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THE IOWA JUVENILE COURT JUDGE

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A HALF CENTURY OF THE JUVENILE COURT

In 1899 the Illinois legislature provided for the world's first Juvenile Court. By the middle of the Twentieth Century every state but one had passed some type of Juvenile Court Statute. From the beginning the movement was influenced by the Juvenile Court Philosophy, an ideology promulgated chiefly by child welfare workers, criminologists, and a small core of judges in various academic, legal and popular journals. It became so well known that many statutes provided for a "Juvenile Court" without defining its aims and procedures. Others explicitly adopted the philosophy's aim without stating *how* to carry it out, except that some said simply that equity procedures were to be used. These circumstances created difficult problems of statutory interpretation.

To complicate matters, a conflict arose in the legal profession as to whether or not the procedures of the Juvenile Court Philosophy violate the child offender's constitutional rights. Because of this conflict, and the limited facilities of most juvenile courts, the philosophy has been only partially effectuated. How much? An answer to this question is important if, as many criminologists believe, the Juvenile Court is the experimental proving ground for changes in the entire crime control system. The report published here provides a partial answer to this difficult question.

THE PROBLEM

The literature of the juvenile court is replete with statements that the assumptions, terminology and procedures of the criminal court are obstacles to the aim of rehabilitation in the juvenile court.[1] A major reason why, allegedly, is that the typical juvenile court judge has had criminal law training and experience, and that this strongly influences the way he plays the role of juvenile court judge. Empirical support

1. For examples of this see the following: PAULINE V. YOUNG, *Social Treatment in Probation and Delinquency,* New York, McGraw-Hill Book Company, Inc., 1937, p. 194. WALTER A. LUNDEN, *Systematic Source Book in Juvenile Delinquency,* Pittsburgh, University of Pittsburgh, 1938, p. 201. MIRIAM VAN WATERS, *The Socialization of Juvenile Court Procedure,* J. OF CRIM. LAW AND CRIMINOL. 13:69, May, 1922. F. H. ALLEN, *"Mental Attitudes in a Juvenile Court,"* NATIONAL PROBATION ASSOCIATION YEARBOOK, 1929, p. 137. FREDERICK A. MORAN, *New Light on the Juvenile Courts and Probation,* NATIONAL PROBATION ASSOCIATION YEARBOOK, 1930, p. 69.

for this proposition apparently has been found in research by the Gluecks,[2] Alper,[3] Tappan,[4] and the National Probation Association.[5] None of these investigators was centrally concerned with the detailed content of the juvenile court judge's role-definition; but, in studying various phases of the court's functioning, they all observed a marked degree of the criminal court approach in the behavior of juvenile court judges.

The general purpose of the present study was to investigate the nature of the role-definitions of juvenile court judges in the State of Iowa. The statements and empirical findings referred to above made it seem reasonable to establish the following as the major hypothesis of the study.

Major Hypothesis

The Iowa Juvenile Court Judge's conception of his role approximates more nearly the role of the criminal court judge than the role defined by the juvenile court philosophy.[6]

After the major hypothesis had been precisely stated, research operations were designed to test it as carefully as possible with available resources. The entire study was guided by this hypothesis and the following two sub-hypotheses.

1.: To the degree that the Iowa Juvenile Court Judge's conception of his role deviates from the criminal court role, it is defined by primary group controls rather than by the juvenile court philosophy.

2. SHELDON S. GLUECK AND ELEANOR T. GLUECK, *One Thousand Juvenile Delinquents,* Cambridge, Harvard University Press, 1934. On p. 28 the authors state that judges, although functioning under the same legislation, vary markedly in their attitudes towards their work with delinquents. On pp. 245-48 they note that the judge's attitude towards his work is often ambivalent because he is supposed to be sympathetic towards the individual delinquent and at the same time safeguard the *general* security.

