

# Where does the Stigma of Prisoners' Children Come from: A Sociological Discussion Based on Criminal Genes

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**Abstract.** The situation of children whose parents are involved in adult criminal proceedings is becoming a pressing global public policy issue. Parental incarceration often harms children. For these children, parental incarceration may affect their development and social integration and, more seriously, may increase the likelihood of their future criminality. This paper first analyses what stigma looks like for Children of prisoners; secondly, it looks at the sources of this stigma; and finally, it makes recommendations on how to respect the situation and rights of Children of prisoners and how to intervene in negative situations, from the perspectives of schools, society, and government respectively. This study offers ideas on how to properly guide Children of prisoners, not only to contribute to the well-being of this group but also to make the rest of society less fearful of violence and maintain social stability.

**Keywords:** stigma, children of prisoners, criminal genes.

## 1. Introduction

There is increasing empirical evidence that the children of perpetrators are direct or indirect victims of their parent's crimes. Anecdotal and scientific research suggests that parental incarceration is often bad for children. For these children, parental failure is often a devastating and potentially traumatic experience, affecting their development and social adjustment and, more seriously, increasing the likelihood that they will become criminals in the future. Given the research on this possibility, it is easy to associate children of offenders with criminal behavior and to think seriously about their criminal tendencies. The debate on criminal behavior has long been about the relative influence of environment and genes on antisocial and destructive behavior and has so far been inconclusive. Offspring of criminals are also socially marginalized and stigmatized as they are considered to be the most vulnerable group to crime, given the increase in genetic studies. However, research has shown that there are interventions that have a positive impact on children's ability to cope with parental incarceration. Since 2000, the children of prisoners have become more visible in academia and politics, and researchers and NGOs have become increasingly aware of these issues. Children affected by parental imprisonment are now on the European Union's and UNICEF's lists of vulnerable children. However, they are still widely ignored compared to other situations and marginalized groups. In a sense, the problem of child prisoners seems to be one of the major dilemmas facing penal and prison practice today. In recent years, attention has focused on the question of how to punish parents who commit serious crimes while respecting the situation and rights of these children, who have been more or less ignored for most of the prison's history.

This article first analyses how the stigmatization of children of imprisoned parents manifests itself; Secondly, it focuses on the sources of this stigma, the subtle role of criminogenic theory, such as the belief that all fear, rejection, and neglect stem from a preference for criminogenic theory, and shows how criminogenic theory influences the attitudes and behavior of others by reducing and improving it wherever possible. This paper shows how criminogenic theory influences the attitudes and behavior of others by reducing and improving it wherever possible. It is also suggested that the criminal gene may not exist, based on which all fear, exclusion, and neglect become manifestations of illegitimacy and ultimately stigmas that affect the normal lives of children of offenders. This paper will highlight the difficulties faced by a vulnerable group of children who have not been in the public eye, namely children affected by parental imprisonment, and will suggest some measures that can be taken to

promote the well-being of this special group. Placing children of imprisoned parents not only contributes to the well-being of this group but also reassures the rest of society, reduces fear of violence, and builds a better and more harmonious society. Furthermore, by building on the increasing visibility of Children of prisoners in academia, this paper offers other researchers a new way to think about the stigmatization of this group, focusing on the reasons why members of society who are not Children of prisoners may be predisposed to criminal genetics, self-defense, and information transmission biases.

## 2. Manifestations of Stigma in Children of Prisoners

The courtesy stigma, which happens when a person is despised or fears being despised because of a link with a despised group, affects children of convicts [1]. The position of "offspring of criminals" carries stigmas like "violent," "impulsive," and "cruel," as well as the social pejorative and exclusion connected with offenders. Criminals' identities are passed down from their parents to their offspring in successive generations. These kids are stigmatized, which results in discrimination and societal stereotypes, which can stress them out, undermine their confidence and self-esteem, and hurt their physical and mental health [2].

