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The Historical Legacy of Juvenile Justice

The first institution for the control of juvenile delinquency in the United States was the New York House of Refuge, founded in 1825, but specialized treatment of wayward youth has a much longer history— one tied to changes in the social structure of medieval Europe. These same changes prompted the colonization of the New World and led to attempts to control and exploit the labor of African, European, and Native American children.

Virtually all aspects of life were in a state of flux for the people of Europe in the later Middle Ages (16th and 17th centuries). The economy was being transformed from a feudal system based on sustenance agricul- ture to a capitalistic, trade-oriented system focusing on cash crops and the consolidation of large tracts of land. In religious matters, the turmoil could be amply witnessed in the intense struggles of the Reformation. Politically, power was increasingly concentrated in the hands of a few monarchs, who were fashioning strong centralized states. The growth of trade and explo- ration exposed Europeans to a variety of world cultures and peoples.

For the lower classes of European society, these were "the worst of times." The rising population density as well as primitive agricultural methods led to a virtual exhaustion of the land. Increasing urban popula- tions created new demands for cheap grain, and landlords responded by

increasing the fees paid by peasants who worked the land. Large numbers of peasants were displaced from the land to permit the growth of a capitalist pasturage system. The standard of living of the European peasantry dropped sharply, and this new, displaced class streamed into the cities and towns in search of means of survival. The workers and artisans of the cities were deeply threatened by the prospect that this pauper class would drive down the general wage level. Most European towns experienced sharp rises in crime, rioting, and public disorder.

To control and defuse the threat of this new "dangerous class," the leaders of the towns enacted laws and other restrictions to discourage immigration and contain the movement of the impoverished peasantry. "Poor laws" were passed, preventing the new migrants from obtaining citizenship, restricting their membership in guilds, and often closing the city gates to them. Vagrancy laws were instituted to control and punish those who seemed a threat to the social order. Certain legislation, such as the Elizabethan Statute of Artificers (1562), restricted access into certain trades, forcing the rural young to remain in the countryside.

Urban migration continued despite most attempts to curtail it. The collective units of urban life, the guild and the family, began to weaken under the pressure of social change. Children often were abandoned or released from traditional community restraints. Countless observers from the period tell of bands of youths roaming the cities at night, engaging in thievery, begging, and other forms of misbehavior (Sanders, 1970).

At this time family control of children was the dominant model for disciplining wayward youth. The model of family government, with the father in the role of sovereign, was extended to those without families through a system of *binding out* the young to other families. Poor children, or those beyond parental control, were apprenticed to householders for a specified period of time. Unlike the apprenticeship system for the privileged classes, the binding-out system did not oblige the master to teach his ward a trade. Boys generally were assigned to farming tasks and girls were brought into domestic service.

As the problem of urban poverty increased, the traditional modes of dealing with delinquent or destitute children became strained. Some localities constructed institutions to control wayward youth. The Bridewell (1555) in London is generally considered the first institution specifically designed to control youthful beggars and vagrants. In 1576 the English Parliament passed a law establishing a similar institution in every English county. The most celebrated of these early institutions was the Amsterdam House of Corrections (1595), which was viewed as an innovative solution to the crime problem of the day.[1] The houses of correction combined the principles of the poorhouse, the workhouse, and the

penal institution. The youthful inmates were forced to work within the institution and thus develop habits of industriousness. Upon release they were expected to enter the labor force, so house of correction inmates often were hired out to private contractors. Males rasped hardwoods used in the dyeing industry, and when textile manufacturing was introduced to the houses of correction, this became the special task of young woman inmates.

The early houses of correction, or so-called "Bridewells," accepted all types of children including the destitute, the infirm, and the needy. In some cases, parents placed their children in these institutions because they believed the regimen of work would have a reformative effect. Although it is debatable whether the houses of correction were economically efficient, the founders of such institutions clearly hoped to provide a cheap source of labor to local industries. The French institutions, called *hospitaux generaux,* experimented with technological improvements and different labor arrangements. This often brought charges of unfair competition from guilds, who feared the demise of their monopoly on labor, and businessmen, who felt threatened by price competition at the marketplace. Some authors stress the economic motive of these early penal institutions: "The institution of the houses of correction in such a society was not the result of brotherly love or of an official sense of obligation to the distressed. It was part of the development of capitalism" (Rusche & Kirchheimer, 1939, p. 50).

The enormous social, political, and economic dislocations taking place in Europe provided a major push toward colonization of the Americas. People emigrated for many reasons—some to get rich, some to escape political or religious oppression, and some because they simply had nothing to lose. Settlement patterns and the resulting forms of community life varied considerably. In the Massachusetts Bay Colony, for example, the Puritans attempted to establish a deeply religious community to serve God's will in the New World. The Puritans brought families with them and from the outset made provisions for the care and control of youths.

In contrast, the settlement of Virginia was more directly tied to economic considerations. There were persistent labor shortages, and the need for labor prompted orders for young people to be sent over from Europe. Some youths were sent over by "spirits," who were agents of merchants or shipowners. The spirits attempted to persuade young people to emigrate to America. They often promised that the New World would bring tremendous wealth and happiness to the youthful immigrants. The children typically agreed to work a specific term (usually 4 years) in compensation for passage across the Atlantic and for services rendered during the trip. These agreements of service were then sold to inhabitants of the

new colonies, particularly in the South. One can imagine that this labor source must have been quite profitable for the plantations of the New World. Spirits were often accused of kidnapping, contractual fraud, and deception of a generally illiterate, destitute, and young clientele.

Other children coming to the New World were even more clearly coerced. For example, it became an integral part of penal practice in the early part of the 18th century to transport prisoners to colonial areas. Children held in the overcrowded Bridewells and poorhouses of England were brought to the Americas as indentured servants. After working a specified number of years as servants or laborers, the children were able to win their freedom. In 1619 the colony of Virginia regularized an agreement for the shipment of orphans and destitute children from England.

That same year, Africans, another group of coerced immigrants, made their first appearance in the Virginia Colony. The importation of African slaves eventually displaced the labor of youthful poor because of greater economic feasibility. The black chattels were physically able to perform strenuous labor under extreme weather conditions without adequate nutrition. These abilities would finally be used to describe them as beasts. Also, the high death rates experienced under these conditions did not have to be accounted for. The bondage of Africans was soon converted into lifetime enslavement, which passed on through generations. The southern plantation system, dependent on the labor of African slaves, produced tremendous wealth, further entrenching this inhuman system (Stamp, 1956; Yetman, 1970). Racism, deeply lodged in the English psyche, provided the rationale and excuse for daily atrocities and cruelties.[2]

Studies of slavery often overlook the fact that most slaves were children. Slave traders thought children would bring higher prices. Accounts of the slave trade emphasize the economic utility of small children, who could be jammed into the limited cargo space available on slave ships. Children were always a high proportion of the total slave population, because slave owners encouraged the birth of children to increase their capital. Little regard was paid by slave owners to keeping families together. African babies were a commodity to be exploited just as one might exploit the land or the natural resources of a plantation, and young slave women often were used strictly for breeding. A complete understanding of the social control of children must include a comparison of the institution of slavery to the conditions faced by children in other sections of the country.[3]

Another group of children who often are ignored in discussions of the history of treatment of youth in North America are Native Americans. In 1609 officials of the Virginia Company were authorized to kidnap Native American children and raise them as Christians. The stolen youths were

to be trained in the religion, language, and customs of the colonists. The early European colonists spread the word of the Gospel to help rationalize their conquests of lands and peoples. But an equally important motivation was their interest in recruiting a group of friendly natives to assist in trade negotiations and pacification programs among the native peoples. The early Indian schools resembled penal institutions, with heavy emphasis on useful work, Bible study, and religious worship. Although a substantial amount of effort and money was invested in Indian schools, the results were considerably less than had been originally hoped:

> Missionaries could rarely bridge the chasm of mistrust and hostility that resulted from wars, massacres and broken promises. With so many colonists regarding the Indian as the chief threat to their security and the Indians looking upon the colonists as hypocrites, it is little wonder that attempts to win converts and to educate should fail. (Bremner, Barnard, Hareven, & Mennel, 1970, p. 72)

Unlike attempts to enslave children of African descent, early efforts with Native Americans were not successful. Relations between European colonists and Native Americans during this period centered around trading and the securing of land rights. These contrasting economic relationships resulted in divergent practices in areas such as education. Although there was general support for bringing "the blessings of Christian education" to the Native American children, there was intense disagreement about the merits of educating African slaves. Whereas some groups, such as the Society for the Propagation of the Gospel, argued that all "heathens" should be educated and converted, others feared that slaves who were baptized would claim the status of freemen. There was concern among whites that education of slaves would lead to insurrection and revolt. As a result, South Carolina and several other colonies proclaimed that conversion to Christianity would not affect the status of slaves (Bremner et al., 1970). Many southern colonies made it a crime to teach reading and writing to slaves. A middle-ground position evolved, calling for religious indoctrination without the more dangerous education in literacy (Bremner et al., 1970; Gossett, 1963).

In the early years of colonization, the family was the fundamental mode of juvenile social control, as well as the central unit of economic production. Even in situations where children were apprenticed or indentured, the family still served as the model for discipline and order. Several of the early colonies passed laws requiring single persons to live with families. The dominant form of poor relief at this time was placing the needy with other families in the community (Rothman, 1971). A tradition of family government evolved in which the father was empowered with

absolute authority over all affairs of the family. Wives and children were expected to give complete and utter obedience to the father's wishes. This model complemented practices in political life, where absolute authority was thought to be crucial to the preservation of civilization.

Colonial laws supported and defended the primacy of family government. The earliest laws concerning youthful misbehavior prescribed the death penalty for children who disobeyed their parents. For example, part of the 1641 Massachusetts *Body of Liberties* reads as follows:

> If any child, or children, above sixteen years of age, and of sufficient understanding, shall CURSE or SMITE their natural FATHER or MOTHER, he or they shall be putt to death, unless it can be sufficiently testified that the Parents have been very unchristianly negligent in the education of such children: so provoked them by extreme and cruel correction, that they have been forced thereunto, to preserve themselves from death or maiming: *Exod* 21:17, *Lev* 20:9, *Exod* 21:15. (Hawes, 1971, p. 13)

Although there is little evidence that children were actually put to death for disobeying their parents, this same legal principle was used to justify the punishment of rebellious slave children in the southern colonies. Family discipline typically was maintained by corporal punishment. Not only were parents held legally responsible for providing moral education for their children, but a Massachusetts law of 1642 also mandated that parents should teach their children reading and writing. Later, in 1670, public officials called tithingmen were assigned to assist the selectmen (town councilmen) and constables in supervising family government. The tithingmen visited families who allegedly were ignoring the education and socialization of their children. Although there are records of parents brought to trial due to their neglect of parental duties, this manner of supervising family government was not very successful.

