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Delinquency Rates and Opportunities for Subculture Transmission

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DELINQUENCY RATES AND OPPORTUNITIES FOR SUBCULTURE TRANSMISSION

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The tendency for crime and delinquency to be unevenly distributed spatially had been noted for some time in popular literature before systematic observations were made and reported. Although there were a number of earlier studies, the most extensive research has been that in Chicago by Shaw and McKay.[1] The Shaw and McKay work has examples of pre-scientific references to areas of deviant behavior as well as a review of systematic studies of the ecology of delinquency.[2]

The data studied by Shaw and McKay led them to conclude that "the conduct of children, as revealed in differential rates of delinquents, reflect the differences in social values, norms, and attitudes to which the children are exposed ... delinquency has developed in the form of a social tradition, inseparable from the life of the local community."[3] Although these investigators did not employ the terms "culture" or "subculture," their statement certainly would seem to refer to the content of a culture. The vitality of this type of approach to the study of delinquency may be indicated by the number of recent theoretical studies concerned with explaining delinquency in terms of a separate culture in a localized area.

Cohen has viewed the "delinquent subculture" as a response to certain problems faced by youthful lower class males.[4] Cloward and Ohlin specify different types of delinquent subcultures and consider questions relating to how they "arise in certain locations in the social structure."[5] More recently, Cavan has applied Yinger's proposal of the term "contraculture" as a normative system in opposition to that of society, showing how deviations both in the direction of overconformity and underconformity may be analyzed in terms of degree of deviation from social norms.[6] A character-

istic of these later theoretical developments is that they tend to employ the concepts of general sociology and social psychology and thus facilitate the explanation of deviant behavior in the same terms as are used to explain behavior in general. The scientific advantages of this should be quite evident. That the subculture or contraculture theory continues to develop suggests that it may have more to offer in the future.

The theory, however, has not gone unchallenged. Criticisms have been that delinquency rate differences may reflect differential treatment by police and courts more than actual differences in behavior, that differential migration may affect rates, that delinquency rates do not indicate the extent of delinquency, and that the area approach draws attention away from the psychological adjustment of the individual.[7] Most of these objections have been answered in a reasonably satisfactory manner. Both because some of these criticisms question the validity of delinquency rates and because the central point of this paper involves rates, at least a brief mention of their validity should be made.

Robison has questionned the extent to which public records measure delinquency.[8] A number of studies leave little doubt that many delinquent acts go unrecorded.[9] In the study of "hidden delinquency" by Murphy, Shirley, and Witmer,[10] for example, it was found that official action was taken in less than $1\frac{1}{2}$ per cent of all infractions of the law discovered in the study. The more serious the offense, though, the higher the proportion of official action. Furthermore, the "official" delinquents, those the subject of court complaint, had engaged

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[1] SHAW, DELINQUENCY AREAS (1929); SHAW & MC-KAY, JUVENILE DELINQUENCY AND URBAN AREAS (1942).

[2] SHAW & McKAY, op. cit. supra note 1, at 3–14.

[3] Id. at 435–36.

[4] COHEN, DELINQUENT BOYS: THE CULTURE OF THE GANG (1955).

[5] CLOWARD & OHLIN, DELINQUENCY AND OPPORTUNITY: A THEORY OF DELINQUENT GANGS 31 (1960).

[6] Cavan, The Concepts of Tolerance and Contraculture

as Applied to Delinquency, 2 Soc. Q. 243 (1961). See also Yinger, Contraculture and Subculture, 25 AM. SOC. REV. 625 (1960).

[7] See, e.g., BARNES & TEETERS, NEW HORIZONS IN CRIMINOLOGY 157–59 (1959); TAFT, CRIMINOLOGY 212–15 (1956); SUTHERLAND & CRESSEY, PRINCIPLES OF CRIMINOLOGY 158–59 (1960).

[8] ROBISON, CAN DELINQUENCY BE MEASURED? (1936).

[9] PORTERFIELD, YOUTH IN TROUBLE (1946); Murphy, Shirley & Witmer, The Incidence of Hidden Delinquency, 16 AM. J. ORTHOPSYCHIATRY 686 (1946); Short & Nye, Extent of Unrecorded Juvenile Delinquency: Tentative Conclusions, 49 J. CRIM. L., C. & P.S. 296 (1958).

