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Juvenile Delinquency and Justice: Sociological Perspectives

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and Paul D. Gregory

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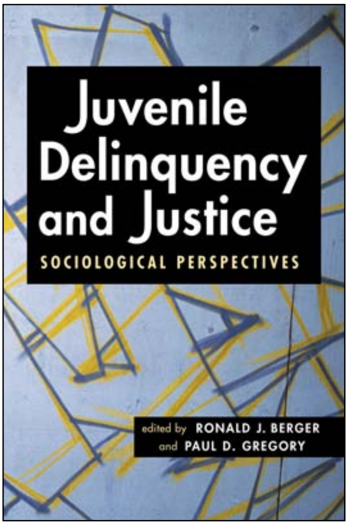

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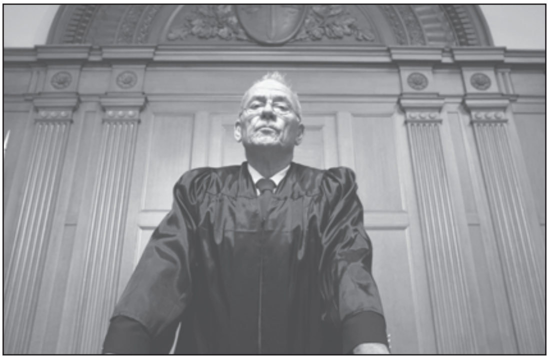

PART 1

Juvenile Justice and Delinquency in Historical Perspective

ADULTS OF EVERY GENERATION OFTEN HAVE COMPLAINED ABOUT THE unruly conduct of youths. Even the ancient Greek philosopher Aristotle remarked that the young are "apt to be carried away by their impulses . . . [and] carry everything too far . . . [and] every desire into action" (quoted in Hall 1905:523). But even though youths have long been known for the tendency to be rowdy, to fight with one another, to drink excessively, and to be sexually active, the concept of "juvenile delinquency" as a phenomenon distinct from adult criminality is a relatively recent historical invention. In fact, the first specialized juvenile court in the United States was not created until 1899, when the state of Illinois developed a legal code designed specifically to deal with juvenile misconduct (Aries 1962; Binder, Geis, and Bruce 1988; Empey 1982).

Earlier societies did not make the distinctions among childhood, adolescence, and adulthood that we make today. Children were believed to be miniature adults, as was illustrated by early paintings and sculptures that portrayed them as "mature midgets" (Aries 1962; Empey 1982:37). Moreover, the many years of schooling required by modern societies have extended the period of adolescence—the ages between the onset of puberty and full adult status—into the late teens and early twenties.

Modern families are expected to be child centered and protective of children. This was not the case in earlier times. Infanticide, the deliberate killing of unwanted infants, particularly females, was not uncommon and was viewed by some as casually as some may view abortion today. Unwanted children were also abandoned and sold into slavery, indentured servitude, and prostitution;

and children in general were both economically and sexually exploited. In addition, mothers with the economic means hired wet nurses to feed their babies, who consequently died at higher rates than mother-fed infants because wet nurses were often malnourished. Swaddling, a method of wrapping children entirely in bandages (feces and all) so that they could not move, was a common practice. A large number of children also could be considered "battered" in light of the harsh physical punishment they received. Thus, children often lived under difficult and unhealthy conditions and suffered much from disease. The average life expectancy as late as the seventeenth century was about 30 years (Bremner 1970; DeMause 1974; Empey 1982; Gillis 1974).

As Western civilization emerged from the Middle Ages, many of these practices began to fade. By the late sixteenth to seventeenth centuries, reformers became critical of the way children were treated, and in colonial America a modern conception of childhood began to take hold. Religious moralists believed that even though children were inherently sinful (original sin), they were also fragile and innocent. Since they were easily corrupted, they needed to receive special training from the family, church, and school. In other words, children were viewed as both "wicked and worth saving" (Aries 1962: Empey 1982:39). According to Puritan reformers, the **ideal child*** had to be extensively supervised and disciplined ("spare the rod and spoil the child"), absolutely obedient to authority ("children should be seen and not heard"), sexually chaste, and impressed with the moral virtues of hard work ("idle hands are the devil's workshop") (Bremner 1970).

The Puritans, however, continued to believe in the apprenticeship, which was considered a normal part of a child's upbringing until the eighteenth century. Although apprenticeships were highly exploitative, they were seen as offering "safeguard[s] against parental overindulgence" (Binder, Geis, and Bruce 1988:51–52). Under this system, young men and women were bound to "masters" for a designated period of time, "during which they would work for their masters and learn their trades. In return, the masters were expected to provide their apprentices with food, shelter, and clothing." But the life of an apprentice was not easy. "Though a youth, he or she was still expected to work hard . . . and was quite harshly treated and subjected to brutal punishments."

Gradually, however, a more nurturing attitude toward children emerged. Good behavior in children was increasingly viewed as a product of parental affection rather than of fear and punishment. The family was perceived more as an emotional unit and as a refuge from the outside world. Obedient children were still the ideal, but they were obedient "not because they were forced to behave" but because they wanted to behave (Binder, Geis, and Bruce 1988:55).

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*Key terms are indicated in **boldface** the first time they appear in the part introductions of the book.

This social construction of the "ideal child" and the changes in family life set the stage for the concept of juvenile delinquency. But until the end of the nineteenth century, there was still no distinct legal category of "delinquency." Americans relied on English common law, which specified that children under age 7 were incapable of criminal intent and thus absolved of guilt for serious crimes. Children age 7 to 13 were presumed innocent unless proven otherwise, but children 14 and older were treated as adults. A separate juvenile justice system to deal with the crimes and derelictions of young people did not yet exist (Empey 1982; Thornton, Voigt, and Doerner 1987).

In colonial America, the community had been tightly knit and organized around the church, which "set strict standards . . . and related obedience to eternal rewards and punishments" (Empey 1982:55). By the nineteenth century, however, life in the United States had undergone dramatic change with the rise of industrialization and urbanization. Foreign immigration and rural-urban migration increased the size of city populations, and people were concentrated under conditions of considerable poverty in urban slums. Under these circumstances, the social controls characteristic of traditional community arrangements were less effective in controlling deviant behavior. Middle-class Protestant Americans were increasingly troubled by these changes and concerned that immigrant and lower-class families were failing their children (Binder, Geis, and Bruce 1988).

Institutional confinement emerged as the preferred method of dealing with both youthful and adult offenders, replacing earlier methods of swift corporal punishment such as "public whippings, confinement in stocks or pillories, . . . mutilation such as cropping the ears, . . . [and] death" (Binder, Geis, and Bruce 1988:209). Incarceration was considered to be a progressive and humanitarian alternative to the brutality of earlier approaches, and for the first time special places of confinement for juveniles were created in **houses of refuge.** Reformers supported houses of refuge in order to prevent children from being exposed to the corrupting influence of adult criminals.

