the humane existence of young people” (Jovanović, 2007, pp. 12).

In accordance with the problem of this research which refers to the fact that juvenile delinquents, besides knowing that moral norms and values should be respected, still do not act according to those principles. However, as Kohlberg explained in his theory about moral development and moral reasoning, in order for a person to harmonise his/her behaviour with his/her and general principles of moral values, he/she has to reach a certain moral stage. That is why the problem of this research is: the degree of moral reasoning of juvenile delinquents.

3.2. Aims of research

The aim of a qualitative research originates from the proposed subject; therefore, if it is taken into account that the subject is moral reasoning of juvenile delinquents, we can set the aim of this research as follows: Determine which stage of moral reasoning juvenile delinquents are at. Besides the aim of this research, it is necessary to set the following research tasks:

- Examine whether the age of juvenile delinquents affects the level of their moral reasoning
- Examine whether the socio-economic status of the families, which juvenile delinquents come from, affects the level of their moral reasoning
- Examine what are the life values that juvenile delinquents consider most important.
- Examine whether there is a connection between the type of criminal acts committed by juvenile delinquents and the levels of their moral reasoning
3.3. General hypothesis

The general hypothesis of this research is the assumption that juvenile delinquents are at the second stage of moral reasoning, that is, a person at this stage thinks only about his/her own needs, desires and interests and the interests of those whom he/she cares about.

3.4. Sample and Research procedure

The research is carried out on an intentional and purposeful sample of 268 respondents which are protégés of the Educational Institute for the Youth in several counties on the territory of Serbia. The initial procedure included interviewing subjects, after presenting situations which include a moral conflict. The conflict is based between the value of life and the value of obeying the law, and it had the aim of collecting information which relates to the subject’s moral reasoning in the process of solving dilemmas. The protocol is designed in a way which reveals a subject’s: (1) construction of moral reasoning, (2) moral framework or assumptions about what is good and what is bad, and (3) the way in which those beliefs and assumptions are used in order to justify moral decisions. The questions are created in an explicit way, so they can extract information about normative judgments of a person about what should be done.

4. Discussion about the results of the research

This research has confirmed that an egocentric orientation dominates with the majority of juvenile delinquents and that it weakens or becomes firmer depending on the situation. Besides egocentrism, another characteristic of the preconventional stage is confirmed, and that is the respect of the principle of reciprocity.

Theoretical views and existing empirical facts indicate that early emotional problems and problems in behaviour have a large influence on delinquent behaviour in later stages of development. Sullivan (Sullivan, 2006) points out that different studies of development have shown that early emotional difficulties and problems in behaviour can be a sign of the occurrence of delinquent behaviour during adolescence. Those indicators are most often expressed through: maladjusted behaviour, deficit of attention, hyperactivity, depression and spite. Early problems in behaviour usually continue to develop since childhood, and they culminate right in the period of adolescence, that is, the adolescence is the period when they become obvious. The results of this research have shown that there are numerous and different areas which affect the occurrence of delinquent behaviour. Hyperactivity, impulsiveness, problems in communication, negative findings, disobedience, negative feelings and verbal problems are connected with delinquent behaviour during the later stages of development. Situational contexts and characteristics of the family in which a person develops play a big role in the occurrence of delinquent behaviour. The lack of family supervision and family repulsion are obvious predictors of juvenile delinquency.

According to the results of this research, the answers of juvenile delinquents have mostly occurred around the second stage of moral reasoning, with rare tendencies of lowering to the first stage, as well as transferring to the third stage of moral reasoning. Based on these results, it can be concluded that a previously proposed general hypothesis that juvenile delinquents are at the second stage of moral reasoning is confirmed. However, unlike Kohlberg’s conclusions which state that juvenile delinquents do not cross the preconventional stage, this research has indicated that there is a tendency towards the third stage, and even, with some juvenile delinquents, a retention at the conventional stage. When comparing the answers of those juvenile delinquents with their socio-economic status and the criminal act for which they have received a punitive measure, it can be concluded that those juvenile delinquents who come from families with a high socio-economic status are on a higher moral stage than those juvenile delinquents who come from families with a low socio-economic status. Their answers primarily correspond to characteristical answers for the conventional moral stage. On the basis of these results, the hypothesis about the influence of a socio-economic status on the moral reasoning of juvenile delinquents is confirmed. Also, those juvenile delinquents who have received a punitive measure because they have trafficked and consumed psychoactive substances are on a higher moral stage than those respondents who have committed other criminal acts. The analysis
of the answers collected after the presentation of moral dilemmas indicates that precisely the answers of those juvenile delinquents have had a tendency of transferring or retaining at the conventional moral stage. As far as younger juvenile delinquents are concerned, their answers have primarily been at the second moral stage, but have had the tendency of lowering to the first stage. The quality of their answers has been lower than the quality of the answers of older juvenile delinquents, which has been expected in this research. However, if we compare the answers of younger juvenile delinquents who come from socially disadvantaged families, mostly dysfunctional, with those with a high socio-economic status, we can see a visible difference, that is, juvenile delinquents who come from families with a higher socio-economic status have given the answers which are characteristic for the second stage of moral reasoning, with a tendency to transfer to the third one. The tendency of transferring to a higher moral stage assumes that this transfer is really possible, but it is necessary to create conditions which would lead to it. Accordingly, those juvenile delinquents who express tendencies towards higher moral stages should be provided with conditions which would encourage their moral development; otherwise, their stages of moral reasoning would go into regression.

