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JUVENILE DELINQUENCY: MYTH OR THREAT

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WHAT IS THE PROBLEM OF JUVENILE DELINQUENCY?

The problem to which I address myself is that of the reality of a phenomenon. The question, in effect, is whether or not there is an actual problem of juvenile delinquency. Certainly, on the basis of the agitated concern by the public at large and its delegated authorities, the problem is real and unmistakably clear. Further, if we examine the statistical data purporting to give us some insight into the index or frequency of delinquency—without examining the validity of the data for the moment—the actual numerical indexes would strongly suggest a striking increase in the volume of youthful offenses over the last two decades, and particularly since the end of the Second World War.

Certainly, both of the following facts are dramatic and translucently clear—the extent and degree of public concern, and secondly, the marked upward trend of official statistics concerning delinquency during the past two decades. The fundamental question, however, and the one which is being constantly overlooked, is the question as to what do the figures *and* the aroused public concern represent. In the case of the latter—the matter of public concern—is the problem actually one of the inability of the older generation to control effectively the behavior of our children or is it, rather, a modification in attitude as to what we can reasonably expect of children? In the case of the statistical reports—the mounting public record of youthful offenses—does the increasing demonstration of youthful offenses, misdemeanors, sexual escapades, vandalism, youthful intransigence and reported anti-social behavior

constitute a genuine index of anti-social behavior, or is it an emotional protest on the part of the public in the form of a moral judgment upon our young?

Thus, you see, unlike the relatively simple problem of our fellow scientists in the natural and biological fields, where the data they are asked to examine is relatively stable and subject to precise formulation and measurement, we are being asked to examine a composite problem (many, if not most of the elements of which, lie beyond the possibility of measurement) involving the behavior of the young, the nature of community attitudes (which are hardly common or generic), the state of the public morality, and the degree of public resentment and pique. This is a far cry from the observed reaction of a single or unitary form of behavior within a highly limited and narrowly prescribed frame of reference. In a very real sense, the question I am posing demands an assessment of the public temper and the public morality.

THE DUPLICITY OF STATISTICS

Examples of the ambiguousness with which we tend to examine the problem of delinquency are innumerable. The duplicity of statistics in this area is almost too well known to bear repetition. In 1931, the National Commission on Law Enforcement and Observance made its famous pronouncement: "The eagerness with which the un-systematic, often inaccurate, and more often incomplete statistics available for this country are taken up by text writers, writers in the periodicals, newspaper writers, and public speakers, speaks for itself . . . Actual data are the beginning of wisdom

in such a subject, and no such data can be had for the country as a whole." There has been very little since this time to cause us to change our opinion concerning the unreliability of most of our current statistical compilations of delinquent and criminal data.

Thomas Huxley in the nineteenth century made an eloquent plea for the rising place of the natural sciences when he said that we must be humble and silent before what he called the "little facts", and that our perspectives and judgments must be rigorously controlled by such facts. Although the public has tended to become somewhat wary concerning the frequent statistical excursions and alarms describing one crisis after another, there exists nevertheless a peculiar disposition among large sections of the public to look for statistical reinforcement for what it would like to believe. Statistical evidence, in this respect, appears to satisfy a psychological need. Francis Bacon, in another reference, said many centuries ago that the average man tends to believe what he would like to believe. Apparently modern man displays the same propensity reinforced with the support of statistics. The consequence is that regardless of the understandable suspicion with which the public has come to regard what is referred to as "hard" statistical facts, the use of numbers has become satisfyingly effective in attempting to prove the rise and fall of delinquency.

Let me cite a recent example. When the late Frank Flynn and myself were attempting to arrive at some conclusions concerning the control of delinquency in certain communities, as reported in our volume on delinquency,¹ we came across a number of communities in which the rates of delinquency seemed to have drastically declined as a result of the development of a new agency. To those of us who have become painfully aware of the complex and ramifying nature of delinquency, the issuance of such a report is sufficient to arouse one's deepest suspicions.

