

## Retribution and Domination

*Living through Punishment in Germany  
and the United States*

The juvenile prison in Adelsheim sits at the edge of a picturesque southern German town. Dating back to 779, two small castles are a reminder that Adelsheim was once a chiefdom—home to knights whose descendants still bear the town's last name. The Adelsheim prison is the only remaining juvenile prison in Baden-Württemberg. The second such institution was closed down in 2015 and is now being used as a holding prison for refugees and other immigrants prior to their deportation.<sup>1</sup>

Visitors who enter the JVA Adelsheim do not have to pass through metal detectors or undergo pat downs. The young men are housed in individual cells. A transitional unit, located on the outskirts of the complex, has the feel of student housing with a shared kitchen and dorm rooms. The daily routine usually leaves very little time for the kind of unstructured lingering I have observed in US prisons. Overlooking the calm scene of young men playing soccer, walking to school or work, it becomes evident why American observers consider Germany a model for humane punishment and successful rehabilitation (Turner and

Travis 2015).<sup>2</sup> After visiting German prisons, researchers from the Vera Institute of Justice shared a video of German penal practices. The caption states: “This is what a prison system looks like when it is centered around treating people humanely.”<sup>3</sup>

While these differences in incarceration rates are stark (see chapter 1), they are only one aspect of the complex punishment projects that are executed in both countries. Relying on Durkheim’s (1964) understanding of the law as a representation of “collective conscience” (194, 80–81), this chapter challenges the one-dimensional representation of Germany as a safe haven for rehabilitation in comparison to the American justice system.

Synthesizing historical-cultural analysis with observations, as well as the respondents’ narratives, I argue that both systems follow a different cultural logic of punishment. The criminal justice system in Germany focuses on establishing cultural hegemony over a population considered to be at odds with core German values of obedience, subordination, and a Christian belief system (Adorno 1950). The programs administered in prison seamlessly connect to social services on the outside and prepare the young men for a life in the lower socioeconomic strata of German society.

In the United States, an individual criminal act is treated as an inexcusable failure to use the wide-ranging economic and cultural freedom that defines the country. Restricting individual freedom for a long period of time may be considered a visceral response of a state, whose capitalist machine has to draw on specific kinds of individualistic rule breaking and innovation to secure continuous growth (Merton 1938; Messner and Rosenfeld 2007).

This chapter reveals how punitive practices are connected to the dominant social and political project of a given society.

Germany's more lenient punitive system ironically grew out of a punitive logic that relied on the complete dehumanization of the other. Today's prisons have retained dehumanizing assumptions about their prisoners even as sentence length and social services adhere to a comparatively more humane rehabilitative ideal.

#### THE COUNTRY WHERE THE CANNONS BLOOM

I usually begin my undergraduate course on the sociology of punishment by showing a German documentary about prison life. The film markets itself as a perspective on the dangers of being a correctional officer at one of Germany's most notorious high-security prisons—colloquially referred to as Santa Fu (JVA Fuhlsbüttel) in Hamburg.<sup>4</sup> The documentary shows a female correctional officer politely knocking on cell doors while wishing inmates a good morning. Some of the incarcerated men are trained to become cooks and are wielding knives in the kitchen. Their supervisor emphatically states that he trusts his trainees, even if they have committed a violent offense. Finally, during a routine inspection, the interior of a cell comes into view. It looks like a dorm, equipped with light-brown, wooden furniture, a desk, drawers, a bed, and a sink. The camera shows personal kitchen utensils sitting on shelves: a mixer and a juice press, items that are prohibited in American prisons. While the officers talk about how easily simple objects can be fashioned into weapons, they systematically inspect the belongings and are careful to leave the cell as they have found it.

New York students, used to living in shoe-box sized apartments, are usually amazed by the comfortable set up. Some wonder whether Germany goes too far in accommodating

violent offenders. What I do not tell them is that Santa Fu was a concentration camp during the Third Reich. Mostly holding political prisoners, it used to be one of the “most notorious terror institutions in National-Socialist Germany.”<sup>75</sup>

As a twenty-one-year old intern of a local Hamburg newspaper, I witnessed the long shadow of this terror firsthand. I wrote my first long-form piece about an organization providing care for elderly victims of the National Socialist dictatorship. Tagging along with one of the nurses, I met Karl who had been incarcerated at the concentration camp Santa Fu as a member of the German Communist Party. I tried to ask him about his time there but he did not want to engage with me. His nurse explained to me that he is haunted by his memories. Karl lived in a small room and he was barely able to move without help. He felt trapped; being immobilized brought back traumatic memories. His nurse sometimes stayed for hours when he noticed that his patient was particularly distraught. Karl’s speech was slurred but right before I left, he turned to us and asked, “I am not at Santa Fu, am I?”<sup>76</sup> In the twenty years since I met Karl, this generation of survivors has vanished. As the Nazi dictatorship has become a distant historical event, the narrative of Germany as a beacon of rehabilitation and humane punishment has been able to flourish.