[10] Supra, note 9.

in about twice as many infractions as the "un-official" delinquents and had committed an average of about 11 "serious" offenses per boy compared to less than three "serious" offenses for the unofficial delinquent. Thus, the boys who came to the court's attention committed more offenses and more serious offenses than the boys who did not. The overall conclusion suggested by these studies is that although much delinquency goes unrecorded, the more serious and persistent delinquents do tend to receive official attention. This would imply that rate differences between ecological areas probably reflect real differences in behavior.

Even if one is willing to grant that area rate differences are real, a more serious problem still exists. It is a potentially fatal one for the subcul-ture-contraculture theory which has been built in recent years. The problem comes from the ap-parently small proportion of juveniles who become delinquent even in high rate areas. The highest rate in Chicago reported by Shaw and McKay was 18.9.[11] Glueck states that "even in the most marked 'delinquency area' of our cities not more than a small fraction (say 10 or 15 per cent) become de-linquent. It seems unreasonable, therefore, to emphasize the role of neighborhood influences on the small percentage of boys who become delin-quent and utterly ignore the fact that the *vast majority* of the boys in the same neighborhoods, somehow manage not to follow an antisocial path."[12] Thus, the question is whether there are enough boys in an area to carry and transmit a delinquent subculture—for if there are not the theory must be discarded despite its appeal. This question is the primary concern of this paper.

Attempts to deal with this question have been made by other workers. Taft simply dismisses it as "one of the crudest and least justified criticisms" of neighborhood area theory.[13] In the present writer's opinion this reply does not adequately answer the charge. An objection may be effective *because* it is crude. Subculture-contraculture theory requires a sufficient number of juveniles to con-tinue the culture, and a criticism pointing this out is hardly unjustified. It should be stated, though, that this writer is unaware of any theoretical or empirical work which would enable one to set a specific minimum or threshold point and say, "Below such-and-such a percentage conditions for

cultural maintenance are inadequate." At the present state of our knowledge probably the only test is one's judgment. On this basis, a 10 to 15 per cent rate of delinquency does seem rather low.

Kobrin has attacked this problem by pointing out the extent of unrecorded or "hidden" delin-quency revealed in a number of studies. Noting the varying degrees of inclusiveness of official records, he concluded that those engaging in delinquent acts constituted "approximately two-thirds of the age eligibles."[14]

In a discussion of this paper Vold, although agreeing with Kobrin in many respects, questioned the soundness of considering as a delinquent an individual who had not been so judged by a ju-venile court.[15] Cloward and Ohlin would probably agree with Vold. They argue that one of the ways in which a society defines what it does or does not approve is by determining the types of behavior tolerated and the sanctions used.[16] Thus delin-quency, according to this view, requires both a law proscribing the behavior *and* the imposition of sanctions. The social scientist then should not con-cern himself with *all* behavior deviations, but only with those serious enough to result in official sanc-tions. Indeed, Cavan's development of the contra-culture theory referred to above recognizes that a certain amount of nonconformity is "normal" in a society and that the overconforming individual (e.g., the puritan, the overly inhibited) also de-viates from the norms of society. For both theoreti-cal and practical reasons, then, it is concluded that the delinquency subculture-contraculture theory must be supportable by evidence of official sanc-tions.

How can one reconcile the theoretical need for viewing as delinquents only those who have been officially adjudicated, the need of the subculture-contraculture theory for a substantial number of culture carriers, and the relatively low rates of even the "high rate" areas? We will begin to attempt to answer this question by asking just what is a high rate.

In the data reported by Shaw and McKay a considerable range in highest rates for different cities may be noted.[17] Valid intercity comparisons

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[11] *Op. cit. supra* note 1, at 52.
[12] S. GLUECK, THE PROBLEM OF DELINQUENCY 165 (1959) (emphasis added).
[13] TAFT, CRIMINOLOGY 214 (1956).

[14] Kobrin, *The Conflict of Values in Delinquency Areas*, 16 AM. SOC. REV. 653 (1951).
[15] Vold, *Discussion* (following the Kobrin article cited *supra* note 14), 16 AM. SOC. REV. 661 (1951).
[16] *Op. cit. supra* note 5, at 4–5.
[17] *Op. cit. supra* note 1, chs. 8–14. The cities studied were Philadelphia, Boston, Cincinnati, Cleveland, Rich-mond, Columbus, and Birmingham.

