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SECTION 1: EXPERTS' PAPERS

Youth and Crime in Contemporary and Future Society

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Purpose

As a problem, juvenile delinquency is grossly inflated almost everywhere and consequently, in spite of well-intentioned efforts, it is not always properly understood and is therefore unmanageable. In most countries the prevailing criteria governing the concept and confusing the problem are still a mixture of obsolete sentimental attitudes vis-à-vis minors and the family, outdated psycho-social or socio-psychological theories, even when some of them are reformulated and offered as new, the vested interest of administrative and judicial services and machinery, and the growing number of professionals in the field of social sciences. Juvenile delinquency policies and programmes are more often than not still turning around a concept of child and youth which, in most countries, does not correspond to the reality. There is no doubt that children should have as much attention and care as possible but this does not necessarily mean that the machinery in charge of providing them are the right ones at the present historical juncture, particularly juvenile courts and in some cases, family courts or welfare boards. It is often said that juveniles are society's reserve capital and to a great extent this is true, particularly in developing countries, but the same applies to any other age group. Thus in many cases adults constitute the real working capital and old people already "used" capital which has often yielded good results. Yet particularly in developed countries old people are increasingly preyed upon by juvenile offenders who can hardly be excused as maladjusted or lacking maturity (Lopez-Rey, 1970).

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In more general terms the United Nations Social Development Commission at its last session, January-February 1977, confirmed the above point of view by stressing that social policies should not be evolved in such a way as to make youth appear in an especially privileged position in comparison with other groups of the population. Still more significantly, it stated that youth should be integrated into present and future policies at national and international levels. Among other things this means greater participation but at the same time greater responsibility vis-à-vis society.

In sum, the frequent misuse of the term capital when referring to the need to protect juveniles can no longer be entertained. This does not mean that they should be neglected. In fact the term *capital* used to emphasize the value of youth reflects the image that capitalist societies usually have of social problems, i.e., a segmented one. It is apparently thought that by dealing separately with groups the problems can more easily be solved. Obviously this is not true, but nevertheless it serves the purposes of that kind of society. Curiously enough, in spite of their professed anti-imperialism, the vast majority of developing countries still try to handle the problem of juvenile delinquency in accordance with concepts and models either inherited or copied from others.

The conclusion is that although the implementation of the original Western concept and policy of juvenile delinquency has yielded some good results, these have always been historically determined and the present is quite different not only from when the first juvenile court was created but also from the industrial society which prevailed until the beginning of the 1950s. Although in different degrees, whether they like it or not, all

countries are already immersed in the post-industrial era and this calls for a revision of the conceptualization of the problem of juvenile delinquency.

The need for a revision of the existing policies and programmes then is obvious. In this respect developing countries are better placed than developed countries to innovate and even to introduce some radical changes. The main reason is that in some respects developed countries are prisoners of their own development and corresponding systems, a condition which is still incipient in most developing countries. The task, however, is not easy. It implies a thorough analysis of the situation in a given country before deciding what should be kept or discarded and what should be created to meet the fundamental demands of the reality as far as juvenile delinquency is concerned. What follows is an attempt to facilitate the task by analyzing a series of facts and fictions within the limits of space assigned to this essay. That was also the purpose of my lectures at UNAFEI in 1977 on which the expose is based. Needless to say, it applies to developed as well as developing countries, but for obvious reasons the latter are dealt with in more detail.¹

The Background

The inhuman treatment meted out to children both as workers and offenders in European countries and in the United States as a consequence of rapid and often exploitative development, was one of the main factors which led to a new way of thinking, to the intensification and eventually to public opposition to the exploitation of minors. The protection movement gained force and the concept of juvenile offender or delinquent was put into circulation. The concept asserted itself when the first juvenile court was created in 1899 in Chicago. In some countries welfare boards dealt with juveniles while later in others family courts replaced juvenile courts. The protective attitude vis-à-vis minors found its more general expression in the Geneva Declaration of the Rights of Children in 1928, revised in 1948 and reformulated in

1959 by United Nations General Assembly Resolution no. 1386, XIV. Since then laws dealing with juvenile offenders have been promulgated practically everywhere. Unfortunately, in most cases the numbers of courts and services do not correspond to the magnitude of the problem. In many countries the juvenile courts or their equivalent and the corresponding services exist only in the capital and in two or three of the more important cities. The usual explanation that it is in the cities that the problem is more acute is not convincing.

It seems that in some countries juvenile delinquency is decreasing. In all probability this is true as far as statistics are concerned. On the other hand, it would be highly desirable to know the reasons for the decrease. Probably it is mostly due first to the gradual decrease of juvenile population, particularly in large urban areas and secondly, to the reluctance in these same areas to report a series of acts which, although described as juvenile offences by the laws, are condoned or disregarded by many people including police and other authorities. Here again we may see the close correlation between social changes and crisis—two different but often identified concepts and phenomena—and non-legalized decriminalization.

In the 1950s the world situation changed drastically. From a world mostly regarded as a Western preserve we entered another in which non-Western approaches to national and international problems would play an important role. The membership of the United Nations expanded rapidly with the incorporation of newly independent countries which brought with them different aims. The term development made its appearance in the international cooperation arena and with it arised the necessity of linking to it an array of problems, some of which, like juvenile delinquency, were treated as something apart from the whole socio-political context. It should be remembered that one of the main tenets of juvenile delinquency theories was, and to some extent still is to regard juveniles as living in a world of their own. In every respect, including the psychological, this view was fortunately shattered by the world trans-

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formation. The growing participation of youth was obvious in the 1960s and since then has in no way abated in developed and developing countries alike. The post-industrial society was already under way.