In one community, thus, where the overall rate of delinquency was reported to have been cut in half at the end of a given year, presumably as a result of the institution of a new youth bureau associated with the police department, we found an interesting fact. By arrangement with the local children's court, and the newly established police agency, cases ordinarily handled by the court,

except in those instances where certain forms of recidivism occurred, were automatically referred to the youth bureau for special handling. Such cases, unofficially handled, were actually removed from the official rolls and consequently never appeared in the annual reports. The result was a minor miracle, a sharp decrease in the incidence of delinquency by means of a limited agency consisting of three full-time police officers. Indeed, as we examined the community, we found that the active delinquency rate had increased appreciably during the same period—by about 33½ percent—but the public was able to feel pleasantly reassured and smugly satisfied, particularly in view of the fact that the total budgetary allocation for the new agency was somewhat less than \$20,000 per annum. I suppose that this is a small price to pay for the euphoric satisfaction of peace of mind and peace of soul. If personal salvation can be obtained by statistical self-deception, there may be in such a use of statistics a new therapeutic tool for the psychiatrists to allay public anxiety and doubt. The sad fact remained, however, that the delinquency rate in this community kept on going higher and, to my best knowledge, shows no prospect of abatement. For a great many years, Thorsten Sellin has pointed to similar shortcomings in our methods of compiling statistical data, and the late Professor Sutherland indicated how "miraculous cures" were effected in certain states during the thirties by healthy dosages of statistical barbiturates administered to an unwitting public.

WHAT DO THE STATISTICS REALLY MEAN?

The interesting fact about such disclosures, however, is not that the statistical data are themselves misleading but the fact that, when honestly compiled, they still register something. What they indicate, however, is not a rise or decline in delinquency, but a change in official public policy and, as such, they merit our careful consideration and examination. What we should be concerned with here, providing the data are honestly and conscientiously compiled, is the issue as to what do the data actually represent and why? Certainly, during the past ten years, we have witnessed a more sustained and intelligent effort to get at the facts by public and private agencies than at any time during the preceding forty years. Further, just as the public is slowly becoming educated in this respect, and possibly as a corollary to this public enlightenment, our public agencies have become considerably more sophisticated in their

¹ BLOCH, HERBERT A. AND FLYNN, FRANK T., *DELINQUENCY: THE JUVENILE OFFENDER IN AMERICA TODAY* Random House, New York, 1956.

handling of statistical data. The fact remains, however, that a vast amount of our data concerning delinquency is not so much a measurement of what transpires on the national scene concerning the misbehavior of the young, *but rather a description of the volume of traffic through selected children's courts.*

The data, therefore, represents, perhaps, the zeal and conscientiousness, and especially the working philosophy, of a given court, rather than an accurate portrayal of the amount of delinquency in the area in which the court functions. Despite the painstaking efforts and honesty of the federal Children's Bureau in its periodic compilations of data concerning court-reported delinquency, the character of the data can really tell us very little. This, incidentally, is not intended in any way to be a reflection upon the Children's Bureau or this phase of its work. Indeed, the Bureau is to be strongly commended for its efforts since 1946 to change the method of its reporting and for its valiant efforts to have the several states report juvenile data through central coordinating state agencies.

The issue under discussion is of another type. Since the Bureau is concerned essentially with adjudicated cases, and since the reasons for adjudication and the resultant court process are highly variable from community to community, the Bureau can only record, in a very real sense, what the local community wants it to report. In this respect, the fingerprint arrest records of the Federal Bureau of Investigation are considerably better as an index since they concentrate upon crimes known to the police as they pertain to youths under 21 years of age. Although the F.B.I. can also tell us very little about the actual state of delinquency for the country as a whole, the limited data compiled by this agency for the youthful age categories gives us some limited insight concerning the criminal activities of some of our youth.