The family was the central economic unit of colonial North America. Home-based industry, in which labor took place on the family farm or in a home workshop, continued until the end of the 18th century. Children were an important component of family production, and their labor was considered valuable and desirable. A major determinant of a child's future during this time was the father's choice of apprenticeship for his child. Ideally the apprenticeship system was to be the stepping stone into a skilled craft, but this happy result was certain only for children of the privileged classes. As a consequence, children of poor families might actually be *bound out* as indentured servants. The term of apprenticeship was generally seven years, and the child was expected to regard his master with the same obedience due natural parents. The master was responsible for the education and training of the young apprentice and he

acted *in loco parentis,* assuming complete responsibility for the child's material and spiritual welfare. Although apprenticeships were voluntary for the wealthier citizens, for the wayward or destitute child they were unavoidable. The use of compulsory apprenticeships was an important form of social control exercised by town and religious officials upon youths perceived as troublesome (Bremner et al., 1970).

The industrial revolution in North America, beginning at the end of the 18th century, brought about the gradual transformation of the labor system of youth. The family-based productive unit gave way to an early factory system. Child labor in industrial settings supplanted the apprenticeship system. As early as the 1760s there were signs that the cotton industry in New England would transform the system of production, and by 1791 all stages in the manufacture of raw cotton into cloth were performed by factory machinery. The Samuel Slater factory in Providence, Rhode Island, employed 100 children aged 4–10 years in cotton manufacture. Here is a description of the workplace environment:

> They worked in one room where all the machinery was concentrated under the supervision of a foreman, spreading the cleaned cotton on the carding machine to be combed and passing it though the roving machine, which turned the cotton into loose rolls ready to be spun. Some of the children tended the spindles, removing and attaching bobbins. Small, quick fingers were admirably suited for picking up and knotting broken threads. To the delight of Tench Coxe, a champion of American industry, the children became "the little fingers . . . of the gigantic automatons of labor-saving machinery." (Bremner et al., 1970, p. 146)

During the next two decades, the use of children in New England industrial factories increased, and children composed 47%–55% of the labor force in the cotton mills. The proliferation of the factory system transformed the lives of many Americans. On one hand, enormous wealth began to accumulate in the hands of a few individuals. At the same time, the switch from a family-based economy to a factory system where workers sold their labor meant that many families were displaced from the land. A large class of permanently impoverished Americans evolved. The use of child labor permitted early industrialists to depress the general wage level. Moreover, companies provided temporary housing and supplies to workers at high prices, so that workers often incurred substantial debts rather than financial rewards.

Increased child labor also contributed to the weakening of family ties, because work days were long and often competed with family chores. Children were now responsible to two masters—their fathers and their factory supervisors. Work instruction became distinct from general

education and spiritual guidance as the family ceased to be an independent economic unit. Conditions of poverty continued to spread, and the social control system predicated upon strong family government began to deteriorate. During the first decades of the 19th century, one could begin to observe a flow of Americans from rural areas to the urban centers. As increasing economic misery combined with a decline in traditional forms of social control, an ominous stage was being set. Some Americans began to fear deeply the growth of a "dangerous class" and attempted to develop new measures to control the wayward youth who epitomized this threat to social stability.

The Houses of Refuge (1825–1860)[4]

Severe economic downturns in the first two decades of the 19th century forced many Americans out of work. At the same time, increasing numbers of Irish immigrants arrived in the United States. These changes in the social structure, combined with the growth of the factory system, contributed to the founding of specialized institutions for the control and prevention of juvenile delinquency in the United States (Hawes, 1971; Mennel, 1973; Pickett, 1969).

As early as 1817, the more privileged Americans became concerned about the apparent connection between increased pauperism and the rise of delinquency. The Society for the Prevention of Pauperism was an early attempt to evaluate contemporary methods of dealing with the poor and to suggest policy changes. This group also led campaigns against taverns and theaters, which they felt contributed to the problem of poverty. The efforts of several members of this group led to the founding in New York City of the first House of Refuge in 1825. The group conducted investigations, drew up plans and legislation, and lobbied actively to gain acceptance of their ideas. In other Northeastern cities, such as Boston and Philadelphia, similar efforts were under way.

A number of historians have described these early 19th-century philanthropists as "conservative reformers" (Coben & Ratner, 1970; Mennel, 1973). These men were primarily from wealthy, established families and often were prosperous merchants or professionals. Ideologically, they were close to the thinking of the colonial elite and, later, to the Federalists. Popular democracy was anathema to them because they viewed themselves as God's elect and felt bound to accomplish His charitable objectives in the secular world. Leaders of the movement to establish the houses of refuge, such as John Griscom, Thomas Eddy, and John Pintard, viewed themselves as responsible for the moral health of the community, and they intended to regulate community morality through the example of their own

proper behavior as well as through benevolent activities. The poor and the deviant were the objects of their concern and their moral stewardship.

Although early 19th-century philanthropists relied on religion to justify their good works, their primary motivation was the protection of their class privileges. Fear of social unrest and chaos dominated their thinking (Mennel, 1973). The rapid growth of a visible impoverished class, coupled with apparent increases in crime, disease, and immorality, worried those in power. The bitter class struggles of the French Revolution and periodic riots in urban areas of the United States signaled danger to the status quo. The philanthropy of this group was aimed at reestablishing social order, while preserving the existing property and status relationships. They were responsible for founding such organizations as the American Sunday School Union, the American Bible Society, the African Free School Society, and the Society for Alleviating the Miseries of Public Prisons. They often were appointed to positions on boards of managers for lunatic asylums, public hospitals, workhouses for the poor, and prisons.

The idea for houses of refuge was part of a series of reform concepts designed to reduce juvenile delinquency. Members of the Society for the Prevention of Pauperism were dissatisfied with the prevailing practice of placing children in adult jails and workhouses. Some reformers felt that exposing children to more seasoned offenders would increase the chances of such children becoming adult criminals. Another issue was the terrible condition of local jails. Others worried that, due to these abominable conditions, judges and juries would lean toward acquittal of youthful criminals to avoid sending them to such places. Reformers also objected that the punitive character of available penal institutions would not solve the basic problem of pauperism. The reformers envisioned an institution with educational facilities, set in the context of a prison. John Griscom called for "the erection of new prisons for juvenile offenders" (Mennel, 1973). A report of the Society for the Prevention of Pauperism suggested the following principles for such new prisons:

> These prisons should be rather schools for instruction, than places of punishment, like our present state prisons where the young and the old are confined indiscriminately. The youth confined there should be placed under a course of discipline, severe and unchanging, but alike calculated to subdue and conciliate. A system should be adopted that would provide a mental and moral regimen. (Mennel, 1973, p. 11)

By 1824 the society had adopted a state charter in New York under the name of the Society for the Reformation of Juvenile Delinquents and had begun a search for a location for the House of Refuge.

On New Year's Day, 1825, the New York House of Refuge opened with solemn pomp and circumstance. A year later the Boston House of Reformation was started, and in 1828 the Philadelphia House of Refuge began to admit wayward youth. These new institutions accepted both children convicted of crimes and destitute children. Because they were founded as preventive institutions, the early houses of refuge could accept children who "live an idle or dissolute life, whose parents are dead or if living, from drunkenness, or other vices, neglect to provide any suitable employment or exercise any salutary control over said children" (Bremner et al., 1970, p. 681). Thus, from the outset, the first special institutions for juveniles housed together delinquent, dependent, and neglected children— a practice still observed in most juvenile detention facilities today.[5]

The development of this new institution of social control necessitated changes in legal doctrines to justify the exercise of power by refuge officials. In *Commonwealth v. M'Keagy* (1831), the Pennsylvania courts had to rule on the legality of a proceeding whereby a child was committed to the Philadelphia House of Refuge on the weight of his father's evidence that the child was "an idle and disorderly person." The court affirmed the right of the state to take a child away from a parent in cases of vagrancy or crime, but because this child was not a vagrant, and the father was not poor, the court ruled that the child should not be committed. Judicial officials did not wish to confuse protection of children with punishment, because this might engender constitutional questions as to whether children committed to houses of refuge had received the protection of due process of law.

The related question of whether parental rights were violated by involuntary refuge commitments was put to a legal test in *Ex parte Crouse* (1838). The father of a child committed to the Philadelphia House of Refuge attempted to obtain her release through a writ of habeas corpus. The state supreme court denied the motion, holding that the right of parental control is a natural but not inalienable right:

> The object of the charity is reformation, by training the inmates to industry; by imbuing their minds with principles of morality and religion; by furnishing them with means to earn a living; and, above all, by separating them from the corrupting influence of improper associates. To this end, may not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the *parens patriae,* or common guardian of the community? The infant has been snatched from a course which must have ended in confirmed depravity; and, not only is the restraint of her person lawful, but it would have been an act of extreme cruelty to release her from it. (*Ex parte Crouse,* 1838)

The elaboration of the doctrine of *parens patriae* in the Crouse case was an important legal principle used to support the expanded legal powers

of the juvenile court. It is important to recognize the significance of both social class and hostility toward Irish immigrants in the legal determination of the Crouse case.[6] Because Irish immigrants were viewed at this time as corrupt and unsuitable as parents, it is easy to see how anti-immigrant feelings could color judgments about the suitability of parental control. As a result, children of immigrants made up the majority of inmates of the houses of refuge.

The early houses of refuge either excluded blacks or housed them in segregated facilities. In 1849 the city of Philadelphia opened the House of Refuge for Colored Juvenile Delinquents. Racially segregated refuges were maintained in New York City and Boston only through the limited funds donated by antislavery societies. Because refuge managers viewed all young woman delinquents as sexually promiscuous with little hope for eventual reform, young women also received discriminatory treatment.[7]

The managers of houses of refuge concentrated on perfecting institutional regimens that would result in reformation of juveniles. Descriptions of daily activities stress regimentation, absolute subordination to authority, and monotonous repetition:

> At sunrise, the children are warned, by the ringing of a bell, to rise from their beds. Each child makes his own bed, and steps forth, on a signal, into the Hall. They then proceed, in perfect order, to the Wash Room. Thence they are marched to parade in the yard, and undergo an examination as to their dress and cleanliness; after which they attend morning prayer. The morning school then commences, where they are occupied in summer, until 7 o'clock. A short intermission is allowed, when the bell rings for breakfast; after which, they proceed to their respective workshops, where they labor until 12 o'clock, when they are called from work, and one hour allowed them for washing and eating their dinner. At one, they again commence work, and continue at it until five in the afternoon, when the labors of the day terminate. Half an hour is allowed for washing and eating their supper, and at half-past five, they are conducted to the school room, where they continue at their studies until 8 o'clock. Evening Prayer is performed by the Superintendent; after which, the children are conducted to their dormitories, which they enter, and are locked up for the night, when perfect silence reigns throughout the establishment. The foregoing is the history of a single day, and will answer for every day in the year, except Sundays, with slight variations during stormy weather, and the short days in winter. (Bremner et al., 1970, p. 688)[8]

Routines were enforced by corporal punishment as well as other forms of control. Houses of refuge experimented with primitive systems of classification based on the behavior of inmates. The Boston House of Reformation experimented with inmate self-government as a control technique. But, despite public declarations to the contrary, there is ample

evidence of the use of solitary confinement, whipping, and other physical punishments.

