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American Delinquency

Its Meaning & Construction

Preface

Like the first two editions, this book tells a story about the changing construction of American delinquency. The form of this story is similar to that in the previous edition. Indeed, the organization of chapters is the same. Experience indicated that this had been a reasonable way to structure the story, and there was no reason to fix something that wasn't broken.

Since the publication of the previous edition, however, much has changed to affect the content of the story. Each of the chapters has been revised to reflect such changes, incorporating the latest data and research. Hence, *American Delinquency* has been revised as follows:

Part I, The Creation of Childhood and Delinquency, describes the historical interdependence of our concepts of childhood, delinquency, and juvenile justice. It is wrong to assume that historical accounts, once put forth, are forever fixed, and we have made many changes to reflect what historians continue to discover about the treatment of children in earlier times.

Part II attempts to improve our understanding of the Extent and Nature of Delinquent Behavior by including the latest data from official accounts of lawbreaking as well as from self-reported and victim accounts. This part of the book has been revised more than any other. The "facts" about delinquency and our interpretation of them frequently change, forcing reappraisals of what it is that criminologists need to explain.

Part III deals with *Scientific Explanations of Delinquent Behavior*. During the 1980s, criminologists produced a host of studies to test these explanations, and while it has not been possible to incorporate all of them, readers will find that many new studies have been included to further our assessment of the causes of delinquency.

Part IV has been rewritten to summarize *Juvenile Justice*, *Past and Present*. As before, we present and evaluate the traditional concept of juvenile justice. However, the previous edition examined the impact of this traditional concept on the actions of the police, the juvenile court, and corrections only through the late 1960s. We now extend the discussion to include juvenile justice practices through the 1980s.

Part V outlines and assesses the ways that labeling, radical, and neoclassical theories have contributed to a new concept of juvenile justice, one that deemphasizes

rehabilitation and, in its place, stresses punishment and deterrence. This *Revolution* in *Juvenile Justice* began in the 1960s, and we show how it has persisted through the 1980s. We conclude our story by examining the implications of what we will have learned for our modern concept of childhood and for our understanding of American delinquency.

An important addition to the book is a glossary of key terms, designed as an aid for students.

We are grateful to Wendy Beck, Steve Burkett, and Mark Warr for their useful suggestions. We would like to thank the following people for reviewing our manuscript: Eric L. Jensen, University of Idaho; James R. McIntosh, Lehigh University; Raymond Paternoster, University of Maryland; Albert R. Roberts, Rutgers—The State University of New Jersey; Robert J. Sampson, University of Illinois; Thomas C. Tomlinson, Western Illinois University; and Harwin L. Voss, University of Kentucky. We also appreciate the counsel of Lisa McIntyre, Bob Meier, and Jim Short. We are especially grateful to Andrea Greenberg who read the entire book and offered valuable criticisms.

Many staff members of the Holland Library at Washington State University went out of their way to assist us. Work on the book was facilitated by a fellowship for the second author at the Center for Advanced Study in the Behavioral Sciences, which was supported by funds from the John D. and Catherine T. MacArthur Foundation. The entire staff at CASBS deserves credit, but especially Margaret Amara and Rosanne Torre. Finally, we are forever indebted to Vicki Kullberg, who suffered through every stage of the book, contributing to the final product in countless ways and providing as much encouragement as is humanly possible.

December 1990

LaMar T. Empey Mark C. Stafford

Preface

The past two decades have witnessed remarkable changes in the American concepts of delinquency and juvenile justice: The reputation of the juvenile court has been badly tarnished; the rules that define delinquency have been altered; the philosophical foundations, the accuracy, and the policy implications of scientific theories of delinquency have been challenged; faith in the concept of rehabilitation has been seriously eroded; and current efforts at "reform" are being threatened by a resurgent, neoclassical philosophy of retributive justice. In short, we are witnessing changes in our treatment of the young that are every bit as revolutionary as was the invention of the juvenile court in 1899 or the construction of prisons and reformatories almost a century before that.

