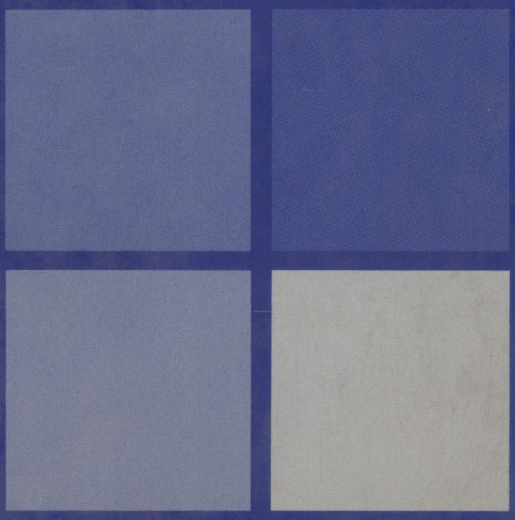
HANDBOOK OF JUVENILE DELINQUENCY

Edited by Herbert C. Quay



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Handbook of Juvenile Delinquency

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Series Preface

This series of books is addressed to behavioral scientists interested in the nature of human personality. Its scope should prove pertinent to personality theorists and researchers as well as to clinicians concerned with applying an understanding of personality processes to the amelioration of emotional difficulties in living. To this end, the series provides a scholarly integration of theoretical formulations, empirical data, and practical recommendations.

Six major aspects of studying and learning about human personality can be designated: personality theory, personality structure and dynamics, personality development, personality assessment, personality change, and personality adjustment. In exploring these aspects of personality, the books in the series discuss a number of distinct but related subject areas: the nature and implications of various theories of personality; personality characteristics that account for consistencies and variations in human behavior; the emergence of personality processes in children and adolescents; the use of interviewing and testing procedures to evaluate individual differences in personality; efforts to modify personality styles through psychotherapy, counseling, behavior, therapy, and other methods of influence; and patterns of abnormal personality functioning that impair individual competence.

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Preface

The intent of this book is to provide a critical review of research and theory on juvenile delinquency, primarily from the psychological perspective. It is, of course, impossible to discuss delinquency without introducing sociological theory and research, but the emphasis here is clearly on the delinquent, his origin, and his treatment as described in psychological terms.

A reading of this volume should make it clear that juvenile delinquency is a complex phenomenon of relatively recent recognition as historical time goes, and that juvenile delinquents are by no means a psychologically homogeneous group. We hope that the reader will also recognize that delinquency is not really so different from child and adolescent deviance as defined in other ways and carrying other labels in other social systems. The parallels could be highlighted by the reader's occasional consultation with the editor's volume (with John Werry and collaborators) *Psychopathological Disorders of Childhood*, third edition (Wiley, 1986).

What may not be quite so obvious is that we have more knowledge about delinquency than we are currently putting to use. We can identify subgroups of delinquents who are different from one another in important ways. We do have an understanding of factors in society as a whole, and family settings in particular, that are related to delinquency, and that, at least in the case of families, can be modified. There are also some characteristics of individual delinquents that are important. Some delinquents who exhibit deviant social behavior and cognitive and moral functioning also seem amenable to change for the better.

We are also beginning to get an inkling about the operation of biological factors that may predispose youth to behavior that becomes defined as delinquent. These factors may also be remediable by newer, biologically based interventions in the same way that Attention Deficit Disorder (formerly hyperactivity) is ameliorated by medication in the majority of children. Further genetic research may provide clues as to the prevention of some or all of these adverse biological factors.

Despite the general pessimism surrounding rehabilitation, there are both institutional and community-based treatments that do work, albeit imper-

fectly. We can predict future delinquency and future crime, at least under some circumstances, at a much better than chance level.

Not least important is that we now recognize many of the methodological and conceptual errors of the past, and have developed, and no doubt will continue to develop, improved methods of research. There is, concomitantly, more hope for the development of theories which will permit more direct tests of the hypotheses that derive from them than has been true of theories of delinquency in the past.

It is the hope of the editor and all the contributors that readers of this book will have a better scientific understanding of juvenile delinquency than they had at the outset. If so, our efforts will have been rewarded.