Inmates of the houses of refuge labored in large workshops manufacturing shoes, producing brass nails, or caning chairs. Young woman delinquents often were put to work spinning cotton and doing laundry. It is estimated that income generated from labor sold to outside contractors supplied up to 40% of the operating expenses of the houses of refuge. The chief problem for refuge managers was that economic depressions could dry up the demand for labor, and there was not always sufficient work to keep the inmates occupied. Not only were there complaints that contractors abused children, but also that such employment prepared youngsters for only the most menial work.

Youths were committed to the houses of refuge for indeterminate periods of time until the legal age of majority. Release was generally obtained through an apprenticeship by the youths to some form of service. The system was akin to the binding-out practices of earlier times. Males typically were apprenticed on farms, on whaling boats, or in the merchant marine. Young women usually were placed into domestic service. Only rarely was a house-of-refuge child placed in a skilled trade. Apprenticeship decisions often were made to ensure that the child would not be reunited with his or her family, because this was presumed to be the root cause of the child's problems. As a result, there are many accounts of siblings and parents vainly attempting to locate their lost relatives.

The founders of the houses of refuge were quick to declare their own efforts successful. Prominent visitors to the institutions, such as Alexis de Tocqueville and Dorothea Dix, echoed the praise of the founders. Managers of the refuges produced glowing reports attesting to the positive results of the houses. Sharp disagreements over the severity of discipline required led to the replacement of directors who were perceived as too permissive. Elijah Devoe (1848), a house of refuge assistant superintendent, wrote poignantly of the cruelties and injustices in these institutions. There are accounts of violence within the institutions as well. Robert Mennel (1973) estimates that approximately 40% of the children escaped either from the institutions or from their apprenticeship placements. The problems that plagued the houses of refuge did not dampen the enthusiasm of the philanthropists, who assumed that the reformation process was a difficult and tenuous business at best.

Public relations efforts proclaiming the success of the houses of refuge helped lead to a rapid proliferation of similar institutions (Rothman, 1971). While special institutions for delinquent and destitute youth increased in numbers, the public perceived that delinquency was continuing to rise and become more serious. The founders of the houses of refuge argued that the

solution to the delinquency problem lay in the perfection of better methods to deal with incarcerated children. Most of the literature of this period assumes the necessity of institutionalized treatment for children. The debates centered around whether to implement changes in architecture or in the institutional routines. Advocates of institutionalized care of delinquent and dependent youths continued to play the dominant role in formulating social policy for the next century.

The Growth of Institutionalization and the Child Savers (1850–1890)

In the second half of the 19th century, a group of reformers known as the Child Savers instituted new measures to prevent juvenile delinquency (Hawes, 1971; Mennel, 1973; Platt, 1968). Reformers including Lewis Pease, Samuel Gridley Howe, and Charles Loring Brace founded societies to save children from depraved and criminal lives. They created the Five Points Mission (1850), the Children's Aid Society (1853), and the New York Juvenile Asylum (1851). The ideology of this group of reformers differed from that of the founders of the houses of refuge only in that this group was more optimistic about the possibilities of reforming youths. Centers were established in urban areas to distribute food and clothing, provide temporary shelter for homeless youth, and introduce contract systems of shirt manufacture to destitute youth.

The Child Savers criticized the established churches for not doing more about the urban poor. They favored an activist clergy that would attempt to reach the children of the streets. Although this view was somewhat unorthodox, they viewed the urban masses as a potentially dangerous class that could rise up if misery and impoverishment were not alleviated. Charles Loring Brace observed, "Talk of heathen! All the pagans of Golconda would not hold a light to the ragged, cunning, forsaken, godless, keen devilish boys of Leonard Street and the Five Points . . . Our future voters, and President-makers, and citizens! Good Lord deliver us, and help them!" (quoted in Mennel, 1973, p. 34). Brace and his associates knew from firsthand experience in the city missions that the problems of poverty were widespread and growing more serious. Their chief objection to the houses of refuge was that long-term institutionalized care did not reach enough children. Moreover, the Child Savers held the traditional view that family life is superior to institutional routines for generating moral reform.

Brace and his Children's Aid Society believed that delinquency could be solved if vagrant and poor children were gathered up and "placed out"

with farm families on the western frontier. Placing out as a delinquency prevention practice was based on the idealized notion of the U.S. farm family. Such families were supposed to be centers of warmth, compassion, and morality; they were "God's reformatories" for wayward youth. Members of the Children's Aid Society provided food, clothing, and sometimes shelter to street waifs and preached to them about the opportunities awaiting them if they migrated westward. Agents of the Children's Aid Society vigorously urged poor urban youngsters to allow themselves to be placed out with farm families. Many believed that western families provided both a practical and economical resource for reducing juvenile delinquency. The following passage from a Michigan newspaper gives a vivid picture of the placing out process:

> Our village has been astir for a few days. Saturday afternoon, Mr. C. C. Tracy arrived with a party of children from the Children's Aid Society in New York . . .
>
> Sabath day Mr. Tracy spoke day and evening, three times, in different church edifices to crowded and interested audiences. In the evening, the children were present in a body, and sang their "Westward Ho" song. Notice was given that applicants would find unappropriated children at the store of Carder and Ryder, at nine o'clock Monday morning. Before the hour arrived a great crowd assembled, and in two hours *every child was disposed of,* and more were wanted.
>
> We *Wolverines* will never forget Mr. Tracy's visit. It cost us some tears of sympathy, some dollars, and some smiles. We wish him a safe return to Gotham, a speedy one to us with the new company of destitute children, for whom good homes are even now prepared. (Mennel, 1973, p. 39)

Contrary to the benevolent image projected by this news story, there is ample evidence that the children were obliged to work hard for their keep and were rarely accepted as members of the family. The Boston Children's Aid Society purchased a home in 1864, which was used to help adjust street youth to their new life in the West. The children were introduced to farming skills and taught manners that might be expected of them in their new homes.

Another prevention experiment during the middle part of the 19th century was the result of the work of a Boston shoemaker, John Augustus. In 1841, Augustus began to put up bail for men charged with drunkenness, although he had no official connection with the court. Soon after, he extended his services to young people. Augustus supervised the youngsters while they were out on bail, provided clothing and shelter, was sometimes able to find them jobs, and often paid court costs to keep them out of jail. This early probation system was later instituted by local child-saving groups, who would find placements for the children. By 1869

Massachusetts had a system by which agents of the Board of State Charities took charge of delinquents before they appeared in court. The youths often were released on probation, subject to good behavior in the future.

These noninstitutional prevention methods were challenged by those who felt an initial period of confinement was important before children were placed out. Critics also argued that the Children's Aid Societies neither followed up on their clients nor administered more stringent discipline to those who needed it. One critic phrased it this way:

> The "vagabond boy" is like a blade of corn, coming up side by side with a thistle. You may transplant both together in fertile soil, but you will have the thistle still. . . . I would have you pluck out the vagabond first, and then let the boy be thus provided with "a home," and not before. (Mennel, 1973, p. 46)

Many Midwesterners were unsettled by the stream of "criminal children" flowing into their midst. Brace and his colleagues were accused of poisoning the West with the dregs of urban life. To combat charges that urban youths were responsible for the rising crime in the West, Brace conducted a survey of western prisons and almshouses to show that few of his children had gotten into further trouble in the West.

Resistance continued to grow against the efforts of the Children's Aid Societies. Brace, holding that asylum interests were behind the opposition, maintained that the longer a child remains in an asylum, the less likely he will reform. (The debate over the advantages and disadvantages of institutionalized care of delinquent youth continues to the present day.) Brace continued to be an active proponent of the placing out system. He appeared before early conventions of reform school managers to present his views and debate the opposition. As the struggle continued over an ideology to guide prevention efforts, the problem of delinquency continued to grow. During the 19th century, poverty, industrialization, and immigration, as well as the Civil War, helped swell the ranks of the "dangerous classes."[9]

Midway through the 19th century, state and municipal governments began taking over the administration of institutions for juvenile delinquents. Early efforts had been supported by private philanthropic groups with some state support. But the growing fear of class strife, coupled with increasing delinquency, demanded a more centralized administration. Many of the newer institutions were termed *reform schools* to imply a strong emphasis on formal schooling. In 1876, of the 51 refuges or reform schools in the United States, nearly three quarters were operated by state

or local governments. By 1890, almost every state outside the South had a reform school, and many jurisdictions had separate facilities for male and female delinquents. These institutions varied considerably in their admissions criteria, their sources of referral, and the character of their inmates. Most of the children were sentenced to remain in reform schools until they reached the age of majority (18 years for girls and 21 for boys) or until they were reformed. The length of confinement, as well as the decision to transfer unmanageable youths to adult penitentiaries, was left to the discretion of reform school officials.

Partially in response to attacks by Brace and his followers, many institutions implemented a cottage or family system between 1857 and 1860. The cottage system involved dividing the youths into units of 40 or fewer, each with its own cottage and schedule. Although work was sometimes performed within the cottages, the use of large congregate workshops continued. The model for the system was derived from the practice of European correctional officials. There is evidence from this period of the development of a self-conscious attempt to refine techniques to mold, reshape, and reform wayward youth (Hawes, 1971).

During this period, a movement was initiated to locate institutions in rural areas, because it was felt that agricultural labor would facilitate reformative efforts. As a result, several urban houses of refuge were relocated in rural settings. Many rural institutions used the cottage system, as it was well suited to agricultural production. In addition, the cottage system gave managers the opportunity to segregate children according to age, sex, race, school achievement, or "hardness." Critics of the institutions, such as Mary Carpenter, pointed out that most of the presumed benefits of rural settings were artificial and that the vast majority of youths who spent time in these reform schools ultimately returned to crowded urban areas.

The Civil War deeply affected institutions for delinquent youth. Whereas prisons and county jails witnessed declines in population, the war brought even more youths into reform schools. Institutions were strained well beyond their capacities. Some historians believe that the participation of youths in the draft riots in northern cities produced an increase in incarcerated youths. Reform schools often released older youngsters to military service to make room for additional children. Due to the high inflation rates of the war, the amount of state funds available for institutional upkeep steadily declined. Many institutions were forced to resort to the contract labor system to increase reform school revenues to meet operating expenses during the war and in the postwar period.

