

PROBLEMS OF DEVIANT SOCIAL BEHAVIOUR
AND DELINQUENCY IN ADOLESCENTS
AND YOUNG ADULTS -

Report on a Working Group convened by
the Regional Office for Europe of the
World Health Organization,

Helsinki,
27-30 June 1972

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Distributed by the
REGIONAL OFFICE FOR EUROPE
World Health Organization
COPENHAGEN
1973

EURO 5425 III

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1. INTRODUCTION

One of the topics selected for closer examination in the European Regional Office's long-term programme in mental health, inaugurated in 1970, was that of deviant and delinquent behaviour in young age-groups. Previous activities in this field by the World Health Organization have been limited so far to reports by Bovet¹ and Gibbens² and to a Seminar on the Psychiatric Treatment of Criminals and Delinquents, convened by the European Regional Office in 1958.

The proceedings of the Working Group reported here, however, represent the views of many other disciplines besides psychiatry, and the participants included criminologists, sociologists, psychologists and administrators. Guided by the background material provided, and by the previously circulated working papers of participants, the purpose of the meeting was to make a broad appraisal of the current state of experience and experiment and to indicate areas that seemed to offer scope for profitable action or research. The Group also gave consideration to the selection of topics calling for further exploration and discussion at future meetings. This report seeks to review some of the issues arising out of the documentation and the discussions at Helsinki. No attempt has been made to present a chronological account of the proceedings, or to identify the contributions of individual participants.

The meeting was opened on behalf of the Finnish Government, who kindly consented to act as host, by Dr A. Ojala, National Board of Health. Dr A.R. May, Regional Officer for Mental Health, replied on behalf of Dr Kaprio, Regional Director. Professor Inkeri Anttila, Professor of Criminal Law, University of Helsinki, and Mr P. Kuenstler, United Nations Division of Social Affairs, Geneva, were elected co-chairmen; and Dr D.J. West, Institute of Criminology, Cambridge, United Kingdom, was appointed rapporteur.

¹ Bovet, L. (1951) Psychiatric aspects of juvenile delinquency, Geneva, (World Health Organization: Monograph Series, No. 1)

² Gibbens, T.C.N. (1961) Trends in juvenile delinquency (Wld Hlth Org. publ. Hlth Pap. No. 5), Geneva

2. DEFINITIONS OF DELINQUENCY

The topic of operational definitions came first on the agenda of the Working Group. This choice reflected a serious preoccupation with the examination of conceptual issues and their practical application. In the terms of reference of the Working Group, deviant social behaviour was included deliberately, so as to emphasize the importance of topics such as drug misuse and juvenile sexual conduct. Although not necessarily defined as offences in all socio-legal systems, these are matters of serious current concern.

Youthful delinquency is an imprecise concept. The ages of the young persons concerned, and the range of actions involved, differ considerably from place to place, and are changing particularly swiftly at the present time. In general, special legal provisions for young persons tend to cover the period from puberty up to 21 years of age, but some European countries have lower limits (e. g. United Kingdom) and others have higher limits in view (e. g. Finland). Actions which are of relevance to the question of definitions fall into three categories. First, there are those acts which, if committed by adults would be liable to sanctions, usually under the criminal laws. Housebreaking or robbery are obvious examples of this kind. Second, there are acts defined as delinquent in some socio-legal systems which can only be committed by young persons. Two examples are failing to attend school, or driving a motor vehicle before having attained the minimum age when this is permissible. Finally, there are acts which are of uncertain legal status due to the confusion and state of flux in social values. These include some forms of drug use and sexual activity.

In view of the variety and complexity of the social issues involved one cannot hope to obtain a precise, universally applicable and generally acceptable definition of delinquency. A differentiated approach stands a greater chance of proving useful and acceptable. For instance, a wide measure of agreement might be obtained to the effect that breaking into locked buildings for purposes of theft, a common offence among young persons, or incapacitating citizens by violent attacks for financial gain, are sufficiently undesirable to be defined as delinquent and to be subject to some form of social control. In contrast, petty pilfering from department stores by school-children, or travelling on public transport without payment, both forms of behaviour that cause minimal harm to identifiable victims, might be considered of insufficient consequence to be defined as crimes or to be subject to the stigma of the criminal process.

For the purposes of research, as well as for discussing and planning criminal policy in relation to young people, it is helpful to develop operational definitions that relate to specified categories of behaviour in particular settings. This focusses attention upon practical problems and facilitates comparisons of how similar problems arise and are dealt with in different countries. Definitions of delinquency inevitably involve considerations of social values and decisions of a political nature. The restriction

of operational definitions to specific situations and problems helps to make value judgements and decisions clearer and more realistic. The attempt to reach definitions of general validity carries the danger of degeneration into a sterile, academic argument about concepts that diverts attention from urgent problems for research and social action.

The question of definition is not just a matter of deciding which forms of behaviour to discuss. Each socio-legal system has its own ways of ascertaining who has transgressed the permissible norms, and whether they have done so to a degree and under circumstances that warrant instituting criminal proceedings or invoking other methods of official registration. The study of definition must cover process as well as principle. Who does the defining, how do they apply the labels, and what are the consequences to the individuals who receive the labels? There is an important distinction, of course, between labelling a particular act as deviant and the automatic labelling of all persons who commit such an act as deviant individuals.

It has to be recognized that deviancy is a relative term, without meaning outside the context of a particular social system. Deviance, in the criminological sense, is something more than a matter of statistical variation. Very tall individuals, or those with very high intelligence quotients, are statistical rarities without necessarily being of medical or criminological concern. On the other hand, some very common forms of behaviour, such as careless driving, or false declarations on tax returns, are socially harmful, and on those grounds deserve to be dealt with as deviant acts. Critics of criminal justice systems in western countries have noted that they are designed so as to deal harshly with the traditional crimes of the poor, from the poaching of game to petty larceny, while leaving the more significant abuses of the wealthy and influential substantially unchecked. Forms of behaviour that can have devastating social consequences, such as food adulteration or failure to provide safety precautions in factories, have attracted only rather ineffectual criminal sanctions. Indeed, some of the sophisticated forms of exploitation open to the more affluent members of the community, such as misrepresentation in commercial advertisements, suppression of useful inventions because they might interfere with present business, the hoarding of land or buildings, and the forced re-possession of rented homes in the interests of profitability, have only recently been recognized as abuses calling for control. Representatives of radical youth have not failed to point to contrasts between the penalties given to "violent" youthful demonstrators and the seeming immunity of highly-placed decision-makers who have used their powers to wage undeclared wars and instigate civilian massacres.

These illustrations point to the need for a realistic appraisal of the values involved whenever activities or persons are labelled delinquent. The attitudes and attributes of deviants are frequently a subject of discussion, but those of the definers of deviants also deserve some careful study. For instance, in regard to the qualifications for State financial aid to unsupported women with dependent children, it is pertinent to inquire if those

who define the qualifications distinguish between unmarried, deserted, divorced and widowed women. If the definitions do make such distinctions, it becomes important to recognize what values are being reflected.

A study of the law in action reveals far more than the formal definitions contained in written statutes or regulations. The application of the definitions is all-important. The English juvenile system provides two interesting examples. In the educational system more boys than girls are ascertained as being educationally subnormal and are sent to special schools. Nobody believes that this is due to boys being more often intellectually inferior; but it is a fact of observation that teachers are apt to find more boys than girls behaving in a troublesome way in the classroom. The referral of boys rather than girls for ascertainment as subnormal enables the label to be used for the purpose of removing from the class individuals who are troublesome. An example in which girls come off worse than boys is the label "being in moral danger" which is often applied to those who have run away from home and are living sexually promiscuous lives. No-one believes that girls are necessarily more prone to this life style than boys, but the values of the definers are stricter in the case of girls than boys, so in practice girls are much more often brought under control and sent to residential institutions on these grounds.

3. DECRIMINALIZATION

The definition of delinquency is directly affected by the removal of fringe behaviour from the criminal statutes, leaving it to be dealt with by processes other than criminal prosecution. Such policies have gained considerable favour in recent years. In various countries laws relating to attempted suicide, abortion, homosexuality, contraception, divorce, minor traffic infractions, and forms of drug abuse have been modified. Changes may be made by total or partial removal of the behaviour from the penal code, by a reduction in penalties, or by fresh statutes which define the limits of permissible behaviour in new ways. Effective, although possibly temporary, changes can also be made by ceasing to enforce the law save in cases of unusual gravity or aggravation.

Decriminalization policy changes have not always been accompanied by before and after surveys. Whenever a country introduces a substantial measure of this nature it is of the greatest importance to grasp a unique opportunity to evaluate the effects of the legal change in a particular social setting. In regard to homosexuality legislation, for instance, experience suggests that modifying the statutes has little effect on the incidence of the behaviour in question in the community, or in the incidence of such homosexual acts as remain crimes. Public attitudes on the matter appear to have become more permissive, but that trend may have had no connexion

with legislation. Unfortunately, precise information from well-designed surveys is almost totally lacking, and this is unfortunately the case in most instances when decriminalization has been tried in this or in other connexions.