When it comes to life values, juvenile delinquents emphasise freedom, truth and justice as the most important values, which has partially confirmed the proposed hypothesis, because none of the respondents emphasised ownership as an important life value. Juvenile delinquents have chosen those life values which are complementary to high moral stages. If we compare these life values with their stages of moral reasoning or with their moral behaviours, Kohlberg’s theory about moral reasoning and moral behaviour will be confirmed once again. According to that theory, each act is morally neutral if it is not done according to the moral principles or values which an individual himself/herself has constructed and accepted as binding. Life, freedom, truth and justice are surely not binding circumstances for juvenile delinquents. Economic problems have an indirect influence on the occurrence of delinquency. Economic problems lead to delinquency through family problems such as family conflicts and the use of strict disciplinary techniques. These relations within the family, rigid structure, preoccupation of parents with their own problems, and a family where there is no cohesion among its members lead mostly adolescents into delinquency.

Conclusions

Highly developed moral concepts do not always imply morally acceptable behaviour. A high level of moral development is surely a prerequisite for morally acceptable behaviour; however, that cannot always prevent people from being guided by completely different principles in some concrete behaviour, such as, for example, fear of losing an influential position. Such people can perfectly explain the highest moral principles and, at the same time, act in a way which has nothing to do with that explanation. Actions are those which have the real influence on the surrounding of a person, and not nice words. Educational systems where militaristic characteristics prevail (during and after the period of dictatorship) block the moral development of students – and, with that, the development of social potential of a given state. In such conditions, principles which correspond to the stage of the law and authority are developed only in exceptional cases. In the majority of cases, norms stay on the level of punishment and obedience. In such situation, a deep reflection about the aims, the basic function of education and the role of a teacher in it, are, at the same time, a prerequisite and a first step on the way of using the creative potential of the population of a certain country. Stages of moral development and social perspectives are mutually connected. Under the influence of punishment and reward in early childhood, a child, who is still focused on his/her own “being”, forms an image about himself/herself as a physical entity, but, at the same time, takes into consideration the existence of other persons as physical entities. As a consequence, during the next stage, the development and the satisfaction of personal needs represents a central theme in children’s thinking. However, not all forms of exchanges at the instrumental level can be resolved to the mutual satisfaction. Based on these experiences, a child realises that not all situations are those where others have the same expectations as he/she. In the beginning, expectations have a characteristic of stereotypes, but the experience that not all people have the same expectations as the child, practically binds him/her to think about them – auto-reflection. The individual factors of risk include stressors which an individual has confronted with or confronts with during the period of his/her development. Those stressors can be caused by different things (death of someone close, sickness, abuse, rejection by peers, forced immigration...). Every individual responds to those things depending on individual characteristics. That is why persons who cannot deal
with those stressors, and those are most often persons who are emotionally, and not rarely, cognitively instable, fall into delinquency. Powell and associates argue that one of the important factors of delinquent behaviour is forced immigration, where a person encounters a new culture and new living conditions. Due to the inability to become a part of that new environment, a person resorts to criminal acts because they enable his/her existence (Powell et al., 2009). Besides stressors, there are many developmental problems which are encountered by a person during his/her period of development. Developmental problems most often have a negative influence on the young in their period of adolescence; therefore, that period represents a critical period of development, which is most convenient for the acts of delinquency. This research has shown that juvenile delinquents are most often at the preconventional moral stage, which corresponds to the fact that a defective moral development affects the occurrence of delinquent behaviour to a large extent, primarily at an early age and in the period of adolescence. If mutual relationships in a certain social institution are based on the principle of the power of authority and not on the principle of justice, and if an individual cannot participate in the process of deciding on a democratic basis, then moral development will be slowed down or fixed on the existing stage. This is why it is necessary to encourage moral development, because it could contribute to the decrease of juvenile delinquency.

Acknowledgments

The paper was written within the project br.179074 financed by the Ministry of Science and Technological Development of Serbia, which is creating the Center for Sociological Research, Faculty of Philosophy, University of Niš.

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