The spatial continuity between the former concentration camp and current maximum-security prison in Hamburg is only one of the more obvious indicators that Germany did not radically break with its past. After the Nuremberg trials, the Cold War loomed and the allied forces approached denazification much more pragmatically. The principle of *legal certainty* became part of the German constitution. A basic doctrine of a modern democracy, it was supposed to prevent another dictator

from hollowing out the country's legal foundation. At the same time, the notion that what had been considered legal at one point cannot be punished as illegal behavior retroactively protected Nazi perpetrators—who for the most part had acted within the legal parameters of the Third Reich—from being held responsible for their crimes. In 1950, the German government reinstated civil servants with connections to the Nazi regime that had been relieved of their duties in 1945. Among many other occupations (career soldiers, mid-level bureaucrats), judges who had sanctioned Nazi law found themselves again in powerful positions—tasked with rebuilding the judiciary of the newly established Federal Republic of Germany (Eichmüller 2012).<sup>7</sup>

Probably even more consequential in terms of cultural continuity were the many “ordinary men” (Browning 1992), low level SS or Gestapo henchmen, and former Wehrmacht soldiers, who inevitably made up a significant part of postwar German society. As the German army struggled to control the vast territory in Eastern Europe it occupied initially, Wehrmacht soldiers, alongside the SS and former police, were tasked with preventing “partisan” activity. A significant number became complicit in crimes against humanity (Hartmann 2004). Many of those who survived the disastrous invasion of the Soviet Union returned home as broken men. The last thing they wanted was to be held accountable for what they had seen and done.<sup>8</sup>

My grandparents, like many others of this generation, chose instead to focus on rebuilding and remembering the good times—for example, the camaraderie, the way Hitler put German men to work building infrastructure, most notably, the highways. And of course nobody knew about what happened to the Jews. “We thought they were put to work,” my grandmother once told me. This avoidance of accountability on the

familial level persisted despite—or maybe because—the political leadership consistently professed Germany’s guilt on the world stage (Welzer 2002). While the government took over collective responsibility for the Holocaust, the average German was allowed to turn inward and focus on the good things that defined their country before 1933—for example, virtues such as precision and hard work. Other examples of this included German contributions to classic culture, as well as current events—notably, Germany winning the soccer World Cup in 1954 (Schiller 2015).

As the legacy of the atrocities committed during the Third Reich receded further into the background, right-wing political opinions that used to be uttered behind closed doors became socially acceptable again (Walter 2003). The influx of refugees during the mid-2010s has given rise to an anti-immigrant rhetoric resonating beyond right-wing fringe groups. The so-called *Alternative für Deutschland* (AfD), a party explicitly running on a law-and-order, anti-immigrant platform has been elected by a large margin to the state parliament of Baden-Württemberg.

In practice, vilifying immigrants is out of alignment with the reality of the German criminal justice system and steadily declining crime rates (Höynck and Ernst 2014). At the same time, the German criminal justice system is also not as lenient as it seems. Courts can impose indeterminate prison time should someone be deemed too dangerous to be released. From a legal standpoint, this so-called *Sicherungsverwahrung* (preventive detention; see also chapter 1) is not considered a prison sentence anymore and is tied to regular psychological evaluations (Laubenthal 2007). Nevertheless, the affected individuals continue to be housed at a prison facility without a clear understanding of when and even if a release is possible.<sup>9</sup> In 2008, this

provision was extended to include persons under the age of twenty-one. It can even be applied post hoc to those sentenced before the law was changed.

The young men I interviewed in Germany grew up in a social climate that became less tolerant of crime and more openly hostile against those who are not ethnically German. Living in a society that rewards conformity and nurtures suspicion toward immigrants unavoidably impacted how the respondents saw themselves and the kind of future they were able to imagine.

