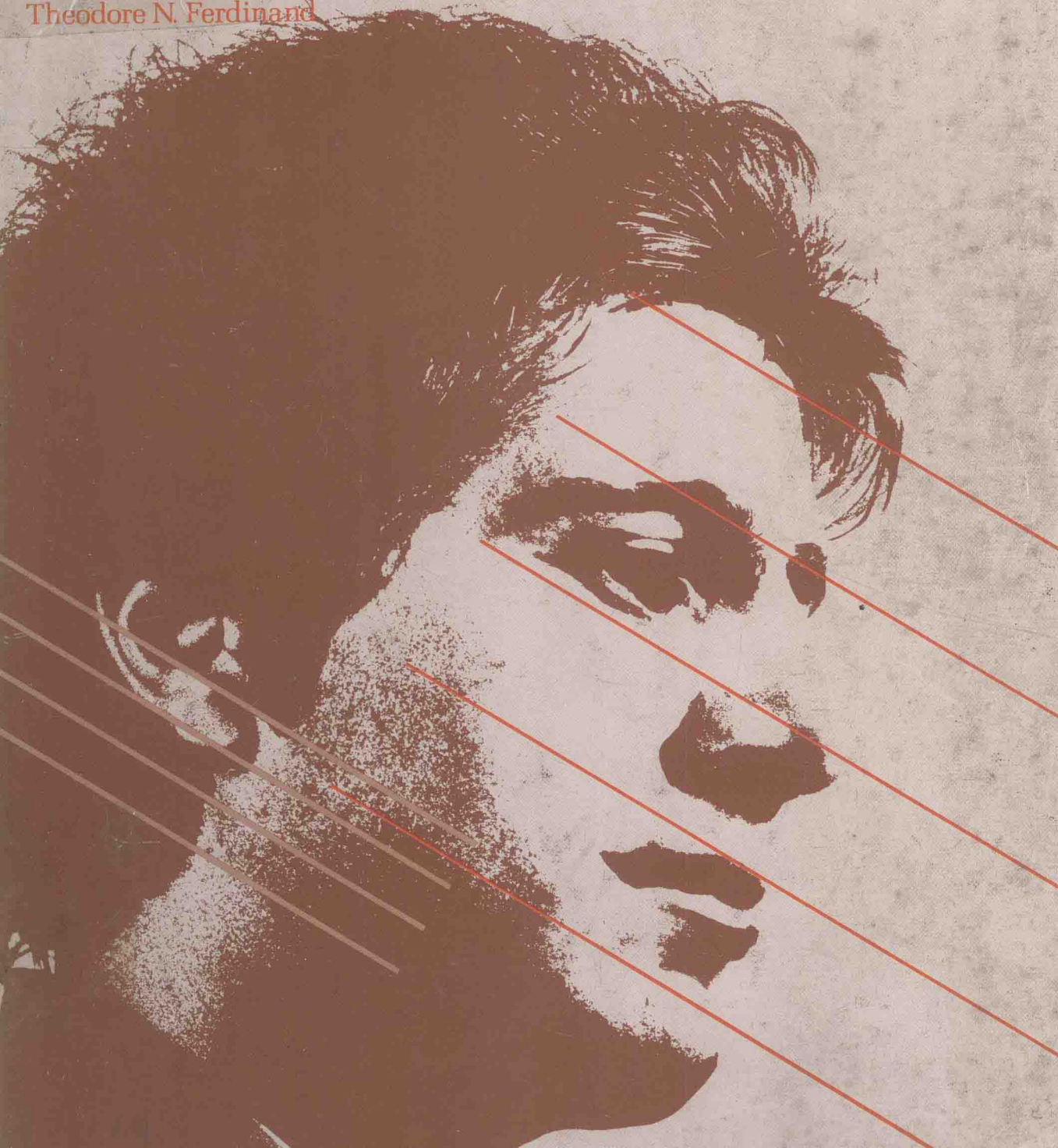


Fourth Edition

# Juvenile Delinquency

Ruth Shonle Cavan

Theodore N. Ferdinand



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Fourth Edition

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1817

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To Jordan True Cavan and Jane P. Ferdinand,  
who helped selflessly along the way

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## Preface

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We are pleased to offer the results of our combined labor. We have here a text that explores virtually every facet of delinquency: its social, its psychological, and its legal sides. We have examined the basic evidence as well as the theories of delinquency, and we have produced a text that should serve well in courses in delinquency, whether the emphasis is upon the sociological or the juvenile justice dimension. We are assuming a familiarity with basic criminology, but since the theories of delinquency are the meat of criminology, the student here will get a detailed coverage of the data and theories of criminology that bear particularly on juveniles. The language is not technical but the concepts are not simplified.

