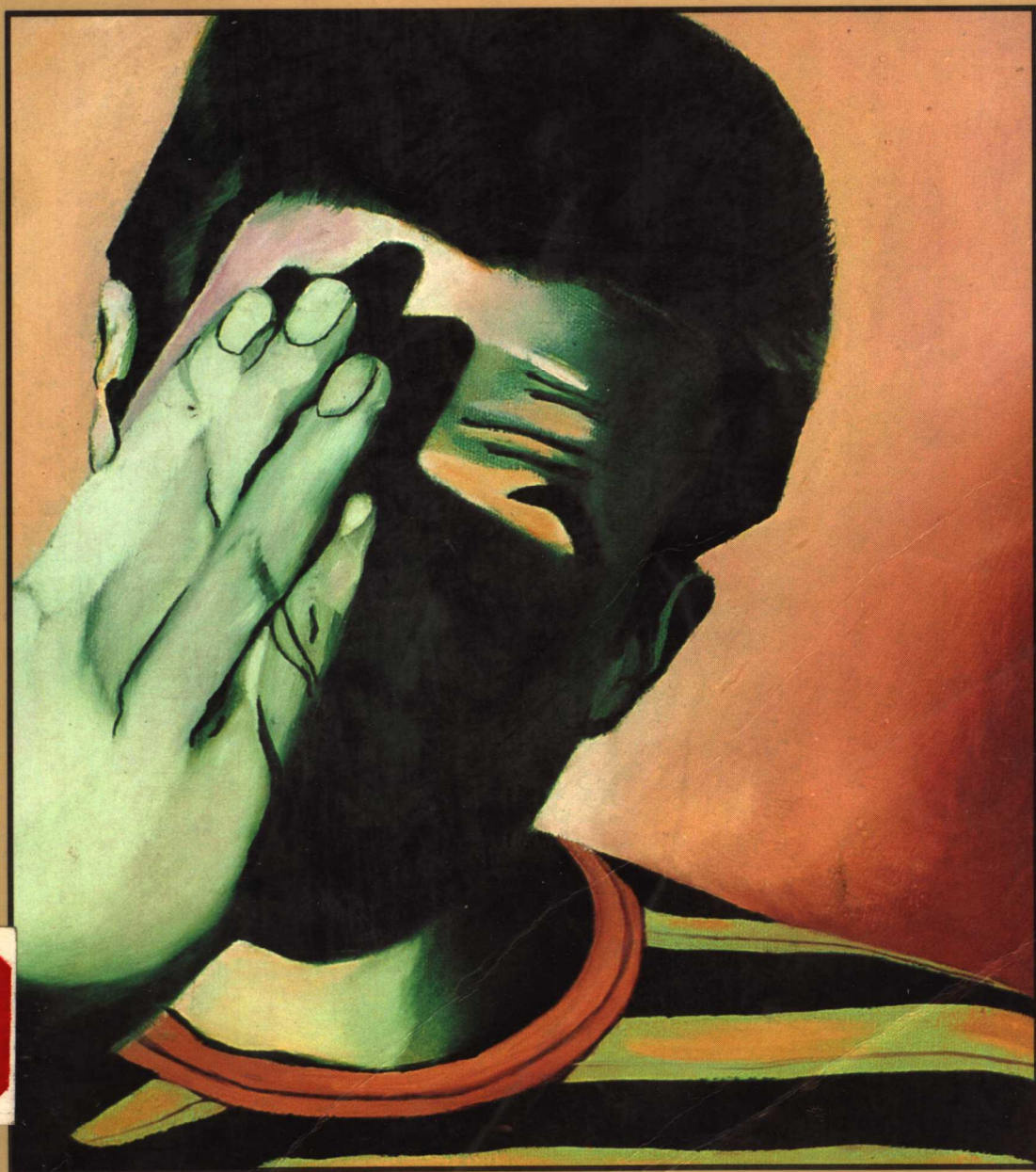


# The Sociology of Juvenile Delinquency



Ronald J. Berger, *Editor*

# **The Sociology of Juvenile Delinquency**

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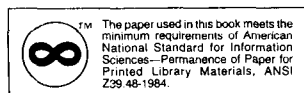
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## Preface

There are currently a large number of texts available for sociology, criminology, and criminal justice courses on juvenile delinquency. Several of these texts are “encyclopedic” in scope, attempting to cover nearly everything that has been written on the topic. While the books may differ in minor respects (for example, some offer more chapters on particular types of delinquency such as drug use, gangs, and female delinquency; some focus on the juvenile justice system or practical applications; and some present more historical material), the content and organization of these books are quite similar. A few of the available texts are relatively short. Although they are less comprehensive, some instructors are attracted to shorter texts, presumably because they are less expensive, and thus allow instructors the option of using them along with one or two other books.