THE VARIABLE NATURE OF THE COURTS' BUSINESS

Before examining some of the official and unofficial data which has been compiled during the past decade, it may be helpful to direct our attention to a few more instances of the variable activities of the courts and the highly variable nature of the courts' business. The common belief of the public, for example, that the adjudication of a child provides an instance of the severity of his

behavior or offense has actually no basis in fact. Unless under specific mandate by law or the pressure of public opinion, courts will only handle those cases they are best equipped to handle. Such handling not only represents very frequently the attitude of the presiding judge but, in the case of the children's courts, the professional philosophy of the court staff (particularly the "in-take" department), the nature of community standards, the number of available agencies (both public and private) for disposition and treatment, and the public temper.

In assessing a rate of delinquency as reported by the courts, consequently, all of these variables—reflective of different values and points of view—must be carefully considered. Thus, in 1954, Presiding Justice John Warren Hill of the New York City Domestic Relations Court made it perfectly clear that a large number of delinquent boys—he referred to them as being "in the hundreds"—were not being adjudicated because of the lack of institutional facilities for their commitment.² It is easy to see, therefore, that an official court rate for such an area as Manhattan gives very little evidence of the actual incidence of delinquency. Certainly, the severity or gravity of the child's behavior is no ultimate guarantee of his adjudication in a great many areas. Thus, the rates that are reported do not even represent the serious cases of maladjustment since the criteria for court-handling may be, as in Justice Hill's pronouncement, the capacity of the court to handle the child in the light of institutional facilities. In effect, therefore, when such conditions prevail, the data do not represent the volume of delinquency in an area but the public's unwillingness or inability to provide training schools. This constitutes the measurement of an attitude and not the measurement of a problem, except in a very limited way.

Let us indicate another example of how statistics purporting to measure delinquency actually measure a phase of the public's attitude towards this problem. The rates of Negro children adjudicated by the courts are considerably higher in most communities where there are large Negro populations than the rates for white children of the same class and economic background. Reported rates in various parts of the country range from two to five times as high as for white children. Sidney Axelrod, reporting in 1952, showed

² NEW YORK TIMES, Sept. 16, 1954.

that Negro children are apt to be committed far more frequently than white children for far less serious offenses and with far fewer previous court commitments.³ Further, this is not necessarily a result of the more obvious processes of discrimination. Frequently this occurs because of the absence of private agencies to which such Negro children may have access. In this case, therefore, the statistical discrepancy is reflective of an economic condition far more than the waywardness of a particular segment of our youthful population.

The end-results of such investigation reveal that it is rare for the children's courts or the police to be aware at any given time of as much as one-half of the total volume of delinquency within a given area. In the well known study undertaken by the District of Columbia Council of Social Agencies in 1943-44, and in the similar study carried on in New York City in 1950-51, these facts were graphically portrayed.⁴ Further, as the District of Columbia study showed, many commonplace delinquencies, such as truancy and running away, hardly ever were brought to the courts, while "traffic violation" offenses were invariably brought before the courts. Are we to ascertain from this that traffic violation is a serious offense in the federal district while it is of no consequence in New York City, Philadelphia or Boston, while in these latter cities we are only concerned with property offenses and sexual disorders?

By this time, it is apparent that the statistics are not only hopelessly confused and inadequate, but indicate very little of what is actually transpiring in the United States in respect to this overwhelming problem which is so disturbing to the American public.

THE EXTENT OF YOUTHFUL CRIMINAL ACTIVITY

If we care to use the official figures for what they are worth, however, certain rather striking facts emerge. Using 1940 as a base year, and upon the basis of the Children's Bureau figures, approximately one percent of the youthful popula-

tion of ten through seventeen years of age appeared before our courts—approximately 190,000 young people. By 1955, this figure had risen to approximately two percent—a doubling of our rate—while the same age-group (ten through seventeen years of age) had risen to approximately 20,000,000, giving an estimated total of approximately 400,000 children. More recently, our estimates are about 2.2 percent of approximately 20.5 million young people in the 10-17 year old category, indicating that our courts presently handle about 480,000 cases annually. More significant, perhaps, is the fact that while our juvenile population increased by less than eight percent since 1940 (7.7 percent), the volume of delinquency handled by our courts more than doubled during the same period.

