

# DELINQUENCY AND JUSTICE

AN AGE OF CRISIS

M. A. BORTNER



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# ABOUT THE AUTHOR

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M. A. Bortner's primary concern is the critical analysis of contemporary society and the construction of meaningful community. Her research and writings have focused on adolescence, delinquency, and juvenile justice. Her previous book, *Inside a Juvenile Court: The Tarnished Ideal of Individualized Justice*, New York University Press, scrutinizes the ideology and everyday decision making within a metropolitan juvenile court. Professor Bortner's Ph.D. is in sociology from Washington University. She currently teaches in the School of Justice Studies at Arizona State University (Tempe, Arizona) and would welcome your comments regarding this book.



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# PREFACE

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This is a portrait of adolescents, especially those called delinquents, but it is not of them in isolation. It is a portrait of all of us and the nature of our individual and collective lives within contemporary society. The issues surrounding young people and that period of life within western culture known as adolescence are as fascinating as they are controversial, encompassing as they do the vitality and energy of youthfulness combined with the dilemmas of identity and power. Many of the controversies focus on the issues of rebellion, sexuality, violence, and the use and abuse of drugs. But beneath all these volatile issues lies the fundamental question of the rightful place of young people within the power structures of society.

Placing young people or the individual young person under a microscope will not disclose the intricacy nor the essence of adolescence and delinquency, for the portrait becomes compelling only within the context of the culture that engulfs young people. This includes their relationships with each other and with adults as well as their everyday experiences within the institutions designed to control and nurture them—schools, families, mass media, and the justice systems. This book is equally concerned with the experiences of the individual and the social context of those experiences, that is, the collective designs for living together and making sense of our lives, including notions of what is just for young people and for all of us. The discussion that follows is as much about adults—parents, teachers, judges, and jailers—as it is about adolescents or delinquents. And, even more so, it is about the social context within which human interactions occur, a context situated within this specific culture and historical era. If successful, this inquiry will disclose the macro-social factors underlying the behavior of adolescents and delinquents (and the adults who respond to them) without losing sight of the humanity of those being studied.

Above all else, this book seeks to give you license to think critically about important things, things that are important to you as a human being and things that are important to our collective well-being. It provides extensive informa-

tion about adolescence, delinquency, and the juvenile justice system and attempts to place that information within the political and economic context that is essential in order to analyze our present arrangements as well as consider alternatives.

We will focus on the status of adolescents within contemporary society, definitions of delinquency, estimates of the extent and nature of delinquency, explanations of why young people become delinquent, and the social policy and political implications of those explanations. Finally, we will examine society's response to adolescents, particularly within the juvenile justice system.

This is a story of adolescents but it is not their story alone, for we adult members of society share similar versions of the same beautiful dreams and hellish nightmares. And we all are subject to the economic, social, and political forces that shape those realities.

Good colleagues have given tirelessly on behalf of the integrity of the book you're about to read. I have not been able to integrate all their insights or suggestions, but I am deeply grateful for their help and support. Such people sustain the hope of critical thought and meaningful community.

Roland Chilton, University of Massachusetts-Amherst; Bob Emerson, University of California-Los Angeles; and Lare Van Sickle, Rollins College, have made enormous intellectual contributions at all stages of this work; without them it would not have been completed. Ray Michalowski, University of North Carolina-Charlotte, and Ruth Horowitz, University of Delaware, also provided many insightful comments as reviewers later in the process. I wish to express my deep appreciation to them and to those who helped directly in the preparation of the manuscript: Valetta Bissett, Mariam Buckley, Noah Fritz, Neil Graber, Frances Grieshaber, Jody Horn, Kay Korman, Coralie Rose, and Shannon Scheel. There is a wealth of faithful colleagues within the School of Justice Studies at Arizona State University, and I truly appreciate their generous support for this work, especially Gray Cavender, Kathy Ferraro, Jim Grisius, Nancy Jurik, Pat Lauderdale, Michael Musheno, and Marjorie Zatz. I also wish to thank Stephanie Happer and David Dunham of McGraw-Hill for their commitment to this project.

