

JUVENILE DELINQUENCY

Third Edition

MARTIN R. HASKELL

LEWIS YABLONSKY California State University, Northridge

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PREFACE

Juvenile "misbehavior" is a social problem experienced by all members of society, young or old, at some time in their lives. Children generally perceive their socializing agents (parents, teachers, and others) as intruding on their autonomy as people, and adults usually consider the administration of some form of social control over children as a responsibility they must discharge. Most adult-youth conflict and interaction in the arena of "socializing" children is related to normative, perceptual, or value differences, is usually a productive experience, and therefore should not be considered as a social problem. A debatable line, therefore, is drawn between the point where normal misbehavior ends and juvenile delinquency begins.

Part of the demarcation between misbehavior and delinquency was determined by the development of a legal concept formulated around the turn of the century. Historically, the term *juvenile delinquency* came into legal use in the United States in 1899 with the establishment of the first juvenile court, and it was applied to all young people determined by the

court to be delinquent. Prior to 1899, most disapproved behavior now labeled delinquent was treated as a family or, in some cases, a community discipline problem. Now, some 80 years after the development of the juvenile court concept, a vast array of social machinery has evolved to deal with juvenile deviance—including courts, detention, probation, child welfare programs, psychiatric clinics, and gang and delinquency diversion programs. All these programs are well intentioned, and most are humanistic; however, many have become pawns in an ahuman system. In our analysis we shall attempt to deal with all facets of the issue that society has labeled as juvenile delinquency.

The Authors' Perspective

Because much of the phenomenon of juvenile delinquency is debatable and subjective, we feel it is useful for the readers of our book to know something about the authors' perspective on the subject.

We have not restricted ourselves to the role of "armchair sociologists," although we have both been professors of academic sociology and have contemplated and developed theories about crime and delinquency for over 25 years. During this period, in addition to our teaching and research activity, we have both worked directly on the "firing line." One has served as head of a delinquency-prevention program with violent gangs, the other as head of an aftercare program, both in New York City. Each has directed psychodrama, role-training, and group psychotherapy sessions with juvenile delinquents, including those on probation and parole, in institutional settings, for probation officers, parole agents, police officers, and others working in the field of corrections.

Updating for the Third Edition

The book has been thoroughly updated for this new edition. The modifications include almost all relevant statistics and trends in juvenile delinquency. The new statistics reveal, for example, that juvenile violence and drug abuse are still on the rise. Although drugs like marijuana and alcohol are increasingly the adolescent drugs of preference, the use of such drugs as PCP, cocaine, and heroin continues to be a serious problem in the eighties.

Another trend that is delineated in this edition is the increasing tendency of "due process" in the juvenile court to make juvenile justice more like adult justice. Also noted is the burgeoning of "diversionary projects." These programs reflect a concerted effort to move the juvenile judicial process back into the community in which the problems originate. This is a developing trend in the eighties that, we believe, has merit.

The chapter on schools and delinquency is enlarged to reveal how many teachers in ghetto schools are almost physically embattled in their classrooms. The impact, both positive and negative, that bussing has had on delinquency is also discussed. One positive effect worth noting is that black and white children understand each other better; and we believe there has been a positive payoff in terms of better race relations in the larger society.

The chapter on gangs remains the most comprehensive and current statement on the subject to be found anywhere. Gang violence in major cities has risen in recent years, and the basic structure of violent gangs has remained the same. We note the fact that the use of former gang members to work with gangs is still one of the most effective means of countering the violent gang's murderous behavior.

In recent years there have been changes in the ratio of male to female delinquency. Female delinquency has increased significantly. This edition deals with the underlying influence of changing sex roles, which produces this result. The new feminist viewpoint on juvenile delinquency and its effect on this trend are also discussed.