As an instructor of upper division sociologically-oriented juvenile delinquency courses for a number of years, my experience with some of the available texts has not always been satisfactory. From an instructor’s point of view, a book of readings allows greater freedom and creativity in the organization of courses because the readings may be easily re-ordered to conform to one’s preferences. In addition, evaluations from my upper division courses indicate that students find reading articles to be more interesting and informative than reading traditionally organized textbooks. Students also report a greater appreciation for the sociological research enterprise by reading a piece in its entirety.

Unfortunately there are very few readers available for juvenile delinquency courses. When I decided to put this book together, there were only three “textbook” readers published in the 1980s that were appropriate for a student, rather than scholarly, audience. In an attempt to please everyone, two of the available readers included over forty articles. In an attempt to be brief, one included only fourteen articles. In terms of length, I have designed this reader to fall somewhere in the middle. It includes twenty-seven articles, a few of which were written especially for this book.

As the title makes clear, this book is intended to provide a *sociological* per-

spective on juvenile delinquency. The readings are divided into six topical sections: The Social Construction of Juvenile Delinquency; The Measurement and Social Distribution of Delinquency; The Social Psychology of Delinquency; Social Structural and Institutional Influences on Delinquency; The Delinquent Experience: Girls, Guys, and Gangs; and The Juvenile Justice System. The articles have been selected to provide comprehensive coverage of the field, and the section introductions and conclusion fill in any significant gaps that remain. The book is designed to be used either as a main text or as a supplemental text for students taking delinquency courses in sociology, criminology, and criminal justice programs. The articles include theoretical, empirical, and applied/practical pieces that provide students with an understanding of how sociological theory and research can be both insightful and relevant. The readings are taken from varied sources—professional journals, edited anthologies, monographs, and popular magazines. This variety is intended to help maintain student interest by avoiding the monotony that students often feel after reading material of similar style and format. Many of the articles, particularly the ethnographic research and journalistic accounts, will be especially enjoyable for students to read and will sensitize readers to the day-to-day life experiences of delinquent youth.

I would like to thank Stephen Ferrara, President of Nelson-Hall, and Jonathan Turner, Sociology editor at Nelson-Hall, for their support of this project. I would also like to thank Dorothy Anderson, Senior Editor at Nelson-Hall, and James Cambias, Assistant Editor.

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## *The Social Construction of Juvenile Delinquency*

Adults of every generation have often complained about the unruly conduct of youth. Even the ancient philosopher Aristotle remarked that the “young are . . . ready to carry any desire into action, . . . [and are] apt to be carried away by their impulses . . . [and] carry everything too far” (cited in Hall, 1905:523). But while youths have long been known for their tendency to be rowdy, to fight with one another, to drink excessively, and to be sexually active, the concept of “juvenile delinquency” as a phenomenon distinct from adult criminality is a relatively recent social invention (Aries, 1962; Empey, 1982). In fact, the first specialized juvenile court in the United States was not created until 1899 in Illinois when specialized legal codes dealing with juvenile misconduct began to expand.

Earlier societies did not make the distinctions between childhood, adolescence, and adulthood that we make today. Children were believed to be miniature adults, as was illustrated by early paintings and sculptures that portrayed them as “mature midgets” (Empey, 1982:37; Aries, 1962). Moreover, the many years of schooling required by modern societies have extended the period of adolescence (the ages between the onset of puberty and full adult status) into the late teens and early twenties.