3. BENEDICT S. ALPER, *Juvenile Justice: A Study of Juvenile Appeals to the Suffolk Superior Court,* Boston, 1930-37, J. CRIM. LAW AND CRIMINOL. 28:343-67, September, 1937. Alper found that appeals from the juvenile court undermined the rehabilitative aim because the appellate court used criminal procedure and treated each appeal as *de novo.*

4. PAUL W. TAPPAN, *Delinquent Girls in Court: A Study of the Wayward Minor Court of New York,* New York, Columbia University Press, 1947. On p. 89 Tappan says that judges in the Wayward Minor Court have retributive attitudes due to the fact that they also serve in the Women's Court. On pp. 168-69 he states that judges vary widely in disposition tendencies, which causes extenuating circumstances and the availability of facilities to play too large a part.

5. NATIONAL PROBATION ASSOCIATION, *Juvenile Courts and Probation in Iowa.* Report of a State Wide Survey, May, 1930, pp. 5-29. This survey found that criminal court procedures were thwarting the aim of rehabilitation in many of Iowa's juvenile courts, especially the most rural ones.

6. This seemed an especially plausible hypothesis for Iowa judges because: (1) The Iowa judge spends relatively little time playing the role of juvenile court judge compared to the time spent playing the roles of civil and criminal court judge, (2) The Iowa judge receives formal training in criminal law procedure but not in juvenile court philosophy and procedure, (3) Iowa is a relatively rural state and it appears that in rural areas the need for the juvenile court is not strongly felt, and (4) Such services as probation, medical, psychiatric and psychological examinations are generally inadequate and this tends to restrict the rehabilitative functions of Iowa's juvenile courts.

This follows the broader sociological hypothesis, advanced notably by W. I. Thomas[7] and L. L. Bernard,[8] that primary group controls tend to be transferred to secondary situations—where they are ineffective.[9] There is an important difference between such primary group controls as praise and blame, shaming, etc., and the equity-like methods outlined in the juvenile court philosophy.[10] The Iowa Juvenile Court Judge operates under broad and ill-defined statutory powers.[11] Some of the few cases which have been decided under the statute distinguish between delinquency and crime and embrace the aim of rehabilitation, but they offer little help as to what specific procedures should be followed.[12] Since he has few rehabilitative facilities, it would seem that the judge's role-definition might well be in terms of primary group controls.

2.: There is a direct relationship between the population size of (1) the area of the court's jurisdiction, (2) the city or town in which the judge resides, and (3) the city or town in which the judge grew up, and the degree to which the judge's conception of his role approximates that of the juvenile court philosophy.

The logic of this hypothesis is that appreciation of the procedures outlined in the juvenile court philosophy is directly related to urbanization. The proportion of secondary contacts increases with urbanization. Thus, the procedures of the juvenile court philosophy being secondary in character, an association may be expected between their acceptance and measures of urbanization which are meaningful in the judge's experience.

METHODS

The approach to role-definition adopted for the study was the eliciting of verbal expressions about the juvenile court from Iowa judges. Some

7. HERBERT S. JENNINGS, JOHN B. WATSON, ADOLPH MEYER, WM. I. THOMAS, *Suggestions of Modern Science Concerning Education,* WILLIAM I. THOMAS: *The Persistence of Primary Group Norms in Present-Day Society and Their Influence in Our Educational System,* pp. 159-97, New York. The Macmillan Company, 1917.

8. LUTHER L. BERNARD, *The Conflict Between Primary Group Attitudes and Derivative Group Ideals in Modern Society,* AM. J. SOCIOL., 41:621-23, March, 1936.

9. HARRY ELMER BARNES, *Social Institutions,* New York, Prentice-Hall, Inc., 1946, pp. 665-66. PAUL H. LANDIS, *Social Control: Social Organization and Disorganization in Process,* Philadelphia, J. B. Lippincott Company, 1939, pp. 465-66. Barnes and Landis have characterized juvenile court procedure as a secondary group approach to social control.

10. ROSCOE POUND, *The Future of Socialized Justice,* YEARBOOK NATIONAL PROBATION ASSOCIATION, 1946, pp. 6-18. Pound states that individualization does not mean throwing method overboard but the use of different methods—those of the court of equity.