This fourth edition represents a substantial revision of the third in terms of both structure and content. The 20 chapters have been regrouped into 4 divisions: an introductory section which orients the student to the problem of delinquency; a second section which deals primarily with theoretical issues; a third section that relates delinquency to its sociocultural environment; and a fourth section that focuses on the juvenile justice system. Nearly every chapter has been thoroughly revised, if not entirely rewritten. The latest available data from official sources have been utilized wherever appropriate; and recent research, particularly in juvenile justice, has been integrated with the discussion to provide a contemporary review of juvenile delinquency.

Four new chapters have been added. The first, Chapter 6, offers a compara-

tive perspective on delinquency, and the second, Chapter 8, focuses and integrates recent thinking regarding the community and delinquency. The third, Chapter 11, examines the rapidly emerging problem of female delinquency, and the fourth, Chapter 14, considers historical evidence regarding the foundation of juvenile justice upon *parens patriae* and its meaning for modern-day juvenile justice.

On this basis we feel that every important issue in delinquency has been covered carefully. We have not hesitated to suggest our views on these issues (how could we have done otherwise?), but we have also attempted to provide the viewpoints of others with whom we disagree. Delinquency scholarship is still heavily influenced by theoretical (sometimes verging into ideological) perspectives; but in this text we have attempted to maintain an eclectic approach to the major issues, not because we think eclecticism is in itself a powerful conceptual position, but because we feel an obligation to our readers who may view delinquency from perspectives other than the dominant paradigms of the day. We have sought to provide a basis for them as well as those who hew more closely to traditional conceptual themes.

Many have helped in this endeavor, but we are especially grateful to Elmer Johnson, Donald E. Bruer, Joseph Harry, Mary Bularzik, and Carol Goldin, who read parts of the manuscript and offered painstaking critiques. We have enjoyed this endeavor, and we hope our readers learn as much from this book as we did in completing it.

RUTH SHONLE CAVAN  
THEODORE N. FERDINAND

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# PART I Delinquency in Contemporary Society

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## INTRODUCTION

In this section we seek to clarify the meaning of delinquency. In Chapter 1 we briefly describe two incidents: the first rooted in inner-city gang conflict, and the other based on a haphazard encounter. Both illustrate distinctive facets of delinquency and offer the reader an immediate picture of raw delinquency. Later in Chapter 1 we indicate the extent of delinquency both historically and cross-culturally and establish its generality. Finally, we evaluate some of the common beliefs regarding delinquency and identify some of their deficiencies. In this fashion we attempt to locate the concept of delinquency in the reader's experience and prepare a steppingstone for Chapter 2, where we move directly into a more technical discussion of the problem.

In Chapter 2 we begin our analysis of juvenile delinquency by pointing out that it de-

pends very heavily upon the emergence of a transitional stage—adolescence—between childhood and adulthood. Adolescence immerses the teenager in a social web linked with but antagonistic to the dominant adult world. Without adolescence there is no delinquency, just child criminals. But where adolescence is a recognized status (as in nearly all urban-industrial societies), new offenses, called status offenses, are defined that relate only to adolescents experiencing difficulty in adapting to their peculiar, ambiguous position in society.

In contrast with a common view among adolescents, however, they often enjoy considerable tolerance of their behavior and are permitted a wide latitude that children or adults are usually denied. This point is illustrated by the discussion of a delinquency continuum in which the progression from normal adolescent deviance to seriously antisocial behavior is traced.

The next question dealt with in Chapter 2 is the legal definition of delinquency. To some extent the attempt to capture the idea of delinquency in a precise legal concept is like harnessing nuclear fusion for energy. Delinquency by nature is elusive; and when we are forced by legal strictures to set specific age limits, or name specific acts as prohibited, the deficiencies of these specific criteria quickly become obvious, raising serious problems of measurement. Delinquency researchers are becoming resigned to the fact that serious flaws and inadequacies attend the use of every distinct kind of measure of delinquency. Their best hope is to recognize these flaws so that reasonable compensation can be made for them in our conclusions about delinquency.