While at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, the clash between the traditional conception of juvenile delinquency as an all-embracing concept and that confining its meaning to the commission of a real criminal offence was evident and ended in something like an international stalemate, at the Second Congress, London 1960, the situation changed almost dramatically for the better. The reasons were that in accordance with world changes the Secretariat, following also the advice of the *Ad Hoc* Committee of Experts on Crime Prevention, decided to submit, for the consideration of the Congress as problems closely linked, the new forms of juvenile delinquency and the prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries; and that the number of developing countries participating in the Congress was higher than in 1955 and for the first time the Soviet Union and other socialist countries attended. Shortly, the conclusions and recommendations adopted were the following: that as a problem juvenile delinquency cannot be considered independently from the structure of the State; that some of the new forms of juvenile delinquency which may be serious from the point of view of public order are not always indications of serious antisocial behaviour; that the problem of juvenile delinquency should not be unnecessarily inflated; that the meaning of juvenile delinquency should be restricted as far as possible to violations of criminal law and therefore offences referring to irregularities or maladjusted behaviour for which adults would not be prosecuted should not be created; that programmes of prevention of criminality should be closely coordinated by an agency organized for this purpose and that this agency should operate as an integral part of a coordinated scheme for national, social and economic planning since, as stressed by the United Nations,

there is an urgent need to eliminate the compartmentalization of thought and to integrate social and economic objectives in countries undergoing rapid development. It was at this Congress where the need for a proper concept of juvenile delinquency was first advocated and also where for the first time, the connection between crime, including juvenile delinquency, and national development was established. Since then both aims are a recurrent feature of United Nations policies in the prevention and control of crime, the treatment of offenders and criminal justice.

Although the recommendations of the Congress were endorsed by the Economic and Social Council and communicated to Governments for their consideration and possible action, very few have taken them into account; in many countries, including developed countries, the problem of juvenile delinquency is still treated as it was conceived almost a century ago. The reasons are many but the most significant are that, as stated, the developed countries are prisoners of their own criminal justice and juvenile or family courts systems; that contrary to all available evidence in many developing countries the belief prevails among policy-makers and professionals that the material improvement of living conditions will abolish or considerably reduce crime and delinquency, and finally that as a result of complex imitative processes, while in many developing countries Western ideas or policies are frequently the target of "anti-imperialist" policies, nevertheless Western ideas and policies in juvenile delinquency and, for that matter, in criminal justice are not only maintained but even enlarged without first checking the national validity of such policies. This state of things is facilitated by a double process of import-export theories and systems in which erroneous technical assistance policies as well as the wish for "modernisms" among some national professional elites play a significant part.

Even a modest comparative analysis of national legislation on juvenile delinquency will show that the imitative process is still going on and that many developing countries enacted laws in the 1950s and 1960s which reflect or reproduce approaches prevailing 20 years

before in some developed countries. In a well-intentioned Child and Youth Welfare Code adopted in 1974 in an Asian country in which juvenile and youth delinquents are dealt with, among the "Responsibilities of Children" is included one by which he shall strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and the biddings of a clear conscience as well as to love, respect and obey his parents. In principle all this is splendid; on the other hand even from a merely welfare point of view one may ask if, in view of the socio-economic and political characteristics of the country concerned, such demands are reasonably consistent with its condition, and more particularly as a great number of children live in the slums of the capital and other large cities. As far as I know, the national planning of this country still ignores the correlation with the planning of the prevention of crime whether committed by adults or juveniles. It is also doubtful that the concept of youthful offender as a person who is over nine but under 21 years of age at the time of the commission of the offence conforms to the pluralistic condition of the country. This refers to a country in which socio-economic and political differences among ethnic groups, cultures, needs and aims play often contradictory or even opposing roles. In such cases, a uniform national concept of juvenile delinquency is only a legal fiction. In some countries with a federal system the fiction has been avoided or reduced; yet in many Latin American, African and Asian countries the fiction has been maintained. Only a distinct national homogeneity can, in principle, justify the national uniformity of the concept of juvenile delinquency; such is the case in Japan.

The above does not imply that Western ideas, policies and systems should be automatically put aside—far from it. Many of them have had an enormously beneficial effect on mankind and quite a few are already part and parcel of the non-Western world. The beneficial impact on juvenile delinquency was undeniable at the beginning of the XXth century but since then the world has changed. In

spite of its evolution each country preserves many of its own characteristics, needs, aims and means all of which have a great impact on the extent, gravity and trends of juvenile delinquency. The acceptance of some universal patterns of life even among juveniles does not mean that juvenile crime, or even adult crime, is the same everywhere.

Perhaps one of the most disturbing elements in establishing a correlation between national development planning and the planning of the prevention of crime and the treatment of offenders as well as of the criminal justice system, is the narrow way in which the term development is understood by the majority of governments which are more interested in economic growth, of which the gross national product is the most revered symbol, than in anything else. While economic growth means social improvement in some aspects, in many more the deterioration of living conditions and with them greater frustrations, resistance and antagonism, are undeniable. As a rule, the obsession for greater GNP aggravates some existing forms of crime and generates many others. The expansion of industrialization and urbanization, often manipulated by big firms, corporations and enterprises of many sorts, has seldom brought a better type of living, which should not be identified with the improvement of material conditions of living. Education and welfare services have also increased practically everywhere and yet their preventive effects on juvenile delinquency have been minimal. The problem then is to determine what is the kind of education and welfare services needed in the post-industrial society of our time so different from the industrial society in which most of the present policies of education and welfare originated. Without trying to dramatize things the fact is that the young between 15 and 20 years of age of our time differ in almost every aspect from the image of the juvenile built up at the end of the last century and enhanced in the first decades of the XXth century by a series of laws on juvenile delinquency which in many ways have been transplanted or imitated in many other countries.

