



1 What Is Delinquency and How Does It Differ from Adult Crime?

“What is delinquency?” is a relatively easy question to answer. *Juvenile delinquency* refers to violations of the criminal law by minors. In most states, a minor is anyone under the age of 18. In some states, however, minors are defined as anyone under the age of 17 or even 16. So if a minor commits an act that would be a crime when committed by an adult, that minor has engaged in “juvenile delinquency” and may be considered a “juvenile delinquent.” This definition, while correct, might lead you to believe that the only way delinquency differs from adult crime is in terms of age. Delinquent acts are committed by minors while crimes are committed by adults.

But juvenile delinquency differs from adult crime in a number of major ways besides the age of the offender. In particular, we tend to view juvenile delinquents differently than adult criminals, and we tend to treat juvenile delinquents differently than adult criminals—with an important exception that we will note.

This chapter is in three sections. First, we describe how juvenile delinquents are viewed differently than adult criminals. Second, we describe how these different views of delinquents and adult criminals have led us as a society to treat them differently. We note, however, that there has been a recent trend to view and treat juvenile offenders—especially older, serious offenders—like adult criminals. Finally, we discuss the “invention” of juvenile delinquency. People did not always view and treat juvenile delinquents differently than adult criminals. For most of history, in fact, juveniles who broke the law were viewed and treated very much like adults who broke the law. We briefly discuss some of the factors that led society to view and treat juvenile delinquents differently.

JUVENILE DELINQUENTS ARE VIEWED DIFFERENTLY THAN ADULT CRIMINALS

On the first day of our juvenile delinquency class we play a trick on our students. We pass out a description of a crime that has occurred: Someone walks into a bank, points a gun at a teller, and demands money. It is a toy gun, but the teller believes it is real and gives the bank robber several hundred dollars. The robber later spends most of the money on luxury items before being caught. We ask the students what the court should do to this robber. Unbeknownst to the students, the robber is described as a “7-year-old boy” in half of the descriptions and a “32-year-old man” in the other half (the actual crime was committed by a 7-year-old boy).

After the students have considered the case for a few minutes, we ask for volunteers to tell us what they think should be done to the “bank robber.” Some of the students describe what might be considered “mild” reactions on the part of the court: The robber should receive counseling, should be closely monitored for a period of time, should perform some community service, or the like. Other students describe what might be considered “tough” reactions on the part of the court; most commonly, they state that the robber should be locked up for several years. The students, of course, are confused by the responses of many of their classmates. Those with the 7-year-old robber wonder how some of their classmates could be so coldhearted as to recommend years of imprisonment, while those with the 32-year-old robber think some of their classmates are far too “soft” on crime.

We eventually tell the students that they are working with two different case studies and that this age discrepancy is the major reason for their different reactions. We then try

to justify the trick we have played by telling the students that their different reactions to the 7- and 32-year-old robbers illustrate a very important point about juvenile delinquency: **Our society tends to view juvenile delinquents differently than adult criminals.**

If a juvenile breaks the law, the general public tends to view that person as **immature and in need of our guidance and help.** There is no precise definition of *immaturity*, but notions of immaturity usually include one or more of the following: The individuals did not know that what they were doing was wrong; they did not appreciate the harm that their actions might cause; they could not control themselves; and they were easily led astray by others. (Data suggest that juveniles are more likely than adults to possess these traits, although there is no precise age at which individuals become “mature.”¹ Rather, individuals mature in a gradual manner and at different rates—although juveniles are less mature on average than adults.)

This immaturity partly stems from a lack of experience. Older juveniles are no longer closely supervised by parents, and they must increasingly learn to make decisions on their own. They lack experience at decision making, however, and so it is not surprising that they sometimes show poor judgment in the choices they make (see Zimring, 2005). This immaturity also has biological roots. A colleague of ours at Emory University recently coedited a book that focuses on the development of the adolescent brain (E. Walker and Romer, 2006). A central message of the book is that the “brain circuitry for pleasure and sensation develops rapidly during adolescence, while the brain circuitry responsible for behavioral control and inhibition lags behind” (C. Clark, 2007:6). As a consequence, adolescents have more trouble exercising self-control and resisting the influence of peers.