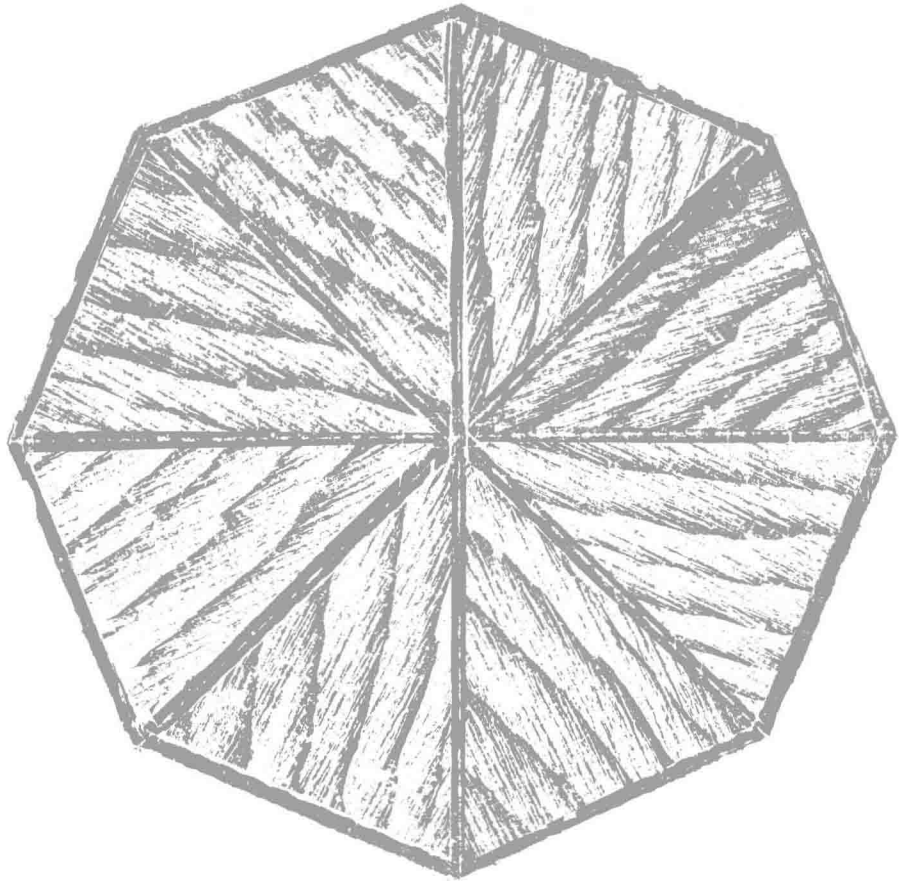
Nevertheless, different measures of delinquency can provide important glimpses into its nature, and in the concluding pages of Chapter 2 we examine its distribution in different social areas and by sex. We also look briefly at the delinquent's fate at the hands of the police and the courts in terms of data published by these agencies.

The study of these two chapters should result in an awareness of the complex social links that constrain and shape delinquency in advanced societies and the serious difficulties that accompany its definition and measurement. The task of understanding delinquency is not easy in any case, but it becomes impossible if these two ideas are not fully appreciated.

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# **1** The Multifaceted Problem of Delinquency

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It was a snowy Friday evening, February 3, 1979, on Chicago's North Side. José Ilaraza, 19, and some friends were attending a party in the neighborhood, when a fight shattered the blaring music and excited chatter of the party. Violent words and a few punches flew between two groups of Latino youths at the party.<sup>1</sup> José and his friends were told to leave, and after a flurry of words they did, arriving a few minutes later at a nearby tavern.

Youthful scuffles are common all over the United States on Friday and Saturday nights, but this was no simple teenage fracas. José and his friends were members of the Puerto Rican Stones—a Chicago street gang—and their fight was with some members of the Latin Eagles, a rival gang. The deadly events that followed established clearly that it had more in common with the assassination of Archduke Ferdinand in 1914 than with other youthful scuffles occurring at about the same time elsewhere in the United States.