11. IOWA CODE, chapters 231 (*Juvenile Court*), 232 (*Care of Neglected, Dependant, and Delinquent Children*), and 233 (*Contributing to Juvenile Delinquency*) (1946). These three chapters are here considered in combination to be Iowa's juvenile court statute.

12. The Iowa statute was declared constitutional in the case of Wissenburg v. Bradley, 209 Iowa 813, 229 N.W. 205, 67 A. L. R. 1075 (1930). Other relevant cases are: State v. Reed, 207 Iowa 557 (1929); State v. Johnson, 196 Iowa 300, 194 N.W. 202 (1923); King v. Sears, 177 Iowa 163, 158 N.W. 513 (1916); and Ferguson v. Pottawattamie Co., 224 Iowa 516, 278 N.W. 223 (1938).

questions dealt directly and some indirectly[13] with the functions of the judge in various court situations, and it seemed apparent that such questions would elicit attitudes bearing upon role-definition. It need not be assumed that verbal answers to such questions make it possible to predict with perfect accuracy the way the judge actually plays the role, but reliably measured attitudes may nevertheless secure significant information and provide short-cuts to prediction and control.[14,15]

To elicit the judge's attitudes both questionnaires and interviews were employed. The questionnaire consisted mainly of situational questions, and a variety of question forms was used in the attempt to prevent questions from suggesting particular responses.

After several revisions it was felt that the questionnaire needed further improvement and a formal pre-testing procedure was decided upon. Eight practicing lawyers, all greatly interested, and seven of whom had had considerable experience with juvenile cases, were the pre-test subjects. After they had filled out the questionnaire five of them were interviewed. The reliability and validity of the questionnaire were not tested in a precise way, but the logic of the tests was employed for the purpose of improving the questionnaire.[16] Several questions were changed and some omitted as a result of these checks, and other revisions made in accordance with the lawyers' suggestions. Although the pre-test required much time and effort, it is believed that it improved the questionnaire considerably.

Before the final form of the questionnaire was mailed to the judges, criteria for classifying responses to questions pertaining to the major hypothesis and the "Primary Group" sub-hypothesis were listed. In formulating the criteria for the major hypothesis questions, the general typology of rehabilitation versus punishment for specific acts was followed.[17] Ideal-type "Juvenile Court" and "Criminal Court" responses were stated for each open-end question and decisions made as to classifying check-list questions. The intermediate category of "Non-Juvenile

13. A question as to whether rules of evidence should be used, for example, indirectly gets at the judge's conception of his functions in the court hearing.

14. GEORGE LUNDBERG, *Social Research,* 2nd ed., New York, Longmans, Green and Company, 1942, pp. 214-20.

15. JOHN W. BENNETT AND MELVIN M. TUMIN, *Social Life,* New York, Alfred A. Knopf, 1948, p. 328.

16. The validity of each question was checked by comparing questionnaire responses and interview statements. The test of internal consistency was used to check the reliability of questionnaire items.

17. See EDWIN H. SUTHERLAND, *Principles of Criminology,* 4th ed., Philadelphia, J. B. Lippincott Company, 1947, pp. 304-5; HERBERT H. LOU, *Juvenile Courts in the United States,* Chapel Hill, University of North Carolina Press, 1927, p. 36; and GEORGE HERBERT MEAD, *The Psychology of Punitive Justice,* AM. J. SOCIOL., 23:577-602, March, 1918. Criminal and juvenile courts may in practice vary from the ideal-types, of course. This study was based on hypotheses as to the variance of the juvenile court from the ideal-type.

Court" was utilized in the list of criteria because no possible response to some of the items could be construed as evidence of a definite "Criminal Court" attitude. When the returned questionnaires were being read, several unanticipated responses appeared, necessitating additions to the list of criteria.

In the letter of explanation which accompanied the questionnaire the judges were guaranteed anonymity. Forty of Iowa's 73 juvenile court judges[18] filled out and returned questionnaires without additional urging; 14 more returned them after a follow-up letter was sent; and two returned them after they had been interviewed. This makes a total of 56 returned questionnaires, a 76.7 percent return.