### *Punishment in Southern Germany*

The concept of Germany as a culturally and ethnically homogenous country is visible in the daily practices of the prison in Adelsheim. Forty percent of the inmates identify as Muslim. But when I visited the institution for the first time in 2016, the only clerical support available was a priest. During the past years, a part-time imam has been brought on. Prisons in Baden-Württemberg do not offer halal food for Muslim inmates; instead, inmates have the option to eat regular food without pork. Until a few years ago, this kind of food was officially referred to as Moslemkost (muslim food), a term inadvertently evoking Nazi terminology like Judenstern (Star of David) or Judenrat (Jewish Council) (Bartsch et al. 2017).

Children considered ethnically German are in the minority. In 2019, 68 percent of those incarcerated in Adelsheim had a “migration background” (Stelly and Thomas 2021), while only about 18 percent of the male population under twenty-five fall into this category in Baden-Württemberg’s general population.<sup>10</sup>

Even though the families of the young men at Adelsheim come from many different countries, letters originating in

Germany have to be written in German to be delivered to their recipients.<sup>11</sup> There is no demographic data available about the officers or counselors working there. However, during the three summers I conducted interviews, the staff I met were overwhelmingly ethnically German. As far as I was able to discern, German was also the language of conversation in all areas of the prison (i.e., work, school, therapy). In its ethnocentric focus, the prison reflected the young men's experience on the outside. Despite increasing immigration, Germany remains a homogeneous society. Whether they were in prison or out in the community, those who had a "migration background" were reminded regularly that their cultural heritage was of little value to German society.<sup>12</sup>

Marko, whose family is Roma, experienced his incarceration as a complete deconstruction of his personality. Marko recalled how one of his therapists challenged his beliefs and nullified everything he thought he knew. In retrospect, Marko believed that his therapists' approach enabled him to change in a positive way. He insisted that his self-presentation as a "thug" explained why people may have been prejudiced against him. From his perspective, his "habitus," not other people's racism, was to blame when nobody wanted to hire him before he was incarcerated.

For a majority of the young men their families' welfare dependency amplified their outsider status in the community. Aside from receiving financial and material goods, they also participated in a significant number of therapeutic interventions administered by the German Youth Welfare Office (Jugendamt).<sup>13</sup> Most respondents recalled regular contact with social workers, who visited their families in an attempt to mitigate conflicts between them and their parents. Marcel, one of

the few respondents who was ethnically German, for example, had been extensively involved in the German welfare system. His parents divorced when he was a young child and he had very little contact with his father while he was growing up. Marcel and his brother were around eight and nine years old, respectively, when they had to live with a foster family for a month while their mother was hospitalized.<sup>14</sup> His mother continued to struggle with alcoholism. She was overwhelmed with her day-to-day responsibilities and the family remained in an assisted living facility. When Marcel and his brother moved out into their own apartment, the welfare system continued to cover their rent and paid the allotted monthly allowance for their living expenses.

According to Marcel, the welfare system stopped payments because he refused to accept transitional employment that had been arranged for him. Marcel said that he lacked the credentials to learn a trade or find another lucrative job he would enjoy. Committing crimes therefore seemed the faster and easier route to get money. In his case file Marcel was described as unwilling to work. A social worker observed that his social environment did not encourage a productive life-style. Marcel, his mother, and his brother seemed to spend their days watching TV together, and Marcel could not be motivated to participate in the workforce.

When I asked him what he planned to do after his release, he was uncertain as well. He had decided to max out his sentence. For the first time in his young adult life, he was not going to be under the supervision of a social worker telling him what to do. Marcel was looking forward to not having any government officials meddling with his life. He planned to stay with a friend for a few weeks and hoped to find work at a company that cleans

office buildings. Marcel's family represents a more extreme case of welfare dependency, but a majority of the young men's families relied on the social welfare system to cover rent and living expenses.

In prison the young men encountered a more regimented version of the German welfare state (see also chapter 1). Adelsheim offers eighteen apprenticeship programs, such as metal worker, electrician, baker, butcher, and gardener, as well as painter and carpenter.<sup>15</sup> Young men who had finished at least nine years of schooling and passed final examinations were eligible to enroll in job training. In 2014, 68 percent of the young people held at Adelsheim participated in these job training programs. Approximately a third of the remaining 32 percent were enrolled in educational support programs to help them finish the schooling required to become an apprentice (Stelly and Thomas 2017).

In addition to educational programming some young men were allowed to leave prison to participate in recreational activities such as group bike rides or grocery shopping.<sup>16</sup> Once their release date approached, time on the outside became more sustained. To ensure a smooth reentry they were supposed to stay with their families for several days once they had reached the final stretch of their prison time. Since the boundaries between the community and juvenile prison were permeable, the German respondents did not experience the same level of restrictive physical captivity the American respondents recalled. To their own astonishment, some even felt positively connected to their place of confinement.

