PART I
Juvenile Delinquency, A Conceptual Analysis
CHAPTER I

EVOLUTION OF THE CONCEPT OF JUVENILE DELINQUENCY

1.1.1. For many years the treatment of the child offenders was influenced by prevailing theories of adult-criminology, and was punitive in nature. Among the early attempts to give differential treatment to persons of tender years, mention may be made of the 10th century monarch, King Athelstane of England, who enacted a law that "man shall slay none younger than a fifteen winters' man,"¹ and provided that," if his kindred will not take him, nor be surety for him, then swear he as the Bishop shall teach him, that he will shun all evil, and let him be in bondage for his price. And if after that he steal, let men slay or hang him, as they did to his elders."² It is recorded in the Year Books of Edward I that judgment on burglary spared a boy of twelve years, but in practice, the principle of preferential treatment for children was rather an exception than the rule (not widely observed) in England. A little over hundred years ago (1831), a boy of about thirteen was hanged in Maidstone Prison for theft. In 1833, a boy of nine was convicted at the old Bailey of house breaking and stealing two Penny worth article from a cupboard and was sentenced to death. Thus as late as 1844 it was found that there were in prison 11,348 persons between the ages of 10 and 20 - or 1 in 304 of the total population of that age in England. In 1849 no less than 10,703 persons under 17 were sentenced to imprisonment or transportation.³ Hence neither the

³ Ibid p7.
law nor the procedure respected tender age. Children were arrested, held in Jail, tried in Court and punished in much the same way as adult criminals.

1.1.2. The legal code of the colony of Connecticut in America, as published in 1673, contained the following provisions. "If any child or children above sixteen years old, and of sufficient understanding, shall curse or smite their natural father or mother, he or they shall be put to death, unless it can be sufficiently testified, that the parents have been very unchristianly negligent in the education of such children, or so provoked them by extreme and cruel correction that they have been forced thereunto to preserve themselves from death or maiming."  

1.1.3. This law is perhaps based on the ancient Mosaic injunction found in Exodus 21:15 and 17 - "He that smiteth his father, or his mother, shall be surely put to death ....... and he that curseth his father or his mother, shall surely be put to death." Further, "If any man have a stubborn or rebellious son of sufficient understanding and years, viz. 16 years of age, which will not obey the voice of his Father, or the voice of Mother, and that why they have chastened him he will not hearken unto them; then may his Father or Mother, being his natural Parents, lay hold on him and bring him to the magistrates assembled in Court, and testify unto them, that their son is stubborn and rebellious and will not obey their voice and chastisement, but lives in sundry notorious crimes, such son shall be put to death." This is also based on the ancient Hebrew Scriptures - Deuteronomy 21:20-21- "They (the parents) shall say unto the elders of his city, this our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunka. And all

4 Digest of Connecticut Administrative Reports to the Governor, 1949 Vol III p466.
the men of his city shall stone him to death. Other crimes for which Connecticut children over 14 might be punished by death were rape, bestiality, blasphemy, witchcraft, murder, false witness, treason, arson, idolatry and man stealing.5

1.1.4. Such provisions were perhaps a reflection of the general belief that crime was due to the natural depravity of man and instigated by the Devil.

Classical School of Criminology:

1.2.1. The Classical School of Criminology, as developed by a group of 18th Century thinkers like Beccaria, Bentham and Feuerbach, was grounded in hedonistic philosophy. It was assumed that man was a free moral agent, who could exercise the right of choice. In the natural course of events he would choose to do those things which afforded him pleasure and refrain from those acts which resulted in pain.

1.2.2. It was Cesare Beccaria, a twenty-nine-year-old mathematician and economist, who published in Italy a slim treatise entitled 'An Essay on Crimes and Punishments'. This book, which has repeatedly been called 'the single most consequential work on criminal justice', created an immediate sensation. Beccaria took the lead, in applying the doctrine of criminology. He believed that all criminals should be treated alike and that a definite system of punishments should be worked out which would deter the prospective criminal from engaging in crime because of his fear of the consequences. While Beccaria perceived that the punishment should not be as severe as that which had been meted out under the influence of the older philosophies, yet it should be ample to convince the potential offender that to commit a criminal act would surely result in