Given this view of juveniles as immature, most people tend to feel that juveniles do not deserve serious punishment. Rather, they need our help. So when a 7-year-old robs a bank, many students state that the major response of the court should be to provide that person with counseling. **But if an adult breaks the law, we generally view that person as someone who is responsible for his or her behavior and deserves to be punished.** So most students have no qualms about sending a 32-year-old who robbed a bank to prison for many years.

Many students take exception when juveniles are characterized in this way. They state that many juvenile offenders know exactly what they are doing and that these offenders should be punished just as severely as adults. They often describe some horrifying crime committed in the recent past by a juvenile, and they state that this juvenile surely deserves the most serious punishment the law can provide.

We realize that many people feel this way. Certain juvenile offenders—especially older juveniles who commit serious crimes—are not viewed as all that different from adult offenders. And in recent years the justice system has been treating more of these offenders like adult criminals. So when we say that society views juvenile delinquents differently than adult criminals, an important exception should be noted. Older, serious juvenile offenders are often viewed like adult offenders. We will talk more about this exception shortly. Aside from this important exception, the general public still tends to view juvenile delinquents differently than adult criminals. We provide our students with a few additional examples to illustrate this point.

There is the case of a 6-year-old girl in Florida who got into a fight with her 7-year-old friend. The 6-year-old girl repeatedly hit her 7-year-old friend with a piece of wood, while an older boy held the 7-year-old’s arms behind her back. The 7-year-old’s nose

was damaged and her dress was soaked with blood by the time she arrived home to her mother. Her mother, of course, was outraged and immediately called the police. For legal reasons that we will not describe, there was some discussion of trying the 6-year-old girl as an adult. If tried as an adult, she would face a maximum penalty of fifteen years in prison and a \$10,000 fine. This story made the national news, and people were outraged that such a young girl might be so severely penalized. They felt that the 6-year-old did not know what she was doing and that she needed guidance and help much more than punishment. Imagine the reaction, however, if a 30-year-old woman had committed this crime. People would be demanding the severest of penalties.

To give another example, a 6-year-old boy in California was charged with savagely beating a month-old baby. He was accused of kicking, punching, and beating the sleeping baby with a stick, possibly causing permanent brain damage. The 6-year-old was said to have done this to seek revenge against the family of the baby for allegedly harassing him. We have asked our own students how the court should respond to this boy. This is a savage crime, but the young age of the boy led many of our students to talk of his immaturity and to argue that he is in desperate need of guidance and help. Again, imagine the difference in reaction if a 30-year-old man were charged with this crime.

With the exception of older juveniles who commit serious crimes, our society clearly views juvenile delinquents differently than adult criminals. In general, juvenile delinquents are viewed as immature and in need of guidance and help, while adult criminals are viewed as fully responsible for their behavior and deserving of punishment. To illustrate, one national poll found that only 21 percent of the public said that rehabilitation should be the most important sentencing goal for adults, but 50 percent said that it should be the most important sentencing goal for juveniles.²

JUVENILE DELINQUENTS ARE TREATED DIFFERENTLY THAN ADULT CRIMINALS

The difference in the way that juvenile and adult offenders are viewed has led us to treat juvenile delinquents differently than adult criminals (with an important exception, to be noted). In particular, our society has created a special set of laws that apply just to juveniles in order to more closely regulate their lives. We have created a special court for juvenile offenders, a court that places more emphasis on rehabilitation and less on punishment than does adult criminal court. And we have created special correctional programs for juveniles, programs that also focus more on rehabilitation and less on punishment—at least in theory.³

Special Laws for Juveniles: Status Offenses

Juveniles are delinquent if they commit any act whose violation by an adult would be a crime—acts like homicide, assault, rape, robbery, burglary, and larceny. However, in most states, juveniles can be arrested and referred to juvenile court for certain acts that are legal for adults. These acts are called *status offenses*, since they apply only to people with the status of juvenile.