After each questionnaire had been read and the responses recorded on a work sheet, the percentage of classifiable responses to major hypothesis questions which had been classified as "Juvenile Court" was calculated. These percentage scores, hereafter called "questionnaire scores," thus indicate the degree of the juvenile court philosophy in the judge's role-definition.

Many responses could not be classified and no attempt was made to force answers into categories where they did not reasonably belong. Most of the judges had at least one non-classifiable response, and a few had several. Most answers were classifiable, however, and many fitted the ideal-type responses quite well. A Chi square test found no association at the .05 or .10 levels of significance between the questionnaire scores and the number per judge of non-classifiable responses to major hypothesis questions. Thus, the probability is high that the non-classifiable responses did not introduce a serious bias.[19]

If the probable and standard errors mentioned appear too low, it must be noted that a correction was used which applies whenever a sample is taken from a finite universe. This study deals not with an infinite universe, but with the 73 Iowa judges who have juvenile court jurisdiction. All standard errors in the study were thus multiplied by a constant (.483) which was obtained by using the formula:

$$\sqrt{\frac{P-N}{P}}$$

18. Of these, 65 are district court judges; seven are municipal court judges; and one is a superior court judge.

19. Following the tabulation of the questionnaire responses the reliability of the major hypothesis questions was tested by the Chance Halves method. The Pearsonian coefficient of correlation (r) between these chance haves is .57 ± .03. The deviant judge whose questionnaire score on both halves was zero was a big factor in causing this r to be so large, so his questionnaire was omitted and an r of .43 ± .04 obtained. The Chance Halves test can yield spuriously high reliability coefficients, but the more conservative r (.43) is 8.6 times greater than the S. E. (.05).

where P equals the number of units in the universe and N equals the number of units in the sample.[20]

The interviews were designed mainly to help interpret the questionnaire findings, but also to provide a check on the validity of the major hypothesis items in the questionnaire. The open-end interview was used. No notes were taken, but a complete account of all that could be remembered was typed as soon afterwards as possible. The interview reports were later read and information recorded on a work sheet.

The interview sample was selected for representativeness as to several factors.[21] Some substituting was necessary, but eventually 30 judges were interviewed. The sample selected included eight non-respondents, but only four of them were ever interviewed. Their attitudes did not seem to differ significantly from those of respondents.[22]

In order to compare questionnaire and interview findings in regard to the major hypothesis, each interview report was rated by the use of the following categories:

I. Marked "Juvenile Court" attitude with relatively little evidence of the "Criminal Court" attitude.
II. Predominantly a "Juvenile Court" attitude with considerable evidence of the "Criminal Court" attitude.
III. Predominantly a "Criminal Court" attitude with considerable evidence of the "Juvenile Court" attitude.
IV. Marked "Criminal Court" attitude with relatively little evidence of the "Juvenile Court" attitude.

These were designed for comparison with the fourths of the *possible* percentage distribution of questionnaire scores.[23] They were not intended to be equal intervals on a scale; in fact categories I. and IV. are probably close to the end-points while II. and III. are probably near the mid-point. But category I. may be thought of as between 75 and 100 percent; II. between 50 and 75 percent, etc.

The investigator's interview ratings were then checked against those

20. MARGARET JARMAN HAGOOD, *Statistics for Sociologists,* New York, Reynal and Hitchcock, Inc., 1941, p. 422.
21. The sample was selected to be representative as to: (1) The distribution of questionnaire scores, (2) The number of judges with juvenile court jurisdiction in each section of the state, (3) The number of questionnaire respondents in each section of the state, and (4) The percentage of urbanization in the judicial district. Other factors were also considered. The group eventually interviewed was best balanced from the standpoint of the distribution of questionnaire scores, six being in the upper fourth of the distribution, seven in the second, seven in the third, and six in the lower fourth.
22. Two expressed marked "Juvenile Court" attitudes; one was ambivalent; and one voiced a moderately punitive approach.
23. This must be distinguished from the fourths of the actual distribution of questionnaire scores. For example, the score of 62.5 falls in the lower fourth of the distribution of actual scores, but it falls in the second fourth of the *possible* percentage distribution of scores.