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Unfortunately while some policy-making bodies of the United Nations advise governments to correlate national planning with that of the prevention of crime and related matters, the Committee for Development Planning stresses more and more the importance of industrialization, the adequate flow of resources and trade, industrial modernization and the like for the progress of the developing countries. In its reports, the latest corresponding to its session of 1976, I have been unable to find clear reference to the correlation above-mentioned, or to the participation in the discussions of other professionals than those equipped to deal with economic and related matters. The fact is that economic growth, which has been going on for centuries, has not as yet had any visible effect in the reduction of crime. Economic crime at national and international levels, particularly by multinationals, is becoming far more frequent and socio-politically more harmful than most of the crimes committed by individuals. No wonder then that juveniles between 15 and 20 become more active and organized in committing offences against such a state of things which is politically motivated even if the political element is not clearly perceived by all of them.

It is time that the "worship of GNP" should come to an end (T. Fukutake, 1974). On the other hand we must be sure that it is not replaced by the worship of welfare as practised in the Scandinavian countries. The problem is deeper than that and consists in developing a kind of national development in which unjustified inequalities are abolished.²

The Anatomy of Juvenile Delinquency

Although here and there some relevant facts have been stressed and some well preserved fictions demolished advocating the revision of the existing concepts and systems of juvenile delinquency, no attempt has yet been made to study the anatomy of the whole phenomenon. Although incomplete, what follows is a general visceral expose of the main aspects of what is generally regarded as a serious problem. The aspects examined here are:

1. The extent of the problem;
2. The concept governing it;
3. The accompanying main operational concepts;
4. The system created; and
5. The validity of theories and policies.

1. The Extent of the Problem

The number of persons involved as main protagonists and the size of the group to which they belong offer reasonable bases to assess the magnitude of the problem of juvenile delinquency. As far as possible the countries selected are representative of the various types. Since the Course took place at UNAFEI preference has been given to Asian countries."

What is the number of juvenile offenders? Before attempting to answer the question the following remarks are called for: a distinction between males and females should be made; their respective numbers are generally equally divided. The reason for the distinction is that females are far less delinquent than males. The proportion of male and female juveniles living in urban and rural areas must be determined inasmuch as juvenile delinquency is mostly an urban phenomenon, and finally only those who have committed an act that if committed by an adult would imply criminal prosecution should be considered as offenders. With this interpretation juveniles merely in need of attention or assistance but who have not committed any criminal offence are excluded. Their inclusion, besides making the current mistake of regarding as delinquents persons who are not, would enormously inflate the number of juvenile offenders in a country. This does not mean that criminal offenders, whether juvenile or adult, are not often in need of help. The above clearly shows the futility of calculating the extent of crime by indexes referring to the whole population of a given country per 100,000 inhabitants.

What is the average percentage of juvenile offenders among minors? It varies in each country, is never constant, and differs noticeably in urban and rural areas. In each country a diversity of factors such as family situation, standards of living, education, working conditions, attitudes of the community or neigh-

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Table 1: Juvenile Population Aged 10-19 Years

Country and Year	Tot. Pop. (mil.)	10-14	15-19	Pctg. (%)
1969 Kenya	11	1,400,000	1,200,000	24
1973 Morocco	16.5	2,100,000	1,700,000	23
1974 Canada	22.5	2,400,000	2,700,000	23
1973 Costa Rica	1.9	280,000	230,000	27
1974 Mexico	60.2	8,000,000	6,500,000	24
1974 Argentina	25.5	2,300,000	2,210,000	18
1974 Brazil	104.3	13,100,000	11,200,000	23
1974 Ecuador	6.7	880,000	705,000	24
1973 Venezuela	11.5	1,600,000	1,300,000	25
1974 USA	212	20,800,000	20,800,000	20
1975 Hong Kong	4.4	540,000	530,000	24
1974 India	587	71,000,000	62,000,000	23
1971 Iran	30	3,900,000	3,100,000	23
1974 Japan	112	8,200,000	7,800,000	14
1972 Korea	33	4,500,000	3,500,000	24
1971 Nepal	12	1,300,000	1,100,000	20
1976 Philippines	43	5,600,000	5,100,000	25
1974 Singapore	2.3	286,000	282,000	25
1970 Thailand	34.5	4,600,000	3,800,000	24

Data for Burma, Sri Lanka and Ethiopia are incomplete.

bourhood, etc. play a role. Yet in some countries it has been said that particularly in urban areas one of every three boys becomes a delinquent at some time or other. In others the percentages are between 15 and 20. In markedly underdeveloped areas the proportion is sometimes between 1 and 5 percent. After comparing a series of studies and taking into account my own research in several countries either as United Nations expert or professor, I believe that, as a conservative estimate, which as a departing hypothesis may be applied to the vast majority of countries, 10 out of

every 100 boys commit at least one criminal offence when they are between the ages already mentioned.¹

The figure of 10 percent is purposely conservative and with some reservations particularly concerning the more underdeveloped areas or countries, may be regarded as a general yardstick which, needless to say, should be adjusted according to national or regional circumstances. Accordingly the following table is submitted:

In the United States the estimate would give a figure of no less than 2,100,000, which obviously is far below the actual number. If applied to the USSR, for which only scanty data are available (Lopez-Rey, 1970), the estimate would be 2,500,000, which in all probability will be refuted in that country.