5 C. Manshardt, The Delinquent Child in India, Taraporevala, Bombay, 1939, p7.
pain quite in excess of any possible pleasure which might be derived. Beccaria said that the idea of the equal responsibility of all persons, came to be modified as a result of the common-sense observation that children and insane persons, for example, could not anticipate the pleasure pain results of their actions in the same manner as could normal adults, and therefore came the doctrine of limited responsibility, with the subsequent individualisation of the criminal. With these modifications this classical doctrine became the backbone of the body of the criminal law and has persisted in popular thought and judicial decisions to the present day. The psychology of this theory is generally questioned. It is individualistic, voluntaristic and intellectualistic and assumes freedom of the will in a manner which gives little or no possibility of further enquiry of the causes of crime and of attempts to prevent crime. "All of the Schools," as Sutherland and Cressey point out, "which developed subsequent to this accepted the hypothesis of natural causation and for that reason they are often called positivistic."

1.3.1. Geographic School of Criminology:

The Second School of criminology was called the cartographic or geographic school. It was kin to the school which in recent years has been called the ecological. The leaders of this school were Adolphe Quetelet and A.M. Guerry who were concerned with the distribution of crimes in certain areas, both geographical and social. They were interested in crime as a necessary expression of the social conditions. The school flourished from about 1830 to 1880. The adherents of this method did not only analyse the distribution of general crime rates but they made special studies of juvenile delinquency and of professional crime which are

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comparable with those of the present generation and superior to anything in the interval between 1880 and the present.

In the history of criminological theory this period was practically unknown to the present generation of criminologists until it was "re-discovered" by Alfred Lindesmith and Yale Levin. They have listed a very large number of factual studies by this method." 7

1.4.1. Socialist School of Criminology

The Socialist School of criminology which was primarily based on writings of Marx and Engels, began about 1850. It emphasized economic determinism and was concerned with crime only as a by-product, but it conducted many factual studies, principally by the statistical methods, and provided much material regarding the variations in crime rates in association with variations in economic conditions. The conclusions which were derived from these factual studies were generally in agreement with the preconceptions of the students who were using this approach and were regarded as supporting the socialist programme. Nevertheless, this School is called scientific, for it began with a general hypothesis and collected factual data in a manner which enabled others to repeat the work and test their conclusions.

1.5.1. Typological Schools: Lombroso's analysis:

Lombroso, who was the leader of the School which was known as the Italian School, first began to question seriously the older classical theory. Lombroso and his supporters, known as the Positive School, developed the theory that the heart of the

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criminal problem was not the crime, but the criminal himself. In the course of his investigations he became convinced that the criminal was a distinct type, who could be recognised by certain stigmata or anomalies, such as asymmetrical cranium, long lower jaw, flattened nose, scanty beard, and low sensitivity to pain. The person with five or more of these stigmata could be classified as of the complete criminal type; with from three to five as incomplete; and with less than three as not a criminal type. Some of his followers concluded that the several classes of criminals, such as thieves, murderers, or sex offenders were differentiated from each other by physical stigmata. This School was directed at first against the classical school, and was concentrated on the question of determinism versus free will; later it was directed against Tarde's theory of imitation and was concentrated on the question of biological versus social determinism.

1.5.2. Goring's analysis:

As a result of these controversies Lombroso modified his conclusions, especially as to the 'born criminal', and reduced the proportion of criminals who were "born criminals" from approximately 100 percent to about 40 percent. Followers of Lombroso like Garofalo, Ferri and others made modifications, so that the Lombrosian School lost its clear-cut characteristics. The conception that criminals constitute a distinct physical type was disproved to the satisfaction of most scholars when Goring made a comparison of several thousand criminals and several thousand non-criminals and found no significant difference between them. Goring's conclusion is as follows: "We have exhaustively compared, with regard to many physical characters,

different kinds of criminals with each other, and criminals, as a class, with the law-abiding public .... Our results nowhere confirm the evidence (of a physical criminal type), nor justify the allegation of criminal anthropologists. They challenge their evidence at almost every point. In fact, both with regard to measurements and the presence of physical anomalies in criminals, our statistics present a startling conformity with similar statistics of the law abiding class. Our inevitable conclusion must be that there is no such thing as a physical criminal type." \(^8\) Goring did find, however, that the criminals were slightly shorter in stature than the non-criminals and that their weight was somewhat less than the corresponding non-criminal groups. He assumed, but did not justify, that criminals were mentally inferior - basing his argument, not upon scientific tests, but upon a series of general impressions. Further Goring points out that "the weak-minded offender is one who is found to possess low degrees of general intelligence; or to hold extreme disregard for truth, for opinion, and for authority; or to be unteachable, unemployable, profligate, lazy; or to display marked preferences for undesirable company; or to be very impulsive, excitable, restless, uncertain, passionate, violent, and refractory in conduct; or to be careless in business, neglectful of responsibility, false and malevolent in speech, filthy in habits, and nearly always inebriate." \(^10\) Hence it is perhaps difficult to understand how one who attempted a scientific refutation of Lombroso's theory in the first part of his book, could have been so unscientific in the second part, and so long after. Goring's critics actually attempted to evaluate his findings in an objective manner.