The stigma associated with parental imprisonment can affect children's relationships with their peers. Although stigma is often thought of in terms of its impact on prisoners, it has also been shown to affect family members of prisoners[3]. Studies show that children whose parents have been imprisoned are often ostracised by their peers [4]. In particular, many Children of prisoners report that they have few friends, have problems socializing with peers, and are victims of bullying because they know their parents are incarcerated. Fear of this type of bullying can lead children to hide from their peers to avoid the stigma of having parents in prison[3]. However, such hiding can lead to feelings of shame and isolation[5] and ultimately damage peer relationships[6], suggesting that hiding parental imprisonment does not prevent social isolation. The stigmatization of other children's parents can also hurt peer relationships. Children of incarcerated parents may experience financial hardship and housing uncertainty, which increases their chance of encountering sociopaths and rough sleepers. The earlier children are removed from this environment, the more likely it is that they will avoid the negative influence of their parents, even though some researchers have argued that removing a dangerous or abusive parent from the home is beneficial for children [7]. Studies dating back to the 1980s have generally shown that parental incarceration is associated with negative child outcomes. However, even before their parents are imprisoned, a child of a prisoner may already be "at risk." Pre-sentencing conditions for many kids may include parental drug use, mental health issues, and poverty [7], which may raise the chance of adverse outcomes. As a result, the activity of each offender's child may increase, becoming a precursor to crime and causing panic and fear among the parents of other children. These parents consider the Children of prisoners to be criminals and often do not allow their children to have contact with the Children of prisoners because they fear the negative influence of these children [3]. Therefore, the negative public image of prisoners will be transferred to the families of prisoners and affect their relationships with other friends [8].

In addition to this, the plight of prisoners' children has been less researched by academics and the public in the past, and this lack of interest is a disgrace compared to the extensive research on children of divorce [9]. Children of prisoners have been referred to as "forgotten victims of crime" [9], "orphans of justice", and "hidden victims of incarceration" [9]. In this context of neglect, the offender's offspring are unable to improve their well-being and social status, thus remaining in a constant state of social stigma.

## 3. Causes of Stigma in Children of prisoners

According to several behavioral genetic studies, some violent criminals may have a genetic propensity for violence. According to one study, mutations in the monoamine oxidase structural gene

result in an abrupt buildup of neurotransmitters linked to the body's "fight-or-flight reaction to stressful situations" [10]. Many criminologists do not entirely accept genetic characteristics as a predictor of criminal behavior, but they do hold the opinion that "genetic problems may predispose a person to aggressive behavior [but] do not lead to the commission of violent crime" [11].

But for members of the public whose knowledge of the field of genetics comes from news reports, headlines such as "Experts say: criminal gene makes people more aggressive" can cause great fear. Instead of analyzing the objectivity of the reports, they are likely to choose the most direct and effective way to protect themselves, which is to exclude the people most likely to have the criminal gene - the Children of prisoners. Worse still, when these children are forced by the ostracism of those around them to display venting behaviors such as breaking down and shouting, other members of society immediately associate this with the half-understood information in their heads and assume that they are indeed violent. The label "children of criminals are still criminals" will henceforth be attached to the Children of prisoners, and their every move will most likely be amplified and misinterpreted as proof of the criminal genetic theory.

Additionally, people's perceptions of the genetic explanation of crime can be easily influenced by the persuasive official judicial system. Arguments based on genetics have been crucial in criminal prosecution and punishment. For instance, the idea that the punishment for a crime should be proportionate to the punishment the offender merits is a key tenant of the American criminal justice system [10]. According to this claim, not all criminals are born equal, and not all criminals ought to receive the same punishment for the same crimes based merely on their intellectual prowess and genetic characteristics. People who commit crimes and demonstrate that they lack the mental capacity to distinguish right from wrong need to be subjected to less severe sentences and punishments than "typically" mentally healthy individuals.

A defendant must be able to establish beyond a reasonable doubt that their illegal behavior was directly related to the genetic condition they were suffering from to use genetic features as a defense. However, by stigmatizing genetic theories of this crime, this legal distinction tacitly validates the unpredictable and heritable character of human genes for violent dispositions. The evidence for the existence of the criminal gene appears to be growing as the field of study into the criminal gene develops and as more people become aware of the criminal genetic hypothesis. But the public is also greatly confused by this presence, particularly when it comes to the causes of criminal behavior.

In debates about criminal behavior, the relative influence of environment and genes on antisocial and destructive behavior has been debated. Although genetic explanations for criminal behavior have been common since the start of modern criminology in the 18th century, there is a lack of scientific evidence to support or disprove these claims. Research in the field of genetics has increased over the past decade. However, genetic evidence suggests that no single gene, or even a few genes, can accurately predict an increased risk of antisocial behavior [12]. Finally, it is doubtful that criminal genes are directly related to criminal behavior, and even if they are, the risk is very limited; Second, some studies suggest that the environment may have a far greater influence on criminal behavior than genes.