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Miami, Florida
March 1987

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CHAPTER 1

An Historical and Theoretical Introduction

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Behavior that occurs in a social context may be roughly divided into three categories on the basis of general acceptability. First, there is behavior that is fully appropriate by the standards of the given culture or at least acceptable in the given setting. Second, there is behavior that is peculiar or unusual in the setting but not of a degree that creates disturbance. And finally, there is behavior that is so deviant that it arouses such reactions as fear, disgust, rage, or need for revenge. Intermediate between the behavior and the reaction to it may be loss of property, defacement of or damage to property, threatened violence, or actual injury.

Cultures have differed and continue to differ widely in levels of tolerance for various types of idiosyncratic behavior, in the laws and similar regulations that provide the guidelines for the boundaries of unacceptably deviant behavior, and in the formal structures and procedures for social reaction to unacceptable behavior. To illustrate, in our culture mildly drunk behavior on the part of an adult or mildly mischievous behavior by an adolescent may produce grimaces, rolls of the eyes, and some such comment as "He's loaded," or "Boys will be boys." But we have laws against "disturbing the peace" and "malicious mischief" that allow invocation of one of society's formal control mechanisms if the behavior goes beyond tolerated bounds. The system invoked may be the criminal or juvenile justice system if the behavior is proscribed in penal codes, or the mental health system if the behavior is of the type listed in the *Diagnostic and Statistical Manual of Mental Disorders:DSM-III* (American Psychiatric Association, 1980). Then, depending upon the specific behavior and the proclivities of the particular system, the individual may be designated a delinquent, a child in need of supervision, a criminal, an overanxious adolescent, a schizophrenic, or whatever else seems appropriate. Corrective measures usually accompany the diagnosis.

The reaction to a given idiosyncratic or deviant behavior is not only a function of the general culture but varies within a culture according to immediate

personal and environmental conditions. A boy in Wisconsin, for example, derives great pleasure from letting air out of the automobile tires in his neighborhood. The people in that neighborhood may, on the one hand, be in a euphoric mood because of a major industrial development in the area and react to the behavior as an adolescent prank, a minor nuisance worthy of no more than a scolding call to his parents. On the other hand, the community may be tense because of a local or regional crisis, and may react by calling the police and having the boy arrested. The community response may take on an interactive complexity if the boy comes from a racial or religious group different from that of the immediate community, or if the father of the boy is a known criminal, and so on. It is important to note, therefore, that depending upon the composition or mood of the immediate community, the same boy behaving in an identical way may be tolerated as unusual or eventually officially designated as a juvenile delinquent.

The principal reason for reaction by one of society's systems is to control or change the behavior in question. The goals of control and change are evident when a very anxious patient is given psychotherapy, when a juvenile delinquent is sent to a foster home, or when a convicted drunken driver is required to complete a course of instruction in automobile safety. But why are certain actions taken to control or change a given behavior in preference to various other alternatives?

The link between behavior and the mode of controlling or changing that behavior is an understanding of why the behavior occurred. That understanding is an explanation for the behavior, or in more formal terms, a theory that accounts for the behavior. The understanding, explanation, or theory has embedded in it the means for changing the behavior. The process of moving from explanation or theory to specific corrective action is deductive reasoning.

Theories and Social Actions

With respect to juvenile delinquency, there are theories held by the general public, theories held by the people in authority who make and enforce the laws, and theories held by social scientists. A theory held by a given person—whether that person is a citizen, politician, law enforcer, or scientist—reflects the general social belief system of that individual as well as the behavior being explained. Thus, "conservative" people tend to explain delinquency as the result of an overly tolerant society that shows a breakdown of discipline, and to advocate measures emphasizing strict limit-setting, structure, and control. "Liberal" people, on the other hand, are much more likely to explain delinquency as proceeding from poor social and environmental conditions such as discrimination and poverty, and to advocate prevention or rehabilitation by methods that correct the effects of those deficiencies.