The most common status offenses are running away from home, failure to attend school (truancy), refusing to obey parents (incorrigibility), drinking alcoholic beverages, violating curfew, and engaging in certain consensual sexual activities. These activities are illegal for juveniles in all or many areas, but they are legal for adults; for example, it

is illegal for juveniles to stop attending school. They can be arrested and taken to juvenile court in most states if they do so. It is perfectly legal for you, however, to stop coming to class.

The state felt that it was necessary to regulate the lives of juveniles more closely than the lives of adults. Rather than intervening only when juveniles committed a crime, the state felt it necessary to intervene when juveniles gave indications that they might be heading down the “wrong path”—a path that might lead to crime. Status offense laws, then, are directly tied to the view of juveniles as immature and in need of guidance or direction.

These status offense laws were **taken quite seriously until the late 1960s and early 1970s**. Juveniles who committed status offenses were frequently arrested and referred to juvenile court. They were often formally processed by the court, and they could be “adjudicated,” or judged, “delinquent” by juvenile courts in nearly every state. And status offenders were sometimes subject to severe punishments. In particular, about half the juveniles in correctional institutions were there for status offenses like running away and being incorrigible. Status offense laws were especially likely to be enforced against females. Females were (and are) more closely supervised than males, and their sexual behavior, in particular, is more closely regulated. Females who committed status offenses like disobeying parents, running away from home, drinking, and having sex were more likely than boys to be arrested, referred to the court, and sent to institutions for such offenses. There is some evidence that this is still the case today (see Chapter 22 for a fuller discussion).

Status offense laws **came under heavy criticism during the 1960s and 1970s**. They were **often vague**. What, for example, does it mean to be incorrigible? Virtually all juveniles disobey their parents at some point. Also, these laws **often subjected juveniles who had not committed any criminal acts to severe penalties**, such as confinement in an institution (where they were exposed to serious offenders and sometimes subject to physical and sexual assault). Further, there was evidence that **poor, minority, and female juveniles were more likely to be punished for such offenses**.

In response to such criticisms, most states developed “diversion” programs **designed to divert status offenders from the juvenile court**. Rather than being formally processed by the court, most status offenders were dealt with informally by the court or were referred to special programs outside the court. Status offenders who were processed by the juvenile court were **no longer classified as “delinquents” in most states**. Rather, they were classified as Children in Need of Supervision (CHINS), Persons in Need of Supervision (PINS), or similar labels. This new designation was partly designed to reduce the stigma of a delinquent label. The federal government passed a law in 1974 that **strongly encouraged states to stop placing status offenders in institutions**. And evidence suggests that this law was largely effective: There has been a dramatic decline in the number of status offenders confined in institutions. Finally, a few states went so far as to **decriminalize status offenses**. Status offenses could no longer result in arrest and referral to the juvenile court; rather, status offenses were dealt with by social service agencies.

Nevertheless, status offenses are **still illegal in almost all states**. Several hundred thousand status offenders are arrested each year, and tens of thousands are formally processed by the juvenile court (precise estimates are not available). As indicated in Chapter 21, some status offenders still get confined in institutions. So while status offenses are not treated as severely today as in the past, they are still taken seriously in many cases.

A Special Court for Juveniles: Juvenile Court

Every state has created special courts for juvenile offenders. *Juvenile court* differs from adult court in several fundamental ways, with the differences between the two courts reflecting our different views of juvenile delinquents and adult criminals. The differences between juvenile court and adult court have diminished in recent years, but they are still substantial.