can hardly be made because of variations in age levels included, length of time interval during which data were collected, time at which data were collected—in addition to the important factors of varying legal definitions and administrative policies. But our goal is not to determine a specific rate for a particular city at a certain time, but to arrive at a general conception for heuristic purposes as to what constitutes a high rate. Comparing Chicago and the seven major cities for which data are given by Shaw and McKay, we find that Chicago has the lowest rate of all on a city-wide basis—4.2 as compared with the 12.3 for Richmond, Virginia. If we ask instead about the highest rate for any one area, we find a range from 18.5 (Boston) to 37.7 (Cleveland). Chicago's rate of 18.9 is next to the lowest. More recent data for Chicago from the period 1953–1957 show a peak rate of 21.0 and a city-wide rate of 8.3.[18] The earliest data for Chicago is from 1900–1906 and show a peak rate of 29.8 and a city-wide rate of 8.4.[19] Although city-wide rates for Chicago have fluctuated considerably over the period, the most recent rate is within 0.1 of what it was fifty years earlier!

Let it be emphasized that the argument developed here does not depend upon an assumption that variations in *rates* in time or place directly reflect corresponding variations in actual *delinquent behavior*. Rate differences between cities or between time periods for the same city may indicate changed legal definitions or official policies. The purpose in examining specific reported delinquency rates is only to arrive at a hypothetical "high rate" which seems to be in accordance with empirical findings. These findings give peak rates of from under 20% to over 35%. A hypothetical high rate might then be taken as being about half way between these extremes—i.e., about 27 or 28 per cent. However, the subculture-contraculture theory should not require the very maximum rate in order to explain delinquent behavior. Let us assume, then, 20 per cent for our hypothetical high rate.

Next we will need to specify the ages for our hypothetical high rate. The cities reported on by Shaw and McKay vary in the inclusiveness of the age limits used. Four cities include 17 year olds. Two include only up to age 16, while two do not

go beyond age 15. The lower limit most commonly used was age 10, although two cities used age 9. Let us then take age 10 as the lower limit and compromise with 16 as the upper limit. Our hypothetical high rate area thus houses 20 adjudicated delinquents for every 100 boys age 10–16 inclusive.

These delinquents are not distributed evenly within the age range, though. *Juvenile Court Statistics* provides a guide to the age distribution of delinquents.[20] According to the data which this publication summarizes, there is a definite tendency for the older ages to be more heavily represented, with 70 per cent of the boys under 17 years of age being either 14, 15, or 16 years old. In computing rates for specific ages it will be assumed that there are an equal number of boys for each yearly age level.[21] On this basis we conclude that the 14–16 age range contains but 43 per cent of the juvenile population, but produces 70 per cent of all juvenile court cases. Applying these figures to our hypothetical delinquency area which has a rate of 20 per cent for ages 10–16, we find that 14 (70%) of these boys are either 14, 15, or 16 years of age. With a population base of boys age 14–16, the delinquency rate of our area then is 32.7 per cent.

The purpose in arriving at a delinquency rate based on such a limited age range is not to add a possibly irrelevant statistical refinement, but because it seems to this writer that such a base corresponds more closely to the social and psychological world of the older juvenile. A 15 year old boy would tend to associate not with 10 or 11 year olds, but with boys within a year or so of his own age. Thus, approximately *one third* of his age mates in an area with a 20 per cent delinquency rate would be adjudicated delinquents! The opportunities for maintenance and transmission of a delinquent subculture would appear to be excellent indeed.

This conclusion that about one third of the boys in a high rate area are delinquent conflicts sharply with the statement by Glueck quoted earlier that not more than 10 or 15 per cent of the boys in even the "most marked 'delinquency area'" become delinquent. Yet there are data in Glueck's own

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[20] U.S. DEP'T OF HEALTH, EDUCATION AND WELFARE, JUVENILE COURT STATISTICS, Table D at 6 (Statistical Series no. 52, 1959).

[21] This assumption is conservative in two ways. First, the rising birth rates of the 1941–1947 period during which the boys in *Juvenile Court Statistics* were born would tend to underrepresent the older boys in the statistics. Second, it does not allow for attrition through death.

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[18] Institute for Juvenile Research, "Rates of Delinquents by Communities in Chicago 1953–57" (mimeographed, 907 S. Wolcott St., Chicago, Ill.).

[19] SHAW & McCAY, *op. cit. supra* note 1, at 61.