While social scientists may or may not be interested in the uses of their theories in practical decision making, their theories nevertheless often influence the actions of policy makers and the general public. To illustrate, one

sociological theory emphasizes that delinquent behavior is an outcome of the great discrepancy in our culture between the goals of fame and success, on the one hand, and the opportunities available for impoverished youngsters to achieve those goals, on the other hand (Cloward & Ohlin, 1960). Television, radio, and movies intensify the frustration by highlighting the various aspects of the "good life." Using that (simplified) theoretical structure, one can deduce that reduction of delinquency will occur if one narrows the gap between the aspects of the good life portrayed and the opportunities for achieving them. And, to be sure, when individuals with that theoretical leaning instituted a program for delinquency prevention in various communities, they emphasized the creation of employment opportunities for youths, provision of vocational guidance, the training of youths in job-related skills, and other efforts aimed at making it possible for youths to earn the money necessary to purchase commodities (see the description of the Mobilization for Youth program in Grosser, 1969; see also Chapter 10).

As another illustration, some psychiatrists explain delinquency on the basis of inadequacies in parent-child relationships during the earlier years of life. Attempts to correct the problem, then, consist of psychotherapeutic sessions in which the patient speaks freely about life's experiences, with the expectation that many of the emotions that originally accompanied the experiences would be transferred to the relationship with the therapist and then resolved (e.g., Friedlander, 1947; see also Chapter 11). And since the dominant theories among psychologists who work in juvenile justice are behavioral, one finds concepts like contingency management, coping skills, shaping, anger management, and cognitive restructuring widely used in modern psychological approaches to the treatment of young offenders (Binder and Binder, 1983, in press; see Chapters 9, 10, and 11).

In contrast to those theories, many popular explanations of delinquency blame moral or religious weakness, inadequate expression in athletic and similar recreational activities, and even inadequate transcendental emanations for juvenile delinquency. Recommended remediation, then, consists, respectively, of indoctrination in moral and religious values, development of available recreational programs, and the wider use of Transcendental Meditation.

An Overview of Formal Theories and Their Bases

The principal disciplines that have contributed to empirical research and theorizing in the field of juvenile delinquency are psychiatry, psychology, and sociology. Within the United States, the domination of the field by sociology is so great that it is not much of an exaggeration to state that the field of scientific study of delinquency is a subdiscipline of sociology. In the United Kingdom and in much of continental Europe, on the other hand, psychological and psychiatric approaches have had and continue to have significant theoretical and practical impact. In her survey of the state of knowledge regarding delinquency and criminality in 1959, Wootton (p. 319) stated, "In this country

[that is, the United Kingdom] it has so happened that psychiatrists and psychologists managed to establish themselves well and early in the study of social pathology" in order to explain the "lopsided concentration upon individual rather than upon social factors."

The point made by Wootton on the "lopsided concentration" upon such individual factors as personality and character by psychologists and psychiatrists in the United Kingdom is an important one. The effect of professional bias on the form a particular theory of delinquency is the organizational counterpart of the individual bias discussed previously in differentiating "conservative" and "liberal" preferences for explanatory systems. Both factors are so influential that one occasionally feels that the disposition of the theorist has more impact on theoretical form than the behavior being explained. In the construction of a scientific theory, the influence exercises itself in two ways. First, the individual theorist chooses the domain of observation, which may range from the interrelationships among members of a street gang to the results of psychological testing. Second, there is an enormous amount of slack between actual data and the constructs derived in the inferential process, allowing strong influence of biases derived from the theorist's personal proclivities and earlier learning experiences, and from immediate social forces.

When theorizing is entirely an academic enterprise that is self-correcting over a period of time by a counter-balancing of different biases, the fact of professional or personal biases is not a serious problem. But where a given theory determines, directly or indirectly, a practical program that involves a great many young (and not so young) lives and an enormous amount of social resources, the facts and factors upon which that theory is based may be critical indeed.

The principal point is that theories do not come from facts and observations, but from people who process the facts and observations through their own filtering systems. These filtering systems highlight certain factors, suppress others, and distort still others. Thus, while psychiatrists tend to use explanatory constructs that are based on intrapsychic conditions derived from earlier life experiences, sociologists tend to use constructs that explain human behavior on the basis of such constructs as social disorganization and social control.