First, the **goals of juvenile court are different from those of adult court**. Adult court determines whether individuals are guilty of committing specific crimes and then punishes them if they are. Juvenile court was set up **not to punish juveniles but rather to guide and help them**. The court was supposed to act in “the best interests” of juveniles, providing them with the guidance and help that their parents should have provided. The court, in fact, was supposed to play the role of “superparent,” assisting children whose parents had failed them. Judge Julian Mack, who helped develop the first juvenile court in the United States, said that the juvenile court should treat delinquents like “a wise and merciful father handles his own child” and that the goal of the court is “not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, [and] not to make [the delinquent] a criminal but a worthy citizen” (quoted in Singer, 2001:350). The goals of many juvenile courts have changed in recent years, with more courts coming to place an increased emphasis on punishing juveniles—especially older, serious offenders. Nevertheless, the juvenile court still places more emphasis on the goal of rehabilitation than does adult court. (This is not to say that the court always accomplishes or even tries to accomplish the goal of rehabilitation. As discussed later, there is often a large gap between goals and accomplishments.)

Second, the juvenile court **focuses more on the offender than on the offense**. Adult court focuses primarily on the offense(s) that the individual has committed. The punishment that individuals receive is based largely on their current and past offenses. Juvenile court is less concerned about punishing individuals for the specific offenses they have committed. Rather, it seeks to help juveniles. The court therefore focuses on the entire juvenile—not just the offense(s) that brought the juvenile to court. The court seeks to learn all it can about the juvenile, especially any personal, family, school, peer, or other problems the juvenile may have. And the actions that the court takes are supposed to address these problems—not simply respond to the juvenile’s specific offense(s). Again, some changes are taking place in this area, with many juvenile courts putting more emphasis on the specific offenses that juveniles have committed and basing their response to juveniles largely on these offenses. Even so, there is still a substantial difference between juvenile and adult courts in this area.

Third, the juvenile court is **more informal and less adversarial than adult court**. Adult court provides accused individuals with numerous *due process rights* designed to protect them from being unfairly punished. These rights include the right to be represented by an attorney, the right to confront and cross-examine the witnesses against them, the right to proof beyond a reasonable doubt, and the right to a trial by jury. As a consequence of such rights, adult court is very formal, and it is adversarial in nature—at least in theory. The prosecution and defense attorneys are pitted against one another, arguing their cases before a judge or jury. The juvenile court, however, initially provided juveniles with few due process rights. It was felt that such rights were unnecessary since the court sought to help rather than punish juveniles. Juveniles, then, did not need protection from

unfair punishment. As a consequence, the juvenile court was more informal and less adversarial than adult court. Juveniles, for example, were not represented by attorneys. Often, the judge would simply talk with the juvenile—much like parents having a firm talk with their child. The judge might also question the police, witnesses, and others.

This informality has changed since the 1960s. In particular, a series of **Supreme Court decisions have granted juveniles most—although not all—of the due process rights available to adults.** The Supreme Court essentially argued that the juvenile court often fails to help the juveniles it processes and it often does punish them. They are sometimes confined in institutions, for example. They therefore deserve at least some of the due process protections available to adults. So juveniles now have such rights as the right to be represented by an attorney and to confront and cross-examine witnesses (see Chapter 21 for a fuller discussion). Juvenile court is now more formal and adversarial than it once was. But juveniles do not have all the rights available to adults; most notably, they lack the right to a trial by jury. Further, juveniles frequently waive their rights—sometimes with the encouragement of the juvenile court. In many courts, for example, less than half the juveniles are represented by an attorney. So while juvenile court has changed a great deal in recent decades, it is still less formal and adversarial than adult court—a difference that reflects the difference in goals between juvenile and adult court.

There are **still other differences between juvenile and adult court.** There are **differences in the terminology employed.** In juvenile court, the juvenile is not found “guilty” of a particular offense like robbery or burglary. The word “guilt” implies responsibility. Rather, the juvenile is *adjudicated* a “delinquent,” regardless of the particular criminal offense(s) he or she committed. (In the case of status offenses, the juvenile is adjudicated a “Person in Need of Supervision” or whatever the label is for status offenders in that court.) Once adjudicated, the judge does not “sentence” the juvenile. A sentence implies punishment. Rather, the judge renders his or her *disposition*.