Arslan, the only respondent who had spent five years there, for example, remembered that he felt at home in his cell. Although he preferred to be with his family, his cell offered a sense of

privacy and safety that he enjoyed after visiting his family. Arslan believed that the unit he was assigned to had made it possible for him to settle in. The part of the prison he lived in had a particular focus on psychosocial development. Arslan knew that there was always some psychologist or social worker there he could turn to when he felt down. “It is a real community here,” he explained.

In contrast to Arslan, Tyrone resented the therapist he had to speak to. On the other hand, he embraced the structured environment Adelsheim offered. Before his prison stay, he lived in an abandoned house that he shared with other children who lived on the street. He found it difficult to motivate himself to work. As he explained, in prison he could see a clear connection between working, making money, and being able to afford items—mostly food—he desired from the commissary. Having an incentive to work helped him to commit to his daily tasks, and he developed a routine he had not been able to establish on the outside.

It is important to remember that framing incarceration positively is a form of meaning-making—a coping mechanism that allows young men to get through the fundamentally traumatic event of being removed from their family and friends (Soyer 2016). At the same time, none of the German respondents reported the kind of physical segregation and emotional deprivation American respondents recalled when I interviewed them. Given the fluid boundaries between the community and prison life, the German respondents did not experience their incarceration as “social death” (Patterson 1982). They lived, rather, through a more extreme version of the bureaucratic management they had been exposed to already because of their families’ dependency on government support.

## THE NEW JIM CROW AND THE SPIRIT OF CAPITALISM

The life trajectories of the American respondents have in many ways been impacted by social forces diametrically opposed to the experience of the German group. The young men in Germany grew up poor but the welfare system met their basic needs. Their prison term rarely extended over years and nobody in the German group experienced involuntary homelessness. The young men I encountered at SCI Pine Grove represented a lost generation—old enough to get caught up in mass incarceration and young enough for their childhood to be deeply affected by Bill Clinton’s welfare reform (Soyer 2018). Born in the mid to late 1990s, they belong to a generation that was not supposed to face any more discriminatory legal barriers. The civil rights movement had achieved significant legal victories during the 1950s and 1960s; middle-class professions also became more accessible for African Americans during that period (Wilson 1990). The families of the young men I met did not experience this kind of upward mobility. On the contrary, their families’ lives were upended when factory jobs disappeared and mass incarceration became one of the defining experiences in segregated, inner-city communities (Garland 2001; Western 2006).

Over the last decade, academic and public discourse has increasingly described the US criminal justice system as a natural extension of the many ways the United States has dehumanized their nonwhite population for centuries. Michelle Alexander’s bestselling book *The New Jim Crow*, as well as the countless publications that followed it, reveal how systemic racism has shaped law enforcement, courts, and policy-making (Lopez-Aguado 2018; Van Cleve 2016; Goffman 2014; Rios 2011). Alexander presents mass incarceration of Black bodies as the

newest iteration of organized, violent oppression that Black communities have been subjected to since the first slaves arrived on American soil in 1619. Mass incarceration is “The New Jim Crow”: Black men are systematically removed from the public sphere and political realm as they are spending decades in prison for minor drug-related offenses.

Understanding the US criminal justice system through the lens of racialized violence has been a necessary corrective. However, by focusing on race as the defining variable of criminal justice involvement, another equally significant element of the US criminal justice system has been sidelined. American prisons do not only disproportionately incarcerate Black and Brown bodies; most of all they remove *poor* Black and Brown bodies from their communities (Muller and Roehrkasse 2022).

Empirical data confirm that criminal justice involvement often co-occurs with poverty-related social problems such as untreated mental illness, drug addiction, low levels of education, and unemployment. According to a Bureau of Justice Statistics (BJS) report, 41 percent of inmates in state prison have not completed high school (Harlow 2003). While being incarcerated decreases the probability of employment after release, a majority of incarcerated people have never been well-integrated in the labor market (Slavinski and Spencer-Suarez 2021; Western 2018). Fifty-six percent of incarcerated persons in the United States reported no annual earnings prior to being in prison. Another 30 percent indicated earnings between five hundred and fifteen thousand dollars (Looney and Turner 2018). Studies also confirm that serious mental illnesses like schizophrenia or bipolar disorder are significantly more prevalent in prisons than in the community (Bronson and Berzofsky 2017; Prins 2014; Teplin et al. 2005).