Shortly after José and his friends settled down in the tavern, some members of the Latin Eagles appeared outside and challenged the Stones to show their faces. José Ilaraza charged outside, smashed a beer bottle over the head of Carmelo Cruz, 29, a Latin Eagle, and was promptly knocked to the ground. Before he could get up, he was shot twice in the throat and chest, and after several days in the hospital, he died. Alberto Canno, 18, was charged with the murder.

As the Puerto Rican Stones and the Latin Eagles drew themselves up for the coming war, the Latin Kings agreed to submerge their differences with the Stones and joined them against the Eagles. Three weeks later on February 25, 1979, three youths who were not members of any gang but had close ties with the Eagles met several other young men in a fast food outlet. The latter group was made up of Kings, and as the evening wore on the gang members drove with the three youths to an isolated spot in the neighborhood, where one by one they cut their throats. On March 6, 1979, a Latin Eagle, Herberto Martinez, 28, was shot to death in a tavern by an unidentified Latino male, and on March 10, 1979, Ignace "Lucky" Khol—a member of the Eagles' inner circle—was on his way to buy some shoes, when a Latino young man with a long, black leather coat strolled out of the crowd behind "Lucky" and shot him once in the back of the head with a nickel-plated revolver. As bystanders scurried for cover, the assassin calmly holstered his weapon and walked quickly into a nearby Goldblatt's department store. Finally, on March 19, 1979, Manuel Nieves, 13, an associate of several Latin Eagles, was fatally shot at about 10 P.M. as he walked along a neighborhood street with his younger brother and a friend.

These events point up several serious problems concerning juvenile delinquency. First, although teenage violence embraces both juveniles and young adults, it affects particularly the juveniles by forcing them to use the violent techniques of their older peers—either in self-defense or as junior gang members. The handguns and assassination methods of older gang members are not

uncommon today among young teenagers and their gangs in the inner city. Thus, the violence of young adults is transmitted to juveniles via the gangs which today embrace them both. Second, with the escalation of violence that results, bystanders are more likely to be injured and even killed, and the dangers to the community from gang conflicts are magnified sharply. Some of the alarm that attends street-gang rivalries stems from real fears felt in the immediate neighborhood. This alarm and fear is communicated to the larger community by sensational newspaper accounts of gang fights, and a clamor for police protection is often the result.

The violence just recounted was committed by older teens and young adults beyond the responsibility of the juvenile court. But the examples that violent adults provide younger teens can result in vicious acts of violence among youthful juveniles.

The lead story in the January 19, 1975, *New York Times Magazine* was headlined, "They think, 'I can kill because I'm 14!'"<sup>2</sup> It described the kidnapping, robbery, torture, and sexual assault on two boys, Jim and Bobby, both 10 years old by two other boys, Bill and Ken, 14 and 15. Several facts brought out vividly in the article set this story apart from most juvenile incidents, however. The younger boys were viciously tortured; the two older boys were well known to the police and the juvenile court; their punishments for their misdeeds had been and would continue to be minimal; and the younger boys were white, while the older boys were black. The viciousness of the incident, the older boys' seeming immunity from punishment at the hands of the juvenile court, and the racial character of the incident all point to serious problems that must be considered carefully. Would a tougher response by the courts have any effect on the worst kinds of violent delinquency? Does the racial character of serious delinquency affect the way it is handled in the juvenile justice system? These are questions we will explore in the pages to follow.

Fortunately, not all delinquency is so violent. But property offenses are also a serious problem. According to a news story in the *Chicago Tribune* in 1979, an eight-year-old boy confessed to police that he and four other boys had set fires because they liked to watch fire trucks. First trash cans and then empty houses were set afire; they were careful, they said, not to set fire to an occupied house. In the same year, four teenage youths, just past juvenile court age, set fire to fourteen automobiles in one evening for "kicks" because they were looking for something to do. Between these senseless delinquencies and the seriousness of gang violence lies a whole array of offenses damaging to others and to the delinquents themselves. These include many kinds of theft and violation of laws controlling possession and use (or misuse) of alcohol and drugs. Such offenses are more frequent than personal violence or property damage, but less harmful to other people and the delinquents. More frequent than any of the above are nuisance offenses that annoy rather than damage other people and status offenses—behavior that is legally defined as an of-

fense of youth but not of adults, such as running away, incorrigibility to parents, or associating with unsavory characters.<sup>3</sup>

~ To prevent the feeling that American experience is unique—that America faces the problem of delinquency alone—a broad perspective is given here. The occurrence of delinquency in the long history of civilization is traced, and its present form in a number of other countries is examined. Following this discussion, we will clear away some myths that impede a rational approach to the many facets of delinquency in the United States and elsewhere.