Juvenile court hearings are **usually closed to the public and the media to protect the juvenile from adverse publicity and stigma.** Likewise, juvenile court records are usually unavailable to the public and media. Further, juveniles are often able to “seal,” or erase, their juvenile court records if they stay out of trouble for a certain period of time. These policies are beginning to change; the public and media are being given greater access to juvenile court hearings and records. Nevertheless, the privacy of juvenile offenders receives much more protection than that of adult offenders. Adult court hearings are open to the public, adult court records are available to the public, and adult court records remain for life except under certain very special circumstances. The juvenile court tends to view delinquent acts as the mistakes of immature children, and it wants to minimize the damage that might result from such mistakes. One way to do this is to protect the privacy of juvenile offenders and allow them to “erase” their records in certain cases.

There are also **differences in the sentences given out by juvenile and adult courts.** In particular, juvenile courts cannot impose the death penalty, and there are limits on the length of time for which juvenile courts can confine juveniles. Most juvenile courts cannot confine juveniles beyond their 21st birthday. This age limit often angers people because it means that juveniles who commit serious crimes cannot be confined for more than a few years (unless they are transferred to adult court). This age limit, however, is beginning to change as a number of states make it possible for juvenile court judges to confine juveniles for longer periods (and make it easier to try certain juvenile offenders

as adults). Nevertheless, the sentences given out by juvenile courts are generally milder than those imposed by adult courts. There are still other differences between juvenile and adult court, and excellent summaries can be found in Bernard (1992) and H. Snyder and Sickmund (2006).

Special Correctional Programs for Juveniles

Finally, the **view of juveniles as immature creatures in need of guidance and help has led us to develop special correctional programs for them.** Juvenile correctional institutions protect juveniles from contact with adult criminals, who might exploit and corrupt them. And these institutions are more concerned with rehabilitation than with punishment. Unfortunately, juvenile institutions often do not live up to their stated aim of rehabilitation. Again, there is often a large gap between goals and accomplishments. Nevertheless, juvenile institutions place more stress on the goal of rehabilitation than do adult institutions. Juvenile institutions are not called “prisons” rather, they are called *youth development centers* or *training schools* or similar names that reflect their supposed emphasis on rehabilitation. A range of community-based programs designed to rehabilitate juveniles has also been developed. This is not to say that there is no concern with the rehabilitation of adult offenders, but rather that rehabilitation is a greater concern in the juvenile justice system.

In summary, the general public and the justice system tend to view most juvenile delinquents differently than adult criminals and tend to treat them differently as a result. As noted, however, our view of delinquents—especially older, serious offenders—has changed in recent years. And, related to this, our treatment of delinquents—especially older, serious offenders—has started to resemble our treatment of adult criminals.

OLDER, SERIOUS JUVENILE OFFENDERS AS AN EXCEPTION

Earlier we provided several examples of juvenile offending—a 7-year-old boy who robbed a bank, a 6-year-old girl who assaulted someone, and a 6-year-old boy who seriously assaulted an infant—and we asked how you would respond to these crimes. Our examples, however, were carefully chosen. They were designed to get you to think about the immaturity of juveniles and their need for guidance and help. Let us now provide you with two additional examples of juvenile offending.

A husband, wife, and their two young children were driving home one evening. They stopped at a convenience store in a crime-ridden neighborhood to buy a soda. The wife got out of the car to purchase the soda, while the husband and children remained in the car with the engine running and lights on. The parking lot adjacent to the store was a popular location for drug sellers. A 13-year-old known in the neighborhood as “Little B” approached the husband and told him to turn off his car lights (which were illuminating the drug market). The husband refused. Little B felt that he had been “disrespected” in front of the older drug dealers. He got a rifle that he had hidden nearby and fired two shots into the car. The husband was killed in front of his two children. According to witnesses, Little B exclaimed that “This is still New Jack City!” referring to a movie about violent drug gangs.