\(^8\) Ibid, p100.
\(^10\) Ibid, pp99-100.
1.5.3. Goddard's analysis:

When the Lombrosian School fell into disrepute, its logic and methodology were retained, on the basis of feeble-mindedness substituted for physical type as the characteristic which differentiated the criminals from non-criminals. This School was represented most clearly by Goddard's theory that feeble-mindedness, inherited as a Mendelian unit, causes crime for the reason that the feeble-minded person is unable to appreciate the consequences of his behaviour or appreciate the meaning of law.\(^{11}\) Goddard's tests showed that almost all criminals were feeble-minded and almost all feeble-minded persons were criminals. "As mental tests," according to Sutherland and Cressey,\(^ {12}\) "became standardized and were applied to a larger number of criminal and non-criminal persons, the importance attributed to feeble-mindedness in the causation of crime decreased greatly and this School of thought tended to disappear."

1.6.1. Psychiatric School:

Another School, which is so called 'the psychiatric school', is a continuation of the Lombrosian School without the latter's emphasis on morphological traits. It emphasizes, as did Lombroso, psychoses, epilepsy, and 'moral insanity', but it has attributed increasing importance on emotional disturbances and other minor psychopathies as the school of mental testers fell into disrepute. In the later history of this school it has held that these emotional disturbances are acquired in social interaction rather than by biological inheritance. Much variations are found within this school but the great influence has been the Freudian theory, specially in its earlier form, which placed great

\(^{11}\) Goddard, Feeblemindedness (New York: Macmillan, 1914) P-16.
emphasis on 'the unconscious', frustration, and the Oedipus complex. The more extreme writers assert that "a large proportion of crimes are merely incest in symbolic form: a boy is unconsciously in love with his mother; he cannot express that tendency in direct overt form because of the great horror aroused by incest; the incest drive is powerful and must be expressed in some manner and it therefore breaks out in the form of theft; this theft, while apparently an expression of a desire for property, is incest so far as 'real' motivation is concerned."\(^\text{13}\)

1.6.2. The main subject matter of this School is that certain traits of the personality, developed completely apart from criminal culture, will perhaps result in criminal behavior regardless of social situations; criminal behavior is said to be a necessary expression of the personality; criminal Patterns are said to be omnipresent for selection by a person with these traits of the personality and if they were not present they would be invented. The more extreme writers said that all or almost all criminals were developed by this process, and the less extreme writers tried to isolate a smaller fraction of the criminals for explanation in this manner. The less extreme writers tend to merge with the sociologists. Sutherland and Cressey point out that "This psychiatric approach has great prestige at the present time, but it will probably run its course and disappear from current thought after a shorter period, just as other two typological theories have. This does not mean that psychiatry will not continue to make significant contributions to the understanding of criminal behavior; rather it means that psychopathology will not be advanced as a generalized explanation of criminal behaviour."\(^\text{14}\)

\(^{13}\) Ibid, p56.

\(^{14}\) Ibid, p56.
1.7.1. Sociological Theories:

Of all the Schools of criminology, the sociological school is the most varied and diverse. Explanation of the causes of crime in a sociological context began with the cartographic school led by Quetelet and Guerry and continued in the Socialist School led by Marx and Engels. Certain 19th Century European Scholars belonging to neither of these schools interpreted crime as a function of social environment. That is, there were varying conceptions of the processes by which the social factors produced crime. The greatest development of the sociological school has taken place in the U.S.A. However, American Sociologists were impressed by the Lombrosian arguments, but after the publication of Goring's work, a strong environmentalist position was cultivated. It was perhaps this trend which prompted Gillin to write: "The longer the study of crime has continued in this country, the greater has grown the number of causes of crime which may be described as social. This is the aspect in the development of American criminology, which has given to that study in this country the title of the American School."15