## DELINQUENCY OF JUVENILES IS CENTURIES OLD

Each generation meets the misbehavior of children and youth with shock and dismay. The specific type of misbehavior and the groups of youth involved may differ from time to time and place to place, but there seems no doubt that most societies have suffered from the failure or inability of some children and youth to live up to standards set by adults. Although the legal concept of juvenile delinquency is relatively modern (Illinois law of 1899), behaviors forbidden to children and youth, along with the punishments dealt out, have been included in the general criminal laws of different societies at widely different periods.

### Four Thousand Years Ago

The oldest known code of laws, the Code of Hammurabi, dating from 2270 B.C., takes into account many types of misconduct, some specifically of youth. This code records the laws of Babylon, which developed over many centuries. The laws regulate business transactions, property rights, personal relationships, rights of master and slave, and family relationships and responsibilities.

In the period of the code, the husband was the patriarchal head of the family, charged with many responsibilities to his wife and children. In patriarchal societies rebellion against the father, even by adult sons, was not tolerated. Punishments were severe.

Item 195 in the Code of Hammurabi states: "If a son strike his father, one shall cut off his hands."<sup>4</sup> Since the age of the son who would be so severely punished is not specified, the law might have applied chiefly to adult sons. It should be noted that severe punishments run all through the Code of Hammurabi, including not only physical mutilations, but death for many offenses, sometimes specified as death by drowning or burning. The Code of Hammurabi also provided for the adoption of certain children, who were then expected to be loyal to the foster father. The code provides: "If the son of a Ner-se-ga (palace official), or a sacred prostitute, say to a foster father or mother, 'Thou art not my father,' 'Thou art not my mother,' one shall cut out his tongue." Another provision states: "If the son of a Ner-se-ga, or a sacred pros-



titute, long for his father's house, and run away from his foster-father and foster-mother and go back to his father's house, one shall pluck out his eye."<sup>5</sup>

Another early indication of father-son difficulties that sounds surprisingly modern comes from the translation of clay tablets dated about 1750 B.C., which were excavated in Nippur, about a hundred miles south of present-day Baghdad, Iraq. The translation is of an essay written by a professor in one of the more noted Sumerian academies, exalting the values of formal education. Boys attended school from sunrise to sunset the year round, from early youth to young manhood. Industriousness was encouraged by generous use of corporal punishment. The essay is in the form of a father's admonitions to his indifferent son. The father instructs the son to attend school, stand with respect and fear before his professor, complete his assignments, and avoid wandering about the public square or standing idly in the streets. In short, the son is to be about the business of getting an education. The father upbraids his son for lack of industriousness, failure to support him, too great an interest in material wealth, and refusal to follow his father's vocation. Many of the adjurations sound very familiar at the present time.<sup>6</sup>

During the early period of the Roman Republic, the Roman father exercised almost unlimited authority over other family members, including his children. Under *patria potestas* he had the power of death over them; he could administer any degree of corporal punishment; he could command his children to marry or divorce as his whim dictated; he could place them in an adopted family; or he could sell them into slavery, if he wished.<sup>7</sup> There is no indication how often Roman fathers actually resorted to such severe measures, but by Roman law they could if they so desired.

Gradually, the severe punishments of the early laws were ameliorated, first in practice and later in amended and/or new laws. Among the Hebrews, for example, punishment by death was replaced by warnings and flogging. Finally, youth were divided into three groups, infant, prepubescent, and adolescent, with penalties increasing in severity as degree of maturity increased.<sup>8</sup>

### Delinquency in Early European Experience

Old English laws provided penalties for offenses committed by children. For example, under the laws of King Aethelstan, about 924-939 A.D., any thief over 12 years old received the punishment of death if he stole more than 12 pence. (This amount was later reduced to eight pence.) However, with the passage of time, the law was eased for children, and no one under 16 years could be put to death unless he resisted or ran away.<sup>9</sup>

After the Norman Conquest, a difference in responsibility was recognized for children. Eventually children under seven years old were pardoned. But severe penalties were still imposed on older children and adolescents of the same age as present-day juvenile delinquents. For example, in reviewing early crimes committed by English children, for which they received the same