M. A. Bortner

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# ADOLESCENTS AND DELINQUENTS: JUSTICE AND SOCIAL CONTROL

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This book is about adolescents and their lives within contemporary society. It is also about what is defined and accepted as justice for adolescents in general and delinquents in particular. While it is concerned most directly with delinquents and the justice system, in a broader sense this book is about adolescence and its problems because delinquency is virtually synonymous with adolescence. The “age of crisis” in the book’s title refers to the crisis experienced by many adolescents as they try to become adults, but it also refers to the era or age of crisis that exists within society.

The crisis of adolescence revolves around each individual’s struggle to establish some measure of autonomy and a viable self-concept while simultaneously establishing a social identity, that is, establishing a secure place or role within the larger society. The crisis within society also has to do with the need to establish or reestablish meaningful identities, roles, and motivations for adult as well as adolescent members of society. The societal crisis revolves around the question of whether or not the dominant way of life within the United States, including its major institutions, values, and power relationships, meets the individual and collective needs of the people.

Although frequently it is not obvious, adolescents have a lot in common with adults in that the same social forces that influence adult lives also shape adolescent experiences. Nevertheless, adolescents as a group have a different and, most importantly, a less powerful status within society than do adults as a group. This status of adolescence has a crucial significance for society as a whole as well as for the individual adolescent. As a symbol of the promise of the future, adolescence is fundamental to the dominant beliefs and values of U.S. society, its present efficacy as well as long-term viability.



Adolescence not only is an aspect of the legitimation of the present social order but it is also representative of the very continuance of society. Some have predicted the end of adolescence, that is, the abolition of a separate status for young people, and a corresponding demise of the juvenile justice system, but each of these is highly unlikely. If we abandon the image of adolescents—innocent, deserving of guidance and protection, and the hope of the future—we are abandoning an essential element of the American Dream. The legitimation or justification of this way of life is integrally bound with the roles and images given to adolescents.

All societies seek to reproduce themselves, and, obviously, adolescents are essential in that process, for, literally, they are the future. An intense and complex socialization process initiates young people into society and, if successful, creates within them the motivation and commitment to take their places within society. An effective socialization process will not only generate immediate support for and conformity to the present society but it will also transform the raw material of adolescents into conforming and contributing adults.

Effective socialization creates adult citizens who have not only been exposed to the established values and ethos of society but who have claimed these as their own. Simply generating vacuous compliance with social dictates will not ensure society's survival, for it is essential that adolescents develop the competency and vision necessary to sustain a society in its struggles as well as transform and strengthen it for its survival. The preeminent goal of socialization should be the nurturance of a mature, resourceful citizenry that is both desirous and capable of assuming control of and responsibility for the society. Within contemporary society this goal may be breached as often as it is promoted.

One function that is accomplished by the socialization process is social control. The process exerts tremendous social control over individuals, that is, it generates conformity and "keeps people in line." Because this book deals extensively with delinquents, much of the time we will be discussing the more overt forms of social control that are enforced by the juvenile justice system, but the wide-ranging social control mechanisms that affect all adolescents are equally essential.

The most pervasive and effective forms of social control are the dominant institutions within society, those institutions that are fundamental to the way of life within the United States. Families, churches, schools, the media, as well as the economic and political systems are major forces in generating conformity and social control, for it is within these institutions that young people learn their assigned roles and adopt the accompanying values that justify those roles. The vast majority of adolescents, as well as adults, are controlled effectively through their integration into society's major institutions. The traditions, beliefs, and values acquired by living within society exert a tenacious hold upon most individuals, a hold that binds them inextricably to the established order.

A major element of this dominant belief system or U.S. ideology is "the Promise of the Future," that is, a dream of unlimited opportunity made possible

through individual merit and accomplishment. The Promise of the Future is an important force in the lives of adults, but it is particularly crucial for adolescents. Even if their immediate lives are unrewarding, boring, meaningless, or filled with despair, many young people still conform to social expectations because they believe the future will be better than the present. Even if school is boring or seems irrelevant, even if family life is filled with conflicts, and even if a young person's economic situation is one of deprivation, the vast majority of young people conform to society's dictates in order to reach adulthood, at which time, they believe, their lives will begin anew and will contain the fulfillment, meaning, and satisfaction now absent.