1.7.2. The main subject matter of this school is that criminal behaviour results from the same process as other social behaviour. Analyses of these processes as they pertain to criminality are of two principal forms: first, sociologists tried to relate variations in crime rates to variations in social organisation, including the variations in larger institutional systems. The following are some of the social conditions which have been discussed in relation to variations in the crime rates of societies and sub-societies: the processes of mobility.

culture conflict, competition, and stratification; political, religious, and economic ideologies; population density and composition; and the distribution of wealth, income, and employment. This kind of analysis has fallen into disfavour in recent years, primarily because criminologists are quite aware of the extreme unreliability of crime statistics. Because variations in crime rates may represent mere differences in statistical procedures, rather than real variations in the frequency of crime, sociological analysis of the variations is extremely hazardous. Secondly, sociologists have tried to define the processes by which a person becomes a criminal. The explanations are attached to the general theories of social learning and have utilised such concepts as imitation, attitude value, differential association and to some extent, compensation and frustration-aggression. The orientation is generally taken from the social psychological theories of John Dewey, George Mead, Charles Cooley, and W.I. Thomas, and the development of criminal behaviour is considered as involving the same learning processes as does the development of the behaviour of a banker or a doctor. The content of learning, not the process itself, is considered as the significant element determining one a criminal or a non-criminal.

Durkheim's analysis:

1.7.3. Emile Durkheim points out that serious economic or political stress can lead to a breakdown of power in social system, whereby cultural norms no longer have inhibiting influence over group and individual behaviour. Much contemporary sociological thinking concerning delinquency derives from Merton's extension of Durkheim's nineteenth century theory of

anomie. While developing Durkheim's view of anomie, Merton (1938)\textsuperscript{17} pointed out that there are two elements in social and cultural structure which can be considered separately, although they tend to merge imperceptibly in concrete situations. According to Durkheim, "crime is 'an integral part of all healthy societies' and is 'bound up with the fundamental condition of all social life'\textsuperscript{18}. Most important, perhaps, Durkheim also described, in his work Le Suicide (1897), the concept of 'anomie'.

1.8.1. Other sociological theories, such as those of Veblen (1912) and of Cohen(1955), emphasize other aspects of social structure and individual behaviour. Cultural mooring and institutional means are both rejected but with the intention of modifying the social structure because of alienation of cultural background. Cohen's description of 'delinquent sub-culture' is consistent with this adaptation. Cohen, for example, notes the developmental phenomena involved in the destructive behaviour of youth. Much of this behaviour appears to be senseless in terms acquiring material advantage or social status. Essentially, such theorists maintain that, given the physical environment in which it occurs, delinquency is not abnormal behaviour. He has discussed the sub-culture of delinquents with a realistic sense of great variety of their behaviour, and the differences to be seen between motivating factors which centre round the commission of the act itself. Sutherland's own contribution subsequently defended, and perhaps extended by Cressey the way to evolve the theory of 'differential association.' Criminal behaviour is learned in interaction with other persons in a process of communication.' Every act of the individual, from his birth to

\textsuperscript{17} Merton (1938) : Social Structure and Anomie, American Sociological Review, 3, p672 - 82.
his death, plays its part in making up his character and personality. Fundamentally, this particular stress by Sutherland upon the significance of intimate personal groups suggests that the roots of crime must be sought in the socializing experiences of the individual, including the profoundly personalized sources of his emotional behaviour. No man is born a criminal. Every individual is endowed with certain potentialities which may or may not become anti-social. The ideals which any particular individual chooses to follow are coloured by the society in which that particular individual moves. There is a reaction on both sides. Hence, social influences add a large quota to the production of good or bad species of humanity, e.g., low standards of morality in the neighbourhood, alcoholic parents, broken home, poverty-stricken homes, etc.

1.8.2. Aichhorn,10 in an account of delinquency suggests that delinquent children are produced by having identified themselves wholly either with a 'criminal superego' or with conflicting standards of behaviour of both criminal and non-criminal types. Sutherland has been criticized on several grounds, particularly because of its ambiguity and the difficulty of confirming it by controlled empirical methods. In Cressey's recent attempt to summarize the critiques which have been made on the Sutherland Theory and to reappraise the theory in terms of current criminological understandings, Cressey suggests that differential association might be more appropriately referred to as a principle rather than a theory20.