Policies of decriminalization have often been influenced by research studies that have revealed a high incidence of the behaviour in question in the community at large. The Kinsey surveys of male and female sexual behaviour were used to support the argument that behaviour which is commonplace cannot be seriously pathological or deserving of strict control by the criminal law. A Kinsey type survey of the sexual conduct of present-day youngsters might well reveal a high incidence of sexual intercourse below the age of legal consent, which would then be used as an argument in favour of lowering or abolishing the legal age at which intercourse is permitted. It is further contended that to maintain as crimes benign activities that are so common that they can only be prosecuted in a small minority of cases leads to injustice, since the minority who are prosecuted become scapegoats. Closely related to this argument is the idea that a law which is regularly flouted brings the whole system of legal sanctions into disrepute. This argument from loss of credibility has been raised particularly with reference to the use of cannabis by an increasingly large section of the young generation.

In contrast to these arguments for decriminalization, legislators concerned with issues believed to involve public safety may well use evidence for a high incidence of offences as a justification for the introduction of new items into the penal codes. This line of reasoning has been followed in relation to findings concerning the high incidence of drivers discovered to have significant levels of alcohol in their blood. New legislation concerning racial discrimination and pollution, for example, has been in no way inhibited by knowledge of the high incidence of the behaviour they seek to control. In the long term, it would seem that the number of crimes abolished by decriminalization processes is more than compensated for by crimes resulting from new legislation. In the Federal Republic of Germany, for example, the incidence of reported crimes now exceeds the level that existed before the less serious traffic infractions were removed from the criminal process.

Perhaps the strongest argument for the principle of decriminalization is that unnecessary criminal prosecutions may lead to a proliferation of more serious crimes. In some respects, the forces of crime control may generate their own crime trends. This can be seen with stark clarity in relation to the narcotic laws of the United States, which have been severely criticized because they force heavily addicted individuals to turn to robbery in order to support their uncontrolled drug habit. These harsh laws also place the addict, under threat of blackmail, at the mercy of illicit drug traders, and so they indirectly encourage a complex network of professional criminality and extortion. Similar arguments were used in connexion with the unhappy experience of American prohibition. The susceptibility of a large section of the population to criminal temptations led to

an enormous proliferation of black market racketeering and gave a consequential boost to the professional criminals.

An essential consideration in any policy of decriminalization is the availability of alternative methods, either formal or informal, for coping with the problems previously dealt with by the criminal justice system. Sometimes, informal processes are so effective that the intervention of the law seems totally unnecessary. European countries need no special laws to counteract cannibalism. They do not, in general, use the criminal law to prevent the nuisance of people going about clad in offensive and unhygienic rags; but they do have laws to prevent people being annoyed by the sight of deviants walking in the streets naked.

Study of the informal processes of containment and control is important, particularly in relation to proposed changes in the law. The introduction of special courts and special penal institutions for juveniles has encouraged adults to report youthful delinquencies more readily. When there were few suitable provisions for juveniles, parents had good reason to refrain from denouncing their own children to the police. The availability of penal measures as a last resort could be a definite aid to some families in dealing with their deviant members without expelling them. The same might be true of the schools. Abolition of criminal justice does not necessarily make for improved capacity to contain problems informally. Informal treatment measures can be more tyrannical than judicial punishments. The subject is one that calls for careful investigation, since the effects of decriminalization are not easily foreseen. In this connexion, as in all instances in which changes in penal law are made, it should be the rule rather than the exception that criminologists take an active role. The social situation to which the laws refer should be subjected to careful examination, and methods of evaluating the effects of changing the law should be worked out in advance and applied before and after the change is introduced.

One of the main arguments in favour of decriminalization of a wide range of adolescent misconduct is that investigations of hidden delinquency suggest that it is statistically more normal, within certain age-groups, to commit offences rather than to avoid offences. That being so, an adolescent selected for prosecution on a particular occasion more or less arbitrarily, through the accident of being caught in the act, is unlikely to be seriously deviant, either in a statistical or a pathological sense. It seems both unfair and wasteful of resources, when a young person's conduct is no different from that of the majority of his peers, to apply to him the whole criminal procedure of legal appraisal, diagnosis and disposal. Far too many youngsters, because of minor infractions that do not amount to serious deviance, come under the purview of the courts and thereby suffer unnecessary and perhaps harmful stigma. Some authorities believe, on the evidence of self-reported delinquency surveys, that delinquency which is kept hidden from authorities has a better prognosis for the successful future socialization of the individual than delinquency which comes to official notice. If that is so, it would seem to favour a policy of the maximum

decriminalization of minor youthful delinquency compatible with the legitimate grievances of victims, teachers and others, who cannot be expected to remain contentedly passive in the face of persistent provocation.

Experiments in partial decriminalization, by avoiding prosecution whenever possible, while keeping the penal law in reserve for use when other measures fail, have become quite common. Recent changes in the juvenile justice system in England have been designed deliberately to encourage police to prosecute adolescents only when this is really necessary. The police have themselves set up in many areas juvenile bureaus which inquire into the background circumstances of delinquent youths with a view to deciding whether an official cautioning, an offer of voluntary supervision by the police themselves, or a referral to the health and social services department, would be an appropriate alternative to prosecution. Reforms of this kind, which reduce the functions of the courts, inevitably place more responsibility in the hands of police and social agencies. This trend is regretted by those who set a high value upon the civil rights of the offender, including the right to accept a set punishment rather than an indefinite period of interference from social workers or police.

Another matter that deserves careful thought and investigation is the possible effect of decriminalization in delaying the ascertainment and treatment of maladjusted children whose first signs of disturbance consist of delinquent behaviour. This danger has to be weighed against the risk of applying damaging criminal procedures to children whose delinquent acts do not signify maladjustment and do not require psychiatric intervention. The early detection of emotional and social disturbance is undoubtedly important, but current opinion is against allowing this task to be dependent upon the operation of the criminal justice system. The educational, health and social services should be capable of performing the duty of ascertainment and treatment. Whether, in practice, they are as effective without the impetus of orders from the courts is a matter for discussion. Experience of the recent changes in the English system suggest that the special problems of delinquents may not get the amount of attention they require when they are handled by services whose responsibilities are spread over a wide area of health and welfare. Some police officers are critical of the lack of attention given to delinquents who have been referred directly to the social services in comparison with what is given to delinquents referred by the courts following a prosecution. The courts are more liable to complain of the lack of control exercised over delinquents by the welfare services in comparison with the stricter and apparently more effective methods of institutions run by the penal services.

Some methods of decriminalization have become so commonplace as to pass almost unrecognized for what they are. The use of fixed penalties in the shape of a fine imposed on the spot is one example. This is a system in common use for minor traffic infractions. Although an offence has been committed, provided it is admitted and the penalty paid no criminal record entry appears. The offender is no more regarded as a criminal than a person who has infringed some regulation, such as delaying the return of borrowed library books, and paid a recognized forfeit.

One important experiment in partial decriminalization is now being carried out in Toronto, Canada, the results of which are to be evaluated by Professor John Hogarth in due course. In this project, the police in the area are instructed to institute prosecutions only as a last resort, and in order to encourage this policy they are given credit for successful non-prosecution rather than being given the traditional credits for successful prosecution. Apart from a small minority of very serious offences, such as robbery with violence, all other cases are first referred to medical, educational and welfare agencies. Only if these agencies find that they cannot accept and deal with the case is prosecution envisaged, and then only as a last resort. The scheme for evaluating the effects is properly financed and built into the total project. It includes testing of the effect of the policy upon public attitudes to crime. This whole project provides a good example of fruitful collaboration between criminological experts and administrators in the field of criminal justice, a form of collaboration essential to the evaluation of the effects of new criminal policies.

The likely effects of decriminalization policies depend upon what view is taken of the characteristics of the generality of young delinquents. Some observers believe that delinquents share more than is usually realized of the conventional outlook and aspirations of their non-delinquent peers. Their vocal expressions of disillusionment with conventional society may express disappointment at their own failure to secure a worthwhile stake in the community. If this analysis is correct, diversion of delinquents from the justice-correctional system, and the provision of alternative and more acceptable roles, in which they can achieve some satisfaction, might be expected to be highly therapeutic. Results must depend, of course, upon the quality of the alternatives to penal action which can be provided under a scheme for decriminalization.