In spite of being conservative the estimates are impressive and will, in all probability, be regarded by some as exaggerated. If compared with official statistics they show quite clearly that the number of male juvenile offenders dealt with by juvenile or family courts or any other service is in some countries really minimal and in many others, at the best modest. In this respect it should be

Table 2: Number of Juvenile Male Offenders in Some Selected Countries

1975 Hong Kong	53,300
1974 India	6,650,000
1971 Iran	350,000
1974 Japan	800,000
1972 Korea	400,000
1971 Nepal	120,000
1975 Philippines	535,000
1974 Singapore	28,400
1970 Thailand	420,000
1974 Ecuador	80,000

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remembered that in many developing countries the juvenile courts or equivalent services exist only in the capital and in some of the most important cities. Needless to say, the estimates would be far higher if the inflated concept of juvenile delinquency had been used.

For a correct appraisal of the extent and gravity of juvenile male crime the following should be taken into account:

(a) In a great number of cases, probably not less than 50 percent, the offences committed are thefts, damages and some immoral acts, most of them of no great importance;

(b) Often the offence is not repeated or habitually committed;

(c) The juvenile offender may stop committing the offence or offences by himself without intervention of any person or authority, i.e., without receiving any kind of treatment. In some cases it will suffice that the offence is suspected to stop him committing it or simply that new incentives attract his interest. In other cases a feeling of shame or a growing sense of responsibility will suffice. The attitude of the victim may also be a deciding factor;

(d) Apparently in some countries the dismissal of the case acts as a deterrent. In Japan, the number of cases dismissed by the family court is very high. To what extent the dismissal of cases in this and other countries has been the subject of follow-up studies, the writer has not been able to ascertain;

(e) Obviously the excessive criminalization in many penal systems also helps to explain the great number of offenders. At present, in many countries there is a trend in favour of the decriminalization of many offences although some of the reasons given are the wrong ones. In any case, no process of decriminalization can dispense at the same time with another of criminalization inasmuch as both processes are the consequence of changes and even crises of a socio-economic and political character. Actually, while criminalization can only take place following certain legislative or other legal procedures, decriminalization has always been a daily practice, either with respect to minors or adults, by the victims, third parties and authori-

ties of many sorts. Quite often the juvenile crime, if not serious, is overlooked for reasons not always fully justified. On other occasions it is officially dismissed for reasons that it is hoped are always the right ones. In other words, criminal law should be observed but should never be interpreted literally and still less applied without a certain evaluation of all aims, values and needs involved. Otherwise, no penal system would be able to cope with the huge numbers of prosecuted, indicted and convicted persons and those put on probation or under other forms of supervision.

Since crime cannot be abolished, even if in the future it is named differently, the last remark raises the crucial question of the amount of crime that a given country in a given period of time can stand without being seriously disturbed. Curiously enough this question, which is prior to many others among them prevention, treatment and criminalization, has received scanty attention. Indirectly it has been touched upon by the studies conducted on the cost of crime which quite often over-simplify the problem. Concerning juvenile delinquency the subject deserves full attention as for some decades to come in the less developed countries juveniles will not only outnumber adults but, owing to the way in which the planning of national development is conducted, their criminality will increase particularly in its violent forms in urban areas.

The extent of juvenile female crime is still more difficult to ascertain as the role played by women in general and girls in particular varies greatly from country to country. My research in some of the countries already mentioned shows that in some Arab and Latin American countries, the ratio is often 30 to 40 juvenile males for every female. Probably in some the ratio has changed for the worse in the last few years as a result of what is generally called social change. In trying to determine the female ratio the remarks made concerning juvenile male crime are applicable. According to some of the presentation papers submitted to the 46th Course at UNAFEL, the ratio between male and female minors seems to vary within the same country.

which is quite logical in view of all the factors involved. As happens with male offenders, the data submitted refer mostly to urban areas. In countries like Hong Kong, Singapore and even Puerto Rico this is the general rule since all three are practically "urban" countries. The situation, however, is very different in the vast majority of countries of the so-called Third World.

If the conservative ratio of 1 to 20 is applied to the data of table 2, the following gives an approximate idea of the numerical extent of female juvenile crime:

Again, in all probability the figures will be regarded by some as excessive and yet before rejecting them it should be remembered that without pretending that the greater participation of females in every aspect of life will make them as criminal as men, in practice unless the offence is serious, girls still benefit from some privileges as far as prosecution is concerned. In the developed countries female crime is increasing, particularly in some of its violent forms and often for political reasons. It is probably premature to say that the same is happening in all developing countries but unless development policies at national and regional levels are improved, female juvenile crime will also increase. Moreover, with only welfare policies prevention will be rather limited. It is symptomatic that the number of girls running away from home is increasing in developed countries and Japan, according to the figures made public at the time of writing by the National Police Agency, is no exception. Running away should not be regarded

as delinquency but since the girls caught are put under protective custody and brought before juvenile or family courts, the conclusion is that *prima facie* it is so considered. In many countries official documents or statistics do not make specific reference to female juvenile delinquents; they are lumped together with the males, a procedure which, for the reasons already stated, is not recommended.