Carr's Deviation Differential Theory\textsuperscript{21}:

1.9.1. Lowell J. Carr's 'Deviation differential theory' was accounted for identifying criminal and delinquent behaviour. The theory states with clarity and precision the nature of both the psychological and sociological factors which should be examined in attempting to get at the root of crimes. Carr lays the basis for an interesting technique by means of which it may be possible, in quantitative term, to determine the character and distribution of delinquent behaviour. By assessing that such behaviour is motivated by both maladjusted psychological tendencies and adverse environmental pressures, he suggests that quantitative indices may be formulated for both trends. Thus, according to Carr, there are conforming factors of both a psychological character (symbolized as I) and of an environmental type (symbolized as E), as well as deviation factors, also both psychological and environmental, tending to induce non-conformity. If the conformity factors (CF) outweigh the deviation factors (DF), then a conforming differential (CD) is produced which leads to conforming behaviour (CB). On the other hand, if the deviation factors predominate over the conforming factors, then a deviation differential (DD) is created which leads to deviating behaviour (DB). Carr summarizes this in the following formula:

\[
\begin{align*}
\text{CD} & \quad \text{CB} \\
\text{CF} (I \times E) - \text{DF} (I \times E) & = \quad \text{or} \quad \text{or} \\
\text{DD} & \quad \text{DB}
\end{align*}
\]

Abrahamsen's Psychiatric Variation: The Formula of Criminal Behaviour:

1.9.2. In contrast to the Sutherland's view, which attempts

to present a systematic sociological theory amenable to testing and validation, the psychiatrist David Abrahamsen suggests a psychiatric formula by means of which criminal behaviour may be explained. In view of the fact that the formula includes sociological as well as psychological elements, Abrahamsen attempts to reduce them to the following formula:

\[
C = \frac{T + S}{R}
\]

In this formula, the symbol \( C \) stands for a criminal act, \( T \) stands for "criminalistic tendencies" or "inclinations." \( S \) stands for the crime inducing situation (both environmental and psychological) and \( R \) stands for "the person's mental and emotional resistance to temptation." He actually refers to this formula as a "law." The second law in a series, in fact, by means of which criminal behaviour may be explained. The first 'law' presumably laying the basis for the formula he establishes, states that since there are multiple factors entering into formation of criminal behaviour and since they vary in the mode of operation in each case of crime, the causation of criminal behaviour is relative.

Psychological Theories:

1.10.1. Many psychologists who study crime look for its causes in mental factors which lie outside the individual's control, and no one did more to encourage this than Sigmund Freud. Everything that we do, he contended, has a discernible cause in the shape of a personal conflict or anxiety. Psychoanalysts and clinical psychologists in general, view a young child as a young animal, possessed of powerful biological

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propensities. He seeks gratification of these instincts at all costs, and at this stage of his development he has little regard for the needs or wishes of other people. We do not expect such behaviour from young infants, for if he goes on to adult life without moderating his demands and egotistical attitude, he will be a very anti-social person, and possibly a very dangerous one. What is tolerated in a child may be considered as abnormal or even criminal in an adult.

1.10.2. Functional psychiatric disorders are also viewed as basic causes of delinquency.

1.10.3. The standard modern technique of research into any psychological problem consists in comparing a group, say, of the delinquents with that of non-delinquents who are otherwise similar. That certain things and conditions are more often observed in the families and surroundings of delinquents than elsewhere does not in the least justify the assumption that these things and conditions are causes. So suggestive, however, are such associations that even trained investigators sometimes tacitly make this assumption or allow other people to make it for them. But the delinquency and the conditions with which it is associated may be the co-results of a number of unsuspected causes common to both. In assessing the influence of bad housing and bad social environments, one has to take into account the incompatible parents in their psychopathic state and the consequential physical diseases attributable to their poor earning. If the poorest districts have a much higher proportion of juvenile offenders, this cannot be entirely pinned down on the incongenial material surroundings and bad associates. Similarly, there are a host of common causes to explain why the vast majority of entrants into approved schools come from the lower
income levels, without jumping to the conclusion that the working class has a lower moral standard, pathetic towards discipline of their children than those in the affluent families.

1.10.4. In any group of delinquents one is likely to find in a large measure the background of a broken home, illegitimacy, step-parentage, or psychopathic parents. But exactly why should boys from broken homes, for example, be more prone to delinquency than others? And why should many such not become delinquent? To answer these questions one must discover what have been actual effects of the estranged parents upon the boy himself. The general approach in this thesis is to work backwards from the delinquent act, to get to understand the frame of mind in which it was committed, to study the mental and the emotional attitudes which form the basis of that frame of mind, and, last but not least, to investigate, into the boy's activity in the family environment.