4. HIDDEN DELINQUENCY

In recent years, criminological researchers have developed methods for investigating criminal behaviour that has not necessarily come to official attention or been the subject of any official action. These methods have usually been applied to young people. The techniques of investigation include self-report questionnaires and interviews, and also victim studies. In the self-report studies,^{1,2} representative samples of young persons are

¹ e.g., Christie, N. et al. (1965) A study of self reported crime, Scandinavian Studies in Criminology, 1, 86-116

² Elmhorn, K. (1965) Study in self-reported delinquency among school children in Stockholm, Scandinavian Studies in Criminology, 1, 117-146

questioned about their own involvement in delinquency. In a typical inquiry of this kind the subjects are given a series of cards each one bearing the description of a specific item of delinquent or deviant behaviour. They are asked to sort the cards into two groups representing, respectively, those acts which they have and those which they have not committed during the past year. The technique lends itself to numerous variations. Subjects may be asked about the frequency with which they have committed the acts in question. The schedule of questions may be given either completely anonymously or with assurance of confidentiality. The questions may refer to a range of conduct that goes beyond conventional delinquency, and may refer to attitudes as well as to actual behaviour. Free ranging interviews may be utilized in addition to or in place of formal questions, in order to explore further the situations and motivations associated with delinquent acts.

In victim studies subjects are asked to report confidentially their own involvements in crime on occasions when they have been in the role of the person aggrieved or attacked. These inquiries, like the self-reported offences investigations, can be directed towards ascertaining the total incidence of crimes, the differing proportions of the various categories of crimes that come to official notice or are registered in official statistics, and the attitudes of offenders and victims to the commission of crimes. The victim studies, in particular, help to clarify the personal interactions which lead to the commission of crimes. In general, the criminal law has a need to make black and white distinctions between the person to be prosecuted and the person to be regarded as a victim or used as a witness. In real life, especially in offences of violence, in which there is an escalation of mutual provocation, the distinctions are often blurred.

The development of hidden delinquency studies represents a considerable advance, and the results have important implications. Nevertheless, in this, as in other areas of research, findings have to be interpreted with caution. No one claims that the self-report responses of youthful subjects are perfectly truthful and accurate. Certain technical checks have been applied, for instance by comparing self confessions with the reports of friends, by correlating self-report scores with lie scores on psychological tests, by matching confessions against official records, and by comparing teachers' direct observations of behaviour with self-admissions. F.H. McClintock¹ has commented: "Certainly, in the various attempts to provide, by ad hoc hidden delinquency research, more accurate information about criminal behaviour than is available in the official police statistics, we have paradoxically replaced one set of inaccuracies and uncertainties by another".

¹ McClintock, F.H. (1970) The dark figure, Collected Studies in Criminological Research, 5, Strasbourg, Council of Europe

Preoccupation with the question of the incidence of crime was a feature of the early studies of hidden delinquency, but self-report studies have many other applications. They can be used to rank individuals in relation to a population norm. This demonstrates quite neatly that, in so far as delinquent tendency can be regarded as a single attribute, it ranges along a continuum, from over-conformist delinquent-resistant individuals at one extreme to persistent offenders at the other. Delinquent behaviour is very much a matter of degree. For this reason, as has been previously remarked, an isolated incident of delinquency should never be used to brand an individual as deviant.

The ranking of individual youngsters according to their self-report scores provides an alternative to official records as a means of identifying the delinquent minority of the population. These approaches are likely to have different types of bias, and it is of interest to compare and contrast the deviants identified by the two methods. Some of the findings suggest that officially registered deviants, compared with self-report deviants, more often belong to the lower classes, tend to come from broken homes and have below average intelligence. Such findings lend support to the notion that official processes tend to select the poorer and weaker delinquents for prosecution, thus perpetuating a self-fulfilling myth regarding the supposed characteristics of delinquents. The findings in this area, however, have been somewhat inconsistent. More surveys in different countries are urgently required before these conclusions can be regarded as generally applicable.

The identification of delinquency-prone individuals by means of self-report is yet another application of the method. Self-report questionnaires can be shown to have a certain predictive validity by virtue of the high incidence of future criminal convictions among youngsters with high scores. The use of self-report is at least as justified as, for instance, the use of teachers' observations or the opinions of class-mates when it comes to picking out the vulnerable minority. By weighting the self-report scores to give more importance to items that correlate especially well with official records (e.g., taking away motor vehicles without the owner's consent, breaking into private premises) it might be possible to improve predictability. Of course, in so doing the researcher would, in a sense, be applying the scale of values of traditional criminal justice to the reported misconduct of juveniles. This would not matter, of course, so long as the process was clearly understood by all concerned, so that wrong inferences could be avoided.

Another use of self-report studies is to obtain an alternative picture of patterns of youthful deviance from that yielded by the official criminal statistics. Some types of offence are concentrated among certain age-groups. Some offences are specific to the individual, others are committed more or less indiscriminately by the majority of delinquents. Some types of offence have a tendency to be repeated, even after a long interval, whereas others tend to diminish with increasing age. There is some suggestion that youthful sexual misconduct has a more serious prognostic significance, in terms of the likelihood of persistence over time, than official

convictions would lead one to assume. There is also evidence that the tendency towards violence, which has been noted to be a feature of some arrested delinquents against property, also shows up in their self-report scores. This suggests that the violent trait is a genuine attribute, not merely a reflection of the risk of physical confrontation with police that a delinquent life style involves.

Hidden delinquency studies could be used as a powerful tool for the exploration of the phenomenology of youthful crime. Sociologists emphasize the importance of understanding the perceptions of individuals actually engaged in conflict situations. For example, one might ask what factors impel the participants in what started as a private quarrel to begin to perceive the incident as coming within the domain of the criminal law. Little work has been done so far along these lines, perhaps because of an undue preoccupation on the part of the pioneer researchers in this field with a head counting approach.

An example of the use of the hidden delinquency approach to study phenomenology is provided by some recent work by Buikhuisen and his collaborators¹, who studied a group of young cannabis users attending a youth centre and a control group of youthful non-users from the same town. The investigation took the form of highly structured interviews covering drug taking history, attitude to drugs and drug users, relations with parents, relations at school or work, and leisure activities. Compared with the controls, the drug users were more permissive in social attitudes, more often reported disagreements with their parents and dissatisfactions with their upbringing and were more often retarded in scholastic performance and alienated from the classroom atmosphere. The great majority of the drug users said that they started taking drugs out of curiosity or in order to join in and be convivial in their group. Few gave boredom or relief from frustration as a reason. They were predominantly cannabis users, and almost universally disapproved of heroin.

Findings of this kind should have some influence on criminal policy. Confirmation that drug users differ significantly from their peers in parental background and scholastic adjustment suggest that they are individuals who need help with problems of personal isolation. Unfortunately, the label drug abuser, which should be secondary, actually carries with it such a negative stereotype that it tends to overshadow all else, to obscure real treatment needs, and to aggravate the condition of alienation.

Finally, since hidden delinquency inquiries can be carried out according to a prearranged standardized procedure, surveys can be carried out in similar ways in different countries. This provides a much easier means

¹ Buikhuisen, W. et al. (1972) Hash users: characteristics and policy. An empirical investigation, Groningen Institute of Criminology.

of international comparisons than official statistics, which vary so much in meaning between one country and another. To conclude the topic of hidden delinquency research, it seems clear that this is a particularly promising approach with many applications. This fruitful line of research has a long way to go yet before its potentiality is exhausted.

5. DATA COLLECTION AND STATISTICS

The lack of comparability of the statistics kept by different countries has been discussed and commented upon at innumerable international meetings. Many unsuccessful efforts have been made to improve the situation, and the prospects for further progress in this endeavour do not seem very bright. In relation to young persons, the difficulties involved in making comparisons are further complicated by the fact that each system has its own particular age definitions. For instance, there are considerable variations in regard to the minimum age for prosecution, and in regard to the age at which a person becomes susceptible to the full rigours of adult penalties. Some countries deal with young people by special age-related sentences, whereas others rely on the penal institutions to make appropriate provisions for dealing with the young separately from older criminals. Some countries divert a large proportion of their adolescent offenders away from the penal system and into the welfare system, and the methods of registering the existence of these offenders differ accordingly.

In any two systems, the definitions of offences, and the legal labels under which they are dealt with, are not the same. But this is only the beginning of the difficulty. As is pointed out with monotonous regularity in all criminological discussions, the numbers of any particular offence that are recorded in national statistics depend upon the vigour with which the law enforcement agencies pursue the matter, and the willingness of the public to report the incidents. This in turn depends upon the contemporary values of the particular social system. Hidden delinquency studies suggest that, in relation to most of the offences committed by young people, there exists an enormous reservoir of unrecorded offences, so that it is all too easy for changes of policy to produce shifts in the apparent incidence of crime.