In a sad and ironic twist of history, the deinstitutionalization of mental health care and the dismantling of welfare state have left today's prisons as the only centralized government institutions reliably providing shelter and food for significant numbers of Americans in mental and economic distress. Loic Wacquant describes the concurrent rise of mass incarceration and the precipitous decline of the welfare state as an interrelated process: "Welfare revamped as workfare and prison stripped of its rehabilitative pretension," he writes in *Punishing the Poor*, "work jointly to invisibilize problem populations—by forcing them off the public aid rolls, on the one side, and holding them under lock, on the other . . ." (2009, 288).

Today's prisons are filled with what Karl Marx once called the Lumpenproletariat: Men and women who are born into poverty and never have a chance to move beyond it. A significant number of these people struggle with mental illness and drug addiction. Many know what hunger feels like and what it means to be homeless. After their release, a majority of them lack the social, cultural, or economic capital to survive independently in a hypercapitalist society (Butterfield 2018; Soyer 2018; Sufrin 2017; Wacquant 2009).

### *Punishment in Pennsylvania*

For the young men I interviewed in the United States incarceration at SCI Pine Grove represented a radical break in their life course. Being sentenced as adults meant that some respondents had decades in prison ahead of them. Issac, who was serving twenty to forty years for murder in the third degree, tried to take a pragmatic approach: "I just want to get it over with, I ain't trying to sit here and think about it and keep thinking about it

and drive myself crazy about it. I'm ready to start it and get it over with," he explained. Being locked away for years severed social ties to the outside world. Dylan, who was at the beginning of his decades-long sentence, did not have any regular contact to his family or friends anymore. He speculated that it was not worth it for them to stay in touch with someone whose earliest release date was twenty-five years from now. Dylan remembered that he did a lot for others when he was on the outside. He was not surprised, though, that nobody had tried to stay in touch with him. As Dylan put it, "Everybody forget what you did no matter what it was once you locked up."

For those who had to adjust to many years ahead in the Pennsylvania Department of Corrections the few rehabilitative measures Pine Grove offered were a farce. Robert, who was at the beginning of a fifteen-to-thirty-year sentence for the sale or transfer of stolen firearms, felt that planning for the future was futile. Before his arrest he been interested in working with cars, but thinking about any concrete future employment was pointless: "The world is going to be changed so much. I'm not going to know what's going on. . . . If I try to get back into auto tech I'm going to be so far behind."

Pennsylvania prisons usually offer vocational training in HVAC, carpentry, and custodial maintenance. However, the young men participating in the Young Adult Offender program were not eligible to enroll in these programs since they are reserved for the general adult prison population. The Pennsylvania group received some educational support, such as GED classes, but they did not participate in any job training that could lead directly to employment after their release.

Being incarcerated at SCI Pine Grove had a significant psychological impact on the US respondents. Elijah, who had grown

up in the Bronx but was arrested in Pennsylvania for drug trafficking, believed that you had to be “mentally prepared” to live in a prison environment. Even though he spent time at New York City’s infamous Rikers Island, being in state prison remained psychologically taxing. It was not always possible for him to do the cognitive work to remain calm. “Like once in two, three months or so, I get that day I wake up, and the only thing that’s on my mind is just home,” he explained.

Samuel, who had received a two-to-four-year sentence, resorted to sarcasm to mitigate the feeling that he was at the mercy of correctional personnel. He believed that the COs considered him to be a difficult inmate because he smiled a lot. He believed that his smiles indicated to the COs that they were not able to intimidate him. According to Samuel, “they [the COs] do things they think is gonna hurt us. . . . Like to break us down psychologically. And it doesn’t bother me. I know at the end of the day who I am, what I do.” Remaining detached gave him a feeling of power over a situation in which the cards were stacked against him.

Sending someone to solitary confinement was the ultimate punitive tool to control the young men at SCI Pine Grove. Several respondents reported having been in and out of solitary confinement for months on end. Being sent to the “the hole,” as the young men referred to it, meant to be locked up alone for twenty-three hours of the day. Jaxon remembered being sent to solitary confinement several times over the course of his time at Pine Grove. He recalled that his last stint in “the hole” had a deterrent effect on him. He believed that being by himself and having a great deal of time to consider his actions altered his thinking process. He credits his time in solitary confinement for his understanding that his actions have consequences.