The first houses of refuge appeared in New York and Pennsylvania in the 1820s and were designed not just for youthful criminals but also for a variety of problem children including runaways, vagrants, and other disobedient youths who were vulnerable to the corrupting influences of urban life. Houses of refuge became institutions designed to induce ungracious and unruly lower-class children to conform to the niceties of the "ideal child." They operated on the basis of strict discipline, hard work, and "tight daily schedules, with regular hours for rising and retiring, meals at set times, and regular periods set aside for workshop training, . . . schooling . . . [and] religious observances and prayers" (Binder, Geis, and Bruce 1988:211; Bremner 1970; Empey 1982; Schlossman 1977).

By the nineteenth century, however, houses of refuge, along with orphan asylums, began to be perceived as prisonlike warehouses that often bred criminality rather than preventing it. Reformers also were critical of the use of corporal punishment in these institutions and began to look for alternative methods of reforming problem youths. One of the most important of the new inventions was the **cottage system.** First introduced in Massachusetts and Ohio in the 1850s, the cottage system placed juveniles in small family-like environments of from one dozen to three dozen occupants under the supervision of a surrogate parent. The cottage system was believed superior to more congregate systems of confinement because it provided closer and presumably higher quality supervision (Binder, Geis, and Bruce 1988).

The modern system of juvenile justice was the most significant event in the development of alternative institutional approaches to delinquency. In the United States its emergence was associated with the **Progressive Era** of the late nineteenth and early twentieth centuries. Progressivism can be characterized as a liberal political movement designed to clean up some of the social problems and injustices associated with the early stages of industrialization and urbanization. As Siegel and Senna describe it:

> The Progressive Era was marked by a great deal of social change prompted by appeals to the conscience of the nation. Reformers were shocked by exposés of how society treated its less fortunate members. They were particularly concerned about what was going on in prisons and mental institutions. The poor, ill, and unfortunate were living in squalor, beaten, and mistreated by their "keepers." Progressive reformers lobbied legislators and appealed to public opinion in order to force better conditions. Their efforts helped establish the probation and parole system and other liberal correctional reforms. (1988:371; see also Rothman 1980)

Sociologists and historians have debated whether progressivism was, in fact, a movement of humanitarian reform or, rather, a means by which dominant groups in the United States began to consolidate their economic and political power and attempt to regulate people and social practices that threatened the orderly transition of society from an unregulated competitive laissez-faire capitalist system to an economy increasingly dominated by large powerful corporations. In Chapter 1, "The Child-Saving Movement and the Origins of the Juvenile Justice System," Anthony Platt discusses the emergence of the **child-saving movement** that was ostensibly designed to ameliorate the plight of underprivileged children. In the area of juvenile justice reform, Platt argues, the child-saving movement "tried to do for the criminal justice system what industrialists and corporate leaders were trying to do for the economy—that is, achieve order, stability and control while preserving the existing class system and distribution of wealth." Platt believes that the child-saving reformers could not have succeeded "without the financial and political support of the wealthy and powerful," and he suggests that the informality associated with the new juvenile court system was a means by which the state expanded its jurisdiction over an increasing number of youths without providing them with constitutional due process protections against unwarranted governmental intrusion in their lives. According to the legal doctrine of ***parens patriae*** adopted from English common law—which refers to the role of the king as the father or guardian of his country—the state could act in the "best interests" of children and take control of their lives *before* they committed a crime.[1] It is important to note that the new system of juvenile justice established a range of **status offenses**—behaviors that were illegal only because the individual was under a certain age (typically 17 or 18). Juveniles could now be held in violation of the law for offenses such as truancy, curfew, drinking alcohol, and running away from home as well as for vague transgressions such as immoral behavior, incorrigibility, and habitual disobedience.

Platt's interpretation of the developing juvenile justice system utilizes a **conflict theory** of society. According to conflict theory, society is divided into conflicting groups, and the group that holds the most economic power exerts disproportionate influence over the political and legal system (Chambliss and Seidman 1971; Quinney 1977; Turk 1969). Moreover, the "law is differentially administrated to favor the rich and powerful and control the have-not members of society" (Siegel and Senna 1988:198). Thus, according to Platt and other conflict theorists, the new juvenile justice system was directed primarily against the less privileged youths of society, that is, those from the lower and working classes. Moreover, Platt believes that the juvenile justice reforms were, in part, a means of "preparing youth as a disciplined and devoted work force" that would promote the expansion of corporate capitalism in the United States.

In Chapter 2, "Best-Laid Plans: The Ideal Juvenile Court," Ellen Ryerson offers a different take on the emergence of the juvenile justice system. Although acknowledging the limitations of the early juvenile justice reforms, Ryerson is more positive than Platt about the genuineness of the child-savers' humanitarian desire to help children and to prevent crime through a program of individualized treatment, family revitalization, and probation rather than incarceration.[2] In her view, a more balanced and nuanced interpretation of the rise of the juvenile justice system recognizes its "inherently double nature." Although some aspects "appear 'conservative' because they emphasized social control, . . . other aspects appear 'reformist' because they emphasized the rehabilitative ideal and found new ways to pursue it."

Finally, Chapter 3 supplements Ryerson's account by tracing the history of the juvenile justice system up to contemporary times. In "History Overtakes the Juvenile Justice System," Theodore Ferdinand argues that many of the system's problems "can be understood in terms of how the [juvenile] court adjusted over the years to the custodial institutions, clientele, and treatment facilities it served," particularly to the "system of juvenile institutions already dominated by a custodial if not a punitive viewpoint." He considers the apparent failure of rehabilitative treatment and the growing demand for reform and offers his views of how the system might live up to its initial promises. Although some criminologists and legal scholars advocate abolition of a separate system of juvenile justice (Feld 1990, 1993), Ferdinand believes that "historical analysis can pinpoint the sources of the court's difficulties and thereby suggest appropriate lines of reform."

Notes

1. The doctrine goes back to the Middle Ages when the king invoked his power to protect the inheritance rights of children and when the state asserted the right to assume wardship of children when "the natural parents or testamentary guardians were adjudged unfit to perform their duties" (Binder, Geis, and Bruce 1988:213).

2. See Schlossman (1977) for a similar assessment and Hagan and Leon (1977) for a critique of Platt's interpretation based on their analysis of the Canadian juvenile justice system. See Shelden and Osborne (1989) for research supporting Platt's position.

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1

The Child-Saving Movement and the Origins of the Juvenile Justice System

Anthony Platt

This chapter discusses the emergence of the child-saving movement that was ostensibly designed to ameliorate the plight of underprivileged children. In the area of juvenile justice reform, Anthony Platt argues, the child-saving movement tried to "achieve order, stability and control while preserving the existing class system and [unequal] distribution of wealth." According to Platt, the new juvenile justice system, and the informality associated with it, was a means by which the state expanded its jurisdiction over an increasing number of youths without providing them with constitutional due process protections against unwarranted governmental intrusion in their lives.