of a panel of five neutral persons.[24] There was a fairly high degree of agreement among the panel members, and in general their ratings agreed with the investigator's. Although not conclusive, this corroboration appeared convincing enough to warrant a statistical test of the association between questionnaire scores and the investigator's interview report ratings. A Chi square test demonstrated an association at the .001 level of significance.[25]

QUESTIONNAIRE FINDINGS

The range of questionnaire scores is from zero to 93.8, showing that the judges' role-definitions vary widely. Even when the very deviant score of zero[26] is omitted the range is wide—from 41.7 to 93.8. Following is the range of scores by fourths of the questionnaire score distribution:

Fourth of Questionnaire Score Distribution	Range of Questionnaire Scores
I	87.5 to 93.8
II	76.5 to 86.7
III	69.2 to 75.0
IV	0.0 to 68.8

Only three of the scores fall below 50, which means that only three of the 56 judges made a majority of "Criminal Court" responses. The mean of the distribution, excluding the zero score, is 76.3 ± 2.42 (S. E. of the mean is 3.6.) The median score is 75.8.

On the basis of this data the major hypothesis must be rejected. The "Criminal Court" conception is present in varying degrees in the approach taken by all the judges, (since no judge has a score of 100) but predominantly the judges expressed "Juvenile Court" rather than "Criminal Court" conceptions of their juvenile court role.[27] The dis-

24. Four of these were members of the Department of Sociology at the University of Iowa and one was a law student. First the panel was asked to rate four interview reports which the investigator had chosen as typical of the four rating categories. This resulted in complete agreement by four of the panel members, but the fifth transposed the reports selected as typical of categories II. and III. Next a random sample of six reports was selected by taking every fifth one of the 30, and the panel was asked to rate them. The majority judgment of the panel differed from the investigator's rating in only one instance, and all defined this as a "borderline" case.

25. This comparison was based on 24 judges. Two interview reports were non-classifiable, and four of the 30 interviewees were non-respondents. Since the interviews were not designed to provide a careful validity check on the questionnaire this correspondence is surprising, although all the interviewees did volunteer and elaborate on pertinent matters. This finding seems to indicate a good probability that the major hypothesis questionnaire items are valid measures.

26. Because this score was so deviant it was omitted from all calculations which might have been unduly biased by it.

27. Additional weight is lent the rejection of the major hypothesis by the fact that during the analysis evidence appeared which suggested that certain responses classed as "Criminal

cussion below of the responses to several of the major hypothesis questions will lend meaning to the above data.

Only two of the 17 questions received more "Criminal Court" than "Juvenile Court" responses. To the question as to whether juvenile offenders should have the right to be represented by an attorney the judges answered "Yes" unanimously. Most of the explanatory remarks were explicitly or implicitly in terms of protecting the child's constitutional rights, except for a number of such statements as: "It helps make a better disposition of the case."[28] The item receiving the second highest percentage (76 percent) of "Criminal Court" answers is a check-list question asking what persons should be allowed to attend juvenile court hearings.[29] Thirty-two of the 56 respondents checked "arresting officers"; 38 checked "witnesses to the offense"; and one checked "the general public."[30] If any one or more of these was checked, the response was classed as "Definite Criminal Court."

Only one question obtained a unanimous "Juvenile Court" response—the one which asked whether or not it is desirable that the Iowa Juvenile Court is a court of equity. The most frequent reasons given for the "Yes" answer were that equity procedures facilitate informality, individualization and rehabilitation.[31] Fifty said "No" to the proposition that there should be uniform rules for treating all juvenile offenders who commit the same offense, the typical explanation being that children have varied temperaments and backgrounds and thus that treatment

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Court" do not necessarily indicate that attitude. For example, testing indicated that the "Non-Juvenile Court" responses should not be construed as "Definite Criminal Court" attitudes. Only 22 of the 56 made "Non-Juvenile Court" responses, but this number seemed to warrant careful testing for a possible bias. A Chi square test found "Non-Juvenile Court" and "Definite Criminal Court" responses not significantly associated—not even at the .30 level. Thus, "Non-Juvenile Court" responses represent a middle ground, and any judge who made many such responses might have a spuriously low questionnaire score since these were counted as "Criminal Court" responses (of low intensity).