Urbanization and juvenile delinquency are often linked together and most likely the correlation will increase if the process of urbanization is not corrected with better planning. In some countries urbanization has led to what has been called a "big land grab" by large corporations, enterprises and real estate agencies as a form of investment with little control from governments. The result has been that when the latter have tried to undertake large housing projects it has been extremely difficult and expensive. One of the worst shortcomings has been the construction of huge blocks of apartments which provide shelter but not the home which can give protection from possible frustrations, antagonism, lack of privacy and in the long run, the disintegration of family ties.

By the beginning of the 1970s in South and East Asia 20 percent of the total population was already living in urban areas and more often than not in undesirable and even appalling conditions. Between 1970 and 1975 no less than 56 million persons migrated from rural to urban areas. The worker does not always take the family with him but the separation usually aggravates a situation which was already unsatisfactory. Unless the family left behind is taken care of by relatives, in most cases equally if not more underprivileged, or by social services which are generally scanty in rural areas, the harmful effect of urban migration is twofold. In the Philippines, while in 1970 the total population was increasing at a rate of 3.4 percent annually, the increase in the urban sector was twice as fast, partly because of high migration and partly by natural increase since fertility rates in Philippine cities, although lower than in rural areas, remain high.⁵ In Seoul there were in 1975 no less than 160,000

Table 3: Number of Female Juvenile Offenders in Some Selected Countries

Hong Kong	2,665
India	332,500
Iran	17,500
Japan	40,000
Korea	20,000
Nepal	6,000
Philippines	26,750
Singapore	1,420
Thailand	21,000
Ecuador	4,000

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squatter units amounting to approximately 1.5 million people or nearly one-fourth of the total population of the capital living in undesirable conditions.⁶ No doubt in these countries, as in many others, the governments have undertaken a series of plans and programmes to prevent or reduce the ill effects of such conditions. On the other hand, I have failed to see that the steps taken have taken into account the need to correlate urban and national planning with the planning of the prevention of crime and the treatment of offenders in accordance with United Nations recommendations. Shantytowns breed crime, although not all kinds of crime, and yet with the exception of Japan they exist in many cities of the world. Most of the Japanese cities are aggregations of "villages" and the survival of some of their characteristics explains the exception.

In Latin America and Africa, the impact of almost an anarchic urban growth has already contributed to the increase of crime and the difficulties for the proper functioning, not only of juvenile courts but also of the social services. Sao Paulo, Rio de Janeiro, Lima, Caracas, Bogota, Mexico City, San Juan, Lagos and Nairobi show clearly how closely related are certain forms of urban expansion and the increase of juvenile crime. I say certain because, contrary to widespread belief, by itself urban growth is not a conditioning factor of crime but the way in which it is carried out.

Admittedly the dividing line between urban and rural is sometimes blurred and in some cases arbitrarily imposed by a series of criteria and regulations which have little to do with contemporary reality. It may be said that urban means a particular form of dwelling environment as well as of living in which the number and concentration of persons and the tempo of life play a primary role. Without entering into many specifications, urban life is characterized by more numerous but also more superficial relations between persons and groups, quite often these relations are standardized; by more time-consuming transport; by greater availability of educational, medical and other facilities which nevertheless are not always accessible or adequate; by higher income and greater expenses, some of

which are a consequence of a consumer society; and by the replacement of a true community by an urban neighbourhood. The distinction between the last two is of great importance since the term community is often used at national and international gatherings on the prevention of crime and the treatment of offenders without taking into account that there are different kinds of communities, and that constituted by an urban neighbourhood is not always able to provide the co-operation recommended by the participants to congresses, seminars, etc. Although closely related, community, neighbourhood and public participation are different things. The importance of the distinction is stressed in the following table:

Table 4: Urban and Rural Male and Female Population Between 10 and 19 Years of Age

	Urban (thou.)	Rural (thou.)
1970 Korea	3,300	4,300
1971 Nepal	102	3,300
1970 Philippines	3,000	6,100
1971 India	25,000	91,000
1971 Iran	3,000	4,100
1973 Iraq	1,600	1,100
1974 Ecuador	675	990

These examples show that the policies, programmes and machinery for dealing with delinquency in urban areas should not automatically be used in rural areas. As I have already said, the vast majority of developing countries are pluralistic societies and this pluralism is usually more stressed in rural areas. In countries like Indonesia and India, it is represented by several hundred *ethnics* often very different in their values, needs and inherent institutions. Rather than trying to obliterate them they should be used as far as is feasible in the prevention and treatment of juvenile offenders. In this respect the *panchayats* may contribute usefully to both purposes. It has taken some countries almost a hundred years to evolve a national system of juvenile courts; in all probability it will take most of the developing countries no less whatever is the accelerated process of their

development, with results that are unlikely to be satisfactory in spite of the huge expense involved.

Obviously urban growth brings some advantages but also many disadvantages which seriously affect family and individual life and therefore juvenile delinquency. The flight from urban population centres is gaining momentum in some countries. Although the suburbs were initially relatively free of juvenile crime, they promptly started "producing" it, often in some of its most vicious forms. The semi-vacated urban areas become subject to vandalism, assaults and burglaries. In many cases the victims belong to the less privileged groups of society whose insecurity and lack of effective access to welfare assistance seems to run parallel to the urban exodus.

Since juveniles make up one-fifth of the world population, 45 percent in some developing countries, their sheer numerical impact on crime, particularly on violent crime, is manifest. As juvenile crime is not only conditioned by the population factor it has not decreased in the developed countries where the juvenile population has been steadily declining for years. Unless something is done for a better kind of development the same will probably happen in the developing countries whose populations will start declining from 1985 onwards according to well-established projections.