Other Changes in the Third Edition

This edition includes a deeper explanation of the sociological and emotional causal factors that help produce delinquent behavior. Special emphasis is placed on the increasing manifestation of sociopathic behavior in the larger society, and how this accounts for the growing incidence of senseless violent behavior by young people. The case histories of various sociopathic terrorists who commit such acts of senseless violence are presented.

The discussion of the various treatment approaches to delinquency has been updated. Such methods for treating juvenile delinquency as group psychotherapy, psychodrama, reality therapy, and transactional analysis are discussed. The appraisal of probation has been broadened, and new types of institutional programs are included. In the context of new treatment approaches, the radical new "scared straight" program which employs hostile, recalcitrant institutionalized adult offenders, is analyzed. This approach seems to have a relatively superficial effect, and we must continue to rely on more traditional resocialization projects and processes.

This examination of delinquency in general necessarily includes selected vivid descriptions of delinquent behavior found in day-to-day news reports. These "live" data are included for the purpose of highlighting the fact that juvenile delinquency is a contemporary condition that touches the families and personal lives of all of us on a daily basis. We firmly believe that the problem can be ameliorated by greater knowledge on the part of all citizens about patterns of delinquent behavior, about the social psychological forces that cause the problem, and about the array of techniques and methodology that is our attempt to control delinquency.

Acknowledgments

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part one

THE JUVENILE DELINQUENT IN SOCIETY

In contemporary law, the juvenile delinquent is distinguished from the adult criminal by several factors:

- 1. In most jurisdictions the cutoff point between delinquency and criminality is marked by age, usually eighteen.
- 2. Juvenile delinquents are generally considered less responsible for their behavior than adult offenders and hence less culpable.
- 3. In the handling of a juvenile delinquent, the emphasis is more on the youth's personality and the motivation for his illegal act than on the offense itself. The opposite is usually true of the adult criminal.
- 4. Treatment of the juvenile delinquent has been directed more toward therapeutic programs than punishment.
- 5. The judicial process for a juvenile originally deemphasized the legal aspects of due process and was geared to a more informal and personalized procedure. Although this is still largely the approach, the trend is toward greater due process in the juvenile court system.

This differential treatment of juveniles is not a recent phenomenon. Throughout recorded history we can find evidence of special treatment for young offenders and the recognition that such offenders constitute a special problem. The misbehavior of young people has been regarded as a problem apart from criminality as far back as the Code of Hammurabi in 2270 B.C. This code prescribed specific punishments for children who disowned their parents or ran away from home. The Hebrews divided young people into three age categories—infant, prepubescent, and adolescent—and established increased penalties as offenders advanced to succeeding age groups. Old English law also indicated differential treatment for juvenile offenses by providing less severe punishment for persons under sixteen. The founding of Hospes St. Michael in Rome for the rehabilitation of young people indicates a concern with this problem by the Vatican as early as the seventeenth century.

Industrialization and urbanization, with their accompanying changes in family structure and function, have resulted in increased emphasis on juvenile delinquency. Parents working away from home have not been able to fulfill the socialization function (preparation of their children for life in the society) in the same way as families in prior periods of human history.

The impersonal relationships that accompany urbanization have produced an increased tendency to resort to formal social control of children. Misbehavior that had been traditionally handled by the family and friends in smaller communities now results in complaints to the police and petitions to courts in large urban areas. The juvenile court has become a significant social and legal instrument for defining and controlling juvenile delinquency, although in the 1980s there has been a trend toward returning the handling of delinquents to supervised and sometimes unsupervised community environments.

¹Albert Kocourek and John H. Wigmore, Source of Ancient and Primitive Law, Evolution of Law: Select Readings on the Origin and Development of Legal Institutions (Boston: Little, Brown, 1951), vol. 1.

²Frederick J. Ludwig, Youth and the Law (New York: Foundation Press, 1955).

³Paul W. Tappan, Comparative Survey on Juvenile Delinquency, Part 1: North America (New York: United Nations Department of Social Affairs, Division of Social Welfare, 1952), p. 9.