The Child-Saving Movement

. . . Although the modern juvenile justice system can be traced in part to the development of various charitable and institutional programs in the early nineteenth century,[1] it was not until the close of the century that the modern system was systematically organized to include juvenile courts, probation, child guidance clinics, truant officers, and reformatories. The child-saving movement—an amalgam of philanthropists, middle-class reformers and professionals—was responsible for the consolidation of these reforms.[2]

The 1890s represented for many middle-class intellectuals and professionals a period of discovery of "dim attics and damp cellars in poverty-stricken sections of populous towns" and "innumerable haunts of misery throughout the land."[3] The city was suddenly discovered to be a place of scarcity, disease, neglect, ignorance, and "dangerous influences." Its slums were the "last resorts of the penniless and the criminal"; here humanity reached the lowest level of

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Excerpt from "The Triumph of Benevolence: The Origins of the Juvenile Justice System in the United States," in Richard Quinney (ed.), *Criminal Justice in America* (Little, Brown, 1974), pp. 362–383. Reprinted by permission of the author.

degradation and despair.[4] These conditions were not new to American urban life and the working class had been suffering such hardships for many years. Since the Haymarket Riot of 1886, the centers of industrial activity had been continually plagued by strikes, violent disruptions, and widespread business failures.

What distinguished the late 1890s from earlier periods was the recognition by some sectors of the privileged classes that far-reaching economic, political and social reforms were desperately needed to restore order and stability. In the economy, these reforms were achieved through the corporation, which extended its influence into all aspects of domestic and foreign policies so that by the 1940s some 139 corporations owned 45 percent of all the manufacturing assets in the country. It was the aim of corporate capitalists to limit traditional laissez-faire business competition and to transform the economy into a rational and interrelated system, characterized by extensive long-range planning and bureaucratic routine.[5] In politics, these reforms were achieved nationally by extending the regulatory powers of the federal government and locally by the development of commission and city manager forms of government as an antidote to corrupt machine politics. In social life, economic and political reforms were paralleled by the construction of new social service bureaucracies which regulated crime, education, health, labor and welfare.

The child-saving movement tried to do for the criminal justice system what industrialists and corporate leaders were trying to do for the economy—that is, achieve order, stability and control while preserving the existing class system and distribution of wealth. While the child-saving movement, like most Progressive [era] reforms, drew its most active and visible supporters from the middle class and professions, it would not have been capable of achieving significant reforms without the financial and political support of the wealthy and powerful. Such support was not without precedent in various philanthropic movements preceding the child-savers. New York's Society for the Reformation of Juvenile Delinquents benefited in the 1820s from the contributions of Stephen Allen, whose many influential positions included Mayor of New York and president of the New York Life Insurance and Trust Company.[6] The first large gift to the New York Children's Aid Society, founded in 1853, was donated by Mrs. William Astor.[7] According to Charles Loring Brace, who helped to found the Children's Aid Society, "a very superior class of young men consented to serve on our Board of Trustees; men who, in their high principles of duty, and in the obligations which they feel are imposed by wealth and position, bid fair hereafter to make the name of New York merchants respected as it was never before throughout the country."[8] Elsewhere, welfare charities similarly benefited from the donations and wills of the upper class.[9] Girard College, one of the first large orphanages in the United States, was built and furnished with funds from the banking fortune of Stephen Girard,[10] and the Catholic bankers and financiers of New York helped to mobilize support and money for various Catholic charities.[11]

The child-saving movement similarly enjoyed the support of propertied and powerful individuals. In Chicago, for example, where the movement had some of its most notable successes, the child-savers included Louise Bowen and Ellen Henrotin, who were both married to bankers.[12] Mrs. Potter Palmer, whose husband owned vast amounts of land and property, was an ardent child-saver when not involved in the exclusive Fortnightly Club, the elite Chicago Woman's Club or the Board of Lady Managers of the World's Fair;[13] another child-saver in Chicago, Mrs. Perry Smith, was married to the vice-president of the Chicago and Northwestern Railroad. Even the more radically-minded child-savers came from upper-class backgrounds. The fathers of Jane Addams and Julia Lathrop, for example, were both lawyers and Republican senators in the Illinois legislature. Jane Addams' father was one of the richest men in northern Illinois, and her stepbrother, Harry Haldeman, was a socialite from Baltimore who later amassed a large fortune in Kansas City.[14]

The child-saving movement was not simply a humanistic enterprise on behalf of the lower classes against the established order. On the contrary, its impetus came primarily from the middle and upper classes who were instrumental in devising new forms of social control to protect their privileged positions in American society. The child-saving movement was not an isolated phenomenon but rather reflected massive changes in productive relationships, from laissez-faire to monopoly capitalism, and in strategies of social control, from inefficient repression to welfare state benevolence.[15] This reconstruction of economic and social institutions, which was not achieved without conflict within the ruling class, represented a victory for the more "enlightened" wing of corporate leaders who advocated strategic alliances with urban reformers and support of liberal reforms.[16]

Many large corporations and business leaders, for example, supported federal regulation of the economy in order to protect their own investments and stabilize the marketplace. Business leaders and political spokesmen were often in basic agreement about fundamental economic issues. . . . "Few reforms were enacted without the tacit approval, if not the guidance, of the large corporate interests." For the corporation executives, liberalism meant "the responsibility of all classes to maintain and increase the efficiency of the existing social order."[17]

Progressivism was in part a businessmen's movement and big business played a central role in the Progressive coalition's support of welfare reforms. Child labor legislation in New York, for example, was supported by several groups, including upper-class industrialists who did not depend on cheap child labor. According to Jeremy Felt's history of that movement, "the abolition of child labor could be viewed as a means of driving out marginal manufacturers and tenement operators, hence increasing the consolidation and efficiency of business."[18] The rise of compulsory education, another welfare state reform, was also closely tied to the changing forms of industrial production and social control. Charles Loring Brace, writing in the mid-nineteenth century, anticipated the use of education as preparation for industrial discipline when, "in the interests of public order, of liberty, of property, for the sake of our own safety and the endurance of free institutions here," he advocated "a strict and careful law, which shall compel every minor to learn and read and write, under severe penalties in case of disobedience."[19] By the end of the century, the working class had imposed upon them a sterile and authoritarian educational system which mirrored the ethos of the corporate workplace and was designed to provide "an increasingly refined training and selection mechanism for the labor force."[20]

While the child-saving movement was supported and financed by corporate liberals, the day-to-day work of lobbying, public education and organizing was undertaken by middle-class urban reformers, professionals and special interest groups. The more moderate and conservative sectors of the feminist movement were especially active in anti-delinquency reforms.[21] Their successful participation derived in part from public stereotypes of women as the "natural caretakers" of "wayward children." Women's claim to the public care of children had precedent during the nineteenth century and their role in child rearing was paramount. Women, generally regarded as better teachers than men, were more influential in child-training and discipline at home. The fact that public education also came more under the direction of women teachers in the schools served to legitimize the predominance of women in other areas of "child-saving."[22]