Voices were raised in protest over the expansion of contract labor in juvenile institutions. Some charged that harnessing the labor of inmates, rather than the reformation of youthful delinquents, had become the

raison d'être of these institutions. There were growing rumors of cruel and vicious exploitation of youth by work supervisors. An 1871 New York Commission on Prison Labor, headed by Enoch Wines, found that refuge boys were paid 30 cents per day for labor that would receive 4 dollars a day on the outside. In the Philadelphia House of Refuge, boys were paid 25 cents a day and were sent elsewhere if they failed to meet production quotas. Economic depressions throughout the 1870s increased pressure to end the contract system. Workingmen's associations protested against the contract system, because prison and reform school laborers created unfair competition. Organized workers claimed that refuge managers were making huge profits from the labor of their wards:

> From the institutional point of view, protests of workingmen had the more serious result of demythologizing the workshop routine. No longer was it believable for reform school officials to portray the ritual as primarily a beneficial aid in inculcating industrious habits or shaping youth for "usefulness." The violence and exploitation characteristic of reform school workshops gave the lie to this allegation. The havoc may have been no greater than that which occasionally wracked the early houses of refuge, but the association of conflict and the contract system in the minds of victims and outside labor interests made it now seem intolerable. (Mennel, 1973, p. 61)

The public became aware of stabbings, fighting, arson, and attacks upon staff of these institutions.

> All signs pointed toward a decline of authority within the institutions. The economic troubles of the reform schools continued to worsen. Additional controversy was generated by organized Catholic groups, who objected to Protestant control of juvenile institutions housing a majority of Catholics. This crisis in the juvenile institutions led to a series of investigations into reform school operations.[10] The authors of these reports proposed reforms to maximize efficiency of operation and increase government control over the functioning of institutions in their jurisdictions. One major result of these investigative efforts was the formation of Boards of State Charity. Members of these boards were appointed to inspect reform schools and make recommendations for improvements but were to avoid the evils of the patronage system. Board members, who were described as "gentlemen of public spirit and sufficient leisure," uncovered horrid institutional conditions and made efforts to transfer youngsters to more decent facilities. Men such as Frederick Wines, Franklin Sanborn, Hastings Hart, and William Pryor Letchworth were among the pioneers of this reform effort. (Mennel, 1973, p. 61)

Although it was hoped that the newly formed boards would find ways to reduce the proliferation of juvenile institutions, such facilities continued

to grow, as did the number of wayward youths. These late-19th-century reformers looked toward the emerging scientific disciplines for solutions to the problems of delinquency and poverty. They also developed a system to discriminate among delinquents, so that "hardened offenders" would be sent to special institutions such as the Elmira Reformatory. It was generally recognized that new methods would have to be developed to restore order within the reform schools and to make some impact upon delinquency.

Juvenile institutions in the South and the far West developed much later than those in the North or the East, but did so essentially along the same lines. One reason for this was that delinquency was primarily a city problem, and the South and far West were less urbanized. Another reason was that in the South, black youths received radically different treatment from whites. Whereas there was toleration for the misdeeds of white youth, black children were controlled under the disciplinary systems of slavery. Even after Emancipation, the racism of southern whites prevented them from treating black children as fully human and worth reforming. The Civil War destroyed the prison system of the South. After the war, southern whites used the notorious Black Codes and often trumped up criminal charges to arrest thousands of impoverished former slaves, placing them into a legally justified forced labor system. Blacks were leased out on contract to railroad companies, mining interests, and manufacturers. Although many of these convicts were children, no special provisions were made because of age. Conditions under the southern convict lease system were miserable and rivaled the worst cruelties of slavery. Little in the way of specialized care for delinquent youth was accomplished in the South until well into the 20th century. The convict lease system was eventually replaced by county road gangs and prison farms, characterized by grossly inhumane conditions of confinement. These were systems of vicious exploitation of labor and savage racism (McKelvey, 1972).

Juvenile Delinquency and the Progressive Era

The period from 1880 to 1920, often referred to by historians as the Progressive Era, was a time of major social structural change in the United States. The nation was in the process of becoming increasingly urbanized, and unprecedented numbers of European immigrants were migrating to cities in the Northeast. The United States was becoming an imperialist power and was establishing worldwide military and economic relationships. Wealth was becoming concentrated in the hands of a few individuals who sought to dominate U.S. economic life. Labor violence was on the

rise, and the country was in the grip of a racial hysteria affecting all peoples of color. The tremendous technological developments of the time reduced the need for labor (Weinstein, 1968; Williams, 1973).

During the Progressive Era, those in positions of economic power feared that the urban masses would destroy the world they had built. Internal struggles developing among the wealthy heightened the tension. From all sectors came demands that new action be taken to preserve social order and to protect private property and racial privilege (Gossett, 1963). Up to this time, those in positions of authority had assumed a laissez-faire stance, fearing that government intervention might extend to economic matters. Although there was general agreement on the need for law enforcement to maintain social order, there was profound skepticism about attempts to alleviate miserable social conditions or reform deviant individuals. Some suggested that if society consisted of a natural selection process in which the fittest would survive, then efforts to extend the life chances of the poor or "racially inferior" ran counter to the logic of nature.

Others during this era doubted the wisdom of a laissez-faire policy and stressed that the threat of revolution and social disorder demanded scientific and rational methods to restore social order. The times demanded reform, and before the Progressive Era ended, much of the modern welfare state and the criminal justice system were constructed. Out of the turmoil of this age came such innovations as widespread use of the indeterminate sentence, the public defender movement, the beginning of efforts to professionalize the police, extensive use of parole, the rise of mental and IQ testing, scientific study of crime, and ultimately the juvenile court.

Within correctional institutions at this time, there was optimism that more effective methods would be found to rehabilitate offenders. One innovation was to institute physical exercise training, along with special massage and nutritional regimens. Some believed that neglect of the body had a connection with delinquency and crime. Those who emphasized the importance of discipline in reform efforts pressed for the introduction of military drill within reform schools. There is no evidence that either of these treatment efforts had a reformative effect upon inmates, but it is easy to understand why programs designed to keep inmates busy and under strict discipline would be popular at a time of violence and disorder within prisons and reform schools. As institutions faced continual financial difficulties, the contract labor system came under increasing attack. Criticism of reform schools resulted in laws in some states to exclude children under the age of 12 from admission to reform schools. Several states abolished the contract labor system, and efforts were made to guarantee freedom of worship among inmates of institutions. Once

again, pleas were made for community efforts to reduce delinquency, rather than society relying solely upon reform schools as a prevention strategy. The arguments put forth were reminiscent of those of Charles Loring Brace and the Child Savers. For example, Homer Folks, president of the Children's Aid Society of Pennsylvania, articulated these five major problems of reform schools in 1891:

1. The temptation it offers to parents and guardians to throw off their most sacred responsibilities . . .
2. The contaminating influence of association . . .
3. The enduring stigma . . . of having been committed . . .
4. . . . renders impossible the study and treatment of each child as an individual.
5. The great dissimilarity between life in an institution and life outside. (Mennel, 1973, p. 111)

One response was to promote the model of inmate self-government within the institution's walls. One such institution, the George Junior Republic, developed an elaborate system of inmate government in 1893, in which the institution became a microcosm of the outside world. Self-government was viewed as an effective control technique, because youths became enmeshed in the development and enforcement of rules, while guidelines for proper behavior continued to be set by the institutional staff. The inmates were free to construct a democracy, so long as it conformed to the wishes of the oligarchic staff (Hawes, 1971).

The populist governments of several southern states built reform schools, partly due to their opposition to the convict lease system. But, these institutions too were infused with the ethos of the Jim Crow laws, which attempted to permanently legislate an inferior role for black Americans in southern society. One observer described the reform school of Arkansas as a place "where White boys might be taught some useful occupation and the negro boys compelled to work and support the institution while it is being done" (Mennel, 1973, p. 12). Black citizens, obviously displeased with discrimination within southern reform schools, proposed that separate institutions for black children should be administered by the black community. A few such institutions were established, but the majority of black children continued to be sent to jail or to be the victims of lynch mobs.

Growing doubt about the success of reform schools in reducing delinquency led some to question the wisdom of applying an unlimited *parens patriae* doctrine to youth. In legal cases, such as *The People v. Turner* (1870), *State v. Ray* (1886), and *Ex parte Becknell* (1897), judges questioned the quasi-penal character of juvenile institutions and wondered whether

there ought not to be some procedural safeguards for children entering court on delinquency charges.

The state of Illinois, which eventually became the first state to establish a juvenile court law, had almost no institutions for the care of juveniles. Most early institutions in Illinois had been destroyed in fires, and those that remained were regarded as essentially prisons for children. Illinois attempted a privately financed system of institutional care, but this also failed. As a result, progressive reformers in Chicago complained of large numbers of children languishing in the county jail and pointed out that children sometimes received undue leniency due to a lack of adequate facilities.

A new wave of Child Savers emerged, attempting to provide Chicago and the state of Illinois with a functioning system for handling wayward youth.[11] These reformers, members of the more wealthy and influential Chicago families, were spiritual heirs of Charles Loring Brace, in that they, too, feared that social unrest could destroy their authority. But through their approach, they hoped to alleviate some of the suffering of the impoverished and ultimately win the loyalty of the poor. Reformers such as Julia Lathrop, Jane Addams, and Lucy Flower mobilized the Chicago Women's Club on behalf of juvenile justice reform. Other philanthropic groups, aligning with the powerful Chicago Bar Association, helped promote a campaign leading to the eventual drafting of the first juvenile court law in the United States. Although previous efforts had been made in Massachusetts and Pennsylvania to initiate separate trials for juveniles, the Illinois law is generally regarded as the first comprehensive child welfare legislation in this country.

The Illinois law, passed in 1899, established a children's court that would hear cases of delinquent, dependent, and neglected children. The *parens patriae* philosophy, which had imbued the reform schools, now extended to the entire court process. The definition of delinquency was broad, so that a child would be adjudged delinquent if he or she violated any state law or any city or village ordinance. In addition, the court was given jurisdiction in cases of incorrigibility, truancy, and lack of proper parental supervision. The court had authority to institutionalize children, send them to orphanages or foster homes, or place them on probation. The law provided for unpaid probation officers, who would assist the judges and supervise youngsters. In addition, the law placed the institutions for dependent youth under the authority of the State Board of Charities and regulated the activities of agencies sending delinquent youth from the East into Illinois.

The juvenile court idea spread so rapidly that within 10 years of the passage of the Illinois law, 10 states had established children's courts.

By 1912, 22 states had juvenile court laws, and by 1925 all but two states had established specialized courts for children. Progressive reformers proclaimed the establishment of the juvenile court as the most significant reform of this period. The reformers celebrated what they believed to be a new age in the treatment of destitute and delinquent children. In *Commonwealth v. Fisher* (1905), the Pennsylvania Supreme Court defended the juvenile court ideal in terms reminiscent of the court opinion in the Crouse case of 1838:

> To save a child from becoming a criminal, or continuing in a career of crime, to end in maturer years in public punishment and disgrace, the legislatures surely may provide for the salvation of such a child, if its parents or guardians be unwilling or unable to do so, by bringing it into one of the courts of the state without any process at all, for the purpose of subjecting it to the state's guardianship and protection.