In writing this book it seemed to me that any attempt to make sense out of these remarkable changes would require more than attention to current concerns over juvenile crime rates or to contemporary debates, theories, and policy changes. Indeed, the scholarly work of the past two decades had indicated all too clearly that "delinquency" should not be conceived merely as the illegal acts of children but as a changing social construction in which rules for behavior, and society's organized reactions to it, as well as the behavior itself, should be the elements of which "delinquency" is comprised. When conceived in these terms, therefore, it became obvious that any full understanding of the phenomenon would require that it be analyzed in terms of the larger cultural and historical contexts out of which it has arisen.

As a part of culture, "delinquency" may be said to include a profoundly complex set of elements:

- An evolving body of beliefs about the nature of childhood.
- A changing set of rules designed to reinforce prevailing beliefs about childhood.
- A social phenomenon in which children not only engage in various forms of illegal behavior but, more often than adults, are the victims of that behavior.
- Elaborate bodies of social thought which we call scientific theories.
- · A welfare-oriented system of justice that is applied only to children.

Each of these products of culture merits considerable attention if we are to put the total mosaic of delinquency together. Hence, each of them is treated in detail and comprises a major segment of this book.

Second, it seemed clear that much would be missed if attention was restricted solely to the impact of contemporary culture for the origins of delinquency. Many of the traditions and practices which have given delinquency its particular character in the United States derive their meaning not merely from the relatively short span of American history but from the much longer history of Western civilization. Hence, even a modest understanding of the delinquency "problem" requires a context which only history can provide. Indeed, when the various elements of delinquency — beliefs, rules, behavior, theories, and legal practices — are analyzed in historical terms, that analysis not only illuminates the past but raises provocative questions about the future. Consider but a few of those that will be examined in this book:

The nature of childhood. The juvenile court was not invented until 1899. This implies a concept of childhood that is relatively recent in the history of Western civilization. How were children perceived and treated in prior centuries? Why were attempts not made until the dawn of the 20th century to provide elaborate legal protections for them, and to circumscribe their moral as well as their criminal behavior? Even more important, how has our concept of childhood changed in recent years so that we now question the assumptions upon which the juvenile court was originally constructed?

Rules that define delinquency. Delinquent behavior can only be understood as departure from some set of desirable, conformist standards. What are those standards? How did they evolve? Why did they remain relatively unchanged for most of this century? Why are they now changing?

Delinquent behavior. Since the rules that define "delinquent" behavior are of recent origin, does that mean that such behavior did not exist in prior centuries? Since it obviously did, how was it perceived? How did society deal with it? Equally important, in what segments of our youth population does it occur today? Who are its perpetrators and its victims?

Theories of delinquency. Theories of delinquency are more than pristine guides for research. They are influential and evolving bodies of social thought. To what degree, then, do they reflect traditional as well as contemporary values and beliefs, and how might they have altered those beliefs in return? Upon what assumptions about human nature and social order are they based? How have they influenced social policy? In what way have they contributed to the current revolution in juvenile justice?

The juvenile justice system. The juvenile court was hailed as a triumph of American jurisprudence and benevolence for two thirds of this century. Why, then, has it suddenly been subjected to scathing attacks from almost every quarter? What have been the sources of those attacks? How is justice for children likely to be organized in the future? May current "reforms" be viewed as undeniable steps forward in the progress of humanity?

In short, this book attempts to tell a story. As each element in the mosaic of delinquency is unfolded, its historical evolution, as well as its contemporary state, is

analyzed. Attention is paid not only to the content and adequacy of various theories, to the debate over the extent and implications of juvenile crime, or to the way in which the juvenile justice system is run, but to the place of all of these in the larger context and history of American life.

I am indebted to several people for their help in developing this work: to Robin M. Williams, Jr., James F. Short, Jr., and Joseph Sanders for their incisive and extended critiques of the manuscript; to Elaine M. Corry for her invaluable editorial assistance; and to Jacqueline T. Sanchez for typing and retyping draft after draft. Last, but not least, I am grateful to a loving family for their patient understanding of the emotional disorders of a compulsive author.

December 1977

LaMar T. Empey

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