Considerations of this kind lead some sociological critics to suggest giving up the study of criminal statistics altogether. If they are so unreliable, and provide such a poor basis for comparisons, why bother with them at all? In point of fact, so long as their limitations are recognized, official crime statistics can furnish useful information, and can give rise to many interesting questions about the processes of legal control. Official statistics do not give a reliable indication of the total incidence of crimes, but they do reveal the numbers of individuals each criminal justice

system is dealing with, and they provide a fairly accurate picture of the distribution of convicted offenders between different measures, including psychiatric treatment, supervision under conditions of liberty, and committal to penal institutions. Examination of official statistics can also give a lead to matters calling for further criminological investigation. For instance, some countries' statistics suggest that the proportion of the total of recorded crimes attributed to young offenders has been increasing over recent years, and that the proportion of violent crimes attributed to the young has shown a particularly substantial increase. Even if the interpretation to be placed on such trends is not immediately evident to criminologists, they have the effect of arousing public concern and activating criminal policies.¹

There are many ways in which criminal statistics might be improved so as to make them of greater value to research. To take one small example, it is a matter of some concern (referred to later) that youth unemployment may contribute to delinquency. The extent to which this occurs is a matter of some dispute. There is no reason, however, why information on the point should not be obtained by including a simple statistic concerning the offender's employment status in the criminal statistics. Moreover, once some easy and realistic method of classifying the circumstances of offences has been decided upon, there is no reason why it should not be used in the official statistics. This would be a move away from the purely legalistic groupings in common use at present which are relatively uninformative for purposes of social research.

As a stimulus to further investigation, official statistics can be most useful. The investigations need to try to get behind the official data, to explore the meaning of what is being recorded. This cannot be done without a thorough understanding of the socio-legal system concerned. For instance, if one country appears to be sending an unduly high proportion of traffic offenders to prison, that does not necessarily indicate unusual severity. It could be that only the most serious traffic offenders are being brought before the courts.

For purposes of comparative studies, it can be helpful to define offence situations quite specifically, and then to explore how such incidents are recorded and dealt with under different systems. Categories such as robbery with violence committed upon strangers in the street, housebreaking, taking money from telephone kiosks and vending machines in public places, are easily identified situations that lend themselves to comparative study. In the course of time, the demonstrated utility of such basic comparisons might come to have a beneficial influence upon the way different countries categorize and record their crimes. This is yet another area in which criminologists and criminal justice administrators need to collaborate.

¹ Racine, A. (1967) *Juvenile delinquency in Belgium*, United Nations, Section of Social Defence (SOA/SD/CS.4)

The statistics of different areas within the same country, in which the recording and labelling of crimes may be assumed to be more or less uniform, lend themselves to useful comparative study. In countries where the police have been given wide discretionary powers to deal with juveniles without prosecution, it would be interesting to compare the practices in different areas. What is considered "serious" and meriting prosecution in one town may not be so considered in another. The existence of such variations provides an opportunity for comparing the subsequent careers of similar offenders who have been prosecuted or otherwise dealt with. This could give some indication of the relative effectiveness of the different ways of handling young delinquents.

Policies of decriminalization, which were mentioned previously, have a direct bearing upon the compilation of official data. In countries where minor traffic infractions can be dealt with on the spot without registration in police statistics, or where children below some arbitrary age, such as 14 or 16, cannot be prosecuted, there is a corresponding loss of information in the official statistics. Of course, it would not be right to argue in favour of preserving methods of recording that involve the unnecessary application of stigma merely for the sake of the convenience of social research. On the other hand, it is reasonable to expect that when agencies such as child welfare services undertake to deal with delinquents they should keep meaningful statistics of their operations.

Other agencies besides the criminal justice system, notably the health, education and social services, also collect national statistics. Some of the problems of definition and of reporting are common to these different systems. Each system has its own "dark figures". The social services have many who need help who are unknown to them, the medical services have notifiable diseases that remain unrecorded, and the educational services have their maladjusted or handicapped pupils who have not been officially ascertained. Collaborative studies carried out by persons experienced in analysing these different types of statistics might prove fruitful, especially as many of the young delinquents who were previously part of the criminal statistics are now part of the health and welfare statistics.

6. JUSTICE VERSUS TREATMENT

The lengthy discussions within the Working Group on this topic showed that the traditional conflict between law-orientated and treatment-orientated authorities is still very much alive. At one time the focus of disagreement was between the protagonists of treatment, who represented a policy of leniency and sympathetic interventions, and the protagonists of strict justice, who represented a harsher policy of inflexible retribution. Today, with

the advent of critical sociological analysis, it seems less clear that delinquents given over to treatment systems are getting a better deal than delinquents who receive penal sanctions proportionate to the seriousness of their offence. Labelling a delinquent "pathological" or "sick", or placing him under the care of a welfare or health department, may have even more serious consequences for the individual than labelling him "criminal". It is important, therefore, before any social control programme is launched, to determine the precise reasons why certain types of behaviour are presumed to be dangerous or deviant and to justify official intervention. Sometimes it may be found that the original reasons for labelling the behaviour socially dangerous or pathological no longer hold true.

It is arguable that the treatment ideology has been accepted too readily¹. The last World Health Organization Seminar² on the topic of criminals and delinquents dealt exclusively with the psychiatric approach. Many people at one time believed that an expansion of institutional treatment for offenders could solve crime problems, but that idea has gone out of fashion. The image of delinquents as sick people needing treatment has faded, and the image of delinquents as normal persons reacting against a sick environment has gained ground. In the countries where the treatment ideology first received the greatest acclaim, Scandinavia and the United States, sociological opinions are now expressed in terms of the strongest opposition to it.

The treatment ideology has been applied first and most extensively to young persons. For those who see treatment as a pressing need and a great benefit to the majority of young delinquents this seems only right. Moreover, it is said that the introduction of special treatment provisions, and special exemptions from criminal sanctions, in the juvenile sphere ultimately benefits the whole system, since the reforms tend in time to be extended to adults as well. There is, however, a danger in this. The more benefits are offered to special groups, distinguished by age, or first offence, or extenuating circumstances, or treatment needs, the more fiercely may the aggressiveness of society be directed against the residue of offenders who cannot claim any grounds for exemptions. This shrinking group of hard core offenders includes many petty recidivists who accordingly suffer an undue share of the stigma that ought, in justice, to be spread more widely over the whole delinquent population.

In considering the application of the treatment ideology to young offenders, the question of age limits becomes crucial. The introduction of

¹ Antilla, I. (1972) Punishment versus treatment - is there a third alternative? Abstracts on Criminology and Penology, 12, 287-290

² World Health Organization, Regional Office for Europe (1959) Seminar on the Psychiatric Treatment of Criminals and Delinquents, Copenhagen, 1958, Report (EURO 145/19), Copenhagen

a new category of "juvenile and young adult" effectively extends the system to embrace the whole of the most crime-prone age sector of the population.

The two main lines of argument against penal treatments are first, the lack of satisfactory empirical evidence that the treatment provided really does counteract recidivism, and second, the element of undue coercion. The topic of treatment effectiveness and treatment evaluation is dealt with later. On the issue of coercion, it is possible to point out some glaring injustices that have been committed in the name of treatment. In the United States, laws permitting certain offenders to be labelled psychopaths or sexual psychopaths, have resulted in some quite minor offenders being detained for inordinately long periods with no effective help given them for their supposed pathological conditions. These particular mistakes have generally been avoided in Europe. On the other hand, European systems of dealing with juvenile delinquents by treatment and social work, are open to the same criticisms as have in recent years been applied to American juvenile systems. They have the effect of diminishing the civil rights and powers of self-determination of a section of the community that, by virtue of inexperience and tender age, is particularly vulnerable to manipulation and to the damaging effects of residential institutions.

It may not be possible to give young children the right of self-determination, but adolescents should be given as much freedom of choice as possible. It seems illogical to permit a sixteen year old to be forced unwillingly into a penal treatment regime, while giving an identical offender who happens to be a little older the right to decline. The guiding principle at every age should be as little coercion as possible compatible with the safety of the community.

It is an easily discerned flaw of criminal justice systems that inevitably they tend to come down more heavily upon the weak than upon the socially dangerous. Individualization of sentences and treatment provisions can be used as a means of neutralizing over-harsh or unjust sentences; but it would be more straightforward to counteract such evils by curbing the powers of the courts to inflict unnecessary punishments. Emphasis on the treatment needs of the individual is not always desirable; it may divert attention from social problems requiring urgent action. The application of cost-benefit analysis to the criminal justice system might well lead to the conclusion that too much time and effort is being spent on treatment of individuals, and too little being spent on alternatives to the criminal process. For instance, traffic engineering projects might be more effective in the prevention of road accidents than attempts to deal with individual offenders. Likewise, educational reforms directed towards counteracting the alienation of delinquent-prone youths from their schools might yield a better pay off than the treatment of individual drop-outs.

Arguments of this kind can be used to suggest a return to principles of strict legality in dealing with delinquents brought before the courts. The more exceptions and exemptions are made, the more the public can see flagrant inequalities due to the courts being empowered to exercise arbitrary discretion.