To illustrate the process, we turn to polar opposites of theories that purport to explain delinquency. Hans Eysenck is a psychologist who has worked with individual patients in clinical settings, using concepts and procedures derived from traditional laboratory psychology. In his theory of delinquency and criminality (Eysenck, 1964), he argued that conscience and law-abiding behavior are learned by people in the same manner that dogs learn to salivate in response to a tone previously associated with meat. In fact, he has stated without equivocation "Conscience is indeed a conditioned reflex!" (p.110). The Pavlovian conditioning occurs when parents apply punishment in the form of shouting, slapping, and so forth whenever a child engages in such unacceptable behavior as beating up sister or urinating on the stairway. Misbehavior

then becomes associated with anxiety and that anxiety is reduced by the avoidance of bad, and later illegal, behavior. In the case of a delinquent or criminal, that learning does not occur fully, so there is insufficient conscience-induced anxiety to counteract such temptations as theft and assaultive behavior (see Chapter 7 with regard to this general position).

Taylor, Walton, and Young (1973), on the other hand, are sociologists who consider themselves "new" or "radical" criminologists. Their theories are strongly influenced by their Marxist perspective. To them, what others call deviant is normal within a broader perspective of human diversity. It is the controlling repressive reaction of society to the different behaviors that criminalizes individual expression and generates an atmosphere of segregation and imprisonment. They argue that the behavior labeled delinquent or criminal by society represents a consciously chosen decision to maintain personal integrity in the domain of frustration imposed by the inequalities of power, wealth and authority in industrialized society.

Clearly these markedly different theories have dramatically different implications for the treatment of offenders as well as for the methods of primary prevention (see Chapter 13). Taylor, Walton and Young (1973) would certainly not spend much time modifying an individual's psyche, when they "know" that the real oppressor is society and its structures. And it is not likely Eysenck (1964) would advocate a major change in society to untangle a twisted conscience.

A BIT OF HISTORY

Antiquity to the Nineteenth Century

Children misbehave, sometimes outrageously, and there is every reason to believe that children have misbehaved, sometimes outrageously, throughout history. But, as discussed in the preceding section, cultures have differed in their tolerances for various types of misbehavior, their explanatory systems for understanding the idiosyncrasies of the young, and their modes of controlling unacceptable manifestations of youthful behavior. Those differences over cultures are functions of the dominant social and political values (as is the case with individuals), religious beliefs, forms of social organization, available methods of control, and the interactions of these and other cultural characteristics. For very old civilizations, our primary source of information regarding attitudes toward juvenile offenders and methods of control consists of sets of statements in codes that reflect prohibitions and remedies.

One of the oldest known legal codes is the Code of Hammurabi, dating from 2270 B.C. It represents the law of Babylonians on matters ranging over rental and leasing arrangements, husband-wife relationships and obligations, the uses of witnesses and contracts, mutual obligations of adopting parents and adopted children, and the requirements of various trade agreements.

It also has an extensive listing of the punishments warranted for violations of various personal and property rights. The following examples are from Kocourek and Wigmore, (1915, pp. 327–442):

8

If a man steal an ox, or sheep, or ass, or pig, or boat from a temple or palace, he shall pay thirty-fold; if it be from a freeman, he shall pay tenfold. If the thief has nothing with which to pay, he shall be put to death.

21

If a man make breach into a house [break into the house], one shall kill him in front of the breach [kill him on the spot], and bury him in it.

22

If a man carried on highway robbery and be captured, he shall be put to death.

196

If a man destroy the eye of another man, one shall destroy his eye.

201

If he knock out the teeth of a freedman, he shall pay one-third mina of silver.

260

If a man steal a watering-bucket or a plow, he shall pay three shekels of silver.

These and other statements of punishment for what are criminal acts in our culture use the masculine form in referring to the potential offender. The words "woman" and "female" are used in the code (as in "If a man strike a free-born woman, and produce a miscarriage . . . " and in references to a "female tavern-keeper") as is the genderless "one," so there is uncertainty as to whether the masculine form is used to encompass both sexes or whether only males are included in the prohibitions. But more important for our purposes, there is no indication of these implications for youths. Having a Western bias of the twentieth century, one might hastily conclude that children (or boys alone), as we know them, could not possibly be included when the word "man" is used. But, as we shall see, earlier cultures had markedly different perspectives on children. Regarding youths as adults only if above the age of 17 (for most purposes) is an arbitrary construction of our society, reflecting its general attitudes toward children and its various complexities.

Even the item stating, "If a son strike his father, one shall cut off his hands" carries ambiguity in its implications for children since there is no indication of how old the son must be to warrant the punishment.

The Old Testament (Mosaic Code) of course lists many types of unacceptable behavior, often with accompanying punishments for the behavior specified.