28. Such explanations as the latter might make it seem that the "Yes" answer probably should not have been tabulated automatically as a "Criminal Court" response. However, according to the Juvenile Court Philosophy, the mere presence of an attorney creates the atmosphere of the criminal trial.

29. Chi square testing found responses to this question to be associated with the questionnaire scores at the .001 level of significance. Only one other question was so associated at the .001 level—a general open-end question asking what sort of procedure should be followed in the juvenile court hearing, to which 84 percent replied that informal procedure is desirable to secure the child's confidence. These appear to be the two best questions, if the validity of the questionaire as a whole is assumed. Two questions were associated with questionnaire scores at the .01 level. One asked whether the probation officer's report should be oral or written, and 77 percent indicated the latter. The other asked where the hearing should be held; 14 checked "the regular courtroom," while 32 checked "the judge's chambers" or a "special juvenile courtroom."

30. Other items in the check-list were: the offender's parents, the probation officer, relatives other than parents, and the county attorney. The "Juvenile Court" response consisted of checking either the first or second of these, or both; and the third and fourth were treated as consistent with the "Juvenile Court" response.

31. Seventeen answers were non-classifiable because neither a "Yes" nor "No" response was classified if no explanation was given.

must be varied to fit the individual case. Forty-five out of 50 who gave classifiable responses said the delinquent should not be required to enter a plea of "guilty" or "not guilty," the most frequent reason being that the delinquent is not tried for a crime. For the same reason, in most cases, 85 percent who gave classifiable answers said delinquents should not have the right of trial by jury. Forty-one answered that rules of evidence should not be used in juvenile hearings, chiefly because they operate against the desired informality of the hearing, some adding that the competency of evidence is irrelevant when there is no jury. Twelve said rules of evidence should be used.

Forty-eight out of 51 whose answers were classifiable objected to newspaper accounts of juvenile court hearings, mainly on the ground that they stigmatize the child and prevent rehabilitation. In response to the question, "What sort of detention facilities for juvenile offenders do you recommend?" None of the judges checked "regular county jail cells"; eight checked "a separate cell in the county jail"; 42 checked "a special juvenile detention home" or specified something similar. The question which asked what use should be made of the probation officer's pre-hearing report obtained 88 percent "Juvenile Court" responses, the typical explanation being that it should be carefully studied by the judge prior to the hearing and also used later in formulating a treatment program. In the minds of 81 percent of those who gave classifiable responses, commitment to a correctional institution is not desirable except as a last resort.[32]

The three questions pertaining to the first Sub-Hypothesis asked whether or not it is part of the judge's duty to conduct himself in a father-like fashion, give offenders an idea of the "Might of the Law," and lecture offenders to impress on them the seriousness of their acts. "Yes" answers were tabulated as evidence of the "Primary Group" approach to the role-definition problem. Chi square testing resulted in the rejection of the primary group sub-hypothesis and the conclusion that primary group attitudes and marked criminal court attitudes are associated.[33] When the judge's role-definition deviates from the criminal

32. One of the first interviews caused the investigator to think that a judge might express "Juvenile Court" *aims* and yet have "Criminal Court" attitudes about *methods*. Examination of the questionnaire divulged that only one major hypothesis question dealt solely with the court's aims. (This question was: "What is the general purpose of the juvenile court hearing?") This probably resulted from the attempt to make the questions as "situational" as possible. At any rate, 78 percent of the answers to this question, and 75.2 percent of the answers to the 16 "method" questions were classified as "Juvenile Court" responses. The difference between these percentages is 2.8 and the S. E. of the difference is 3.7. The finding that the "aims" and "method" responses did not differ significantly is very inconclusive since there is only one "aims" question.