These arguments are naturally unacceptable to those who hold a more optimistic view of the treatment approach. A return to blind tariff justice would seem to be putting back the clock by reverting to policies prevalent almost two centuries ago. The translation of treatment ideology into terms of indefinite detention in sad and unconstructive closed institutions would seem to ignore the current emphasis on the active and voluntary participation of offenders and therapists in a common problem-solving endeavour. The treatment ideology, towards which modern penal institutions for young offenders are moving, is to do things with people instead of doing things to people. Attention to the evils of the social system, and attacks on problems of poverty, overcrowding, unemployment, racial and social discrimination, need not be neglected, but at the same time should not be allowed to interfere with the provision of help for the casualties of the system. The desirability of giving juveniles a free choice whether to accept treatment is open to dispute. There are degrees of compulsion that can be beneficial. An authoritative command may help a youngster who knows he needs help to pretend otherwise to his peers, and thus to preserve face. An initial order to attend a treatment centre sometimes brings together with beneficial results offenders and therapists who could otherwise have no contact. The English system of making treatment a requirement of a probation order, for which the offender's voluntary assent is needed, has proved a convenient expedient. While the modern emphasis is on treatment outside of institutions, and treatment on a voluntary basis, and treatment under conditions hampered as little as possible by security precautions, there may still be some cases in which a policy of compulsion is justified.

Ultimately the conflict between the protagonists of the treatment model and their opponents must be resolved by empirical research. Evaluative studies of new treatment projects, both institutional and community-based endeavours, are absolutely essential. So are comparisons of the relative effectiveness of different approaches, including active treatment, no intervention, and conventional criminal justice.

7. PREVENTION

The concept of delinquency prevention gives rise to some difficulty. What is it that we are trying to prevent, all forms of delinquency defined in the widest terms or something more limited? In this field it is especially important to have precise aims and criteria for evaluation of effectiveness. Preventive programmes tried out to date have suffered in most cases from a conspicuous lack of rigorous evaluation. It becomes difficult to justify continued financial support when the value of a scheme rests on nothing better than opinion and intuition. This state of affairs is particularly unfortunate in connexion with the newer and more adventurous schemes. If something goes wrong, for instance if public opinion develops

unfavourably because it appears that potential delinquents are being provided advantages denied to their better-behaved class mates, it is important, if a project is to carry on, to be able to point to some objectively confirmed positive results.

These considerations should not be used as an argument for doing nothing. However, experience suggests that the best policy may be to invest, in the first instance, in compact and modest programmes that are susceptible to good evaluation.

As a means of focusing attention on the different aspects of prevention, it may be helpful to use a medical analogy and to distinguish between primary, secondary and tertiary interventions. Primary intervention is prophylaxis, that is avoiding the contraction of disease. In the delinquency field this might be equated with interventions concerned with building up the health and well-being of the community, in order to counteract the social pressures and conflicts that foster delinquent reactions. Secondary measures involve detection at an early stage in order to prevent a disease from developing and producing serious illness. In the present context, measures directed towards identifying and helping youngsters who are considered to be at special risk of becoming official delinquents could be classed as secondary prevention. Tertiary prevention is directed towards mitigating the effects of a disease that is already developed and forestalling damaging sequelae. All those schemes for diverting known delinquents from the damaging effects of prosecution stigma and incarceration in penal institutions may be regarded as examples of tertiary prevention.

The timing of interventions, and the choice of the right kind of intervention at each stage, are crucial issues. At present it would seem that resources are being wasted through being applied at the wrong time or to the wrong groups. The use of extensive institutional containment under secure conditions for delinquents who do not really need it is a case in point. Educational, psychological and economic measures might best be applied intensively at an early stage, in order to discourage the actual commission of crime. Early identification and treatment of vulnerable groups within the school population would be the next stage. The educational system is in a good position to do this kind of exercise discreetly, without hurting those it is trying to help by giving them the stigma of criminality. Then, at the stage of actual detection and reporting of offences, all the services concerned, including the police, can be mobilized, as in the Toronto project, to see how many offenders can be dealt with effectively outside the penal system. Finally, at the stage of court proceedings, an official legal diagnosis is made and an ultimate sorting out takes place, leading to some convicted delinquents being referred back to the treatment agencies rather than sent forward to penal establishments. All these interventions are aimed at redistributing the case load so that less go to penal institutions and more are handled by other agencies. This model of a socio-legal system in action draws attention to the fact that interventions at one point are likely to produce counterbalancing reactions at other points. Diversion of delinquents from the penal services inevitably

increases the work and responsibilities of other agencies. Long ago Professor Penrose¹ pointed out that countries with relatively few individuals held in prisons tended to have relatively large numbers in mental hospitals, and vice versa. It is important, therefore, to see that adequate facilities are given to the services that are to take on the additional work.

There is a strong feeling that the educational system holds the key to one of the most important areas of delinquency prevention. Certainly educationists should be included in any discussions concerned with prevention. The traditional scholastic system has come under criticism because it is so dominated by middle class values that children from the lower classes, who are particularly vulnerable to delinquency, do not feel at ease and tend to become steadily more alienated from their schools as time goes on. Furthermore, schools tend to confine themselves too closely to giving technical instruction, and to pay insufficient attention to discussion of problems of life outside school or to the elucidation of social values. Much of the technical instruction may seem irrelevant and uninteresting to pupils who are not academically inclined and not likely to obtain jobs where it will be of use to them. Training in the constructive use of leisure is much neglected, although it is widely believed that boredom, absence of hobbies, and lack of skill or interest in organized leisure activities, are potent factors in delinquency.² It would be helpful to bring into the schools representatives of outside organizations so as to inform pupils of what activities are available in their areas. In the same way, local policy makers, including the police and those responsible for distributing money between competing social services, could be invited to visit schools and explain to pupils the nature of the decisions being made. In this way youngsters could be made to feel a part of what was going on.

Another criticism of schools is that they do not collaborate sufficiently closely with the parents. In some countries, such as Czechoslovakia, it is quite common for teachers to visit the homes of the children, but in many places the alienation of parents, especially working-class parents, from the system is so marked that such visits would be seen as an unwelcome intrusion. Nevertheless, close collaboration between parents and teachers on an individual basis is needed. This calls for a system where by doctors, psychologists and social workers who are attached to the schools should know the home conditions of each pupil. There should be more regular institutionalised occasions when parents are expected to meet these workers to discuss their children's health, conduct, emotional difficulties and scholastic progress. In the case of the more reluctant or

¹ Penrose, L.S. (1943) A note on the statistical relationship between mental deficiency and crime, *Amer. J. Mental Defic.*, 47, 462

² Isambert-Samati, V. (1966) La rigidité d'une institution : Structure scolaire et systèmes de valeurs, *Revue française de Sociologie*, 3, 306-324

feckless parents, special efforts need to be made to secure their interest and co-operation by offering them appropriate helping services or other inducements. Knowledge of home conditions, including broken marriages and parental conflicts, illness or deviance should help the schools to recognize which children are under stress, or at risk from unsuitable or insufficient parental supervision.

Teachers need to be aware of the various forms of child behaviour which are indicative of likely delinquency or of other forms of maladjustment. It has been shown quite conclusively in a number of researches that very simple observations by teachers of the classroom behaviour of their pupils can be used to identify groups with a high risk of delinquency or a high incidence of neurosis. Teachers need to be trained in understanding and tolerance of what this kind of behaviour signifies, and to avoid reacting to it in ways that increase the difficulties and the alienation experienced by these children.

One of the classroom phenomena that would repay further study is the peer-group culture. Each class has its own leaders, its own popular and influential members, its own group cohesion and group attitudes. Teachers need to recognize the importance of these informal social structures, and their effect upon individual children. In schools in which the more aggressive, defiant and troublesome pupils gain ascendancy and popularity over the more conformist and well-behaved pupils, the pressure towards delinquency may become irresistible. The influence of the school peer group, and of the school atmosphere in general, on the level of delinquency is an important area for further research.

Medical as well as educational services are highly relevant to delinquency prevention. For instance, in many surveys it has been found that there is a strong link between large families and likelihood of delinquency among the children. Some of the reasons for this are fairly obvious. Mothers who are overwhelmed by a quick succession of pregnancies often lack the ability or the facilities to give adequate attention to each child, so that various forms of intellectual or emotional deprivation are liable to occur. Medical provisions for family planning, and advice on the proper spacing of children on social, economic and health grounds, may indirectly contribute to delinquency prevention. Likewise, home visits by health workers concerned with mother and baby welfare, and specialist out-patient clinics with similar aims, can do much by way of identifying and helping the unfortunate children of problem families, who are so vulnerable to delinquency. In later years, medical inspections at schools, if they are followed up by constructive contacts with parents, can perform a similar function.

Action programmes, including the schools as an important part, but also involving all the other services in a community, are felt by some authorities to offer considerable promise. In the Netherlands an experimental scheme is to be launched in a city in which there is a high level of reported violence. A second comparable city will serve as a control, so that changes that can be attributed to the experimental intervention can be

charted and assessed. Special attention will be given, not only to improvements in the schools, but to the situation in the least-favoured neighbourhoods where delinquency rates are high. The active participation of local people will be enlisted in deciding what facilities and developments are most needed. The project is planned to enlist the active co-operation of the police, who will be encouraged to bring children of 6 to 15 years of age, who have been detected in delinquent acts, to a special youth centre in lieu of prosecution. The staff at the centre will thereafter handle the problem in their own way without referring back to police or courts. One technique to be used is the confrontation, at the centre, of offender and victim. The offender may be got to make up for harm done, for instance by doing some work for the victim. This helps to foster mutual understanding and to allay the victim's sense of grievance if the offender gets all the attention. The whole project is intended to include a variety of evaluative techniques. Repeated surveys, using both official crime statistics and hidden delinquency investigations, can provide a kind of longitudinal study. Inquiries into changes in use of leisure by young people, or changes in police or public attitudes to delinquency would also be relevant to the assessment of effectiveness. In any such community programme, relations with the police are of prime importance. In the process the police may themselves benefit by achieving greater insight into their own activities within the wider social system, and how these may sometimes serve to allay and sometimes to provoke delinquency.