TABLE

CLASSIFICATION OF 271 CHILDREN BY
PROBABILITY OF DELINQUENCY

Weighted Failure Score	Probability of Delinquency	Number	Number Predicted to be Delinquent (Prob. × Number)
Under 200	8.2	136	11.2
200–249	37.0	51	18.9
250–299	63.5	61	38.7
300 or more	89.2	23	20.5
Total		271	89.3

FIGURE

HYPOTHETICAL DISTRIBUTION OF DELINQUENTS IN A
SCHOOL CLASSROOM

O = nondelinquent
⊗ = delinquent

work which tend to question his statement and support the conclusion of this paper. The New York City Youth Board is conducting a validation study to test the prediction tables devised by the Gluecks and reported in *Unravelling Juvenile Delinquency*.[22] In the validation study, two schools were selected "which are located in a high delinquency area."[23] Later, two other schools were added "in an area which also had a high delinquency rate."[24] The progress report of the study gives data indicating the probability of delinquency according to the Glueck prediction tables. These data from Tables 5 and 6 of the progress report are combined in the accompanying Table to arrive at an estimate of the total amount of delinquency predicted for the areas in the validation study.[25]

It will be seen from the Table that of the total of 271 boys studied, delinquency is predicted on an actuarial basis for 89.3 of them. This amounts to 33% of all the boys in the high rate areas being studied—better than two or three times the "10 or 15 per cent" referred to by Glueck.

Two quite different lines of evidence thus converge upon an indication that in a high rate area at least one third of all boys become delinquent. A number of implications seem to flow from a concentration of delinquents as great as this rate indicates. It suggests that a high rate area needs to be thought of as including not just a small minority of boys. The junior high school would appear to offer a peak concentration of delinquents. Junior high
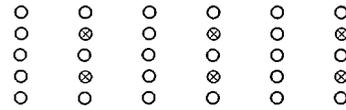
schools ordinarily serve grades 7, 8, and 9—i.e., ages 13, 14, and 15. The tendency of delinquents to be retarded in school, however, would mean that many 16 year olds would be found among those younger than themselves in school.[26] If we assume a room of 30 students, evenly divided as to sex, then 5 (i.e., one third) of the 15 boys in the room would be delinquents. With a ratio of approximately 1 girl delinquent to each 5 boys,[27] we would expect 1 female delinquent in the room as well, or a total of 6 delinquents in the room. The higher the proportion of boys in the room, the larger the number of delinquents there would be. Even assuming 6 delinquents evenly distributed about the room, this would mean that every child in the room could sit within arm's reach of an adjudicated delinquent! This may be represented schematically as in the accompanying Figure.

When viewed within this context, the delinquent subculture-contraculture theory seems quite tenable. A concentration of this magnitude of delinquents would seem to provide a sufficient number of individuals in close contact with each other to maintain and pass on the attitudes, knowledge, skills, etc., making up a delinquent subculture and a large enough group so that it could offer substantial rewards to those who conformed to it and punish those who did not. The juvenile in a high rate area thus faces the situation that about one third of his age mates are or will become delinquent. The delinquent gang can offer him rewards of social status, adventure, a rationalization for deviant behavior, a set of attitudes to apply to home and school, etc. Furthermore, the delinquents form a large enough part of the whole so that they cannot readily be ignored.

SUMMARY

A major approach to the study of delinquency views it as a deviant system of values and be-

[22] S. & E. T. GLUECK, UNRAVELLING JUVENILE DELINQUENCY (1950).
[23] S. GLUECK, THE PROBLEM OF DELINQUENCY 1033 (1959).
[24] Id. at 1034.
[25] Id., Tables 5 and 6, at 1038–39. The numbers of delinquents are from the "revised rating" column of Table 5.

[26] S. & E. T. GLUECK, op. cit. supra note 22, ch. 12.
[27] U.S. DEP'T OF HEALTH, EDUCATION AND WELFARE, op. cit. supra note 20, Table A at 5.

haviors tending to be localized in certain areas in cities. Despite deficiencies of area rates as a measure of the extent of delinquent behavior it is concluded that they reflect real differences in amount of delinquency. That rates are apparently quite low even in high rate areas is a serious weakness in the delinquent subculture-contraculture theory which has been developed.

An examination of delinquency rates suggests that the incidence of delinquency is considerably higher than the overall rate figure indicates, so that an area with a rate of 20 per cent will have close to one third of its older juveniles delinquent. This proportion agrees closely with a New York study attempting to predict delinquency in high rate areas. It is concluded that adequate opportunities exist for cultural transmission of deviant norms in a high rate area.