Our second example occurred one month after two juveniles shot 13 other people to death at Columbine High School in Colorado. A 15-year-old juvenile entered the

commons area at Heritage High School in Conyers, Georgia. The juvenile was carrying a 22-caliber sawed-off rifle, and he started shooting into a crowd of between 150 and 200 students. He hit six of the students, although none died. He ran out of the school. Two of his classmates chased him. He pulled out a .357 magnum handgun and fired at them but missed both. A letter was later found under the juvenile's bed. Part of it read:

The one big question everybody is probably wondering is, Why? Well, for the sake of my brothers and sisters related to the Trenchcoat Mafia, that will have to remain a mystery to the public eye. I have been planning this for years, but I finally got pissed off enough to really do it. (Stafford, 1999:C1) [Note: The juveniles who killed thirteen others at Columbine High School were said to be part of a group known as the "Trenchcoat Mafia."]

These two juveniles elicited a different reaction from the community and juvenile justice system than the juvenile offenders described earlier. With isolated exceptions, there was little talk of their immaturity and the need to guide and help them. Little B, in fact, was described in the media and by politicians as a "thug" and an "evil" in the city, among other things. Most people were outraged at the horrible crime he had committed and demanded that he be severely punished. Little B was tried as an adult and sentenced to life in prison. He will be eligible for parole in 14 years. The second juvenile was also tried as an adult and is now serving a 20-year term in prison; he will be eligible for parole when he is 33 years old.

These case studies illustrate an important point about the changing nature of juvenile delinquency: **Over the past two decades, older juveniles who commit serious crimes have been viewed and treated less like "traditional" juvenile delinquents and more like adult offenders.** There was a dramatic increase in serious juvenile violence from the late 1980s to the mid-1990s. Further, many of the violent crimes committed by juveniles received massive publicity, like the shooting deaths that occurred at several schools throughout the United States. Many people came to feel that this violence was not the work of "immature" juveniles who needed guidance and direction but rather the work of "younger criminals" and "stone cold predators."⁴ Also, many people came to feel that the juvenile court was not equipped to deal with such violence. In particular, they came to feel that such juveniles should be treated and punished like adults.⁵ In a 2003 national survey, for example, 59 percent of respondents agreed that "juveniles between the ages of 14 and 17 who commit violent crimes should be treated the same as adults in the criminal justice system" (Pastore and Maguire, 2003).

As a consequence, there has been a major movement in recent decades to punish more severely older juveniles who commit serious crimes. Part of this movement has focused on increasing the severity of the punishments administered by the juvenile court, but its major thrust has focused on making it easier to try older juveniles who commit serious crimes in adult court. These issues are discussed more fully in Chapter 23.⁶ For now, we simply want to emphasize the point that there is an important exception to our statement that juvenile delinquents are viewed and treated differently than adult criminals (see Box 1.1).

HOW CAN WE EXPLAIN THE INVENTION OF JUVENILE DELINQUENCY?

It may sound strange to speak of the *invention of juvenile delinquency*. We do not mean to imply that juveniles did not commit delinquent acts in the past. Juveniles have always

committed those acts we now label as “delinquent” and “status” offenses. In fact, there is reason to believe that some of these acts, such as fighting, drinking alcohol, and engaging in sex, were much more common at certain points in the past than they are today (see Empey et al., 1999).

When we speak of the invention of juvenile delinquency, we are referring to the special way that society views and treats juvenile delinquents. As discussed in the preceding pages, the general public tends to view delinquents as immature and in need of guidance and help. And juvenile offenders tend to be treated differently as well: They are subject to a special set of laws that apply only to juveniles, they are sent to a special court, and they are placed in special correctional programs. Compared to adult criminals, much more emphasis is placed on their rehabilitation and much less on their punishment. **Juvenile delinquents have not always been viewed and treated differently than adult criminals, however.**