Despite the fact that adolescents are frequently portrayed as rebellious against the dominant institutions and values, these methods of control are effective with the vast majority of young people. But should they fail to engender conformity, more overt methods of control are available in the form of the legal coercion and punishment exercised by the juvenile justice system. If the control exercised by the juvenile justice system fails to create conformity, adolescents may be stripped of their legal status as juveniles and transferred to the adult court for prosecution and punishment. Also, the ultimate and most coercive form of social control, execution, is a possibility for adolescents in about half of the states.

These social control mechanisms and the manner in which they affect adolescents are directly related to the issue of how "justice" has been defined and applied to adolescents. Because juveniles have a separate status within society, the concept of justice applied to them differs from that applied to adults. "Justice for juveniles" has taken on different meanings historically, and the issue of exactly what is "just" within contemporary society is extremely controversial. For delinquent juveniles, the issue is linked with the notion of legal justice embodied in the juvenile justice system, that is, what is just in light of the juvenile's behavior and life circumstances and the rights of other members of society. But the issue of justice for adolescents, including delinquents, is not limited to discussions of the official juvenile justice system, for the larger and related issues of social and economic justice are of great importance and relevance to the lives of all adolescents, conformist as well as nonconformist.

Essentially, this book is about justice, social control, adolescence, and delinquents. "Adolescence" refers to that period of socialization and maturation following childhood, after which young people become adult members of society. "Delinquents" are those adolescents who have been labeled as "law violators." "Social control" refers to the process through which society seeks to induce conformity among young people. The notion of justice refers to both ideas and actions, that is, it refers to the dominant beliefs about adolescents' role in society as well as to society's response or actions toward juveniles. It is especially concerned with what is viewed as fair or appropriate or even what is best for juveniles.

Before we examine the place of adolescents within society, it may be helpful

to discuss briefly the organization of the remainder of the book and its approach to the study of adolescence and justice. The major objective of this book is twofold: (1) to provide the fundamental information that is necessary in order to understand the present situation, and (2) to provide a basis for critically examining that situation as well as evaluating alternatives for the future. To accomplish this, we will focus on several key issues: the status of adolescents within society and the social world in which young people live; the major definitions of delinquency, as well as estimates of the nature and extent of such behavior; explanations of why young people become delinquents and the social policy and political action implications of those explanations; and society's response to delinquency through the juvenile justice system, that institution charged with the task of meeting the needs of individual juveniles while combating the social problems their misbehavior creates within society.

## THE STUDY OF ADOLESCENCE AND JUSTICE

Controversy is the hallmark of the study of adolescence and justice. Nothing is as certain as the multitude of unresolved issues and disputes surrounding the status of adolescents, the nature and extent of delinquency, and the appropriateness of society's responses to juvenile misbehavior. These are issues of widespread interest and considerable debate, but discussions are often characterized by sensationalism, confusion, and misunderstanding. Daily headlines direct our attention toward the most sensational aspect of contemporary adolescence: suicide, prostitution, drug abuse, gang warfare, and children killing parents. Much of the popular imagery and misconception regarding these issues results from the failure to analyze fully the connection between them and the structure of modern society, that is, the failure to examine society's role in creating as well as responding to adolescent behavior. The study of adolescence and justice is filled with controversy not only because adolescents occupy a very precarious and controversial role in society but also because it reflects the aura of uncertainty and controversy within the contemporary adult world.

Much of our image of and response to young people, including those labeled "delinquents," is premised on the assumption that adolescents are a unique class of human beings, that they differ significantly from adults and as such occupy a special status that merits differential treatment. The dominant image of juveniles within modern society portrays them as vulnerable, unsophisticated, and less responsible for their behavior than are adults. A very fundamental controversy is whether or not these traditional notions regarding adolescents are correct. Perhaps they are distorted images, the remnants of an idealized world that no longer exists. For, indeed, despite this traditional ideal, adolescents are viewed in vastly different ways. To some, young people represent the nation's greatest resource; to others, they present a macabre caricature of the failures of the adult world; and to others, they symbolize the harbinger of a menacing future.