Contrary to popular opinion, however, offenses which bring our youth before the courts are rarely homicides, serious sexual assaults, and public intoxication with which the popular press arouses and titillates the public. The offenses are largely in the nature of property thefts and acts of vandalism. It seems to me that in this respect delinquency and youthful offenses constitute a genuine "threat" and not a myth, *viz.*, that the hard cores of some of our classical crimes appear to have become concentrated among our youthful age categories.

But even here we have to exercise more than a modicum of caution. For example, approximately 54 percent of our automobile thefts are committed by youths under 21 years of age, but if we examine the nature of automobile theft—as I have done in a forthcoming book on adolescent youth⁵—it is hardly the problem that the public is apt to envisage. The youth who takes a car for the purpose of a short joy-ride is a completely different type of individual from the person who steals a car for purposes of personal gain. The former type of offense, comprising a large volume of typical automobile thefts by the young, actually represents a form of youthful prankishness and it is dubious as to whether it may actually be considered a criminal act in the normal sense, despite strict definition by the law. Even robbery, which is a serious offense among our youth, accounting for more than 43 percent of all robberies committed in the United States during 1956, must be examined

³ AXELROD, SIDNEY, *Negro and White Institutionalized Delinquents*, AMERICAN JOURNAL OF SOCIOLOGY, 57 (1952), pp. 569-74.

⁴ SCHWARTZ, EDWARD E., *A Community Experiment in the Measurement of Delinquency*, YEARBOOK OF THE NATIONAL PROBATION AND PAROLE ASSOCIATION (1945), pp. 157-82. See also DEARDORFF, NEVA, *Central Registration of Delinquents*, PROBATION, 13 (June, 1945), pp. 141-7.

⁵ THE GANG: A STUDY OF ADOLESCENT BEHAVIOR Philosophical Library, New York, 1958, in collaboration with ARTHUR NIEDERHOFFER.

with caution. It is not unlikely, for example, that the reason for the high percentage of the young appearing in our national bookkeeping is that the young, immature individual is apprehended while the more mature offender has learned how to escape detection. However, it does appear likely that many forms of hard-core crimes have settled among our youthful age-categories.

THE AMBIGUOUS NATURE OF NON-CRIMINAL DELINQUENCY

We must remember, however, that the delinquent, under the law, is not to be considered merely as a "junior criminal." Actually, statutory violations of the criminal codes constitute only a limited aspect of the phenomenon we call delinquency. In virtually all states, the behavior which can bring a child before the courts may only be construed in terms of certain moral judgements of the community, which are derived from the older laws of chancery of the British common law courts. Thus, children may be adjudicated for a wide variety of behaviors such as incorrigibility, truancy, the habitual use of obscene language, absenting themselves from their homes, or associating themselves with vicious persons, and the like, which are fundamentally matters of community taste, standards, and discretion. The question which we must really ask ourselves is whether or not these evidences of social immaturity and poor self-judgement—for this is what they essentially are—have actually increased or not. Although it appears almost impossible to give a definitive answer to this question, it would appear, according to the best judgement that we can muster, that although there may have been an increase in what we may refer to as youthful infractiousness, the increase has not been considerable and may, in fact, be rather negligible.

Fundamentally, the problem is one of our greater liberality in social standards generally, and secondly, our inability to define with any degree of adequacy the role of the adolescent in contemporary society. There is not necessarily, thus, a substantial change in the forms of behavior in which the modern youth indulges as compared to the behavior of his father, but rather a shift in the public's reaction to such behavior. An incidental byproduct of this reaction is the seeming upward climb in the number of cases brought before the courts. It also accounts for the greater sensitivity of our police, particularly within the impersonal context of our increasingly urbanized

way of life, to matters which formerly might have been resolved out of court—and frequently with far better results.