Juvenile offenders were viewed and treated very much like adult offenders until the 1800s. There were no separate correctional facilities for juveniles in this country until the early to mid-1800s. The first juvenile court did not appear until 1899, and it was not until 1945 that all states had juvenile courts. Many status offense laws are also of recent origin. Laws requiring school attendance, for example, did not emerge until the late 1800s and early 1900s in most places. Even the word “delinquent” was not used until the 1800s. So the special way that we view and treat juvenile delinquents is relatively new, having emerged in the last 100 to 200 years. As one of the first juvenile court judges stated, prior to the 1900s:

No matter how young, ... children [who committed crimes] were indicted, prosecuted, and confined as criminals, in prison, just the same as were adults. ... The State kept these little ones in police cells and jails among the worst men and women to be found in the vilest parts of the city and town. (quoted in Zimring, 2005:35)

Criminologists have recently tried to explain the invention of juvenile delinquency—that is, why society and the law started to view and treat juvenile delinquents differently than adult criminals over the last 100 to 200 years. Space prevents us from providing a full answer to this question, but we will describe the key features of the answer that has emerged from the research.⁷

Changing Conception of Children

Part of the answer has to do with our changing conception of children. Children past the age of 6 or 7 were not viewed much differently than adults until a few hundred years ago. The fact that children were viewed as adults is reflected in paintings from the 1600s and earlier, where the children have adult features and are dressed and posed like adults. The children, in fact, look like miniature adults. Children were also treated like adults: They lived and slept in large rooms with adults, drank alcohol, engaged in sexual behavior (willingly and unwillingly), began work at an early age, and were subject to severe punishments if they misbehaved. In fact, children were routinely subjected to treatment that would be classified as abusive today. Children who broke the law were treated very much like adults who broke the law. They were tried in the same courts and given the same punishments, including the death penalty and confinement in the same institutions as adults. Very young children, however, were usually exempted from state punishments, and older children sometimes received lighter punishments than adults.

However, **people's view of children began to change in the 1500s and 1600s.** Children began to be seen as different from adults—as immature and dependent on adults for guidance and protection. There are a variety of reasons for this change. The decline in the death rate of children is viewed as a major factor. Prior to this time, perhaps as many as two-thirds of all children died before the age of 20. Partly as a consequence, parents did not form strong attachments to their young children—it was emotionally risky to do so, since their children would likely die. Very young children were viewed with indifference, while older children were viewed as adults. The decline in the death rate, however, made it easier for parents to form close attachments to their children. As they formed such attachments, they were more inclined to view children as different from adults—as less developed and more in need of their special care and protection. Another factor contributing to this new view of children was the extension of education to broader segments of the population. Several factors increased the need for a formal education, including the increase in industry and trade and the invention of the printing press and subsequent spread of printed materials. Formal education also highlighted the immaturity and dependence of children because it widened the gap between what children knew and what adults knew. Still other factors can be listed, but the central point is that the new view of children paved the way for the invention of juvenile delinquency. **As people came to view children differently than adults, they were more inclined to view and treat juvenile offenders differently than adult offenders.**

Major Social Changes, Especially the Growth of Urban Slums

The new view of children, however, was not the only factor that led to the invention of juvenile delinquency. Also important were the major social changes that occurred in the United States during the 1800s and early 1900s (and in many other countries at the same or somewhat different times). The United States underwent a radical transformation during this time, moving from a largely rural to a largely urban society. Further, the urban areas that developed were populated by a large number of poor people, including many recent immigrants to the United States, and these areas were plagued by a range of problems, including crime. Before describing how these changes contributed to the invention of juvenile delinquency, let us first provide some more information on the nature of these changes.

At the end of the 1700s the United States was largely a rural society. In 1790, only 5.1 percent of the population lived in urban areas. There were only a few cities with populations over 2,500. By 1920, over 50 percent of the population lived in urban areas. Many cities experienced a tremendous increase in population over a very short period of time. Chicago, for example, had a population of 5,000 in 1840. By 1890, it had a population of 1 million. This rapid growth in urban populations was largely due to the industrial revolution. Technological advances were improving farming techniques, so fewer people were necessary to work the land. Many rural residents then moved to the city, hoping to find work in the newly emerging industries. Likewise, many foreign residents came to the United States hoping to find work in those industries. In fact, it is estimated that in 1920 about half the residents of major urban areas were immigrants or the children of immigrants.