2. The Concept of Juvenile Delinquency

According to my analysis, the concept embraces: truancy, being beyond control, growing up in idleness, using obscene or common language, loitering, wandering in the streets or around railway yards, smoking, begging, vagrancy, being given to sexual irregularities or immoral acts or any other form of vice, "seeking night pleasure," patronizing public pool-rooms or similar places, running away from home, school absenteeism, violating any provincial statute, by-law or ordinance whether or not dealing with educational matters, being physically handicapped, maladjusted, unadjusted, retarded, neglected, abandoned or in need of care or assistance or victimized, displaying extravagant conduct, carrying a knife or

any other weapon, drinking, being in moral danger, behaving in any manner that may disturb society, etc. and committing a criminal offence.

Often these or similar acts or conditions are regarded as pre-delinquent, potentially delinquent, pre-offender or prone to delinquency. Yet no clear concept of what pre-delinquency is has ever been formulated. In the writer's opinion, the only valid one is the association with well-known criminals.

The image emerging is that of a liberal-industrial society in which values, norms and stereotypes are maintained for its benefit. For the last 20 years a post-industrial society has been replacing it, sometimes slowly and sometimes rapidly, the characteristics of which have been outlined by Western authors. It must be admitted that some of the characteristics assigned to it are seen in Western countries and it would be a pity if the professionals and policy-makers of the developing countries took them for granted as far as their countries are concerned.

The image of the juvenile created at the beginning of the century was promptly fostered by a psychology, psychiatry and sociology individually oriented which reached their peaks in the 30s and 40s particularly in the United States, Scandinavia, Germany and other Western countries. Their influence extended everywhere because the world was then politically and economically a Western dominated world; the transformation began immediately after the Second World War. Since then the term social change has been used to explain everything including juvenile delinquency. Yet from the very beginning there was an erroneous identification between social change and crisis. The first refers to changes in the world which is always changing in one way or another, while in the second the system of convictions belonging to previous generations gives way to a different state in which man remains without these convictions and yet for some time he is not able to build a new world (Ortega y Gasset, 1958). This is what is happening today and taking part in the rebuilding are a great number of young persons who, according to existing legislation, should be regarded as juvenile offenders.

The phenomenon applies to the capitalist and Marxist world and still more to the so-called Third World.

The almost all-embracing concept of juvenile delinquency has been delimited by a system of age limits within which each person is assumed to lack maturity, discernment and a sense of social responsibility. In some cases the upper limit is 20 or 21 years of age and often those under it are divided into subgroups. All of them still defy a reasonable explanation. The analysis of the limits shows the influence of a variety of theories of psychological and physical development or simply imitative processes among professionals and policy-makers of the countries concerned. Consequently the upper age limit of 18 has been adopted by countries as different and even contradictory in their own characteristics, needs and aims as Sweden, Colombia, Austria, Mexico, France, Jordan, Turkey, Ghana, Yugoslavia, Malaysia, Iran, Switzerland and Thailand.

The crucial question is what has happened in the last second which marks the passing between the limit marking total lack of responsibility, maturity, discernment, etc. and the coming one which makes minors fully responsible? It may be argued that the limits established by law have a practical purpose but the truth is that responsibility or the lack of it cannot be decided *a priori* on such general bases. Responsibility should be individually as well as socially established, hence the need to apply the principle of individualization in every case whether of a juvenile or adult.

3. The Accompanying Main Operational Concepts

These are cause or factor, prediction, prevention and treatment. It is not my intention to go into a detailed analysis, this I have already done elsewhere (Lopez-Rey, 1970 and 1973). Suffice it to say that with respect to the concept of cause there is still a great deal of confusion with those of causation and causality. By cause is usually understood the immediate antecedent of something and as such it is multiple in the majority of cases. As antecedent it does not always lead to the same type of action and even

less of conduct. Causation refers to the process initiated by the impact of a variety of causes often unrelated, a process always varied and which initiates a trajectory towards a particular result. Even if the variables involved are the same—a relative term—the event resulting from causation is not always identical. This trajectory constitutes the causality which can seldom be clearly established. Incidentally this is not the material causality usually meant by criminal lawyers when they try to determine whether or not a specific crime should be imputed to a particular person or persons. The trilogy of environment, tendency and personality still so widely accepted in criminology is at best an over-simplification on which the writer admits he also relied many years ago. By itself personality cannot explain every aspect of human behaviour including crime which can be in clear contradiction or have little to do with the traits assigned to the personality of the offender. The usual escape is to assign the causal action to the environment or tendency but here again we meet serious difficulties when we try to establish what constitutes a tendency or the environment of a given person.

Certainly causes always exist but as far as human behaviour is concerned it cannot be handled in the same way as in natural sciences or in simplified psychological or sociological thesis and still less based on the results obtained by comparing human and animal behaviours in laboratory tests; this is still "scientifically" done by Eysenck and many others. In other words, cause, behaviour and action are related but they are different things. Of the three, action has been the main object of criminological research for the simple reason that it is the most easily determinable and therefore easier to investigate. Correctly it was said years ago that the attempt to elucidate the causes of crime, juvenile or not, should be put aside (Leon Radzinowicz, 1961). As something more in accordance with the socio-political character of crime the conditioning factors of juvenile crime are power, development, inequality, human condition and the penal system (Lopez-Rey, 1973). In determining their role the concepts of

correlation, probability, risk and chance with the help of cybernetics will play a primary part in the immediate future but their use presupposes a concept of social penal justice which up to now has not been evolved (*ibidem*).