Critics, pointing to the large number of children who remained in jails and detention homes for long periods, expressed doubt that the court would achieve its goal. Some judges, including the famous Judge Ben Lindsey of Denver, decried the seemingly unlimited discretion of the court. With so much diversity among jurisdictions in the United States, it is difficult to describe the functioning of a typical court. As the volume of cases in the urban areas soon overwhelmed existing court resources, judges became unable to give the close personal attention to each case advocated by the reformers. As little as 10 minutes was devoted to each case as court calendars became increasingly crowded. Similarly, as caseloads soared, the quality of probationary supervision deteriorated and became perfunctory.

It is important to view the emergence of the juvenile court in the context of changes taking place in U.S. society at that time. Juvenile court drew support from a combination of optimistic social theorists, sincere social reformers, and the wealthy, who felt a need for social control. The juvenile court movement has been viewed as an attempt to stifle legal rights of children by creating a new adjudicatory process based on principles of equity law. This view misses the experimental spirit of the Progressive Era by assuming a purely conservative motivation on the part of the reformers.

Although most reformers of the period understood the relationship between poverty and delinquency, they responded with vastly different solutions. Some reformers supported large-scale experimentation with new social arrangements, such as the Cincinnati Social Unit Experiment, an early forerunner of the community organization strategy of the war on poverty of the 1960s (Shaffer, 1971). Other reformers looked to the

emerging social science disciplines to provide a rational basis for managing social order. During the Progressive Era, there was growth in the profession of social work, whose members dealt directly with the poor.[12] Progressive reformers conducted social surveys to measure the amount of poverty, crime, and juvenile dependency in their communities. They supported social experiments to develop new behavior patterns among the lower classes to help them adjust to the emerging corporate economy. The development of mental testing became crucial in defining access to the channels of social mobility and for demonstrating, to the satisfaction of the white ruling class, their own racial superiority. Moreover, biological explanations of individual and social pathology rationalized the rise in crime and social disorder without questioning the justice or rationality of existing social arrangements.

The thrust of Progressive Era reforms was to found a more perfect control system to restore social stability while guaranteeing the continued hegemony of those with wealth and privilege. Reforms such as the juvenile court are ideologically significant, because they preserved the notion that social problems (in this case, delinquency, dependency, and neglect) could be dealt with on a case-by-case basis, rather than through broad-based efforts to redistribute wealth and power throughout society. The chief dilemma for advocates of the juvenile court was to develop an apparently apolitical or neutral system while preserving differential treatment for various groups of children. The juvenile court at first lacked a core of functionaries who could supply the rationale for individualized care for wayward youth, but soon these needs were answered by the emergence of psychiatry, psychology, and criminology, as well as by the expanding profession of social work.

The Child Guidance Clinic Movement

In 1907, Illinois modified its juvenile court law to provide for paid probation officers, and the Chicago Juvenile Court moved into new facilities with expanded detention space. The Juvenile Protective League, founded by women active in establishing the first juvenile court law, was intended to stimulate the study of the conditions leading to delinquency. The members of the Juvenile Protective League were especially troubled that large numbers of wayward youth repeatedly returned to juvenile court. Jane Addams, a major figure in U.S. philanthropy and social thought, observed, "At last it was apparent that many of the children were psychopathic cases and they and other borderline cases needed more skilled care than the most devoted probation officer could give them" (Hawes, 1971, p. 244).

But the new court facilities did provide an opportunity to examine and study all children coming into the court. The Juvenile Protective League promised to oversee this study of delinquency, and Ellen Sturges Dummer donated the necessary money to support the effort. Julia Lathrop was chosen to select a qualified psychologist to head the project. After consulting with William James, she selected one of his former students, William A. Healy. Healy proposed a 4- to 5-year study to compare some 500 juvenile court clients with patients in private practice. The investigation, according to Healy, "would have to involve all possible facts about heredity, environment, antenatal and postnatal history, etc." (Hawes, 1971, p. 250).

In 1909, the Juvenile Protective League established the Juvenile Psychopathic Institute, with Healy as its first director and Julia Lathrop, Jane Addams, and Judge Julian W. Mack on the executive committee.[13] The group, in its opening statement, expressed its plans

> to undertake . . . an inquiry into the health of delinquent children in order to ascertain as far as possible in what degrees delinquency is caused or influenced by mental or physical defect or abnormality and with the purpose of suggesting and applying remedies in individual cases whenever practicable as a concurrent part of the inquiry. (Hawes, 1971, pp. 250–251)

Jane Addams added her concern that the study investigate the conditions in which the children lived, as well as the mental and physical history of their ancestors.

Healy held an MD degree from the University of Chicago and had served as a physician at the Wisconsin State Hospital. He had taught university classes in neurology, mental illness, and gynecology; had studied at the great scientific centers of Europe; and was familiar with the work of Sigmund Freud and his disciples. The major tenet of Healy's scientific credo was that the individual was the most important unit for study. Healy argued that the individualization of treatment depended upon scientific study of individual delinquents.

Healy and his associates published *The Individual Delinquent: A Textbook of Diagnosis and Prognosis for All Concerned in Understanding Offenders* in 1915. This book, based on a study of 1,000 cases of repeat juvenile offenders, was intended as a practical handbook. The methodology involved a study of each offender from social, medical, and psychological viewpoints. Healy even did anthropometric measurements, suggested by Cesare Lombroso and his followers, although Healy doubted that delinquents formed a distinctive physical type.[14] However, Healy never was able to locate a limited set of causes for delinquency through empirical observation. He stressed the wide range of potential causes of delinquency,

including the influence of bad companions, the love of adventure, early sexual experiences, and mental conflicts. At this stage, Healy adopted an eclectic explanation of delinquency: "Our main conclusion is that every case will always need study by itself. When it comes to arraying data for the purpose of generalization about relative values of causative factors we experience difficulty" (Mennel, 1973, p. 165). Despite exhaustive research, Healy and his associates could not find distinctive mental or physical traits to delineate delinquents from nondelinquents.

Later, in 1917, Healy advanced his theory of delinquency in *Mental Conflicts and Misconduct.* In this work, Healy stressed that although individuals may experience internal motivation toward misbehavior, this usually results in their merely feeling some anxiety. When mental conflict becomes more acute, the child may respond by engaging in misconduct. These ideas were heavily influenced by the work of Adolf Meyer, whose interpretation of Freud had a major influence on U.S. psychiatry. Healy agreed with Meyer that the family was a crucial factor in delinquency: "The basis for much prevention of mental conflict is to be found in close comfortable relations between parents and children" (Hawes, 1971, p. 255). Healy's emphasis on the family was well received by those in the delinquency prevention field who had traditionally viewed the family as God's reformatory.

The significance of Healy's work cannot be overemphasized, as it provided an ideological rationale to defend the juvenile court. Healy's work gave legitimacy to the flexible and discretionary operations of the court. Although some used Healy's emphasis on the individual to minimize the importance of social and economic injustice, there is evidence that Healy understood that delinquency was rooted in the nature of the social structure:

> If the roots of crime lie far back in the foundations of our social order, it may be that only a radical change can bring any large measure of cure. Less unjust social and economic conditions may be the only way out, and until a better social order exists, crime will probably continue to flourish and society continue to pay the price. (Healy, Bronner, & Shimberg, 1935, p. 211)

Healy's work also gave support to the concept of professionalism in delinquency prevention. Because juvenile delinquency was viewed as a complex problem with many possible causes, this rationale was used to explain the increased reliance on experts. In the process, the juvenile court became insulated from critical scrutiny by its clients and the community. If actions taken by the court did not appear valid to the layman, this was because of a higher logic, known only to the experts, which explained that course of action. Moreover, the failure of a specific treatment program

often was attributed to the limits of scientific knowledge or to the failure of the court to follow scientific principles in its dispositions.

After his work in Chicago, Healy went to the Judge Harvey Baker Foundation in Boston to continue his research, where he began actual treatment of youths. Healy became a proselytizer for the child guidance clinic idea. Working with the Commonwealth Fund and the National Committee for Mental Hygiene, Healy aided the development of child guidance clinics across the nation. These efforts were so successful that by 1931, 232 such clinics were in operation. There is even a report of a traveling child guidance clinic that visited rural communities in the West to examine children. The child guidance clinic movement became an important part of a broader campaign to provide mental hygiene services to all young people. The clinics initially were set up in connection with local juvenile courts, but later some of them became affiliated with hospitals and other community agencies.

In Sheldon and Eleanor Glueck's classic delinquency research, they evaluated the success of Healy's Boston clinic. In *One Thousand Juvenile Delinquents: Their Treatment by Court and Clinic* (1934), the Gluecks found high rates of recidivism among children treated at the clinic. Healy, though deeply disappointed by the results, continued his efforts. The Gluecks continued, in a series of longitudinal studies, to search for the causes of delinquency and crime.[15] Like Healy, they maintained a focus on the individual, and they increased efforts to discover the factors behind repeated delinquency. The work of the Gluecks reflected a less optimistic attitude about the potential for treatment and rehabilitation than that found in Healy's work. They emphasized the importance of the family, often ignoring the impact of broader social and economic factors. It is ironic that the thrust of delinquency theories in the 1930s should be toward individual and family conflicts. As 20% of the American people were unemployed, the effects of the depression of the 1930s must have been apparent to the delinquents and their families, if not to the good doctors who studied them with such scientific rigor.

The Chicago Area Project

The Chicago Area Project of the early 1930s is generally considered the progenitor of large-scale, planned, community-based efforts with delinquent youth. The project differed from the dominant approaches of the time, which relied on institutional care and psychological explanations for delinquent behavior. The Chicago Area Project, conceived by University of Chicago sociologist Clifford Shaw, was an attempt to implement a sociological theory of delinquency in the delivery of preventive services. The

theoretical heritage of the project is found in such works as *The Jack-Roller* (1930), *Brothers in Crime* (1938), and *Juvenile Delinquency and Urban Areas* (1942), all written by Shaw and his associates. They attributed variations in delinquency rates to demographic or socioeconomic conditions in different areas of cities. This environmental approach assumed that delinquency was symptomatic of social disorganization. The adjustment problems of recent immigrants, together with other problems of urban life, strained the influence on adolescents of traditional social control agencies such as family, church, and community. Delinquency was viewed as a problem of the modern city, which was characterized by the breakdown of spontaneous or natural forces of social control. Shaw contended that the rapid social change that migrant rural youths are subjected to when entering the city promotes alienation from accepted modes of behavior: "When growing boys are alienated from institutions of their parents and are confronted with a vital tradition of delinquency among their peers, they engage in delinquent activity as part of their groping for a place in the only social groups available to them" (Kobrin, 1970, p. 579). The Chicago Area Project thus viewed delinquency as "a reversible accident of the person's social experience" (Kobrin, 1970).