The employment of the police as delinquency prevention workers is an idea that has considerable appeal. It may well be helpful for the police to spend time teaching young traffic offenders driving skills or vehicle maintenance. In some countries there has long been a tradition for policemen to engage in youth work, and in some places the police provide facilities specifically for those they have had reason to apprehend for misconduct. These activities have a beneficial side effect, in that they counteract the image of the police as an invariably punitive organization.

In the United Kingdom, the government is sponsoring community action programmes in areas where there is a high incidence of many different kinds of problem, including crime, poor housing, immigration, many broken homes, and poor educational, social and medical facilities. There are areas in which the community has virtually broken down and it becomes almost impossible to provide adequate services, since the neighbourhoods are so unpopular it is difficult to find extra teachers or other professional persons willing to work there. These localities are subject to a high rate of vandalism and a high incidence of property offences and violent crimes. They are also the places from which delinquents go out to commit offences elsewhere.

In these areas, instead of trying to prop up a system that is not really viable, a more radical approach is being tried. Representatives of different services are sent into the areas to explore the needs of the people. Together with a team of experts, including economists, criminologists and medical representatives, they discuss the problems and work out a plan

for intervention on a wide front. The active participation of community members in making changes is part of the plan, but essentially it is the team of management experts who initially diagnose the troubles and propose solutions. Plans are, however, genuinely subject to modification according to the ideas of the clients themselves. None of these schemes has been going on long enough for an evaluation of results to have been made.

Of course schemes directed towards socially derelict areas cannot solve the total crime problem. Many forms of delinquency are unrelated to multi-problem neighbourhoods. Student protest delinquency is an obvious example. In that case, investigation of inter-generation conflict, and the causes of alienation within the system of higher education, would be relevant. Problems of prevention, like problems of treatment, have to be tackled piecemeal, using methods appropriate to the nature of the disorder. Once again a medical analogy - the futility of searching for a universal panacea - is seen to be relevant.

Mobilisation of the public in schemes of delinquency prevention or community improvement may meet with resistance in countries where the tradition is against it, where the people are inclined to think it is not their job. In the Federal Republic of Germany community action has tended to be promoted by radical students, and thus to be linked with political implications. The success of schemes requiring public co-operation may be only temporary. For instance, where the help of schools has been enlisted in accident prevention schemes, after an initial decrease, accidents have tended in time to revert to their former level. Finally, mobilisation of the public in delinquency prevention is not without its dangers. Promotion of too active a surveillance by neighbours could lead to a new form of tyranny.

The provision of suitable employment, especially for school leavers, might be regarded as an obvious delinquency preventive measure, although, of course, as with all such ideas, it cannot hope to deal with more than one sector of the problem. The unemployed are important, but at present they do not constitute the central problem of rising delinquency rates. Countries like Switzerland, with no significant problem of unemployment, still have to contend with delinquents. Nevertheless, experience suggests that unemployed youths are prone to vandalism or worse, and certainly disillusionment with a society in which they can find no place must have a deleterious effect upon unemployed youth. In England some small-scale and sadly inadequate schemes are in operation for paying unemployed youths to do socially useful work, such as looking after old people.

This example of unemployment illustrates rather well the different approaches of those who would make a radical change in the social system, and those who try to mitigate the effects of social evils by giving some help to the casualties of the system. Economists in capitalist countries commonly assert that high unemployment is inevitable, but their assumptions are open to challenge. Employment is organized at present on a profit basis not a welfare basis. Some radical rethinking is necessary. The

modern trend is for production to require less and less manpower. Society may be forced to arrange for a more equitable distribution of work among the population. Part-time schooling and earlier retirement have been suggested as means to this end. It may be that the value society has placed on a full day's work, and the exclusive concentration of schools upon preparation for work, and the stigma that is attached to failure to secure work, will all need to be readjusted.

8. TREATMENT FOR KNOWN OFFENDERS: SCOPE AND EVALUATION

The fashionable concern not to label youngsters prematurely, not to intervene unnecessarily, not to impose values unquestioningly, should not be taken so far as to inhibit the provision of help for those who truly stand in need. In every State and social system there is a hard core of serious offenders and obvious problem cases that are universally acknowledged to require some kind of action. There are those who commit crime of the gravest nature, such as murder, serious woundings and violent rapes. There are those medical and social derelicts who lie about the streets chronically intoxicated from illicit drug abuse. There are others who, rootless and alienated, wander about the country sleeping rough and living off the proceeds of housebreaking and theft. Once one gets away from fringe topics like abortion and the cannabis habit, and specifies particular offence-situation categories, or particular forms of socio-psychological maladjustment, then it becomes easier to reach some agreement that there are young people who need help or control or both.

It is relatively easy to spell out types of behaviour, such as robbery with actual violence, which require immediate intervention. The assessment of socio-psychological disturbance, the diagnosis of its origin, and the choice of the most suitable form of treatment in each case, remains more problematic. Methods of assessment and ideas of diagnosis are still confused and inconsistent between one centre and another. An even worse difficulty is that in practice penal treatments are all too often half-hearted and indiscriminating in their approach. Social workers and probation officers are swamped with heavy case loads, and institutions are made to provide places for all and sundry and to deal with much too large numbers. Under these conditions it is hardly surprising that treatment results seem unsatisfactory.

On the whole the results of penal treatment evaluations have been disappointing. They seem to suggest, in many instances, that whatever is done or not done to offenders their recidivism rates remain unchanged. Some sociologists find it difficult to understand how psychiatrists can remain confident of the benefits of treatment in the face of so much contrary

evidence. One reason for this lack of success may be that there has been far too little differentiation between offenders according to their individual needs. Ever since Grant and Grant¹ in California published their famous paper suggesting that, given the same regime, some types of offender improved but others were made worse, the notion of fitting the treatment to the offender has gained ground. Certainly this is one of the instances in which the medical analogy, of fitting the treatment to the nature of the different disturbances encountered, is a useful guide. Another instance is the example of what to do in case of failure. Medical men are geared to try, try and try again until the correct treatment solution is discovered, rather than to give up at the first set-backs on the grounds that the condition is not and never will be open to treatment.

It is not the case that treatment results have been universally negative. One might quote the example of a comparison made by Professor K. Christiansen between offenders given specialist treatment at Herstedvester (Denmark) and similar offenders given periods of detention in conventional penal establishments. The former group had significantly lower recidivism rates. On the whole, however, the treatment projects that have yielded the most promising results have been limited experiments with small and specially selected samples. The methods are not necessarily applicable to the generality of offenders. For instance, middle class youths who have dropped out of higher education and into a hippie-type drug subculture, perhaps because of a failure to live up to their parents over-ambitious expectations, have their own special problems. An approach to these youngsters must take into account their particular situation and needs, which are different from those of the traditional working class delinquent who is socially and educationally impoverished. In institutions, the provision of special facilities, such as training in technical work skills, is excellent for those who happen to stand in need of such training, and are at a stage to take advantage of it, but is no use for those whose needs are different.

Voluntary acceptance of help that can be provided outside institutions is the ideal. The provision of these services can be compared with the provision of consumer goods: they must meet a demand and they must be presented in a convenient and acceptable form. The treatment staff at traditional clinics often complain of the poor attendance and the reluctant co-operation of the delinquents who are sent to them. Services that are more client centred have a different experience. The youth consultation bureau in Amsterdam has had great success in attracting large numbers of adolescents who present themselves for advice and help with all kinds of problems. Similar centres have been started in other European countries and have had a similar experience. Some of the important features

¹ Grant, J.D. & M.Q. (1959) A group dynamics approach to the treatment of nonconformists in the navy, *Annals of the American Academy of Political and Social Science*, 322, 126-135

which appear to contribute to this success are avoidance of waiting lists, availability outside working hours, conditions of anonymity, and the use of young social workers capable of communicating easily and informally with the present generation of adolescents without producing an immediate confrontation of ideologies.

In the area of drug abuse, considerable success has been reported with the employment of drug users themselves as ambassadors, and educationists for programmes of prevention and rehabilitation. A similar policy could be tried in relation to other forms of delinquency.