The foregoing leads to the conclusion that prediction tables and the like belong to a criminology which is embedded in a type of society which is rapidly fading.

Mutatis mutandis the same applies to treatment the aim of which is almost invariably the readaptation of the offender. Even when the term is not used the aim of readapting to conform with some fundamental values, norms and predicates is present. The fact is that treatment is more often than not regarded as functional in accordance with professional and scientific interests and approaches which, although relevant, are not the only ones to be considered. Like prevention and the concept of juvenile offender, that of treatment is historically conditioned and therefore not all the forms of treatment, most of which originated within the framework of the liberal-industrial society, are acceptable. The following question may clarify my reasoning: Do we sincerely think that many of the juveniles who more and more actively participate in the transformation of society or more modestly resist family or group pressures, should be regarded as delinquents because they run away, are promiscuous, refuse to submit to parental, educational or other demands, lead irregular lives or, without committing a criminal offence, are obviously hostile to some of the fundamental values or norms? Drug addiction, alcoholism and association with criminals should be treated without labelling minors as delinquents.

Welfare approaches are necessary but much too often welfare rights impinge on human rights. This raises the question of the limits of treatment which has not as yet been solved partly owing to the way in which rehabilitation is still conceived and partly because professionals frequently consider scientific methods justified in every case.

4. The System

The almost unlimited content of the concept of juvenile delinquency as some-

thing apart from adult crime required a machinery which often exists only on paper or in a fragmentary way. The chief varieties of the machinery created were the juvenile or family courts and welfare boards. The main exception is Burma with its committees.

In India not all states have as yet promulgated Juvenile Acts in accordance with the Central Children's Act, 1960. In my repeated visits to the country I admired the efforts made to improve the situation but statistical and other data clearly show that the juvenile courts system has not as yet achieved national coverage. The same applies to Iran where years ago I pointed out that the Juvenile Delinquency Act, 1959, whatever the extent of its implementation, still operating only in the most important cities, would never yield the results expected. When I last visited Thailand only three courts had been created. Another has been added but the data available refer mostly to Bangkok. In Pakistan, what existed in the 1960s has been improved but none of the various Children's Acts has as yet been fully implemented. In Burma, after the introduction of the Socialist Administration System in 1972, the juvenile courts were replaced by the People's Judicial Affairs Committees the members of which are elected by popular vote. The data submitted to the 46th Course referred to Rangoon where in 1975 the number of juvenile offenders dealt with was 2,032; for the rest of the country the data showed only 387. The presentation paper on the Philippines contains data only for the metropolitan area with well over five million inhabitants; the number of juvenile offenders dealt with in 1976 was 6,417. In Singapore and Hong Kong the national coverage is effective and the same happens in Japan with the Family Courts, the activities of which are supplemented with an extensive system of rehabilitation in which voluntary participation plays an important part. Yet, in all three it is obvious that the problem of juvenile crime requires a new approach. In Nepal, legislation on juvenile offenders is under consideration.

In Latin America, the situation is not at all encouraging. Practically all countries have juvenile delinquency laws but as a

rule juvenile courts exist only in the capitals or big cities: as example Bolivia, Chile, Peru, Ecuador, Guatemala, Mexico and Colombia may be cited. Professional staff and institutions devoted to the treatment of juveniles exist only in large urban areas. Like in many other countries usually judges or courts of ordinary jurisdiction deal with juveniles taking into account as much as possible the laws governing juvenile delinquency. In Brazil the situation has improved with the organization of *Funabem* a Federal Welfare Foundation which, through a series of agreements with the states, has expanded the care and assistance to minors.

In Africa, the juvenile courts and related services and institutions usually cover only limited areas. In Nigeria, Chad, Mauritania and Mali there were no juvenile courts at the beginning of the 1970s and it is unlikely that the situation has changed much since then. In other African countries the juvenile courts deal with offenders in the capitals but rarely in other urban areas. In the Middle East, Egypt introduced the juvenile courts system as far back as 1905. In Syria juvenile courts are generally presided over by common jurisdiction judges but minors benefit from special institutions when available. My personal impression in the 1960s was that those operating in Damascus, Hama and Aleppo were well organized. The situation was far less satisfactory in Lebanon and Jordan.

In spite of the efforts made, in most countries the machinery of juvenile courts is fragmentary. The reasons are many: lack of financial resources, faulty penal systems, the gap between urban and rural areas, narrow policies of development and perhaps above all, the prevailing political insecurity in most of the developing countries. With respect to the latter one must admit that even where dictatorship has ensured political stability there has seldom been an expansion of the juvenile courts system. Perhaps one of the reasons is that in some cases the rebellious attitude of juveniles, especially the students, has discouraged the imposed regimes considering them as lacking maturity. For once the leaders of such regimes were right.