Modern families are often child-centered and especially protective of their children. This was not the case in earlier times. Indeed, as late as the eighteenth century, infanticide, the deliberate killing of unwanted infants, particularly females, was not uncommon and was viewed as casually as abortion is today (Empey, 1982; Mause, 1974). Unwanted children were also abandoned and sold into slavery, indentured servitude, and prostitution; and children in general were both economically and sexually exploited. In addition, mothers with the economic means hired wet-nurses to feed their babies who consequently died at higher rates than

mother-fed infants because wet-nurses were often malnourished. Swaddling, a method of wrapping children entirely in bandages (feces and all) so that they could not move, was also practiced. And a large number of children could be considered "battered" in light of the harsh physical punishment they received. Thus children lived under difficult and unhealthful conditions and suffered from much disease. The average life expectancy as late as the seventeenth century was not more than thirty years (Bremner, 1970; Gillis, 1974).

However, as western civilization emerged from the Middle Ages many of these practices began to fade. By the late sixteenth and seventeenth centuries, reformers became critical of the way children were treated, and in colonial America a modern conception of childhood began to develop. Religious moralists believed that while children were inherently sinful (original sin), they were also fragile and innocent. Since they were easily corrupted, they needed to receive special training in the family, church, and school. In other words, children "were both wicked and worth saving" (Empey, 1982:39; Aries, 1962). According to Puritan reformers, the "ideal child" had to be extensively supervised and disciplined ("spare the rod and spoil the child"), absolutely obedient to authority, sexually chaste, and impressed with the moral virtues of hard work ("idle hands are the devil's workshop") (Bremner, 1970; Empey, 1982).

The Puritans, however, continued to believe in the apprenticeship system, which was considered "part of the normal upbringing" of children up to the eighteenth century (Binder et al., 1988:51). Though highly exploitative, apprenticeships were seen as offering "safeguard[s] against parental overindulgence" (pp. 51-2). Under the apprenticeship system, as Binder et al. note:

young men and women bound themselves to masters for a set period of years, during which they would work for their masters and learn their trades. In return, the masters were expected to provide their apprentices with food, shelter, and clothing . . . [But the] apprentice's life was not . . . easy . . . Though a youth, he or she was still expected to work hard . . . and was often quite harshly treated and subjected to brutal punishments.

Gradually, however, a more nurturant view regarding children began to take hold. Good behavior in children was increasingly seen as a product of parental affection rather than of fear and strict punishment (Binder et al., 1988). The family began to be perceived more as "an emotional unit" and as a refuge from the outside world (p. 54). Obedient children were still the ideal, but they were obedient "not because they were forced to behave" but because they wanted to behave (p. 55).

The social construction of the "ideal child" and the changes in family life set the stage for the concept of juvenile delinquency. Yet until the end of the nineteenth century, there was no distinct legal category of "delinquency." Americans relied

on English common law which specified that children under age seven were incapable of criminal intent and thus absolved of guilt for serious crimes. Children ages seven through thirteen were presumed innocent unless proven otherwise, but children fourteen and older were treated as adults. A separate juvenile justice system designed to deal with young people did not exist yet (Empey, 1982; Thornton et al., 1987).

In colonial America, the community had been tightly knit and organized around the church which "set strict standards . . . and related obedience to eternal rewards and punishments" (Empey, 1982:55). By the nineteenth century, however, life in the United States underwent dramatic change with the rise of industrialization and urbanization. Foreign immigration and rural-urban migration increased the size of city populations and people were concentrated under conditions of considerably poverty in urban slums. Under these circumstances, the social controls characteristic of traditional community arrangements were less effective in regulating deviant behavior. Middle-class Protestant Americans were increasingly troubled by these changes and were concerned that immigrant and lower class families were failing their children (Binder et al., 1988).

Institutional confinement emerged as the preferred method of dealing with both youthful and adult offenders, replacing earlier methods of swift corporal punishment such as "public whippings, confinement in stocks or pillories, forms of mutilation such as cropping the ears, [and] . . . death" (Binder et al., 1988:209). Incarceration was considered a progressive and humane alternative to the brutality of earlier methods, and for the first time special places of confinement for juveniles were created in *Houses of Refuge*. Reformers supported Houses of Refuge in order to prevent children from being exposed to the corrupting influence of adult criminals.

The first Houses of Refuge appeared in New York and Philadelphia in the 1820s and were designed not just for youthful criminals, but for a variety of problem children including runaways, vagrants, and other disobedient youth who were vulnerable to the corruption of urban life (Binder et al., 1988; Empey, 1982). As such, Houses of Refuge became institutions designed to induce ungracious and unruly lower class children to conform to the niceties of the "ideal child" (Schlossman, 1977). They operated on the basis of strict discipline, hard work, and "tight daily schedules, with regular hours for rising and retiring, meals at set times, and regular periods set aside for workshop training, . . . schooling . . . [and] religious observances and prayers" (Binder et al., 1988:211; Bremner, 1970).