The project employed several basic operating assumptions. The first was that the delinquent is involved in a web of daily relationships. As a result, the project staff attempted to mobilize adults in the community, hoping to foster indigenous neighborhood leadership to carry out the programs with delinquent youth. The second assumption was that people participate only if they have meaningful roles; therefore, the staff attempted to share decision making with neighborhood residents. To maximize community participation, staff members had to resist the urge to direct the programs themselves. The final premise of the Area Project was that within a given community there are people who, when given proper training and guidance, can organize and administer local welfare programs. A worker from within the community, who has knowledge of local customs and can communicate easily with local residents, is more effective in dealing with delinquency problems. The project staff believed that placing community residents in responsible positions would demonstrate the staff's confidence in the ability of residents to solve their own problems.

The Area Project was overseen by a board of directors responsible for raising and distributing funds for research and community programs. In several years, 12 community committees developed in Chicago as "independent, self-governing, citizens' groups, operating under their own names and charters" (Sorrento, quoted in Sechrest, 1970, p. 6). The neighborhood groups were aided by the board in obtaining grants to match local funds. Personnel from the Institute for Juvenile Research at the University of

Chicago served as consultants to local groups. The various autonomous groups pursued such activities as the creation of recreation programs or community-improvement campaigns for schools, traffic safety, sanitation, and law enforcement. There were also programs aimed directly at delinquent youth, such as visitation privileges for incarcerated children, work with delinquent gangs, and volunteer assistance in parole and probation.

Most observers have concluded that the Chicago Area Project succeeded in fostering local community organizations to attack problems related to delinquency (Kobrin, 1970; Shaw & McKay, 1942). Evidence also shows that delinquency rates decreased slightly in areas affected by the project, but these results are not conclusive. Shaw explained the difficulty of measuring the impact of the project as follows:

> Conclusive statistical proof to sustain any conclusion regarding the effectiveness of this work in reducing the volume of delinquency is difficult to secure for many reasons. Trends in rates for delinquents for small areas are affected by variations in the definition of what constitutes delinquent behavior, changes in the composition of the population, and changes in the administrative procedures of law enforcement agencies. (Witmer & Tufts, 1954, p. 16)

The Illinois State Division of Youth Services took over all 35 staff positions of the Area Project in 1957. It appears that this vibrant and successful program was quickly transformed into "a rather staid, bureaucratic organization seeking to accommodate itself to the larger social structure, that is, to work on behalf of agencies who came into the community rather than for itself or for community residents" (Sechrest, 1970, p. 15).

The Chicago Area Project, with its grounding in sociological theory and its focus on citizen involvement, contrasts sharply with other delinquency prevention efforts of the 1930s. Its focus on prevention in the community raised questions about the continued expansion of institutions for delinquent youth. Although some attributed support of the project to the personal dynamism of Clifford Shaw, this ignores the basic material and ideological motivation behind it. It would be equally shortsighted to conclude that child saving would not have occurred without Charles Loring Brace or that the child guidance clinic movement resulted solely from the labors of William Healy. Certainly Shaw was an important advocate of the Chicago Area Project approach, and his books influenced professionals in the field, but the growth of the project was also a product of the times.

Because no detailed history exists of the founding and operation of the project, we can only speculate about the forces that shaped its development. We do know that Chicago at that time was caught in the most serious economic depression in the nation's history. Tens of thousands of people were unemployed, especially immigrants and blacks. During this

period, a growing radicalization among impoverished groups resulted in urban riots (Cloward & Piven, 1971). The primary response by those in positions of power was to expand and centralize charity and welfare systems. In addition, there was considerable experimentation with new methods of delivering relief services to the needy. No doubt, Chicago's wealthy looked favorably upon programs such as the Area Project, which promised to alleviate some of the problems of the poor without requiring a redistribution of wealth or power. Both the prestige of the University of Chicago and the close supervision promised by Shaw and his associates helped assuage the wealthy and the powerful. Shaw and his associates did not advocate fundamental social change, and project personnel were advised to avoid leading communities toward changes perceived as too radical (Alinsky, 1946). Communities were encouraged to work within the system and to organize around issues at a neighborhood level. Project participants rarely questioned the relationship of urban conditions to the political and economic superstructure of the city.

Later interpreters of the Chicago Area Project did not seem to recognize the potentially radical strategy of community organization within poor neighborhoods. Its immediate legacy was twofold—the use of detached workers, who dealt with gangs outside the agency office, and the idea of using indigenous workers in social control efforts. Although detached workers became a significant part of the delinquency prevention strategy of the next three decades, the use of indigenous personnel received little more than lip service, because welfare and juvenile justice agencies hired few urban poor.

The success of the Chicago Area Project depended upon relatively stable and well-organized neighborhoods with committed local leaders. Changes in the urban structure that developed over the next two decades did not fit the Chicago Area Project model. The collapse of southern agriculture and mass migration by rural blacks into the cities of the North and West produced major social structural changes. This movement to the North and West began in the 1920s, decreased somewhat during the depression years, and later accelerated due to the attraction provided by the war industry jobs. During this same period, large numbers of Puerto Ricans settled in New York City and other eastern cities. Although economic opportunity attracted new migrants to the urban centers, there was little satisfaction for their collective dreams. Blacks who left the South to escape the Jim Crow laws soon were confronted by de facto segregation in schools, in the workplace, and in housing. Job prospects were slim for blacks and Puerto Ricans, and both groups were most vulnerable to being fired at the whims of employers. In many respects, racism in the North rivaled that of the South. The new migrants had the added difficulty of

adapting their primarily rural experiences to life in large urban centers (Coles, 1967; Handlin, 1959).

Racial ghettos became places of poverty, disease, and crime. For the more privileged classes, the situation paralleled that of 16th-century European city dwellers who feared the displaced peasantry or that of Americans at the beginning of the 19th century who feared the Irish immigrants. During this period, riots erupted in East St. Louis, Detroit, Harlem, and Los Angeles. To upper-class observers, these new communities of poor black and brown peoples were disorganized collections of criminals and deviants. Racism prevented white observers from recognizing the vital community traditions or the family stability that persisted despite desperate economic conditions. Moreover, the label *disorganized communities* could be used ideologically to mask the involvement of wealthy whites in the creation of racial ghettos (Ryan, 1971). A liberal social theory was developing that, though benign on the surface, actually blamed the victims for the conditions in which they were caught. Attention was focused upon deviant aspects of community life, ascribing a culture of poverty and violence to inner-city residents and advocating remedial work with individuals and groups to solve so-called problems of adjustment. The following quote from the National Commission on the Causes and Prevention of Violence (1969) is illustrative of this posture:

> The cultural experience which Negroes brought with them from segregation and discrimination in the rural South was of less utility in the process of adaption to urban life than was the cultural experience of many European immigrants. The net effect of these differences is that urban slums have tended to become ghetto slums from which escape has been increasingly difficult. (p. 30)

Delinquency theorists suggested that lower-class communities were becoming more disorganized, because they were not characterized by the stronger ties of older ethnic communities:

> Slum neighborhoods appear to us to be undergoing progressive disintegration. The old structures, which provided social control and avenues of social ascent, are breaking down. Legitimate but functional substitutes for these traditional structures must be developed if we are to stem the trend towards violence and retreatism among adolescents in urban slums. (Cloward & Piven, 1971, p. 211)

Irving Spergel, leading authority on juvenile gangs, suggests that social work agencies made little use of indigenous workers after World War II because delinquency had become more aggressive and violent. Welfare and criminal justice officials argued that only agencies with sound funding

and strong leadership could mobilize the necessary resources to deal with the increased incidence and severity of youth crime.

The movement toward more agency involvement brought with it a distinctly privileged-class orientation toward delinquency prevention. Social service agencies were preeminently the instruments of those with sufficient wealth and power to enforce their beliefs. The agencies were equipped to redirect, rehabilitate, and, in some cases, control those who seemed most threatening to the status quo. Workers for these agencies helped to perpetuate a conception of proper behavior for the poor consistent with their expected social role. For example, the poor were told to defer gratification and save for the future, but the rich often were conspicuous consumers. Whereas poor women were expected to stay at home and raise their families, the same conduct was not uniformly applied to wealthy women. The well-to-do provided substantial funding for private social service agencies and often became members of the boards that defined policies for agencies in inner-city neighborhoods. The criteria for staffing these agencies during the two decades following World War II included academic degrees and special training that were not made available to the poor or to people of color.

Social agencies, ideologically rooted and controlled outside poor urban neighborhoods, were often pressured to respond to "serious" delinquency problems. During this period, the fighting gang, which symbolized organized urban violence, received the major share of delinquency prevention efforts. Most agencies, emphasizing psychoanalytic or group dynamic approaches to delinquency, located the origin of social disruption in the psychopathology of individuals and small groups. The consequence of this orientation was that special youth workers were assigned to troublesome gangs in an attempt to redirect the members toward more conventional conduct. Little effort was made to develop local leadership or to confront the issues of racism and poverty.

Detached worker programs emphasized treatment by individual workers freed from the agency office base and operating in neighborhood settings. These programs, with several variations, followed a basic therapeutic model. Workers initially entered gang territories, taking pains to make their entrance as inconspicuous as possible. The first contacts were made at natural meeting places in the community such as pool rooms, candy stores, or street corners:

> Accordingly, the popular image of the detached worker is a young man in informal clothing, standing on a street corner near a food stand, chatting with a half dozen rough, ill-groomed, slouching teenagers. His posture is relaxed, his countenance earnest, and he is listening to the boys through a haze of cigarette smoke. (Klein, 1969, p. 143)

The worker gradually introduced himself to the gang members. He made attempts to get jobs for them or arranged recreational activities, while at the same time persuading the members to give up their illegal activities. Manuals for detached workers explained that the approach would work because gang members had never before encountered sympathetic, nonpunitive adults who were not trying to manipulate them for dishonest purposes. A typical report states, "Their world (as they saw it) did not contain any giving, accepting people—only authorities, suckers and hoodlums like themselves" (Crawford, Malamud, & Dumpson, 1970, p. 630). This particular account even suggests that some boys were willing to accept the worker as an "idealized father." The worker was expected to influence the overall direction of the gang, but if that effort failed, he was to foment trouble among members and incite disputes over leadership. Information that the workers gathered under promises of confidentiality was often shared with police gang-control officers. Thus, despite their surface benevolence, these workers were little more than undercover agents whose ultimate charge was to break up or disrupt groups that were feared by the establishment. These techniques, which focused on black and Latino youth gangs in the 1950s, were similar to those later used with civil rights groups and organizations protesting the Vietnam War.

There were many critics of the detached worker programs. Some argued that the workers actually lent status to fighting gangs and thus created more violence. Other critics claimed that the workers often developed emotional attachments to youthful gang members and were manipulated by them (Mattick & Caplan, 1967). Community residents often objected to the presence of detached workers, because it was feared they would provide information to downtown social welfare agencies. Although studies of the detached worker programs did not yield positive results, virtually all major delinquency programs from the late 1940s to the 1960s used detached workers in an attempt to reach the fighting gang.