The child-saving movement attracted women from a variety of political and class backgrounds, though it was dominated by the daughters of the old landed gentry and wives of the upper-class nouveau riche. Career women and society philanthropists, elite women's clubs and settlement houses, and political and civic organizations worked together on the problems of child care, education and juvenile delinquency. Professional and political women's groups regarded child-saving as a problem of women's rights, whereas their opponents seized upon it as an opportunity to keep women in their "proper place." Child-saving became a reputable task for any woman who wanted to extend her "housekeeping" functions into the community without denying anti-feminist stereotypes of woman's nature and place.[23]

For traditionally educated women and daughters of the landed and industrial gentry, the child-saving movement presented an opportunity for pursuing socially acceptable public roles and for restoring some of the authority and spiritual influence which many women felt they had lost through the urbanization of family life. . . .[24] The child-savers were aware that their championship of social outsiders such as immigrants, the poor and children, was not wholly motivated by disinterested ideals of justice and equality. Philanthropic work filled a void in their own lives, a void which was created in part by the decline of traditional religion, increased leisure and boredom, the rise of public education, and the breakdown of communal life in large, crowded cities. "By simplifying dress and amusements, by cutting off a little here and there from our luxuries," wrote one child-saver, "we may change the whole current of many human lives."[25] Women were exhorted to make their lives useful by participating in welfare programs, by volunteering their time and services, and by getting acquainted with less privileged groups. They were also encouraged to seek work in institutions which were "like family-life with its many-sided developments and varied interests and occupations, and where the woman-element shall pervade the house and soften its social atmosphere with motherly tenderness."[26]

While the child-saving movement can be partly understood as a "symbolic crusade,"[27] which served ceremonial and status functions for many women, it was by no means a reactionary and romantic movement, nor was it supported only by women and members of the old gentry. Child-saving also had considerable instrumental significance for legitimizing new career openings for women. The new role of social worker combined elements of an old and partly fictitious role—defender of family life—and elements of a new role—social servant. Social work and professional child-saving provided new opportunities for career-minded women who found the traditional professions dominated and controlled by men.[28] These child-savers were members of the emerging [middle class] created by the new industrial order.

It is not surprising that the professions also supported the child-saving movement, for they were capable of reaping enormous economic and status rewards from the changes taking place. The clergy had nothing to lose (but more of their rapidly declining constituency) and everything to gain by incorporating social services into traditional religion. Lawyers were needed for their technical expertise and to administer new institutions. And academics discovered a new market which paid them as consultants, elevated them to positions of national prestige and furnished endless materials for books, articles and conferences. . . .

While the rank and file reformers in the child-saving movement worked closely with corporate liberals, it would be inaccurate to simply characterize them as lackeys of big business. Many were principled and genuinely concerned about alleviating human misery and improving the lives of the poor. Moreover, many women who participated in the movement were able to free themselves from male domination and participate more fully in society. But for the most part, the child-savers and other Progressive reformers defended capitalism and rejected socialist alternatives. Most reformers accepted the structure of the new industrial order and sought to moderate its cruder inequities and reduce inharmonies in the existing system.[29] Though many child-savers were "socialists of the heart" and ardent critics of society, their programs were typically reformist and did not alter basic economic inequalities.[30] Rhetoric and righteous indignation were more prevalent than programs of radical action.

Images of Crime and Delinquency

. . . The child-savers viewed the "criminal classes" with a mixture of contempt and benevolence. Crime was portrayed as rising from the "lowest orders" and threatening to engulf "respectable" society like a virulent disease. Charles Loring Brace, a leading child-saver, typified popular and professional views about crime and delinquency:

> As Christian men, we cannot look upon this great multitude of unhappy, deserted, and degraded boys and girls without feeling our responsibility to God for them. The class increases: immigration is pouring in its multitudes of poor foreigners who leave these young outcasts everywhere in our midst. These boys and girls . . . will soon form the great lower class of our city. They will influence elections; they may shape the policy of the city; they will assuredly, if unreclaimed, poison society all around them. They will help to form the great multitude of robbers, thieves, and vagrants, who are now such a burden upon the law-respecting community. . . .[31]

This attitude of contempt derived from a view of criminals as less-than-human, a perspective which was strongly influenced and aggravated by nativist and racist ideologies.[32] The "criminal class" was variously described as "creatures" living in "burrows," "dens," and "slime"; as "little Arabs" and "foreign childhood that floats along the streets and docks of the city—vagabondish, thievish, familiar with the vicious ways and places of the town";[33] and as "ignorant," "shiftless," "indolent," and "dissipated."[34]

The child-savers were alarmed and frightened by the "dangerous classes" whose "very number makes one stand aghast," noted the urban reformer Jacob Riis.[35] Law and order were widely demanded:

> The "dangerous classes" of New York are mainly American-born, but the children of Irish and German immigrants. They are . . . ignorant [and] . . . far more brutal than the peasantry from whom they descend, and they are much banded together . . . ready for any offense or crime, however degraded or bloody. . . . Let but Law lift its hand from them for a season, or let the civilizing influences of American life fail to reach them, and, if the opportunity offered, we should see an explosion from this class which might leave this city in ashes and blood.[36]

These views derived considerable legitimacy from prevailing theories of social and reform Darwinism which . . . proposed that criminals were a dangerous and atavistic class, standing outside the boundaries of morally regulated relationships. Herbert Spencer's writings had a major impact on American intellectuals and

Cesare Lombroso, perhaps the most significant figure in nineteenth-century criminology, looked for recognition in the United States when he felt that his experiments on the "criminal type" had been neglected in Europe.[37]

Although Lombroso's theoretical and experimental studies were not translated into English until 1911, his findings were known by American academics in the early 1890s, and their popularity, like that of Spencer's works, was based on the fact that they confirmed widely-held stereotypes about the biological basis and inferior character of a "criminal class." A typical view was expressed by Nathan Allen in 1878 at the National Conference of Charities and Correction: "If our object is to prevent crime in a large scale, we must direct attention to its main sources—to the materials that make criminals; the springs must be dried up; the supplies must be cut off."[38] This was to be achieved, if necessary, by birth control and eugenics. Similar views were expressed by Hamilton Wey, an influential physician at Elmira Reformatory, who argued before the National Prison Association in 1881 that criminals had to be treated as a "distinct type of human species."[39]

Literature on "social degradation" was extremely popular during the 1870s and 1880s, though most such "studies" were little more than crude and racist polemics, padded with moralistic epithets and preconceived value judgments. Richard Dugdale's series of papers on the Jukes family, which became a model for the case-study approach to social problems, was distorted almost beyond recognition by anti-intellectual supporters of hereditary theories of crime.[40] Confronted by the . . . disciples of the biological image of behavior, many child-savers were compelled to admit that "a large proportion of the unfortunate children that go to make up the great army of criminals are not born right."[41] Reformers adopted and modified the rhetoric of social Darwinism in order to emphasize the urgent need for confronting the "crime problem" before it got completely out of hand. A popular proposal, for example, was the "methodized registration and training" of potential criminals, "or these failing, their early and entire withdrawal from the community."[42]

Although some child-savers advocated drastic methods of crime control—including birth control through sterilization, cruel punishments, and lifelong incarceration—more moderate views prevailed. This victory for moderation was related to the recognition by many Progressive reformers that short-range repression was counter-productive as well as cruel and that long-range planning and amelioration were required to achieve economic and political stability. The rise of more benevolent strategies of social control occurred at about the same time that influential capitalists were realizing that existing economic arrangements could not be successfully maintained only through the use of private police and government troops.[43] While the child-savers justified their reforms as humanitarian, it is clear that this humanitarianism reflected their class background and elitist conceptions of human potentiality. The child-savers shared the view of more conservative professionals that "criminals" were a distinct and dangerous class, indigenous to working-class culture, and a threat to "civilized" society. They differed mainly in the procedures by which the "criminal class" should be controlled or neutralized.