There are numerous ways to understand criminological theories, just like any other theory. Criminal behavior, according to biological criminologists, is caused by a deficiency in mental ability. Others contend that social support and upbringing influence criminal behavior even after accounting for mental illness, converting the original genetic or biological explanation into a sociological one and making an altogether new claim. Is criminal behavior learned through early observation and exposure, or is it passed down through parents? How can a man become a criminal? Since the inception of criminology, this has been the most frequently posed question. A lot of people think this subject hasn't been thoroughly addressed and might never be [11]. Now, all suspicion and prejudice against the Children of prisoners are unwarranted, and all fear, rejection, and neglect become manifestations of illegality and, ultimately, stigmatization. Such decisions to sacrifice and stigmatize the justice and dignity of the Children of prisoners stem from a defensive mindset that can have a deep and lasting impact on the Children of prisoners.

## **4. How to Eliminate Stigma**

### **4.1 School**

The incarceration of their parents may cause anguish to their children. This personal trauma is brought on by a single occurrence, a string of connected events, or a collection of situations that are adverse to the person's functioning and bodily, social, emotional, or spiritual well-being. Children of prisoners may experience a range of traumas arising from family dysfunction, experiences of parental arrest or previous events, witnessing violence within the community or family, drug and/or alcohol use, and being placed in an isolated facility.

On September 24, 2015, the Federal Interagency Reauthorization Committee (FIRC) Subcommittee on Incarcerated Parents and the American Institute hosted a webinar that highlighted the role of educators as key partners in transforming the lives of incarcerated parents [13]. Therefore, when working with children whose parents have been incarcerated, educators must take a trauma-based approach that includes identifying the traumatic experiences these children may face, helping them identify possible triggers, and acknowledging their roles. Action must be taken to address the trauma experienced by Children of prisoners and to find ways to reduce their further trauma through policies and institutions.

With younger children, it is helpful to reassure, hug and stroke them as often as the child indicates, e.g. when they want to be held, when they want to be stroked or when they want to talk. Teachers should also correct incorrect information and answer questions without giving more information than necessary. In addition, school-age children should be taught that most people experience a range of feelings in the face of violence and that it is normal to be anxious, scared, angry, sad, or afraid. Children at this age need answers to their questions, the opportunity to correct their misconceptions, and to talk about their experiences as much as possible.

Finally, young people should not be forced to talk about the incident, but if they ask, they should be given factual information and the opportunity to express their opinions about the violence. This helps the caregivers to understand the young person's temperament, fears, and need to get along with peers [13].

### **4.2 Society**

Social workers can first assist youngsters whose parents are in prison. Families in prison are frequently hesitant to seek outside assistance, which may be a result of shame and stigma, a lack of knowledge about the resources available, or a lack of confidence in the statutory services. By ensuring that staff is knowledgeable and equipped to recognize and address prison-related concerns, health professionals who have developed strong relationships with families can be an additional source of assistance. Health practitioners can actively develop good relationships with incarceration-affected families and assist caregivers in finding further support. They can make sure that families are aware of all programs offered, including those that assist families dealing with domestic violence, substance addiction, or physical or mental health concerns, and they can also urge family members to get in touch with other community organizations [14].

The community should also offer assistance services for these young children. Most assessments of the best ways to assist parents of convicts and their children have centered on parenting initiatives. Children of convicts, however, confront numerous challenges. While some of these issues occur long before the parents are incarcerated, others are a direct result of it. Therefore, initiatives that concentrate on other facets of the home environment may be beneficial for children of convicts. Society should focus on three other areas of intervention that are important for reducing inequalities among children, namely strengthening parental relationships, improving the economic well-being, and addressing substance abuse [15].

### 4.3 Government

Children of prisoners require consideration and support from society as a whole as well as from politicians due to the potential stigmatizing impacts. One of the first US states to address this problem was Oregon, which in 2001 established a law allowing for more visits between kids and their imprisoned parents. In 2017, Oregon became the first state to create a state-level mechanism to shield kids from the stress and stigma associated with parental incarceration. This development happened more recently. By putting children's emotional and physical needs first when deciding what services and programs to use, these concepts hope to increase parental engagement and communication with their kids. Parallel legislation has been passed in several other US states, including California, Illinois, New York, and Washington, with the goals of promoting family reunification, assisting caregivers in supporting their children, and defending the rights of imprisoned parents [16].