The Mobilization for Youth

During the late 1950s, economic and social conditions were becoming more acute in the urban centers of the United States. The economy was becoming sluggish, and unemployment began to rise. Black teenagers experienced especially high unemployment rates, and the discrepancy between white and black income and material conditions grew each year. Technological changes in the economy continually drove more unskilled laborers out of the labor force. Social scientists such as Daniel Moynihan (1969) and Sidney Wilhelm (1970) view this period as the time in which a substantial number of blacks became permanently unemployed. Social

control specialists for the privileged class surveyed the problem and sought ways to defuse the social danger of a surplus labor population.

The Ford Foundation was influential during this period in stimulating conservative local officials to adopt more enlightened strategies in dealing with the poor (Marris & Rein, 1967; Moynihan, 1969). Once again an ideological clash occurred between those favoring scientific and rational government programs and those who feared the growth of the state, demanded balanced government budgets, and opposed liberal programs to improve the quality of life of the poor. The Ford Foundation, through its Grey Area projects, spent large amounts of money in several U.S. cities to foster research and planning of new programs to deal with delinquency and poverty.

The most significant program to develop out of the Grey Area projects was the Mobilization for Youth (MFY), which began in New York City in 1962 after 5 years of planning. It aimed to service a population of 107,000 (approximately one-third black and Puerto Rican), living in 67 blocks of New York City's Lower East Side. The unemployment rate of the area was twice that of the city overall, and the delinquency rate was also high. The theoretical perspective of the project was drawn from the work of Richard Cloward and Lloyd Ohlin:

> "a unifying principle of expanding opportunities has worked out as the direct basis for action." This principle was drawn from the concepts outlined by the sociologists Richard Cloward and Lloyd Ohlin in their book *Delinquency and Opportunity.* Drs. Cloward and Ohlin regarded delinquency as the result of the disparity perceived by low-income youths between their legitimate aspirations and the opportunities—social, economic, political, education—made available to them by society. If the gap between opportunity and aspiration could be bridged, they believed delinquency could be reduced; that would be the agency's goal. (Weissman, 1969, p. 19)

The MFY project involved five areas—work training, education, group work and community organization, services to individuals and families, and training and personnel—but the core of the mobilization was to organize area residents to realize "the power resources of the community by creating channels through which consumers of social welfare services can define their problems and goals and negotiate on their own behalf" (Brager & Purcell, 1967, p. 247). Local public and private bureaucracies became the targets of mass protests by agency workers and residents. The strategy of MFY assumed that social conflict was necessary in the alleviation of the causes of delinquency. Shortly after MFY became directly involved with struggles over the redistribution of power and resources, New York City officials charged that the organization was "riot-producing, Communist-oriented, left-wing and corrupt" (Weissman, 1969, pp. 25–28).

In the ensuing months, the director resigned, funds were limited, and virtually all programs were stopped until after the 1964 presidential election. After January 1965, MFY moved away from issues and protests toward more traditional approaches to social programming, such as detached-gang work, job training, and counseling.

Another project, Harlem Youth Opportunities Unlimited (Haryou-Act), which developed in the black community of Harlem in New York City, experienced a similar pattern of development and struggle. The Harlem program was supported by the theory and prestige of psychologist Kenneth Clark, who suggested in *Dark Ghetto* (1965) that delinquency is rooted in feelings of alienation and powerlessness among ghetto residents. The solution, according to Clark, was to engage in community organizing to gain power for the poor. Haryou-Act met sharp resistance from city officials, who labeled the staff as corrupt and infiltrated by Communists.

Both MFY and Haryou-Act received massive operating funds. Mobilization for Youth received approximately $2 million a year, Haryou-Act received about $1 million a year, and 14 similar projects received more than $7 million from the federal Office of Juvenile Delinquency.[16] It was significant that, for the first time, the federal government was pumping large amounts of money into the delinquency prevention effort. Despite intense resistance to these efforts in most cities because local public officials felt threatened, the basic model of Mobilization for Youth was incorporated into the community-action component of the War on Poverty.

In 1967, when social scientists and practitioners developed theories of delinquency prevention for President Lyndon Johnson's Crime Commission, MFY was still basic to their thinking (President's Commission on Law Enforcement and the Administration of Justice, 1967). Their problem was to retain a focus upon delivery of remedial services in education, welfare, and job training to the urban poor without creating the intense political conflict engendered by the community action approach. The issue was complicated because leaders such as Malcolm X and Cesar Chavez and groups such as the Black Muslims and the Black Panther Party articulated positions of self-determination and community control. These proponents of ethnic pride and "power to the people" argued that welfare efforts controlled from outside were subtle forms of domestic colonialism. The riots of the mid-1960s dramatized the growing gap between people of color in the United States and their more affluent "benefactors."

It is against this backdrop of urban violence, a growing distrust of outsiders, and increased community-generated self-help efforts that delinquency prevention efforts of the late 1960s and early 1970s developed.

A number of projects during this period attempted to reach the urban poor who had been actively involved in ghetto riots during the 1960s. In Philadelphia, members of a teenage gang were given funds to make a film and start their own businesses. Chicago youth gangs such as Black P. Stone Nation and the Vice Lords were subsidized by federal funding, the YMCA, and the Sears Foundation. In New York City, a Puerto Rican youth group, the Young Lords, received funds to engage in self-help activities. In communities across the nation there was a rapid development of summer projects in recreation, employment, and sanitation to help carry an anxious white America through each potentially long, hot summer. Youth patrols were even organized by police departments to employ ghetto youths to "cool out" trouble that might lead to riots. Few of the programs produced the desired results and often resulted in accusations of improperly used funds by the communities. Often financial audits and investigations were conducted to discredit community organizers and accuse them of encouraging political conflicts with local officials.

One proposed solution that offered more possibility of controlled social action to benefit the young was the Youth Service Bureau (YSB; Norman, 1972). The first YSBs were composed of people from the communities and representatives of public agencies who would hire professionals to deliver a broad range of services to young people. The central idea was to promote cooperation between justice and welfare agencies and the local communities. Agency representatives were expected to contribute partial operating expenses for the programs and, together with neighborhood representatives, decide on program content. Proponents of the YSB approach stressed the need for diverting youthful offenders from the criminal justice system and for delivering necessary social services to deserving children and their families. Ideally YSBs were designed to increase public awareness of the need for more youth services.

The YSBs generally met with poor results. Intense conflict often arose between community residents and agency personnel over the nature of program goals, and YSBs were criticized for not being attuned to community needs (Duxbury, 1972; U.S. Department of Health, Education, and Welfare, 1973). Funds for these efforts were severely limited in relation to the social problems they sought to rectify. In some jurisdictions YSBs were controlled by police or probation departments, with no direct community input. These agency-run programs temporarily diverted youths from entering the criminal justice process by focusing on services such as counseling.

The most important aspect of the YSBs was their attempts to operationalize the diversion of youth from the juvenile justice process, although

the effort's success seems highly questionable. Some argue that diversion programs violate the legal rights of youths, as they imply a guilty plea. Others warn that diversion programs expand the welfare bureaucracy, because youths who once would have simply been admonished and sent home by police are now channeled into therapeutic programs. Still others believe that diversion without social services does not prevent delinquency. In any case, a major shift has occurred from the community participation focus of the Mobilization for Youth to a system in which community inputs are limited and carefully controlled. This change in operational philosophy often is justified by the need to secure continued funding, as well as by claims of increasing violence by delinquents. It is important to remember, however, that these same rationales were used to justify a move away from the community organizing model of the Chicago Area Projects of the 1930s. Whenever residents become involved in decision making, there are inevitably increased demands for control of social institutions affecting the community. Such demands for local autonomy question the existing distributions of money and power and thus challenge the authority of social control agencies.

Institutional Change and Community-Based Corrections

Correctional institutions for juvenile delinquents were subject to many of the same social, structural pressures as community prevention efforts. For instance, there was a disproportionate increase in the number of youths in correctional facilities as blacks migrated to the North and the West. In addition, criticism of the use of juvenile inmate labor, especially by organized labor, disrupted institutional routines. But, throughout the late 1930s and the 1940s, increasing numbers of youths were committed to institutions. Later on, the emergence of ethnic pride and calls for black and brown power would cause dissension within the institutions.

The creation of the California Youth Authority just prior to World War II centralized the previously disjointed California correctional institutions.[17] During the 1940s and 1950s, California, Wisconsin, and Minnesota developed separate versions of the Youth Authority concept. Under the Youth Authority model, criminal courts committed youthful offenders from 16 to 21 years old to an administrative authority that determined the proper correctional disposition.[18] The CYA was responsible for all juvenile correctional facilities, including the determination of placements, and parole. Rather than reducing the powers of the juvenile court judge, the Youth Authority streamlined the dispositional process to add administrative

flexibility. The Youth Authority was introduced into California at a time when detention facilities were overcrowded, institutional commitment rates were rising, and the correctional system was fragmented and compartmentalized.

The Youth Authority model was developed by the American Law Institute, which drew up model legislation and lobbied for its adoption in state legislatures. The American Law Institute is a nonprofit organization that seeks to influence the development of law and criminal justice. The institution is oriented toward efficiency, rationality, and effectiveness in legal administration.

The treatment philosophy of the first Youth Authorities was similar to the approach of William Healy and the child guidance clinic. John Ellingston, formerly chief legislative lobbyist for the American Law Institute in California, related a debate between Healy and Clifford Shaw over the theoretical direction the new Youth Authority should follow. The legislators, persuaded by Healy's focus on diagnosis of individual delinquents, ensured that the clinic model became the dominant approach in California institutions.

Sociologist Edwin Lemert attributed the emergence of the CYA to the growth of an "administrative state" in the United States. In support of this assertion, Lemert noted the trend toward more centralized delivery of welfare services and increased government regulation of the economy, together with the "militarization" of U.S. society produced by war. Lemert, however, did not discuss whether the purpose of this administrative state was to preserve the existing structure of privilege. The first stated purpose of the CYA was "to protect society by substituting training and treatment for retributive punishment of young persons found guilty of public offenses" (Lemert & Rosenberg, 1948, pp. 49–50).

The centralization of youth correction agencies enabled them to claim the scarce state delinquency prevention funds. In-house research units publicized the latest treatment approaches. In the 1950s and the 1960s, psychologically oriented treatment approaches, including guided-group interaction and group therapy, were introduced in juvenile institutions. During this period of optimism and discovery, many new diagnostic and treatment approaches were evaluated. Correctional administrators and social scientists hoped for a significant breakthrough in treatment, but it never came. Although some questionable evaluation studies claimed successes, there is no evidence that the new therapies had a major impact on recidivism. In fact, some people began to question the concept of enforced therapy and argued that treatment-oriented prisons might be more oppressive than more traditional institutional routines (Mathieson, 1965). Intense objections have been raised particularly against drug therapies

and behavior modification programs. Takagi views this as the period when brainwashing techniques were first used on juvenile and adult offenders.[19]

Another major innovation of the 1960s was the introduction of community-based correctional facilities. The central idea was that rehabilitation could be accomplished more effectively outside conventional correctional facilities. This led to a series of treatment measures such as group homes, partial release programs, halfway houses, and attempts to decrease commitment rates to juvenile institutions. California was particularly active in developing community-based correctional programming. The Community Treatment Project, designed by Marguerite Warren in California, was an attempt to replace institutional treatment with intensive parole supervision and psychologically oriented therapy. Probation subsidy involved a bold campaign by CYA staff to convince the state legislature to give cash subsidies to local counties to encourage them to treat juvenile offenders in local programs. Probation subsidy programs were especially oriented toward strengthening the capacity of county probation departments to supervise youthful offenders.[20]

Proponents of the various community-based programs argued that correctional costs could be reduced and rehabilitation results improved in a community context. Reducing state expenditures became more attractive as state governments experienced the fiscal crunch of the late 1960s and the 1970s.[21] It also was thought that reducing institutional populations would alleviate tension and violence within the institutions, but it appears that these community alternatives have created a situation in which youngsters who are sent to institutions are perceived as more dangerous and, as a result, are kept in custody for longer periods of time.