By the mid-nineteenth century, however, Houses of Refuges, along with orphan asylums, began to be perceived as prison-like warehouses that often bred rather than prevented criminality. Reformers were also critical of the use of corporal punishment in these institutions, and began to look for alternative methods of reforming problem children. One of the most important of the new inventions was

the *cottage system*. First introduced in Massachusetts and Ohio in the 1850s, the cottage system placed juveniles in small family-like environments from one to three dozen occupants under the supervision of a surrogate parent. The cottage system was believed to be superior to more congregate systems of confinement because they provided closer and presumably higher quality supervision (Binder et al., 1988).

The modern system of juvenile justice and the juvenile court was, of course, the most significant event in the development of alternative institutional approaches to the problem of delinquency. The first two readings in this section of the book address this new institutional mechanism. Both authors, Anthony Platt in "The Child-Saving Movement and the Origins of the Juvenile Justice System" (Chapter 1) and Ellen Ryerson in "The Ideal Juvenile Court" (Chapter 2), connect the development of the juvenile justice system to the *Progressive Era* of late nineteenth and early twentieth century United States. Progressivism is generally associated with a liberal political movement designed to clean up some of the problems and injustices associated with the early stages of industrialization and urbanization. As Siegal and Senna (1988:371) write:

The Progressive Era was marked by a great deal of social change prompted by appeals to the conscience of the nation. Reformers were shocked by exposés of how society treated its less fortunate members. They were particularly concerned about what was going on in prisons and mental institutions. The poor, ill, and unfortunate were living in squalor, beaten, and mistreated by their 'keepers.' Progressive reformers lobbied legislators and appealed to public opinion in order to force better conditions. Their efforts helped establish the probation and parole system and other liberal correctional reforms (see Rothman, 1980).

Within the social science community, debate has occurred over whether Progressivism was in fact a movement of humanitarian reform, or whether it was a means by which dominant groups in the United States began to consolidate their economic and political power and attempt to regulate people and social practices that threatened the orderly transition of society from a competitive "laissez-faire" capitalist system to an economy increasingly dominated by large powerful corporations. In the first reading, Platt argues that the juvenile justice reforms associated with the "child-saving" movement "tried to do for the criminal justice system what industrialists and corporate leaders were trying to do for the economy—that is, achieve order, stability, and control while preserving the existing class system and distribution of wealth." Platt believes that the child-saving reformers could not have succeeded "without the financial and political support of the wealthy and powerful." He suggests that the informality associated with the new juvenile court system was a means by which the state expanded its jurisdiction over an increasing

number of juveniles without providing them with constitutional due process protections against unfair governmental intrusion in their lives. According to the doctrine of *parens patriae*, adopted from English common law, the state could act in the "best interests" of children and take control of their lives before any serious crime occurred.<sup>1</sup> Importantly, the new system of juvenile justice established many status offenses, behaviors that were illegal only because the individual was under a certain age (typically eighteen). Juveniles could now be held in violation of the law for offenses such as truancy, drinking alcohol, running away from home, and curfew violations, as well as for vague transgressions such as immoral behavior and being incorrigible or habitually disobedient.

Platt's interpretation of the developing juvenile justice system utilizes a *conflict theory* of society. According to conflict theory, society is divided into conflicting groups, and the group that holds the economic power is also able to "control the law and the agencies that administer" the law (Siegal and Senna, 1988:198; Turk, 1966). Moreover, the "law is differentially administered to favor the rich and powerful and control the have-not members of society" (p. 198). Thus, according to conflict theory, the new juvenile justice system directed its control functions primarily against the less privileged (i.e., lower- and working-class) youth of society. Similarly, a *Marxian* version of conflict theory emphasizes group conflicts associated with the antagonism between the capitalist class, which owns and controls the major means of economic production, and the working class, which labors for and is exploited by the capitalist class (Quinney, 1977). Platt believes that the juvenile justice reforms were in part a means of "preparing youth as a disciplined and devoted work force" that would promote the expansion of corporate capitalism in the United States.