Conjointly, however, this dual pressure tends to create a problem as a concomitant of social change in which our attitudes have not kept pace with the changing facts of family and community life. Some proof of this can be seen in the widespread motivations towards unsocial and anti-social behavior which seems so characteristic of our youth in general on all social levels today. It is difficult to determine whether these acts of youthful protest and dissidence are considerably different or more extensive than the adolescent protests of their father's day. What is essentially quite different is the capacity that existed in the past, because of different community and family structures, to resolve and to contain such upsurges of youthful protest and misbehavior.

Partial confirmation for this opinion may be obtained by examining the data of the studies which have been done with college youth, presumably coming from economically privileged and stable families, in which the reporting of frequent delinquencies emerges as a matter of course. In the well-known Porterfield study of 437 college students,⁶ and in the study conducted by the writer,⁷ such youths admitted freely to the commission of offenses and delinquent acts, many of them quite serious. In the Porterfield study, all of the respondents admitted to having committed one or more of the 55 items appearing on the check-sheet, producing an average in excess of eleven offenses for each student reporting. In my own study, 91 percent of the students admitted having committed delinquent acts, with an average yield of nine offenses for each individual examined. Such facts are well known and simply indicate that the differences in reported and adjudicated delinquency among youths of different social classes are largely matters of the kinds of protection afforded to youths of different social background. It seems quite reasonable that the apparent increase in the amount of "non-criminal" delinquency has resulted from the inability of many modern family types—such as the increasing type in which both parents are employed—to cope with a problem which was formerly resolved in family situations where close supervision of the

⁶ PORTERFIELD, AUSTIN L., *YOUTH IN TROUBLE*. Leo Potishman Foundation, Texas, 1946.

⁷ BLOCH, HERBERT A., *DISORGANIZATION: PERSONAL AND SOCIAL*, Alfred Knopf, New York, 1952, p. 260.

child was possible. This is a change in forms of family control and not necessarily a change in the forms and quantity of common youthful misbehavior.

ADOLESCENT MOTIVATIONS AND NON-CRIMINAL DELINQUENCY

What we are saying in effect here is that the motivations towards behavior which might be termed delinquent, in strict conformity with the ambiguous definitions of the law, are virtually coextensive with the entire adolescent age group in our society and on all social levels. Further, these motivations have been deeply rooted within the American social structure for a considerable time and, very likely, since the period of the mid-nineteenth century. Such behavior has become in part an aspect of a rapidly changing industrial society with its marked trend towards urban dominance. An examination of our presently rapidly moving patterns of social change would suggest that adolescent motivations towards what the public might regard as delinquent misbehavior tend to become intensified during periods of extreme population mobility and exaggerated urban and suburban concentration.

THE PROLONGATION OF ADOLESCENCE

There is, moreover, in a rapidly changing and highly complex society such as ours, an inevitable factor which must be considered in attempting to understand the tensions of contemporary adolescent life. This is the enormous prolongation of infancy in our society, with its enhanced dependence of the young, and the extension of schooling and consequent postponement of entrance into adult status. In a forthcoming study on adolescence in which I have participated,⁸ it is conspicuous that, under such conditions, the adolescent youth attempts to assume the symbolic equivalents of adult status without its substance and responsibility. In other words, we prolong the period in which adolescent protests may ordinarily take place. That this may be a genuine contributory factor towards the seemingly high rates of youthful delinquency which we observe today seems quite reasonable and supported by most current investigations.

ENVIRONMENTAL OPPORTUNITY AND COMMUNITY ATTITUDE

In assessing youthful maladjustment and misbehavior, however, we are confronted with vari-

ables other than the motivations induced by a given type of social structure. We must take into consideration as well as the factors of environmental opportunity and community attitude. In the language of the research technician, motivation functions as an independent variable while the factors of environmental opportunity and community attitude serve as dependent variables. It is, in fact, the last two factors which will ultimately determine whether a child is adjudged delinquent or not. If the motivations towards youthful protest have seemed to remain relatively constant, have we increased the possibilities of youthful misbehavior through facilitating environmental opportunities and predisposing community attitudes?