One possible course of action has been suggested that could be regarded as forming a bridge between the individual treatment approach and the need to rectify social injustices. Young people sometimes feel themselves at a disadvantage in trying to cope with a system that has been devised to deal with adult needs and seems to recognize only adult rights. Employers and trade unions, for example, are not always particularly sensitive to the needs and rightful status of younger employees. Employers can be tempted to let their unskilled younger workers go after a year or two in favour of taking on school leavers whose wages are lower. Because of their inexperience young people do not take full advantage of the legitimate opportunities that exist within the system for redressing grievances, asserting their rights, or obtaining facilities that should be made open to them. For all these reasons, the establishment of an ombudsman whose functions would be directed exclusively to the problems of young people might fill a real need. It would be helpful for the person appointed to be sufficiently young to be a credible figure to the adolescent generation.

The establishment of an ombudsman might also serve to reinforce some of the pleas that have been put forward, by persons with long experience of delinquent individuals, who claim that the socio-legal system sometimes operates, unintentionally perhaps, in a way that aggravates instead of ameliorating the difficulties of delinquent youths. For example, parole licences or supervision requirements may make well-intentioned stipulations, such as not to mix with other criminals, or not to frequent drinking places, which, in practice, are not reasonable. A person whose friends are all delinquents, or whose only method of socialising is centred upon the local bar, will not be able to comply. A worse difficulty arises from the automatic disqualification from driving of young persons whose real offence has been the unauthorised use or theft of a vehicle. They are not necessarily a danger to the community from recklessness or lack of driving skill, and their disqualification can be felt as a severe and unjust punishment. In modern conditions the right to drive is a prized asset among the young, and its loss can affect work prospects as well as social life. The temptations to defy such a disqualification order are very great, but the consequences of doing so are likely to be a succession of further offences and further disqualifications.

Sociologists have rightly pointed out that the individual treatment needs of many of the young people legally classed as delinquents is open to

doubt. Nevertheless, it remains true that there are many, especially among young recidivists, whose personal difficulties are only too obvious. A work of the Gluecks,¹ and other more recent researches on similar lines, has demonstrated that the children who later become recidivist delinquents differ very significantly from their peers. The differences are almost invariably in the direction of a higher incidence of all kinds of personal handicaps and family problems among the delinquent-prone group. In later years, when their delinquent potential has been actualised, and they have been stigmatized as convicted recidivists, their problems and pathologies may be further amplified. Whatever view is taken about etiology, or about the generation of problems by the socio-legal system, the fact remains that the present processes of defining delinquents do, in practice, bring to the attention of the authorities large numbers of individuals with personal problems that would seem to demand treatment by the traditional clinical approach.^{2,3}

The task of the clinical services in this field is to sort out the individuals involved in delinquency, and to identify those who have mental or emotional handicaps, or internal conflicts of a psychiatric nature, that call for treatment interventions. Careful diagnostic procedures and assessments are prime requirements. This task demands collaboration and understanding between the different services involved: courts, school psychologists, social workers and clinical psychiatrists. It is likely that pilot investigations in different countries, to study the varying standards and methods and inter-communications of these agencies, would reveal both wasteful overlap and conflicting approaches. As a preliminary to better integration of medico-social assessments such a study would be very timely. In the wider field of mental health, WHO is already aware of the intricate interdependence of social and medical services,⁴ and the need for better integration. On the question of integration of services, in regard to assessments, in provisions for treatment, in the training of personnel, and in the planning of interdisciplinary research, the establishment of a centre for the co-ordination of activities would be a welcome

¹ Glueck, S. & Glueck, E.T. (1950) Unravelling juvenile delinquency, New York, Harper

² see, Vaucresson Centre de Recherche (1963) 500 jeunes delinquents, Enquetes et recherches, 2

³ see, Jonson, G. (1967) Delinquent boys, their parents and grandparents, Copenhagen, Munksgaard

⁴ May, A.R., Kahn, J.H. & Cronholm, B. (1971) Mental health of adolescents and young persons (Wld Hlth Org. publ. Hlth Pap., No. 41), Geneva

development in most countries. In this respect France has set a good example in the "Centre de Formation et de Recherche de l'Education surveillée" at Vaucresson. One of the most important tasks of any such central organization would be the promotion, planning and evaluation of new methods of treatment.

In many countries, there is still a considerable lack of facilities for providing the psychiatric treatments that are generally accepted as desirable. Adolescents need special units to cater for their particular needs. In adult psychiatric wards young patients tend to form minority groups that are resented by the older inmates. The young require a busy daily programme with a variety of occupations, including formal education and organized games. They also need some outlets for freedom and informal contacts, otherwise they are liable to become overtly anxious and aggressive. From a therapeutic standpoint, it is questionable whether psychiatric units for adolescents should be organized for delinquents alone. In mixed groups, with a proportion of more than about 4 delinquents out of a total of 20 patients, the delinquents may come to dominate the scene, spoiling group harmony and destroying the psychotherapeutic atmosphere.

In the planning and assessment of treatments the specification of the category of delinquents under consideration is a most important consideration. Those who have classic forms of diagnosable medical disorder, such as epilepsy, brain damage with hyperkinetic behaviour, or mental retardation, are in one sense easier to deal with, since the necessary treatments are relatively well-known and accepted. The criterion of success of such treatments, however, is the relief of the medical symptoms. A lessening of delinquent behaviour is a byproduct or bonus rather than a prime objective. Other special groups are sexual offenders and drug addicts. In the case of sex offenders, it makes all the difference to the psychiatric treatment indicated whether the offence arose from some compulsive sexual deviation (such as exhibitionism or paedophilia), which might be regarded as a misdirection of sexual drive, or from the unrestrained exercise of ordinary sexual inclinations. The former group is particularly associated with individual neurotic conflicts requiring psychotherapy (or perhaps de-conditioning regimes). The latter are more like the generality of impulsive and unsocialised delinquents and might respond better to a group approach.

In the end, considerations of treatment, as of other matters, come back to one central theme, the need to subdivide the problem into a number of definable areas of behaviour. Only when that is done does it become feasible to specify needs with any precision, to formulate meaningful treatment approaches, and to test results of treatment.

9. ETIOLOGY

This topic, perhaps the most difficult of all, was left to the end in the discussions of the Working Group. This decision was in part determined by the hope that previous considerations of practical matters, such as treatment needs, might have helped to give greater clarity and precision to the problems at issue, and hence to the underlying causes. In recent years, a certain amount of disenchantment with the whole notion of etiology has developed. The older attempts to find simple correlations between delinquency and particular causal factors, such as poverty, or broken homes, have produced very little in the way of reliable evidence. The supposed causes identified by sociological and psychological theories are not at all specific, and have rather low predictive power. In any event these causes must be regarded as probabilistic in character rather than truly deterministic. They do not finally decide whether or not an individual will become delinquent, but, other things being equal, they make that outcome either more or less likely.

Our present day systems and concepts have roots in the etiological theories of the past. The police and the courts largely operate on the concepts of the eighteenth century, when the classical school of criminology took for granted the presence of freewill and choice in matters of conduct. Hence the emphasis on responsibility and accountability in law, and the idea that penalties should be imposed that would deter further rule breaking by making the pains of punishment outweigh the pleasures of deviance. In contrast, since the mid-nineteenth century, the positivist school of criminology has emphasized the deterministic principle, the extent to which conduct is governed by hereditary and environmental pressures which the individual is relatively powerless to alter. On this philosophy, the control of criminal activity requires a study of the constraints under which the individual lawbreaker operates, and seeks to amend his behaviour by manipulation of the factors that are thought to be responsible. In its earlier phase the positivist school emphasized biological determinants, and attributed importance to hereditary influences and to physiological defects or injuries that might predispose to disordered conduct. In some countries these conditions are still believed to be major predisposing factors accounting for a sizeable proportion of delinquency. In general, however, the neuro-physiological emphasis has given way to the psychological and the psychiatric. The psycho-analytic theories developed by Freud continue to exercise a profound and pervasive influence on theory and practice concerning delinquency. They represent an attempt to produce a comprehensive account of the interactions between instinctual inheritance (in more modern jargon the pre-natal programming of the human organism) on the one hand, and social pressures on the other. In common with other schools of dynamic personality theory, the Freudian system postulates that certain kinds of personality organization, which are largely impressed upon the individual by critical interactions with parents at a very early age, heavily predispose the individual to a delinquent style of life. Parental deprivation, neglect, severe or indulgent or inconsistent attitudes, and failure to provide the child with emotional support or with desirable models

of behaviour, are listed among the main causes of defective or anti-social personality development. On this view delinquency is a symptom of failure in the early nurturing and socialization processes. This well known and highly articulated etiological model, which pictures the typical delinquent as an immature, disordered or positively sick personality, forms the main basis of the clinical treatment approach in most European countries.

The more recently developed learning theories favoured by modern, behaviouristic psychologists emphasize the process of conditioning rather than personality structure. Some of these psychologists, such as H. J. Eysenck,¹ consider that ease of conditioning may be governed by innate physical constitution, but all are agreed that adequate socialization depends upon conditioning experiences during early development. The consistent application of reasonable rewards and punishments from infancy onwards is, in their view, the crucial determinant. From the standpoint of family patterns predisposing to delinquency, learning theory and Freudian theory come up with quite similar predictions.