Gradually, a more "enlightened" view about strategies of control prevailed among the leading representatives of professional associations. Correctional workers, for example, did not want to think of themselves merely as the custodians of a pariah class. The self-image of penal reformers as "doctors" rather than "guards," and the medical domination of criminological research in the United States at that time facilitated the acceptance of "therapeutic" strategies in prisons and reformatories.[44] Physicians gradually provided the official rhetoric of penal reform, replacing cruder concepts of social Darwinism with a new optimism. Admittedly, the criminal was "pathological" and "diseased," but medical science offered the possibility of miraculous cures. Although there was a popular belief in the existence of a "criminal class" separated from the rest of humanity by a "vague boundary line," there was no good reason why this class could not be identified, diagnosed, segregated, changed and incorporated back into society.[45]

By the late 1890s, most child-savers agreed that hereditary theories of crime were [overly] fatalistic. The superintendent of the Kentucky Industrial School of Reform, for example, told delegates to a national conference on corrections that heredity is "unjustifiably made a bugaboo to discourage efforts at rescue. We know that physical heredity tendencies can be neutralized and often nullified by proper counteracting precautions."[46] E. R. L. Gould, a sociologist at the University of Chicago, similarly criticized biological theories of crime as unconvincing and sentimental. "Is it not better," he said, "to postulate freedom of choice than to preach the doctrine of the unfettered will, and so elevate criminality into a proprietary sacrifice?"[47]

Charles Cooley, writing in 1896, was one of the first American sociologists to observe that criminal behavior depended as much upon social and economic circumstances as it did upon the inheritance of biological traits. "The criminal class," he observed, "is largely the result of society's bad workmanship upon fairly good material." In support of this argument, he noted that there was a "large and fairly trustworthy body of evidence" to suggest that many, "degenerates" could be converted into "useful citizens by rational treatment."[48]

Although there was a wide difference of opinion among experts as to the precipitating causes of crime, it was generally agreed that criminals were abnormally conditioned by a multitude of biological and environmental forces, some of which were permanent and irreversible. Strictly biological theories of crime were modified to incorporate a developmental view of human behavior. If, as it was believed, criminals are conditioned by biological heritage and brutish living conditions, then prophylactic measures must be taken early in life. "We must get hold of the little waifs that grow up to form the criminal element just as early in life as possible," exhorted an influential child-saver. "Hunt up the children of poverty, of crime, and of brutality, just as soon as they can be reached."[49]

Efforts were needed to reach the criminals of future generations. “They are born to crime,” wrote the penologist Enoch Wines, “brought up for it. They must be saved.”[50] New institutions and new programs were required to meet this challenge.

Juvenile Court and the Reformatory System

The essential preoccupation of the child-saving movement was the recognition and control of youthful deviance. It brought attention to, and thus “invented” new categories of youthful misbehavior which had been hitherto unappreciated. The efforts of the child-savers were institutionally expressed in the juvenile court which, despite recent legislative and constitutional reforms, is generally acknowledged as their most significant contribution to progressive penology. There is some dispute about which state first created a special tribunal for children. Massachusetts and New York passed laws, in 1874 and 1892 respectively, providing for the trials of minors apart from adults charged with crimes. Ben Lindsey, a renowned judge and reformer, also claimed this distinction for Colorado where a juvenile court was, in effect, established through an educational law of 1899. However, most authorities agree that the Juvenile Court Act, passed by the Illinois legislature in the same year, was the first official enactment to be recognized as a model statute by other states and countries.[51] By 1917, juvenile court legislation had been passed in all but three states and by 1932 there were over 600 independent juvenile courts throughout the United States.[52]

The juvenile court system was part of a general movement directed towards developing a specialized labor market and industrial discipline under corporate capitalism by creating new programs of adjudication and control for “delinquent,” “dependent” and “neglected” youth. This in turn was related to augmenting the family and enforcing compulsory education in order to guarantee the proper reproduction of the labor force. For example, underlying the juvenile court system was the concept of *parens patriae* by which the courts were authorized to handle with wide discretion the problems of “its least fortunate junior citizens.”[53] The administration of juvenile justice, which differed in many important respects from the criminal court system, was delegated extensive powers of control over youth. A child was not accused of a crime but offered assistance and guidance; intervention in the lives of “delinquents” was not supposed to carry the stigma of criminal guilt. Judicial records were not generally available to the press or public, and juvenile hearings were typically conducted in private. Court procedures were informal and inquisitorial, not requiring the presence of a defense attorney. Specific criminal safeguards of due process were not applicable because juvenile proceedings were defined by statute as civil in character.[54]

The judges of the new court were empowered to investigate the character and social background of “predelinquent” as well as delinquent children; they concerned themselves with motivation rather than intent, seeking to identify the moral reputation of problematic children. The requirements of preventive penology and child-saving further justified the court's intervention in cases where no offense had actually been committed, but where, for example, a child was posing problems for some person in authority, such as a parent or teacher or social worker.

The role model for juvenile court judges was doctor-counselor rather than lawyer. "Judicial therapists" were expected to establish a one-to-one relationship with "delinquents" in the same way that a country doctor might give his time and attention to a favorite patient. Juvenile courtrooms were often arranged like a clinic and the vocabulary of its participants was largely composed of medical metaphors. "We do not know the child without a thorough examination," wrote Judge Julian Mack. "We must reach into the soul-life of the child."[55] Another judge from Los Angeles suggested that the juvenile court should be a "laboratory of human behavior" and its judges trained as "specialists in the art of human relations." It was the judge's task to "get the whole truth about a child" in the same way that a "physician searches for every detail that bears on the condition of the patient."[56] Similarly, the judges of the Boston juvenile court liked to think of themselves as "physicians in a dispensary."[57]

The unique character of the child-saving movement was its concerns for predelinquent offenders—"children who occupy the debatable ground between criminality and innocence"—and its claim that it could transform potential criminals into respectable citizens by training them in "habits of industry, self-control and obedience to law."[58] This policy justified the diminishing of traditional procedures and allowed police, judges, probation officers and truant officers to work together without legal hindrance. If children were to be rescued, it was important that the rescuers be free to pursue their mission without the interference of defense lawyers and due process. Delinquents had to be saved, transformed and reconstituted. "There is no essential difference," noted a prominent child-saver, "between a criminal and any other sinner. The means and methods of restoration are the same for both."[59]