Many of these people were poor and they were not always able to find work, or at least work that paid a decent wage. As a result, **large slums began to appear. These slums**

suffered from a variety of problems: poor housing, overcrowding, sanitation problems, health problems, and much crime and vice. **Many individuals became especially concerned about the children living in these slums.** These children often spent much time on the streets, frequently stealing things and committing other crimes to survive. Their families and neighborhood residents seemed unable to control them, and there was concern that they were being corrupted by the “unwholesome” environment in which they lived. There were individuals, however, who felt that there was hope for these children. They believed the children were not yet fully developed, and with the proper guidance from adults they might be diverted from a life of crime.

There are **two interpretations**, however, **about how this concern over poor children contributed to the invention of juvenile delinquency.** The first interpretation argues that **reformers were genuinely concerned about the plight of poor children growing up in the city.** These reformers were primarily middle-class women, many of them involved with charity or social welfare organizations. They felt that slum children needed protection from the evils of city life and should have more guidance and direction than they were receiving. So they lobbied to get special laws passed, laws that would more closely regulate the behavior of these children (e.g., status offense laws like those requiring school attendance). They also lobbied for the creation of a special court and special correctional facilities that would provide these children with the protection and guidance they needed. According to this view, then, the invention of juvenile delinquency sprang from the desire of middle-class reformers to help children, especially poor children in the city.

A second interpretation argues that **many upper-class people were disturbed by the large concentration of poor people—especially immigrants—in the city.** They were concerned that these people—frequently referred to as the “dangerous classes”—might become a disruptive force in society. The upper class wanted to ensure that these people did not threaten their privileged position, and one way they did this was by exercising greater control over the children of the poor. They lobbied for laws requiring these children to attend school so that they would be properly socialized. They lobbied for other laws designed to more closely regulate the children’s behavior. The juvenile court was the institution designed to enforce these laws, even if it meant removing the children from their parents. And juvenile institutions were designed to teach these juveniles proper discipline and respect for authority. According to this view, the invention of juvenile delinquency is due to the desire of upper-class people to protect their privileged position in society.

Which interpretation is correct? A number of historians and criminologists have examined what is called the “child-saving movement.” That is, they have examined individuals and groups who worked to pass status offense laws and create a separate juvenile court and juvenile correctional institutions. Each state and major city in the United States had its own group of *child savers*. Researchers have looked at whether the leaders of the child-saving movement were members of the middle or upper class. They have tried to examine the motives of the child savers on the basis of what they said and what they did. For example, do their statements indicate a genuine concern about the plight of children, or do they simply express a desire to control poor children and thereby protect “society”? Were these children helped and protected or simply subject to greater control? Studies have examined the child-saving movements in such cities as Chicago, Los Angeles, New York, and Memphis (see the sources cited in note 7). Different studies reach different

conclusions about which interpretation is correct, and there is no clear resolution of the issue yet. Perhaps both interpretations have some merit, with the invention of delinquency being partly motivated by a genuine concern for poor children and partly by a desire to control such children because of their perceived threat. In any event, it is important to remember that we did not always view and treat juvenile delinquents differently than adult criminals. Juvenile delinquency is a social invention.

SUMMARY

You now know what juvenile delinquency is. It refers to violations of the criminal law (and sometimes status offense laws) by minors. You also know that our society tends to view and treat juvenile delinquents differently than adult criminals—although older juveniles who commit serious crimes are something of an exception. Now that you know what delinquency is, we next want to examine the extent of delinquency and the characteristics of delinquents. Before doing that, however, we must present information on how delinquency is measured—which is the topic of Chapter 2.