5. The Validity of Theories and Policies

Very little remains to be said: most of the theories and policies reflect conceptions, ideas, values, norms and aims deeply rooted in a type of society which is rapidly fading even in some developing countries and will eventually fade in all others. The solution does not lie in repudiating everything that has been done but in trying to create a system which takes into account the peculiar characteristics, aims and planning of each country instead of transplanting "touched up" outside models, although these may be useful in some respects. It would be best to remember that most of the theories were evolved by professionals often eminent but mostly from the Western world which, whatever its economic, technical, scientific and industrial progress, is not the whole world. The thesis of juvenile subculture or of broken homes and their companion deprivation of parental or maternal love, is more often than not taken from Western stereotypes. The mistake of the subcultural theory was evidenced when youth itself at the beginning of the 1950s took part in the process of transforming society by asking for a reconsideration of many values and norms revered, mostly externally, as fundamental. The *young recipient era* ended and by the 1960s had been replaced in some countries by one in which young people between 14 and 21 are socio-politically active. Yet anachronistically juvenile delinquency conceptions and corresponding laws are still regarding them as immature, maladjusted, etc. and above all not responsible. As for broken homes and lack of parental love, their supporters do not take into account that although homes and love are needed the crisis of the 1950s required a new approach to both; home and parental love stereotypes belong to the past. This does not mean that they should be thrown overboard as some pseudo radicals suggest curiously enough in some developed countries, but that psychologically, sociologically, etc. they should be understood in accordance with contemporary and future society. In fact it may be said that the greatest mistake was to consider home and

parental love in urban and rural areas as more or less standard which professionally could be used everywhere and submitted scientifically to the same tests and methods.

Needless to say the situation is not the same in all developing countries which are the majority, but there is little doubt that sooner or later they will face the same serious problems if they persist in following the patterns and policies of others. It is in these countries that the power of youth will be more and more manifest for several decades to come. As in the developed countries, that power will often have a political and trans-political character even if exercised by juveniles. By trans-political is understood the use of means which are in themselves illegal and often violations of norms, in order to accomplish some particular end that is deemed of surpassing importance (R. Nisbet, 1975). Very few people will deny that trans-political methods are becoming more frequent among the young in developed and developing countries.

Each historical period tries to demolish the past and build up something totally different. The task can never succeed inasmuch as present and future are under the impact of the past. Yet it is obvious that some demolition is needed and that the juvenile delinquency area needs it to a considerable extent. Prevention and treatment should not be understood functionally but historically, i.e. socio-politically. More specifically a new concept of welfare in general and of social welfare in particular should be elaborated. As a result the image of *child* applying to any person between 10 and 21 years of age will be abandoned.

Concluding Remarks

(a) As a socio-political phenomenon, which means far more than the numerical aggregate of cases whether presented statistically or not, there is no solution of continuity between juvenile and adult crime;

(b) Crime may be conventional or unconventional. The main forms of the first are murder, bodily injury, rape, burglary and offences against property.

Of the second economic crimes, violation of international law, crimes committed under cover of an official position or as a sequel to patriotic, political or revolutionary action. In many countries unconventional crime is far more serious than conventional crime of which most of juvenile crime forms part;

(c) With national fluctuations, the dominant age group in conventional crime is between 10 and 40 years of age which, by decreasing participation in crime, may be divided into subgroups:

21-30
17-21
30-40
14-17

In unconventional crime the main group is between 30 and 60 years of age and with national fluctuations may be subdivided as follows:

50-60
40-50
30-40

Consequently the current assertion that crime is concentrated in some of the subgroups of the first group takes into account only conventional crime which I repeat is not always that most serious even if it is the most important numerically. The division of the two groups reflects the different participation of their members in social, economic, administrative and political matters:

(d) Juvenile crime and juveniles in need of assistance and care should be dealt with separately. It is to the credit of the participants to the 46th Course that this point of view met with general consensus. This means that juvenile crime should be dealt with by the penal system dealing with adult crime, which does not mean that juveniles and adults would be treated in the same way. Individualization would be the rule. A new penal system is needed the main foundation of which is not *a priori* criminal responsibility but criminal individualization. In each country the law would determine the age separating children, in the strict sense, from any other person; and

(e) The transition from the present penal systems, in many countries either imposed or inherited, is not an easy task and above all demands a close relation-

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ship between national development and the planning of the prevention of crime and criminal justice in every country. This has been stressed by the United Nations since 1960. The correlation does not mean that prevention and criminal justice should be subordinated to development or that by development only economic growth is understood. The transition would be facilitated if, in the developing countries, instead of expanding the present juvenile and adult jurisdictions the appraisal of national reality and crime is initiated with a view to having their own penal systems the primary aim of which should be social justice.

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NOTES

1. The lectures were part of the 46th Training Course on the Treatment of Juvenile Delinquents and Youth Offenders, Fuchu, Tokyo, April-July 1977, organized by the Government of Japan for the benefit of participants from 15 countries.
2. It would be interesting to know whether the Centre for Development Planning, Projections and Policies of the Department of Social Affairs of

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the United Nations Secretariat has already taken into account the correlation here mentioned.

3. Among the participants were representatives from Ethiopia and Ecuador which explains the inclusion of the corresponding data. All figures are taken from United Nations publications and others mentioned in the selected bibliography and are in round numbers.
4. The countries on which I have collected most of my data are: United Kingdom, Federal Republic of Germany, France, Scandinavian countries, Netherlands, United States, Guatemala, Colombia, Ecuador, Puerto Rico, Brazil, Venezuela, Egypt, Syria,

Turkey, Iran, India, Thailand, Hong Kong, Japan, Kenya and Nigeria. Admittedly some of the data are not recent but in all probability the indexes then obtained are lower than at present, as the general situation in the countries concerned, particularly with respect to crime, juvenile or adult, has in most cases considerably deteriorated.

5. For details on contributing factors to juvenile delinquency, see Manila: The Face of Poverty, by M.R. Hollensteiner and M. Elena Lopez in Asia Urbanizing, cited in the bibliography.
6. See The Seoul Phenomenon by Chung Hyun Ro, *ibidem*.

END