The juvenile court legislation enabled the state to investigate and control a wide variety of behaviors. As Joel Handler has observed, "the critical philosophical position of the reform movement was that no formal, legal distinctions should be made between the delinquent and the dependent or neglected."[60] Statutory definitions of "delinquency" encompassed (1) acts that would be criminal if committed by adults; (2) acts that violated county, town, or municipal ordinances; and (3) violations of vaguely worded catch-alls—such as "vicious or immoral behavior," "incorrigibility," and "truancy"—which "seem to express the notion that the adolescent, if allowed to continue, will engage in more serious conduct."[61]

The juvenile court movement went far beyond a concern for special treatment of adolescent offenders. It brought within the ambit of government control a set of youthful activities that had been previously ignored or dealt with on an informal basis. It was not by accident that the behavior subject to penalties—drinking, sexual "license," roaming the streets, begging, frequenting dance halls and movies, fighting, and being seen in public late at night—was especially characteristic of the children of working-class and immigrant families. Once arrested and adjudicated, these "delinquents" became wards of the court and eligible for salvation.

It was through the reformatory system that the child-savers hoped to demonstrate that delinquents were capable of being converted into law-abiding citizens. Though the reformatory was initially developed in the United States during the middle of the nineteenth century as a special form of prison discipline for adolescents and young adults, its underlying principles were formulated in Britain by Matthew Davenport Hill, Alexander Maconochie, Walter Crofton and Mary Carpenter. If the United States did not have any great penal theorists, it at least had energetic administrators—like Enoch Wines, Zebulon Brockway and Frank Sanborn—who were prepared to experiment with new programs.

The reformatory was distinguished from the traditional penitentiary in several ways: it adopted a policy of indeterminate sentencing [an unspecified period of incarceration, with release dependent on the juvenile's successful rehabilitation]; it emphasized the importance of a countryside location; and it typically was organized on the "cottage" plan as opposed to the traditional congregate housing found in penitentiaries. The ultimate aim of the reformatory was reformation of the criminal, which could only be achieved "by placing the prisoner's fate, as far as possible, in his own hand, by enabling him, through industry and good conduct to raise himself, step by step, to a position of less restraint. . . ."[62]

Based on a crude theory of rewards and punishments, the "new penology" set itself the task of resocializing the "dangerous classes." The typical resident of a reformatory, according to one child-saver, had been "cradled in infamy, imbibing with its earliest natural nourishment the germs of a depraved appetite, and reared in the midst of people whose lives are an atrocious crime against natural and divine law and the rights of society." In order to correct and reform such a person, the reformatory plan was designed to teach the value of adjustment, private enterprise, thrift and self-reliance. "To make a good boy out of this bundle of perversities, his entire being must be revolutionized. He must be taught self-control, industry, respect for himself and the rights of others."[63] The real test of reformation in a delinquent, as William Letchworth told the National Conference of Charities and Correction in 1886, was his uncomplaining adjustment to his former environment. "If he is truly reformed in the midst of adverse influences," said Letchworth, "he gains that moral strength which makes his reform permanent."[64] Moreover, reformed delinquents were given every opportunity to rise "far above the class from which they sprang," especially if they were "patient" and "self-denying."[65]

Reformation of delinquents was to be achieved in a number of different ways. The trend from congregate housing to group living represented a significant change in the organization of penal institutions. The "cottage" plan was designed to provide more intensive supervision and to reproduce, symbolically at least, an atmosphere of family life conducive to the resocialization of youth. The "new penology" also urged the benefits of a rural location, partly in order to teach agricultural skills, but mainly in order to guarantee a totally controlled environment. This was justified by appealing to the romantic theory that corrupt delinquents would be spiritually regenerated by their contact with unspoiled nature.[66]

Education was stressed as the main form of industrial and moral training in reformatories. According to Michael Katz, in his study on nineteenth-century education, the reformatory provided "the first form of compulsory schooling in the United States."[67] The prominence of education as a technique of reform reflected the widespread emphasis on socialization and assimilation instead of cruder methods of social control. But as Georg Rusche and Otto Kirchheimer observed in their study of the relationship between economic and penal policies, the rise of "rehabilitative" and educational programs was "largely the result of opposition on the part of free workers," for "wherever working-class organizations were powerful enough to influence state politics, they succeeded in obtaining complete abolition of all forms of prison labor . . . or at least in obtaining very considerable limitations, such as work without modern machinery, conventional rather than modern types of prison industry, or work for the government instead of for the free market."[68]

Although the reformatory system, as envisioned by urban reformers, suffered in practice from overcrowding, mismanagement, inadequate financing and staff hiring problems, its basic ideology was still tough-minded and uncompromising. As the American Friends Service Committee noted, "if the reformers were naive, the managers of the correctional establishment were not. Under the leadership of Zebulon R. Brockway of the Elmira Reformatory, by the latter part of the nineteenth century they had co-opted the reformers and consolidated their leadership and control of indeterminate sentence reform."[69] The child-savers were not averse to using corporal punishment and other severe disciplinary measures when inmates were recalcitrant. Brockway, for example, regarded his task as "socialization of the antisocial by scientific training while under completest governmental control."[70] To achieve his goal, Brockway's reformatory became "like a garrison of a thousand prisoner soldiers" and "every incipient disintegration was promptly checked and disinclination of individual prisoners to conform was overcome."[71] Child-saving was a job for resolute professionals who realized that "sickly sentimentalism" had no place in their work.[72]

"Criminals shall either be cured," Brockway told the National Prison Congress in 1870, "or kept under such continued restraint as gives guarantee of safety from further depredations."[73] Restraint and discipline were an integral part of the "treatment" program and not merely expediencies of administration. Military drill, "training of the will," and long hours of tedious labor were the essence of the reformatory system and the indeterminate sentencing policy guaranteed its smooth operation. "Nothing can tend more certainly to secure the most hardened and desperate criminals than the present system of short sentences," wrote the reformer Bradford Kinney Peirce in 1869.[74] Several years later, Enoch Wines was able to report that "the sentences of young offenders are wisely regulated for their amendment; they are not absurdly shortened as if they signified only so much endurance of vindictive suffering."[75]

Since the child-savers professed to be seeking the "best interests" of their "wards" on the basis of corporate liberal values, there was no need to formulate legal regulation of the right and duty to "treat" in the same way that the right and duty to punish had been previously regulated.[76] . . . The myth of the child-saving movement as a humanitarian enterprise is based partly on a superficial interpretation of the child-savers' rhetoric of rehabilitation and partly on a misconception of how the child-savers viewed punishment. While it is true that the child-savers advocated minimal use of corporal punishment, considerable evidence suggests that this recommendation was based on managerial rather than moral considerations. William Letchworth reported that "corporal punishment is rarely inflicted" at the State Industrial School in Rochester because "most of the boys consider the lowering of their standing the severest punishment that is inflicted."[77] Mrs. Glendower Evans, commenting on the decline of whippings at a reform school in Massachusetts, concluded that "when boys do not feel themselves imprisoned and are treated as responsible moral agents, they can be trusted with their freedom to a surprising degree."[78] Officials at another state industrial school for girls also reported that "hysterics and fits of screaming and of noisy disobedience, have of late years become unknown. . . ."[79]