Like Jaxon, a majority of the respondents tried find meaning in the many years they had to spend on the inside. Tyrell, for example, appreciate that he was able to learn how to read at Pine Grove. At the same time, he believed that he would not be able to handle coming back to prison again. As he put it, “I’m not gonna say I’m gonna go out in a blaze of glory if I ever come back. I’m just not gonna put myself in the position to come back again cause like here, they control every aspect of your life.”

In contrast to the German respondents, the young men at Pine Grove contextualized the physical and psychological burden of incarceration punishment in relation to the traumatic experiences they had lived through before their arrest. The young men I met in Pennsylvania grew up in abject poverty and had to live through physical and psychological abuse (Soyer 2018). The pain they had endured on the outside inadvertently relativized their perspective on being incarcerated. Austin, for example, who was serving a one-to-five-year sentence, insisted that being in prison had been good for him. He believed that he was able to learn more about himself and to assess what brought him to prison in the first place.

Irrespective of how the young men framed being incarcerated, their punishment was not the subtle kind of leveling the German group experienced. The young men in Pine Grove were physically segregated from the outside world. Some had not seen their parents for years and others had lost social ties to their family and friends entirely. At Adelsheim the young men were prepared to accept their existence as second-tier citizens. Teenagers in Pine Grove were removed from the public sphere entirely. Their punishment symbolized retribution for violent crimes they had committed. The reality of their confinement therefore manifested as physical restraint and segregation that were

supposed to inflict a level of pain that would deter them from future violence. In the process the young men lost valuable social ties, and most importantly, they remained utterly unprepared for coping with the disadvantage and poverty that would await them again after their release.

### CONCLUSION

The respondents' narratives revealed the cultural mechanisms underlying the punitive projects in both countries. In southern Germany, punishment targeted the young men's "deviant behavior" in relation to norms and values of the middle class. Their outsider status manifested most visibly in their "migration background" and their unwillingness to submit to the bureaucratic domination of the welfare state (Weber 1978). Contextualizing the respondents' experiences culturally and historically relativizes Germany's progressive image. The pervasive ideology of German superiority not only predates Hitler's rise to power; it has also never been reckoned with effectively in postwar German society (Karlauf 2019; Eichmüller 2012; Welzer 2002). Historicizing the Nazi regime, on the other hand, has opened doors for a more aggressive anti-immigrant rhetoric. After initial successes at the state level, the AfD has expanded its political reach significantly. Having been elected to the parliament for the second time in 2021 with 10.3 percent of the votes, the party has become a force to be reckoned with in German politics. In 2018, Alexander Gauland, one of the party's national leaders, did not hold back his assessment of Germany's historical achievements. To the applause of his supporters, he declared: "Hitler and the Nazis are just a speck of bird poop in more than 1,000 years of successful German history."<sup>17</sup>

In parallel with these larger social processes, incarceration entrenched the young men's position at the margins of German society. Children who have a "migration background" were vastly overrepresented in the juvenile justice system of Baden-Württemberg. The state government also makes very little effort to accommodate their cultural or religious heritage. On the contrary, the bureaucratic structures of the juvenile justice system project the ideal of Germany as a culturally and ethnically homogenous country.<sup>18</sup> Not unlike the *child savers* at the beginning of the twentieth century in the United States, the juvenile justice system in southern Germany attempts to reconcile the young men to the social position that had been assigned to them (Platt 1977). In this sense, the juvenile justice system does not offer opportunities for a successful reentry, but provides incentives for the young men to accept their existence at the fringes of society.

Comparing the benevolent exclusion of Baden-Württemberg's juvenile justice system with the visceral retribution in Pennsylvania exposes the punitive logic of both countries: German respondents were punished for deviating from the cultural expectation of the homogenous German middle-class. The American group was punished for their families' failure to "pull themselves up by their bootstraps." The young men's punishment reflects the United States' unflinching commitment to capitalism. The United States relies on its population to secure limitless economic growth by taking risks and pushing physical as well as cognitive boundaries (Merton 1938; Prasad 2012). The young men's destructive attempts at self-preservation have no room in this kind of national myth-making. Removing them permanently from the public sphere may therefore be the logical next step.

While this comparison crystallizes the brutality of incarcerating teenagers in the adult criminal justice system, it also shows that the southern German approach does not eliminate inequality. Neither does it address deeply rooted racist assumptions of cultural superiority. The German juvenile justice system may in fact be a cautionary tale for those seeking to end mass incarceration in the United States. Focusing on rehabilitation without addressing the underlying principles of marginalization will likely not yield the kind of fundamental change that is desired.