1.10.5. The very natural feeling is that each and every delinquent is not a psychological 'case'. From a broad social point of view it would not be healthy to characterise bad behaviour as symptomatic of psychological disorder as popularly regarded by way of an excuse. But the most common acts can be shown to be the outcome of complicated causation spread over many years.

Theories of Juvenile Gang Delinquency:

1.11.1. Though poverty and lower-class status do not necessarily lead to delinquency, their influence may directly lead to formation of juvenile gangs. A gang is obviously more dangerous, because of the potential harm done since acting together for furtherance of a common goal is more effective than to do mischief individually. The likelihood of formation of such
gangs is higher in areas populated largely by low income groups and slum dwellers compared to neighbourhood of mixed or predominantly middle-class socio-economic status. Fredrick M. Thrasher[^23] focussed attention on the groups to which the delinquents belonged. According to him, the delinquents must be compared with the young persons of the other various groups to which he belongs taking into consideration the family, neighbourhood, school, religion, occupational group as well as his gang. Thrasher found more than 1,300 gangs in Chicago and its environs. He reported that the gangs were typically found in what he called "the poverty belt." The criminal characteristics of the 'poverty belt' were contaminating the neighbourhood. Group delinquency emerges in slums out of the acts committed by the gang to derive excitement from the adventure involved in such acts.

1.11.2. Albert K. Cohen discerned some sort of peculiar culture among the gang delinquents which he termed as 'delinquent sub-culture'[^24]. According to Cohen, a delinquent sub-culture may be defined as "a way of life that has somehow become traditional among certain groups in American society. These groups are the boys' gangs that flourish most conspicuously in the delinquency neighbourhoods of our larger American cities."[^25] The reason why such a culture is developed is given by Cohen by saying that the members of the gang share a number of problems and the sub-culture is a response to find out the solution to the problems. The shared problems of the gang flow from their low status in the community and their expectations to enjoy all advantages typical

of the middle-class in regard to ambition, individual responsibility, talent, asceticism, rationality, courtesy, and control of physical aggression. Such a situation, according to Cohen, creates a problem for the lower-class boys since they do not have the advantage of the same socialising process as the middle-class boys whose conduct is regarded as the standard one.

1.11.3. Regarding the characteristics of the delinquent sub-culture Cohen is of the view that it is non-utilitarian, malicious and negativistic. It is non-utilitarian since the delinquent acts are sometimes committed "for the heck of it" and not because of any gains occurring to them and the culture is malicious and negativistic in the sense that they enjoy committing the delinquent acts not because of any comfort derived for themselves but from the discomfort they have caused to others and find pride in reputations for they have acquired "meanness".20

1.11.4. John Kitsuse and David Dietrick have pointed out many flaws while evaluating Cohen's theory of sub-culture27. They do not agree that the boys of lower class families care very much about what middle class people think of them. Nor do they agree that the delinquent acts are always non-utilitarian or malicious towards respectable persons. They also point out that the theory does not explain clearly as to how the sub-culture is sustained after it has developed once. While trying to answer this question, Kitsuse and Dietrick put an alternative formula. According to them, originally the motives of the gang members are not the same for participating in delinquent activities but later

27 Richard A. Cloward and Floyd E. Ohlin : Delinquency and Opportunity, as quoted in "Delinquent Behaviour" by Don C. Gibbons, p.119.
on they develop oneness with each other which maintains the sub-
culture. The common bond is that they reject their rejectors
i.e., the respectable persons and those responsible for
correctional programmes for the young who develop hostile
reaction to the mis-deeds of the gang members. It has also been
argued that it is the economic injustice and not the problem of
middle class expectation that leads young persons to gang
culture.

1.11.5. Cloward and Ohlin draw attention to the fact that
the measure of access to deviant behaviour differs in accordance
with the children belonging to different classes. In other words,
whether a child shall have access to deviant behaviour or not
depends upon differential opportunity. The difference between
Merton's "means-end" theory and the theory of "differential
opportunity" is that the former emphasises differences in access
to legitimate means according to position in the social
structure, while the latter considers the possibility of unequal
opportunities for illegal means which is often referred to as
"Chicago tradition".