The decline in the use of corporal punishment was due to the fact that indeterminate sentencing, the "mark" or "stage" system of rewards and punishments, and other techniques of "organized persuasion" were far more effective in maintaining order and compliance than cruder methods of control. The chief virtue of the "stage" system, a graduated system of punishments and privileges, was its capacity to keep prisoners disciplined and submissive.[80] The child-savers had learned from industrialists that persuasive benevolence backed up by force was a far more effective device of social control than arbitrary displays of terrorism. Like an earlier generation of penal reformers in France and Italy, the child-savers stressed the efficacy of new and indirect forms of social control as a "practical measure of defense against social revolution as well as against individual acts."[81]

Although the child-saving movement had far-reaching consequences for the organization and administration of the juvenile justice system, its overall impact was conservative in both spirit and achievement. The child-savers' reforms were generally aimed at imposing sanctions on conduct unbecoming "youth" and disqualifying youth from the benefit of adult privileges. The child-savers were prohibitionists, in a general sense, who believed that social progress depended on efficient law enforcement, strict supervision of children's leisure and recreation, and enforced education. They were primarily concerned with regulating social behavior, eliminating "foreign" and radical ideologies, and preparing youth as a disciplined and devoted work force. The austerity of the criminal law and penal institutions was only of incidental concern; their central interest was in the normative outlook of youth and they were most successful in their efforts to extend governmental control over a whole range of youthful activities which had previously been handled locally and informally. In this sense, their reforms were aimed at defining, rationalizing and regulating the dependent status of youth.[82] Although the child-savers' attitudes to youth were often paternalistic and romantic, their commands were backed up by force and an abiding faith in the benevolence of government.

The child-saving movement had its most direct impact on the children of the urban poor. The fact that "troublesome" adolescents were depicted as "sick" or "pathological," imprisoned "for their own good," addressed in paternalistic vocabulary, and exempted from criminal law processes, did not alter the subjective experiences of control, restraint and punishment. It is ironic, as Philippe Aries observed in his historical study of European family life, that the obsessive solicitude of family, church, moralists and administrators for child welfare served to deprive children of the freedoms which they had previously shared with adults and to deny their capacity for initiative, responsibility and autonomy. . . .[83]

Notes

1. For discussions of earlier reform movements, see Robert S. Pickett, *House of Refuge: Origins of Juvenile Reform in New York State, 1815–1857* (Syracuse, NY: Syracuse University Press, 1969), and Sanford J. Fox, "Juvenile Justice Reform: An Historical Perspective," 22 *Stanford Law Review,* (1970), pp. 1187–1239.

2. The child-saving movement was broad and diverse, including reformers interested in child welfare, education, reformatories, labor and other related issues. This paper is limited primarily to child-savers involved in anti-delinquency reforms and should not be interpreted as characterizing the child-saving movement in general.

3. William P. Letchworth, "Children of the State," National Conference of Charities and Correction, *Proceedings* (St. Paul, Minnesota, 1886), p. 138.

4. R. W. Hill, "The Children of Shinbone Alley," National Conference of Charities and Correction, *Proceedings* (Omaha, 1887), p. 231.

5. William Appleman Williams, *The Contours of American History* (Chicago: Quadrangle Books, 1966), especially pp. 345–412.

6. Pickett, op. cit., pp. 50–55.

7. Committee on the History of Child-Saving Work, *History of Child-Saving in the United States* (National Conference of Charities and Correction, 1893), p. 5.

8. Charles Loring Brace, *The Dangerous Classes of New York and Twenty Years' Work Among Them* (New York: Wynkoop & Hallenbeck, 1880), pp. 282–83.

9. Committee on the History of Child-Saving Work, op. cit., pp. 70–73.

10. Ibid., pp. 80–81.

11. Ibid., p. 270.

12. For more about these child-savers, see Anthony Platt, *The Child-Savers: The Invention of Delinquency* (Chicago: University of Chicago Press, 1969), pp. 75–100.

13. Louise C. Wade, *Graham Taylor: Pioneer for Social Justice, 1851–1938* (Chicago: University of Chicago Press, 1964), p. 59.

14. G. William Domhoff, *The Higher Circles: The Governing Class in America* (New York: Random House, 1970), p. 48, and Platt, op. cit., pp. 92–98.

15. "The transformation in penal systems cannot be explained only from changing needs of the war against crime, although this struggle does play a part. Every system of production tends to discover punishments which correspond to its productive relationships. It is thus necessary to investigate the origin and fate of penal systems, the use or avoidance of specific punishments, and the intensity of penal practices as they are determined by social forces, above all by economic and then fiscal forces." Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York: Russell & Russell, 1968), p. 5.

16. See, for example, Gabriel Kolko, *The Triumph of Conservatism: A Reinterpretation of American History, 1900–1916* (Chicago: Quadrangle Books, 1967); James Weinstein, *The Corporate Ideal in the Liberal State, 1900–1918* (Boston: Beacon Press, 1969); Samuel Haber, *Efficiency and Uplift: Scientific Management in the Progressive Era, 1890–1920* (Chicago: University of Chicago Press, 1964); and Robert H. Wiebe, *Businessmen and Reform: A Study of the Progressive Movement* (Cambridge: Harvard University Press, 1962).

17. Weinstein, op. cit., pp. ix, xi.

18. Jeremy P. Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse: Syracuse University Press, 1965), p. 45.

19. Brace, op. cit., p. 352.

20. David K. Cohen and Marvin Lazerson, "Education and the Corporate Order," 8 *Socialist Revolution* (1972), p. 50. See also Michael B. Katz, *The Irony of Early School Reform: Educational Innovation in Mid-Nineteenth Century Massachusetts* (Cambridge: Harvard University Press, 1968), and Lawrence A. Cremin, *The Transformation of the School: Progressivism in American Education, 1876–1957* (New York: Vintage, 1961).

21. It should be emphasized that child-saving reforms were predominantly supported by more privileged sectors of the feminist movement, especially those who had an interest in developing professional careers in education, social work and probation. In recent years, radical feminists have emphasized that "we must include the oppression of children in any program for feminist revolution or we will be subject to the same failing of which we have so often accused men: of not having gone deep enough in our analysis, of having missed an important substratum of oppression merely because it didn't directly concern us." Shulamith Firestone, *The Dialectic of Sex: The Case for Feminist Revolution* (New York: Bantam, 1971), p. 104.

22. Robert Sunley, "Early Nineteenth Century American Literature on Child-Rearing," in Margaret Mead and Martha Wolfenstein (Eds.), *Childhood in Contemporary Cultures* (Chicago: University of Chicago Press, 1955), p. 152; see also Orville G. Brim, *Education for Child-Rearing* (New York: Free Press, 1965), pp. 321–49.