Governments must perform evaluation studies to verify the efficacy of policies and programs intended to alleviate the widespread negative outcomes for these children as they develop legislation to support them. In particular, psychologists should look at how organizations carry out and uphold governmental regulations, what resources are most beneficial to kids whose parents are behind bars, what resources are most beneficial to parents in helping their kids deal with social stigma, and what connections are required to maintain strong families. To avoid and reduce intergenerational cycles of poverty and incarceration, longitudinal studies are also required. Such research would demonstrate the best ways to apply the law to assist families and assist the entire family in recovering from the experience of jail while offering crucial guidance for practitioners with prisoners' children [16].

### 5. Conclusion

A semi-conscious nature based on the hypothesis of the gene of crime and the drive for self-preservation is the root of society's dread, rejection, and neglect of children of convicts. The relative impact of environment and heredity on antisocial and destructive conduct, however, has long been the center of the criminal behavior debate and it is still debatable today. Even if someone has a strong genetic propensity, if they are not exposed to the right environmental conditions, they are unlikely to behave antisocially. Then it seems that the criminal gene is not as important in criminal behavior as one might think, and then all that fear, exclusion, and neglect becomes an illegal stigma imposed on the Children of prisoners. Furthermore, all members of society have a duty and responsibility to care for this vulnerable group of children and to intervene immediately. However, much remains to be done to ensure that the rights of the Children of prisoners are respected. In other words, they need more than abstract principles, but real legal rights with practical consequences, which have yet to be made clear. As part of this process, specific national standards should be developed on various issues such as, how should children maintain contact with their parents. What is the initial application process? How often do children have the right to visit their parents? How often? It would be very useful to start developing specific criteria in this area, which has not been covered in research so far.

### References

- [1] Quinn, D. M.& Chaudoir, S. R.. Living with a concealable stigmatized identity: the impact of anticipated stigma, centrality, salience, and cultural stigma on psychological distress and health. *J Pers Soc Psychol*, 2009, 97(4): 634-51.
- [2] Dawson, A.& Brookes, L.& Carter, B.& Larman, G.& Jackson, D. Stigma, health and incarceration: Turning the tide for children with a parent in prison. *Journal of Child Health Care*, 2013, 17(1): 3-5.
- [3] Hannem, S. N. Marked by association: Stigma, marginalization, and the families of male prisoners in Canada (unpublished doctoral dissertation). Ottawa: Carleton University, 2008.
- [4] Phillips, S. D. & Gates, T. A conceptual framework for understanding the stigmatization of Children of prisoners. *Journal of Child and Family Studies*, 2011, 20(3): 286-294.

- [5] Hagen, K. A. & Myers, B. J. The effect of secrecy and social support on behavioral problems in children of incarcerated women. *Journal of Child and Family Studies*, 2003, 12(2): 229-242.
- [6] Nesmith, A. & Ruhland, E.. Children of prisoners: Challenges and resiliency, in their own words. *Children and Youth Services Review*, 2008, 30: 1119-1130.
- [7] Johnson, E. I.& Easterling, B. Understanding Unique Effects of Parental Incarceration on Children: Challenges, Progress, and Recommendations. *Journal of Marriage and Family*, 2012, 74(2): 342–356.
- [8] Krentz, J.L. Separation and Stigma: The Negative Impacts of Parental Incarceration on their Children, 2020.
- [9] Murray, J.& Farrington, D. P. The Effects of Parental Imprisonment on Children. *Crime and Justice*, 2008: 133-206.
- [10] Evansburg & Amanda R.. "But your honor, it's in his genes:" the case for genetic impairments as grounds for a downward departure under the federal sentencing guidelines. *American Criminal Law Review*, 2001, 38(4): 1565-1584.
- [11] Wilson, J. W.. Debating Genetics as a Predictor of Criminal Offending and Sentencing. *Inquiries Journal/Student Pulse*, 2011, 3(11).
- [12] Morley, K. I. & Wayne, D. H & Australian Institute of Criminology. Is there a genetic susceptibility to engage in criminal acts? Canberra: Australian Institute of Criminology, 2003.
- [13] Youth.Gov. Children of prisoners. 2022. Retrieved from: <https://youth.gov/youth-topics/children-of-incarcerated-parents>.
- [14] Beresford, S.& Loucks, N.& Raikes, B.. The health impact on children affected by parental imprisonment. *BMJ Paediatrics Open*, 2018, 4(1).
- [15] Turney, K.& Goodsell, R.. Parental Incarceration and Children's Well-being. *The Future of Children*, 2018, 28(1): 147-164.
- [16] Melissa, N.& Cynthia, N. When parents are incarcerated, their children are punished, too. *American Psychological Association*, 2019, 50(8): 33.