Bonger's Theory of Economic Structure and Crime:

1.12.1. The most notable and stimulating contribution to
criminology in understanding the relation of crime and economic
structure has been made by William Aldrian Bonger (1876-1940) who
sought to explain the phenomenon of crime on the basis of the
Marxist approach. Born in a religious Dutch Family, he developed
an antagonism to religion as a reaction to the stuffy atmosphere
at home. Without denying the influence of hereditary traits in
human behaviour, he emphasised on the importance of environmental
factors not only in the case of criminals but also in great men.

1.12.2. Bonger insisted that the criminal was a product of
the capitalistic system which, instead of promoting altruistic tendencies among members of the society, created selfish tendencies. The system based on 'capitalistic exchange', is motivated by profit element. In such a system each member tries to get the maximum from others in return of the minimum from himself. This attitude of the capitalist, according to Bonger, affects the attitudes of the proletariat as well.

1.12.3. Bonger identifies many evils in the capitalist system which are conducive to the spread of criminal behaviour. Child labour, according to Bonger, is entirely a capitalistic phenomenon which is one of the salient features of juvenile delinquency. Long hours of work by workers have a brutalizing effect on them. Finally, illiteracy among people of lower classes contributes greatly to the commission of crimes.

1.12.4. The theory developed by Bonger gives one very important basis of the causes of criminality. He, however, ignores the tangle of inter-relationships among social, cultural, economic, political, religious and other sets of factors. The phenomenon of crime should have come to an end or at least controlled to a very great extent in socialist countries like the U.S.S.R., which is not at all the factual position. According to the study made by the Cavans, juvenile lawbreaking has become frequent in all the strata of the Soviet society."\(^{20}\)

1.12.5. There is no doubt, however, that poverty does play an important role in delinquency and the capitalistic system may also contribute to poverty in certain sections of the society and give values which determine success in life purely in terms of money. In India, criminal statistics clearly reveal that there is a direct nexus between poverty and criminal behaviour. Out of the

\(^{20}\) Ruth Cavan and Jordan Cavan: Delinquency and Crime (Philadelphia: J.B. Lippin Cott Co. 1968), pp 104-131
total of 186144 juvenile offenders about whom data of economic set-up was available, 80% were from lower classes.

1.12.6. The criminal statistics showing high representation of lower groups sometimes may not give the exact relative positions of deviants from different socio-economic strata because of differential police action in different situations. The chances of a crime committed by someone from the upper strata going unreported to the police or lack of action by the establishment are higher than in cases of persons from lower economic strata.28

1.12.7. The indirect effects of poverty have been noted by Clifford Shaw by focusing attention on his well-known concept of "delinquency area".30

1.12.8. These areas are characterized by physical deterioration, high proportion of population or welfare rolls and a high proportion of ethnic and racial minorities.

1.12.9. Inadequate housing is one of the most serious problems in such delinquent areas which creates tension between members of the family living in a cramped atmosphere.

1.13.1. Thus, it is not purpose in this chapter to undertake a comprehensive discussion on the numerous theories put forward to explain the criminals or the delinquents. The list is a long one, ranging from heredity, and biological factors, to the influence of climate, geography and social and economic conditions. 'In criminology, as in other branches, there has been a tendency for the enthusiast to emphasise that particular aspect of the problem in which he has happened to be most interested,

and to say, 'This is the cause'. On the other hand, more cautious students have hesitated to name a single cause of crime, preferring rather not to pick out one of several contributory factors for special emphasis."31 As Elliott and Merrill point out: "Elaborate investigations of delinquents give us conclusive evidence that there is no single predisposing factor leading inevitably to delinquent behaviour. On the other hand, the delinquent child is generally a child handicapped not by one or two, but usually by seven or eight counts."32 Though this statement is perhaps based on an assumption that each factor is of equal importance, on the other hand, other supporters of the multiple-factor notion generally argue that either the presence of one or two important factors or seven or eight minor factors will cause delinquency. To understand the criminal or the delinquent and treat him intelligently we must know his biological heritage, his social history, and the immediate situation in which he was living at the time the delinquency occurred. Each of these factors is a contributory influence.  

1.13.2. Fortunately, "The various humanitarian movements, together with increased knowledge of actual conditions of crime, have produced a saner and more scientific conception of delinquents."33 Child welfare and reform movements have contributed to the changed attitude of people toward delinquents, and they reflect the changing attitude toward child care.

31 C. Manshardtt - The Delinquent child in India, Taraporevala, Bombay, 1939, pl1.