33. A Chi square test of the association between the number of "Yes" answers to these three questions and the questionnaire scores (which pertain only to major hypothesis

court philosophy it tends to approximate the juvenile court philosophy rather than primary group controls.

Statistical testing of the second Sub-Hypothesis found only one of the three measures of urbanization—the size of the town in which the judge resides—to be associated with questionnaire scores at a reasonably safe level of significance. The Pearsonian coefficient of correlation (r) obtained is .14±.03. This r, though small, is significant at the .01 level.[34] Possibly the judge's conception of juvenile court procedure is to a considerable extent based upon what seems appropriate in the life conditions he sees influencing his own and his neighbor's children. However, this is not very impressive evidence for the urbanization hypothesis.

Interview Findings

It should be kept in mind that most of the interview statements were volunteered after the interviewer had posed one or two general questions. This means: (1) that most of the interview statements were not structured by the interviewer, and (2) that the results should not be interpreted as though an opinion poll had been taken. (For example, the fact that six interviewees made a certain statement does not mean that the other 24 feel differently about the matter.)

The interviews bore out what seemed apparent from the way the judges had cooperated in returning questionnaires and arranging interview times—that they are strongly interested in the juvenile court. Many judges said delinquency cases constitute their most difficult responsibility and that they feel inadequately trained for it.

All the interviewees made statements pertinent to the major hypothesis, and in the discussion of methods it was mentioned that for the group as a whole these statements did not differ significantly from questionnaire scores. Some "Criminal Court" attitudes were expressed, but the juvenile court philosophy predominated. Twenty of the 30 interviewees volunteered statements of the purpose of the court in terms of rehabilitation; only two stated "Criminal Court" purposes.

Six judges expressed the belief that the juvenile offender should be represented by an attorney. Three placed this on the "Criminal Court"

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questions) found a negative association, significant at approximately the .09 level. Next, Chi square tests were made of the association between the number of "Yes" answers and (1) number of "Non-Juvenile Court" responses, and (2) number of "Definite Criminal Court" responses. The first found a positive association not significant even at the .10 level; but the second found a positive association significant at the .05 level.

34. The r between the percentage of urbanization in the area of the court's jurisdiction and questionnaire scores is nearly as large (.14 ± .04) but is not significant at the .01 level. A Chi square test of association between questionnaire scores and size of the judge's childhood town found the association not to be significant even at the .30 level.

ground of constitutional rights; the other three explained that the child's counsel is not a defense attorney, but that he joins in the working out of a program of treatment. Sixteen alleged that they rely on the pre-hearing investigation as the basic source of information,[35] while four said they depend on the hearing. Several mentioned that they commit only around five percent of all juvenile offenders to correctional institutions.

Nine called for more adequate probation facilities, saying mainly that if salaries were adequate there could be more full-time, well-trained probation officers. Five volunteered that more adequate psychological and psychiatric services are needed. It was suggested by two judges that the juvenile court could succeed better if its aims were more generally appreciated. They criticized journalists, peace officers and county attorneys for their punitive approach to juvenile offenders. Six judges would like to see a greater variety of state institutions, especially an "intermediate" institution for lesser offenders.

All but five of the 30 interviewees explained their theories of delinquency causation. Fourteen blamed poor parental supervision, while several criticized this explanation and suggested such factors as poverty, demands of the school on the child's time, lack of self-esteem, and the total set of community influences. Four said they frequently fine or jail parents under the "contributing to delinquency" provisions,[36] but a number of judges strongly denounced the punishment of parents. Only one, the judge whose questionnaire score was zero, stated that delinquency is biologically caused.[37]

Belief in some form of primary group control was volunteered by 12 judges. Several spoke of ways of "getting under their skin," of impressing offenders with the might of the law and the seriousness of their wrongdoing, while two objected strongly to "this preaching." One described a "you-have-let-your-friends-down" technique, and another the father approach. Some who spoke of these primary group techniques seemed to believe that they make such an impact on the child during the hearing that little else is needed for rehabilitation.