In the case of the former—the matter of facilitating environmental opportunities—our congested urban areas, increased permissiveness towards the young, and less sustained parental supervision have tended to induce greater opportunities for adolescent disorder and tension. In the case of community attitudes, it is a well known fact that if delinquency occurs in many cases, it is because the community itself is more highly aware of the problem, and is ready to acknowledge it and to deal with it. But this is a highly variable condition. The tolerance rates of communities are highly different in this respect. Some communities are immediately prone to react to a series of youthful disturbances which would hardly create a ripple of excitement in others.

If we are to appraise the increase or decrease of delinquent behavior in the United States today, thus, we must take into account such variable community standards and certain general trends concerning community attitudes and goals. In view of the general tendency for most communities to aspire towards what may be referred to as "middle class" standards, and the broad increase in living standards generally, we may observe an increasing tendency to be far less tolerant towards youthful disorders and a greater propensity towards restrictions upon what a previous generation regarded as the normal self-assertiveness of youth. This is a part of the previously mentioned inability to come to grips realistically with the definition of adolescent status in our culture. That it tends to increase the public's awareness of delinquency and the felt need to deal with such problems of youthful waywardness there seems to be little doubt.

⁸ BLOCH AND NIEDERHOFFER, *op. cit.*

DELINQUENCY AND THE GROWING
MIDDLE CLASS ATTITUDE

If we take a long and sober look at the problem of delinquency in the light of what has been said—particularly in the wayward expressions of non-criminal delinquency—delinquency must be regarded as that type of continuing misbehavior of the young which impairs the efficiency of those fundamental groups (family, school, community) with which the child comes into continuing contact. Viewed from this vantage point, American communities are remarkably flexible in their attitudes of tolerance or rejection of the young. However, when this flexibility tends to disappear and a uniform pattern begins to emerge—as is slowly happening in American life through the impersonal logic of modern technology and urbanism—our attitudes tend to become uniform. Under such conditions, the recognition of what might ordinarily be considered the normal intransigence of the young seems to become a universal problem. Since this uniformity has as yet not taken place, however, our reactions to the problem and our public recognition of its prevalence becomes diffuse and confused. Parenthetically, I would like to add, it would be helpful in dealing with maladjusted and wayward children described as delinquents if modern psychiatrists recognized fully the variations in such community attitudes and, more specifically, the variable structures of family and community life.

CONCLUSIONS

To summarize briefly what we may learn concerning the reality of delinquency as a myth or threat, we might tentatively come to the following conclusions. (1) In respect to certain "hard-core" crimes such as the property theft variety, including such offenses as automobile theft, robbery, larceny and burglary, there seems to have been a substantial increase among the youthful segments of the population, especially for the age group ranging from sixteen to twenty-one years of age. (2) In respect to the "non-criminal" type of delinquency, involving a good deal of what

may be referred to as youthful intransigence and intractiousness upon which moral judgments are imposed, much of the increase may be attributed to modern conditions of family life, in which sustained parental supervision is lacking, and to the increase of police activity. (3) Whereas during the latter decades of the nineteenth century and the early decades of the present, the status of the adolescent was more clearly articulated, the current trends toward prolongation of schooling and the deferment of adult status seems to have provided greater opportunity and a longer period for adolescent protests to make their impact upon society. In a real sense, the problems of "non-criminal" delinquency which we witness may be due to a prolongation of the period of adolescence. (4) Finally, whereas delinquency in the past was frequently a function of variable community attitudes and standards, the growing tendency towards a middle-class sense of normalcy and uniformity have tended to make us far more sensitive to the manifestations of such youthful disorders than we were, very likely, in the past. This sensitivity registers itself in higher statistical rates of delinquent disorders.

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