23. For an extended discussion of this issue, see Platt, op. cit. and Christopher Lasch, *The New Radicalism in America, 1889–1963: The Intellectual as a Social Type* (New York: Alfred Knopf, 1965), pp. 3–68.

24. Talcott Parsons and Robert F. Bales, *Family, Socialization and Interaction Process* (Glencoe, IL: Free Press, 1955), pp. 3–33.

25. Clara T. Leonard, "Family Homes for Pauper and Dependent Children," Annual Conference of Charities*, Proceedings* (Chicago: 1879), p. 175.

26. W. P. Lynde, "Prevention in Some of its Aspects," Ibid., pp. 165–66.

27. Joseph R. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement* (Urbana: University of Illinois Press, 1963).

28. See, generally, Roy Lubove, *The Professional Altruist: The Emergence of Social Work as a Career, 1880–1930* (Cambridge: Harvard University Press, 1965).

29. Williams, op. cit., p. 373, and Weinstein, op. cit., p. 254.

30. Williams, op. cit., pp. 374, 395–402.

31. Committee on the History of Child-Saving Work, op. cit., p. 3.

32. See, generally, John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New York: Atheneum, 1965).

33. Brace, op. cit., pp. 30, 49; Bradford Kinney Peirce, *A Half Century with Juvenile Delinquents* (Montclair, New Jersey: Patterson Smith, 1969, originally published 1869), p. 253.

34. Nathan Allen, "Prevention of Crime and Pauperism," Annual Conference of Charities, *Proceedings* (Cincinnati, 1878), pp. 111–24.

35. Jacob A. Riis, *How the Other Half Lives* (New York: Hill & Wang, 1957, originally published in 1890), p. 134.

36. Brace, op. cit., pp. 27, 29.

37. See, for example, Lombroso's comments in the Introduction to Arthur MacDonald, *Criminology* (New York: Funk & Wagnalls, 1893).

38. Allen, op. cit.

39. Hamilton D. Wey, "A Plea for Physical Training of Youthful Criminals," *National Prison Association, Proceedings* (Boston, 1888), pp. 181–93. For further discussion of this issue, see Platt, op. cit., pp. 18–28 and Arthur E. Fink, *Causes of Crime: Biological Theories in the United States, 1800–1915* (New York: A. S. Barnes, 1962).

40. Richard L. Dugdale, *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity* (New York: G.P. Putnam's Sons, 1877).

41. Sarah B. Cooper, "The Kindergarten as Child-Saving Work," *National Conference of Charities and Correction, Proceedings* (Madison, 1883), pp. 130–38.

42. I. N. Kerlin, "The Moral Imbecile," National Conference of Charities and Correction, *Proceedings* (Baltimore, 1890), pp. 244–50.

43. Williams, op. cit., p. 354.

44. Fink, op. cit., p. 247.

45. See, for example, Illinois Board of State Commissioners of Public Charities, *Second Biennial Report* (Springfield: State Journal Steam Print, 1873), pp. 195–96.

46. Peter Caldwell, "The Duty of the State to Delinquent Children," National Conference of Charities and Correction*, Proceedings* (New York, 1898), pp. 404–10.

47. E. R. L. Gould, "The Statistical Study of Hereditary Criminality," National Conference of Charities and Correction, *Proceedings* (New Haven, 1895), pp. 134–43.

48. Charles H. Cooley, "'Nature' in the Making of Social Careers," National Conference of Charities and Correction, *Proceedings* (Grand Rapids, 1896), pp. 399–405.

49. Committee on the History of Child-Saving Work, op. cit., p. 90.

50. Enoch C. Wines, *The State of Prisons and of Child-Saving Institutions in the Civilized World* (Cambridge: Harvard University Press, 1880).

51. Helen Page Bates, "Digest of Statutes Relating to Juvenile Courts and Probation Systems," 13 *Charities* (1905), pp. 329–36.

52. Joel F. Handler, "The Juvenile Court and the Adversary System: Problems of Function and Form," 1965 *Wisconsin Law Review* (1965), pp. 7–51.

53. Gustav L. Schramm, "The Juvenile Court Idea," 13 *Federal Probation* (September, 1949), p. 21.

54. Monrad G. Paulsen, “Fairness to the Juvenile Offender,” 41 *Minnesota Law Review* (1957), pp. 547–67.

55. Julian W. Mack, “The Chancery Procedure in the Juvenile Court,” in Jane Addams (Ed.), *The Child, the Clinic and the Court* (New York: New Republic, 1925), p. 315.

56. Miriam Van Waters, “The Socialization of Juvenile Court Procedure,” 21 *Journal of Criminal Law & Criminology* (1922), pp. 61, 69.

57. Harvey H. Baker, “Procedure of the Boston Juvenile Court,” 23 *Survey* (1910), p. 646.

58. Illinois Board of State Commissioners of Public Charities, *Sixth Biennial Report* (Springfield: H. W. Rokker, 1880), p. 104.

59. Frederick H. Wines, “Reformation as an End in Prison Discipline,” National Conference of Charities and Correction, *Proceedings* (Buffalo, 1888), p. 198.

60. Joel F. Handler, op. cit., p. 9.

61. Joel F. Handler and Margaret K. Rosenheim, “Privacy and Welfare: Public Assistance and Juvenile Justice,” 31 *Law & Contemporary Problems* (1966), pp. 377–412.

62. From a report by Enoch Wines and Theodore Dwight to the New York legislature in 1867, quoted by Max Grünhut, *Penal Reform* (Oxford: Clarendon Press, 1948), p. 90.

63. Peter Caldwell, “The Reform School Problem,” National Conference of Charities and Correction, *Proceedings* (St. Paul, 1886), pp. 71–76.

64. Letchworth, op. cit., p. 152.

65. Committee on the History of Child-Saving Work, op. cit., p. 20.

66. See Platt, op. cit., pp. 55–66.

67. Katz, op. cit., p. 187.

68. Rusche and Kirchheimer, op. cit., pp. 131–32.

69. American Friends Service Committee, op. cit., p. 28.

70. Zebulon R. Brockway, *Fifty Years of Prison Service* (New York: Charities Publication Committee, 1912), p. 393.

71. Ibid., pp. 310, 421.

72. Ibid., pp. 389–408.

73. Ibid.

74. Peirce, op. cit., p. 312.

75. Wines, op. cit., p. 81.

76. On informal cooperation in the criminal courts, see Jerome H. Skolnick, “Social Control in the Adversary System,” 11 *Journal of Conflict Resolution* (1967), pp. 52–70.

77. Committee on the History of Child Saving Work, op. cit., p. 20.

78. Ibid., p. 237.

79. Ibid., p. 251.

80. Rusche and Kirchheimer, op. cit., pp. 155–56.

81. Ibid., p. 76. For a similar point, see American Friends Service Committee, op. cit., p. 33.

82. See, generally, Frank Musgrove, *Youth and the Social Order* (London: Routledge & Kegan Paul, 1964).

83. Philippe Aries, *Centuries of Childhood: A Social History of Family Life* (New York: Vintage Books, 1965).