CONCLUSIONS

The role-definitions of Iowa's juvenile court judges—all functioning under the same statute—vary widely. Despite the range of attitudes,

35. In several courts without probation officers, pre-hearing investigations are made by child welfare workers or county attorneys.

36. IOWA CODE, Chapter 233 (1946).

37. He said the criminal court and juvenile court judges have the same problem—the separation of offenders into classes, the criminals and the non-criminals.

however, the data clearly show that these judges define their juvenile court role largely in terms of the juvenile court philosophy. All of them indicated some degree of the "Criminal Court" approach, but only three of 56 questionnaire respondents gave a majority of "Criminal Court" responses. The major hypothesis must then be rejected.

What explanation is there for this finding? The only factor found to be associated with the "Juvenile Court" approach at a reasonably high level of significance is the size of the judge's current town of residence, and this association is small. But even *if* this association indicates a causal relationship, it would seem to offer little help because Iowa is a relatively rural state. Perhaps the answer lies in the effect on the judges' attitudes of the few juvenile court cases which have been appealed to the Iowa Supreme Court. In these few cases the rehabilitative aim is very definitely embraced, and the notion that juvenile offenders must have the right of due process, which is guaranteed accused criminals, is explicitly rejected. This seems to be laden with procedural implications for anyone who thinks logically. Since Iowa's judges feel their juvenile court duties very keenly it seems a reasonable assumption that most or all of them have read these cases carefully, and have tried to follow them. It seems probable that this factor was underestimated in the study, and that it has been underestimated by students of the juvenile court generally.

Considerable evidence of the primary group approach to the juvenile court role appeared both in questionnaire and interview statements. This was found not to be a middle ground somewhere between the "Criminal Court" and "Juvenile Court" approaches; but rather to be associated with the marked criminal court approach. A possible interpretation is that punitive-minded judges cannot commit a very large percent of offenders to correctional institutions because of space limitations, and they resort to primary group methods of punishment.

Finally, attention is called to the more important limitations of this study: (1) it has dealt mainly with verbally expressed attitudes, and a more comprehensive study of the juvenile court judge's role-definition would necessarily include more thoroughgoing attempts to learn the determinants of particular attitudes, as well as study of the behavior of the judge in court. It is here assumed, however, that verbal behavior is as much a part of the "real" role-definition as any other kind of behavior, and that it is probably the most parsimonious approach. (2) No attempt was made to measure the intensity of attitudes or to assign different weights to items investigated. (3) This study dealt with judges in a limited geographic area—the State of Iowa.

Anyone who believes this is too obvious and simple a limitation even to be mentioned is invited to consider Paul W. Tappan's recommended juvenile court reforms which are based on a study of *one* very special type of court in New York City.[38] The investigator believes that Iowa's juvenile courts are more typical of juvenile courts throughout the United States than is the Wayward Minor Court of New York,[39] but it is possible that Iowa's judges are influenced by factors inoperative in other states which condition their definitions of the role of juvenile court judge.

38. PAUL W. TAPPAN, *Delinquent Girls in Court: A Study of the Wayward Minor Court of New York,* New York, Columbia University Press, 1947. Tappan recommends that the offender in the juvenile court should have the full constitutional safeguards of the criminal law (p. 196), that statutes should specify a precise course of conduct (pp. 98-106), and that probation officers' reports should be made only after the child is adjudicated delinquent (pp. 108-10). The Wayward Minor Court Statute provides that the offender must be adjudged delinquent by competent evidence (p. 234), and Tappan does not compare this with juvenile court statutes in general. He notes a high proportion of commitments in the Wayward Minor Court (pp. 89-91) and stresses this in his recommendations, but fails to consider the possibility that the proportion of commitments in juvenile courts as a whole might be much lower.

39. FREDERICK W. KILLIAN, *"The Juvenile Court as an Institution,"* Annals 261:100, January, 1949.