The ultimate logic of the community-based corrections model was followed by the Department of Youth Services in Massachusetts, which closed all of its training schools for delinquents. Youngsters were transferred to group home facilities, and services were offered to individual children on a community basis (Bakal, 1973). The Massachusetts strategy met intense public criticism by juvenile court judges, correctional administrators, and police officials. Some recent attempts have been made to discredit this policy and to justify continued operation of correction facilities, but the Massachusetts strategy has influenced a move to deinstitutionalize children convicted of status offenses—offenses that are considered crimes only if committed by children, such as truancy, running away, or incorrigibility. In 1975, the federal government made $15 million available to local governments that developed plans to deinstitutionalize juvenile status offenders.

At the moment, the forces opposing institutionalized care are making ideological headway due to past failures of institutional methods in controlling delinquency. However, previous experience suggests that the pendulum is likely to swing back in favor of the institutional approaches. Already there is increased talk about the violent delinquent and the alleged increases in violent youth crime; these words have always signaled the beginning of an ideological campaign to promote more stringent control measures and extended incarceration or detention. It is also significant that most states are not firmly committed to community-based treatment. Most jurisdictions still rely on placement in institutions, with conditions reminiscent of the reform schools of 100 years ago. Children continue to be warehoused in large correctional facilities, receiving little care or attention. Eventually they are returned to substandard social conditions to survive as best they can.

Changes in Juvenile Court Law

In the late 1960s the growing awareness of the limitations of the juvenile justice system resulted in a series of court decisions that altered the character of the juvenile court. In *Kent v. United States* (1966) the Supreme Court warned juvenile courts against "procedural arbitrariness," and in *In re Gault* (1967) the Court recognized the rights of juveniles in such matters as notification of charges, protection against self-incrimination, the right to confront witnesses, and the right to have a written transcript of the proceedings. Justice Abe Fortas wrote, "Under our Constitution the condition of being a boy does not justify a kangaroo court" (*In re Gault,* 1967). The newly established rights of juveniles were not welcomed by most juvenile court personnel, who claimed that the informal humanitarian court process would be replaced by a junior criminal court. Communities struggled with methods of providing legal counsel to indigent youth and with restructuring court procedures to conform to constitutional requirements.

The principles set forth in Kent, and later in the Gault decision, offer only limited procedural safeguards to delinquent youth (Kittrie, 1971). Many judicial officers believe the remedy to juvenile court problems is not more formality in proceedings, but more treatment resources. In *McKiever v. Pennsylvania* (1971), the Supreme Court denied that jury trials were a constitutional requirement for the juvenile court. Many legal scholars believe the current Supreme Court has a solid majority opposing extension of procedural rights to alleged delinquents. The dominant view is

close to the opinion expressed by Chief Justice Warren Burger in the
Winship case:

> What the juvenile court systems need is less not more of the trappings of
> legal procedure and judicial formalism; the juvenile court system requires
> breathing room and flexibility in order to survive the repeated assaults on
> this court. The real problem was not the deprivation of constitutional rights
> but inadequate juvenile court staffs and facilities. (*In re Winship,* 1970)

The Supreme Court's decision in *Schall v. Martin* (1984) signaled a
much more conservative judicial response to children's rights. Plaintiffs in
Schall v. Martin challenged the constitutionality of New York's Family
Court Act as it pertained to the preventive detention of juveniles. It was
alleged that the law was too vague and that juveniles were denied due
process. A federal district court struck down the statute and its decision
was affirmed by the U.S. Court of Appeals. However, the U.S. Supreme
Court reversed the lower courts, holding that the preventive detention of
juveniles to protect against future crimes was a legitimate state action.

The Emergence of a Conservative Agenda for Juvenile Justice

From the late 1970s and into the 1980s, a conservative reform agenda
dominated the national debates over juvenile justice. This new perspec-
tive emphasized deterrence and punishment as the major goals of the
juvenile court. Conservatives called for the vigorous prosecution of seri-
ous and violent youthful offenders. They alleged that the juvenile court
was overly lenient with dangerous juveniles.

Conservatives also questioned the wisdom of diverting status offend-
ers from secure custody. The Reagan administration introduced new
programs in the areas of missing children and child pornography, which
were problems allegedly created by the liberal response to status offenders.
Substantial amounts of federal funds were spent on police intelligence
programs and enhanced prosecution of juvenile offenders.

Changes in federal policy were also reflected in the actions of many
state legislatures. Beginning in 1976, more than half the states made it eas-
ier to transfer youths to adult courts. Other states stiffened penalties for
juvenile offenders via mandatory minimum sentencing guidelines.

The most obvious impact of the conservative reform movement was a
significant increase in the number of youths in juvenile correctional facili-
ties. In addition, from 1979 to 1984, the number of juveniles sent to adult

prisons rose by 48%. By 1985 the Bureau of Justice Statistics reported that two-thirds of the nation's training schools were chronically overcrowded.

Another ominous sign was the growing proportion of minority youth in public correctional facilities. In 1982 more than one half of those in public facilities were minority youths, whereas two thirds of those in private juvenile facilities were white. Between 1979 and 1982, when the number of incarcerated youth grew by 6,178, minority youth accounted for 93% of the increase. The sharp rise in incarceration occurred even though the number of arrests of minority youth declined.

Summary

We have traced the history of the juvenile justice system in the United States in relation to significant population migrations, rapid urbanization, race conflicts, and transformation in the economy. These factors continue to influence the treatment of children. The juvenile justice system traditionally has focused on the alleged pathological nature of delinquents, ignoring how the problems of youths relate to larger political and economic issues. Both institutional and community-based efforts to rehabilitate delinquents have been largely unsuccessful. Those with authority for reforming the juvenile justice system have traditionally supported and defended the values and interests of the well-to-do. Not surprisingly, juvenile justice reforms have inexorably increased state control over the lives of the poor and their children. The central implication of this historical analysis is that the future of delinquency prevention and control will be determined largely by ways in which the social structure evolves.[22] It is possible that this future belongs to those who wish to advance social justice on behalf of young people rather than to accommodate the class interests that have dominated this history (Krisberg, 1975; Liazos, 1974). However, one must be cautious about drawing direct inferences for specific social reforms from this historical summary. William Appleman Williams (1973) reminds us, "History offers no answers per se, it only offers a way of encouraging people to use their own minds to make their own history."

Review Questions

1. Describe the "moral panic" that led to the founding of the houses of refuge. Who were the leaders of this movement and what did they hope to accomplish?

2. What led to the creation of the first juvenile court in America in 1899?

3. How did legal decisions shape the contours of juvenile justice in the 1960s?

4. How did the philosophy of the Chicago Area Projects differ from that of the Child Guidance Clinic movement?

Notes

1. Thorsten Sellin, *Pioneering in Penology,* provides an excellent description of the Amsterdam House of Corrections.

2. This issue is well treated by Winthrop Jordan in *The White Man's Burden.*

3. Sources of primary material are N. R. Yetman, *Voices from Slavery,* and Gerda Lerner, *Black Women in White America.* Another fascinating source of data is Margaret Walker's historical novel, *Jubilee.*

4. Historical data on the 19th century rely on the scholarship of Robert Mennel, *Thorns and Thistles*; Anthony Platt, *The Child Savers: The Invention of Delinquency*; Joseph Hawes, *Children in Urban Society: Juvenile Delinquency in Nineteenth Century America*; and the document collection of Robert Bremner et al. in *Children and Youth in America: A Documentary History*.

5. *Delinquent children* are those in violation of criminal codes, statutes, and ordinances. *Dependent children* are those in need of proper and effective parental care or control but having no parent or guardian to provide such care. *Neglected children* are destitute, are unable to secure the basic necessities of life, or have unfit homes due to neglect or cruelty.

6. A good description of anti-Irish feeling during this time is provided by John Higham, *Strangers in the Land.*

7. The preoccupation with the sexuality of female delinquents continues today. See Meda Chesney-Lind, "Juvenile Delinquency: The Sexualization of Female Crime."

8. This routine is reminiscent of the style of 18th-century American Indian schools. It represents an attempt to re-create the ideal of colonial family life, which was being replaced by living patterns accommodated to industrial growth and development.

9. The term *dangerous classes* was coined by Charles Loring Brace in his widely read *The Dangerous Classes of New York and Twenty Years Among Them*.

10. The classic of these studies is that of E. C. Wines, *The State of Prisons and Child-Saving Institutions in the Civilized World,* first printed in 1880.

11. Platt, *The Child Savers: The Invention of Delinquency,* pp. 101–136, and Hawes, *Children in Urban Society: Juvenile Delinquency in Nineteenth Century America,* pp. 158–190, provide the most thorough discussions of the origins of the first juvenile court law.

12. Roy Lubove, *The Professional Altruist,* is a good discussion of the rise of social work as a career.

13. A few earlier clinics specialized in care of juveniles, but these mostly dealt with feeble-minded youngsters.

14. Anthropometric measurements assess human body measurements on a comparative basis. A popular theory of the day was that criminals have distinctive physical traits that can be scientifically measured.

15. Longitudinal studies analyze a group of subjects over time.

16. By comparison, the Chicago Area Project operated on about $283,000 a year.

17. John Ellingston, *Protecting Our Children from Criminal Careers,* provides an extensive discussion of the development of the California Youth Authority.

18. California originally set the maximum jurisdictional age at 23 years, but later reduced it to 21. Some states used an age limit of 18 years, so that they dealt strictly with juveniles. In California, both juveniles and adults were included in the Youth Authority model.

19. Paul Takagi, in "The Correctional System," cites Edgar Schein, "Man Against Man: Brainwashing," and James McConnell, "Criminals Can Be Brainwashed—Now," for candid discussions of this direction in correctional policy.

20. Paul Lerman, *Community Treatment and Social Control,* is a provocative evaluation of the Community Treatment Project and Probation Subsidy.

21. See James O'Connor, *The Fiscal Crisis of the State,* for a discussion of the causes of this fiscal crunch.

22. This perspective is similar to that of Rusche and Kirchheimer in their criminological classic, *Punishment and Social Structure.*