The sociological theories, which have come into great prominence in the last decade, also adopt a positivistic view of individuals decisively influenced by constraining factors. They differ sharply, however, from the personality theories in the factors which they consider important. Early sociological studies of delinquency pointed to the enormous differences in incidence between social classes, urban and rural areas, and ethnic groups. Such extreme differences between social groups were not reasonably explicable in terms of personality. In some situations the range of persons and events defined as delinquent far transcended the narrow groups of sick personalities described by psychiatric theories. Delinquency appears to be largely a group phenomenon. One reason for this may be that, in the face of adverse social pressures, such as low social status, or lack of legitimate opportunities to achieve highly valued goals, certain groups find that they share common problems. Members of these groups may lend each other mutual support in seeking unconventional or illegal solutions to their frustrations. Hence a deviant sub-culture arises in which peer groups provide attitudes, beliefs, norms, and cues for action that are contrary to official rules and parental expectations. On this etiological model the individuals involved are not the main focus of interest. The targets for change are the deviant peer group as a whole, or alternatively the social pressures responsible for the development of a contrary set of values among groups of youngsters.

The multiplicity of theories and factors can be seen as a reason for mounting multidisciplinary team-work researches to take into account simultaneously a multitude of interacting variables. The development of computers and statistical processes makes this kind of research more

¹ Eysenck, H. J. (1964) Crime and personality, London, Routledge

feasible today than ever before. Even so, there are limits to the degree of complexity that can be profitably incorporated into a research design. Moreover, multifactorial explorations have not, so far, yielded results capable of resolving the conflicts between different etiological theories.

Another, and possibly more promising approach is to concentrate research effort upon particular and closely defined categories of delinquency and delinquents. The same approach was suggested earlier in connexion with treatment research. By breaking up the delinquency problem into distinct categories, the main causal factors involved in each group may be reduced in number and more easily delineated.

Yet another approach, independent of the question of classification, but perhaps complementary to it, seeks to circumvent the etiological issues by asking what reduces delinquency rather than what causes it. This allows of positive social experiment and empirical tests. Etiological theories point to such a wide range of factors operating at different stages, from social discrimination and blocked opportunities to peer pressures and deviant parents, that it becomes quite impossible to pinpoint any readily testable predictions. Törnudd (1971)¹ has given a revealing illustration. Suppose criminologists are asked to account for an increase in car thefts, A may point to the increasing numbers of cars, B to the inadequate locks, C to lack of police supervision. Such rival causal explanations are matters of opinion, and it is difficult to see how empirical research could decide between one and another. On the other hand the question "How can car thefts be controlled, and at what cost?" is a more manageable area of inquiry. The reference to "costs" brings in the dimension of values. What is the importance to be placed upon the common juvenile offence of taking cars? How many such offenders should be identified and jailed for this activity? Such value judgements, essential to a rational formulation of criminal policy, are rather far removed from traditional etiological theories.

A possible weakness in this line of approach is undue concentration upon legislation and the penal system, although in principle other forms of social action could be investigated. Certainly the law is a factor in the total situation that may be relatively easy to manipulate. Nevertheless, social action addressed more directly to the kinds of problem singled out by conventional etiological theories might in the end be more beneficial. For instance, the introduction of driving instruction as part of the school curriculum for senior pupils, and the provision of cheap machines for use by adolescents who have not yet the earning capacity to possess their own, might prove to be a more constructive way of protecting car owners from mauling adolescents than any conceivable re-adjustment in penal policy. Be that as it may, the indirect investigation of causes, by testing the effects of programmes of social action, is a particularly interesting idea.

¹ Törnudd, P. (1971) The futility of searching for causes of crime, *Scandinavian Studies in Criminology*, 3, 23-33

A somewhat different approach to etiology arises out of the modern schools of social interactionism and phenomenology. Instead of looking for distant antecedent causes, or for peculiarities in the offender, it may be more profitable to study the situations that are defined as delinquent, to observe the interactions that occur between individuals defined as deviants and individuals defined as victims or authorities, with a view to discovering the meaning for the participants of what is going on. The same incident may have quite different meanings for the offender, the police and the public at large. Consequently, their "etiological" explanations, and their ideas about how best to avoid such conflicts, will also differ. Such exploration can produce new insights and raise questions that would never occur to the investigator who starts off from the premise that delinquents are necessarily impelled by abnormal, unusual or discreditable motives.

10. CONCLUDING THOUGHTS

The Working Group wound up their deliberations with a free-ranging discussion of topics and approaches that had either not been considered so far, or that seemed to merit further exploration at a later conference. There seemed to be a general feeling that the group had not gone very far towards resolving what might be described as the "crisis of communications" between the various disciplines involved. Psychiatrists were inclined to feel that their practical experience with the human problems involved in delinquency received insufficient attention. As a group, they did not believe that social and personal problems would be solved by re-classifications of offenders. Indeed, greater realism and more progress might be achieved by a concentration upon particular problems and methods of dealing with them. The medical and social problems experienced by young drug addicts provided a case in point. The ambivalent attitude of many sociologists towards a recognition of the individual problems of the sick and the deviant got in the way of practical action and research.

In contrast to this, the sociologists were inclined to feel sceptical about the piecemeal clinical approach, which was too often pursued without regard to scientific methodology, and with an adherence to traditional assumptions that remained unsupported by hard data. There is also a danger of neglect of the role of the social system and of social values in defining and generating deviant behaviour.

In so far as a general consensus was achieved, it seemed to be that there was a need for examining simultaneously both the system and the individual, both values and laws on the one hand and personal problems and individual treatment needs on the other. In these tasks all the disciplines relating to human behaviour, including law, medicine, psychology, sociology and psychiatry, had important parts to play.

ANNEX I

LIST OF WORKING DOCUMENTS AND
BACKGROUND MATERIALWorking documents

EURO 5425 III/5	Some perspectives on juvenile delinquency and deviant social behaviour by Mr N. Bishop
EURO 5425 III/6	Some considerations on research by Dr B.B. Svendsen
EURO 5425 III/7	Summary of views by Dr D.J. West
EURO 5425 III/8	Some major problems by Dr Katja Vodopivec
EURO 5425 III/9	A few comments on the suggested agenda by Dr J.A.M. Schouten
EURO 5425 III/10	Brief remarks with regard to the agenda items by Dr W. Buikhuisen
EURO 5425 III/11	Some notes on studying deviant social behaviour and delinquency by Dr G. Kaiser
EURO 5425 III/12	Some thoughts on the "labelling" of young social offenders by Professor Inkeri Anttila
EURO 5425 III/13	Juvenile delinquency by Dr S.-L. Welbel
EURO 5425 III/14	Summary of proposals, by Professor J. Fischer
EURO 5425 III/15	Summary of comments by Mr F.H. McClintock

Background material

DPC/CDIR (70)3	Council of Europe (1970) <u>Report on Seventh Conference of Directors of Criminological Research Institutes</u> , Strasbourg
	Council of Europe (1967) <u>Collected studies in criminological research</u> , Vol. 1, Strasbourg
DPC/BCC/Coord (71)1	Council of Europe (1971) <u>The role of the school in the prevention of juvenile delinquency</u> , Strasbourg

Background material (contd)

DPC/CEPC (69)10	Council of Europe, European Committee on Crime Problems (1969) <u>Principles underlying the European Convention on Extradition</u> , Strasbourg
DPC/CEPC X (71)7	Council of Europe, European Committee on Crime Problems (1971) <u>Draft report on penal aspects of drug dependence</u> , Strasbourg
	West, D. J. (1967) <u>The Young Offender</u> , London, Harmondsworth Penguin Books
Public Health Papers 41	World Health Organization (1971) <u>Mental health of adolescents and young persons, Report on a Conference, Stockholm, June 1969</u> , Geneva
E/CN.5/461	United Nations, Economic and Social Council (1971) <u>Criminality and Social Change</u>

PROGRAMME

Tuesday, 27 June

9.00 - 10.00	Registration
10.00 - 10.30	Opening session
11.00 - 12.30	Introduction and presentation of working paper by Mr N. Bishop
14.00 - 15.30	Amplification of summaries by participants
16.00 - 17.00	Discussion: Operational definitions

Wednesday, 28 June

9.00 - 10.30	Data collection systems and statistics
11.00 - 12.30	Hidden delinquency - implication for theory and practice
	Afternoon free

Thursday, 29 June

9.00 - 10.30	Treatment - scope and evaluation
11.00 - 12.30	Actiology and prevention
13.00 - 15.30	Deviant behaviour - degrees, definitions
16.00 - 17.00	Formal and informal control

Friday, 30 June

9.00 - 10.30	Summary report
11.00 - 12.30	Future action: preparation for the 1974 confer- ence; recommendations for any further action
	Closing session

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¹ Participation expenses not paid by WHO

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