In the second reading in this section, Ryerson recognizes limitations of the early juvenile court reforms, but is more positive than Platt about the genuineness of the child-savers' humanitarian desire to help children and prevent crime through a program of individualized treatment, family revitalization, and probation rather than incarceration. In her view, a more balanced interpretation of the rise of the juvenile justice system recognizes its "inherently double nature." While some aspects "appear 'conservative' because they emphasized social control, . . . other aspects appear 'reformist' because they emphasized the rehabilitative ideal and found new ways to pursue it."<sup>2</sup>

Both Platt and Ryerson discuss juvenile delinquency as a social construction. Both recognize that a number of historical changes and social preconditions had to occur before society was able to identify a distinct category of individuals who were "delinquent" and who were deemed appropriate for processing through a separate system of juvenile justice. In the field of sociology, the concept of delinquency as a social construction has been understood in terms of *labeling theory*. According to labeling theory, deviance is not a property inherent to any particular act. Rather

“social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders” (Becker, 1963:9). Moreover, negative labeling of juveniles by authorities stigmatizes youth, facilitates the development of a delinquent self-image, and results in a self-fulfilling prophecy whereby an initial pattern of rule-violation (primary deviance) is transformed into a stable pattern of rule-violation (secondary deviance) (Lemert, 1951; Schur, 1971; Tannenbaum, 1938).

In the third reading in this section (Chapter 3), William Chambliss’ “The Saints and the Roughnecks” illustrates how processes of societal labeling and differential selection practices operate in contemporary times. In his observational study, Chambliss describes the behaviors of two groups of boys from different class backgrounds. He notes how the delinquency of one group was ignored by authorities while the delinquency of the other group brought forth community condemnation. His analysis illustrates how the delinquent careers and “outsider” status of some individuals are produced by societal labeling, while the non-delinquent careers and “law-abiding” status of others are maintained through avoidance of such labeling.<sup>3</sup>

## Notes

1. Literally *parens patriae* means “the state is the father.” The doctrine goes back to the Middle Ages when the King invoked his power to protect the inheritance rights of children and when the state asserted the right to assume wardship of children when “the natural parents or testamentary guardians were adjudged unfit to perform their duties” (Binder et al., 1988:213).

2. See Hagan and Leon (1977) for a critique of Platt’s interpretation.

3. Additional empirical literature on the effects of juvenile justice labeling will be considered in the conclusion of this book.

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# The Child-Saving Movement and the Origins of the Juvenile Justice System

1

Anthony Platt

## Traditional Perspectives on Juvenile Justice

The modern system of crime control in the United States has many roots in penal and judicial reforms at the end of the nineteenth century. Contemporary programs which we commonly associate with the “war on poverty” and the “great society” [of the 1960s] can be traced in numerous instances to the programs and ideas of nineteenth century reformers who helped to create and develop probation and parole, the juvenile court, strategies of crime prevention, the need for education and rehabilitative programs in institutions, the indeterminate sentence, the concept of “half-way” houses, and “cottage” systems of penal organization.

The creation of the juvenile court and its accompanying services is generally regarded by scholars as one of the most inno-

vative and idealistic products of the age of reform. It typified the “spirit of social justice,” and, according to the National Crime Commission, represented a progressive effort by concerned reformers to alleviate the miseries of urban life and to solve social problems by rational, enlightened and scientific methods.<sup>1</sup> The juvenile justice system was widely heralded as “one of the greatest advances in child welfare that has ever occurred” and “an integral part of total welfare planning.”<sup>2</sup> Charles Chute, an enthusiastic supporter of the child-saving movement, claimed that “no single event has contributed more to the welfare of children and their families. It revolutionized the treatment of delinquent and neglected children and led to the passage of similar laws throughout the world.”<sup>3</sup> Scholars from a variety of disciplines, such as the American sociologist George Herbert Mead and the German psychiatrist August Aichhorn, agreed that the juvenile court system represented a triumph of progressive liberalism over the forces of reaction and ignorance.<sup>4</sup> More recently, the juvenile court and related reforms have been characterized as a “reflection of the humanitari-

From “The Triumph of Benevolence: The Origins of the Juvenile Justice System in the United States,” in Richard Quinney (ed.), *Criminal Justice in America* (Boston: Little, Brown, 1974), pp. 362–383. Reprinted by permission of the author.