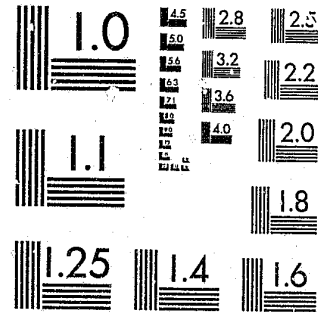National Criminal Justice Reference Service

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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

7-6-82

CHILDREN AS VICTIMS

NCCD

CHILDREN AS VICTIMS

Submitted to:

National Institute of Juvenile Justice
and Delinquency Prevention

Office of Juvenile Justice
and Delinquency Prevention

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Introduction

> Rockabye, baby, on the treetop,
> When the wind blows, the cradle will rock,
> When the bough breaks, the cradle will fall,
> And down will come baby, cradle and all.

Children and youths are both loved and despised. The tendency
to romanticize childhood (for its innocence) and adolescence (for
its freedom from responsibility) is reflected in the frequently
expressed view that these are, after all, the best years of life.
At a minimum, they *should* be the best years of life. In addition,
children and youths are seen as malleable or plastic in character,
and thus in need of love and guidance to insure proper moral
development. These two tenets -- that young people should be
happy and free from care, and that they require special shelter
from evils -- have guided policies that affect youths throughout
this century. At the same time, it is possible to interpret
happiness and freedom from responsibility as hedonism and irrespon-
sibility, and to view malleability in character as weakness in
character. Children and youths are (increasingly, some say) a
"dangerous class" -- they often break rules; sometimes they commit
serious crimes. As such, it is possible to both love and hate
young people, and often for the same reasons.

The love-hate orientation of adults toward children and
youths is not new; many generations of parents have sung the above
lullaby to their sleepy-eyed children. What is new in recent years
is that this long-standing attitudinal ambivalence, as well as the
inconsistent policies and practices it engenders, has increasingly
become the subject of discussion, and in some instances, social

action. Representatives from a wide variety of institutions --
health, education, social welfare, and juvenile justice -- are
calling attention to the plight of children and youths in American
society. Significantly, they are testifying to the discrepancies
between professed ideals and actual practices, and to the paradox
of the victimization of children and youths, often by the very
institutions created to aid them. For example, Gottlieb (1977:178)
gives numerous examples of "... the dichotomy between adult words of
concern for the child and adult behavior patterns of indifference,"
and Gross and Gross (1977:13) observe that, "Much of this destruc-
tion (of children) is done directly by agencies either of the state
or accredited by the state."

The subject of this paper is the victimization of children and
youths. The growth of concern with this subject in recent years
is evidenced by a simple comparison of the literature produced in
the 1970s with that produced in the 1960s. Various types of vic-
timization of children and youths have increasingly become topics
of both empirical research and theoretical explanation. However,
while the literature on certain types of victimization -- such as
child abuse and neglect -- is voluminous, there remains a dearth
of quality literature on other types -- such as institutional
abuse, child prostitution and child pornography. The most visible
and most physically and/or psychologically damaging types of harm,
those harms most readily and widely defined as victimization, have
been the most researched. Thus, there is an unevenness in what we
know about the victimization of children and youths.

At present, what appears to be most necessary in this area
is a conceptual framework for defining what consitututes victim-
ization, for organizing and synthesizing what is known and what
is not known about the victimization of young people, for separ-
ating the myths from the realities, and for providing conceptual
links among the various types of victimization. The present
effort is directed toward providing such a conceptual framework.
It is not intended as a comprehensive review of the literature on
the victimization of children and youths or as a synthesis of the
present state of knowledge in this area. The first section of
this paper offers a definition of victimization and develops the
theoretical framework. Subsequent sections discuss particular
types of victimization of children and youths within this framework.

Conceptual Framework

Although the concept of *the victim* is an ancient, universal
one and has figured prominently in world literature, the nature
of victimization has not been defined by any framework compre-
hensive enough to satisfy the many perspectives from which it can
be viewed. These perspectives include the professional fields of
law, criminology, political science, the social sciences, education
and social welfare, as well as popular notions about victimization.
Victimology is a developing and increasingly important contemporary
discipline. For the most part, as it is now constituted, it
reflects a narrow rather than a broad perspective of victimization.

The development of victimology as a field of scientific inquiry can be traced to a mid-nineteenth century awareness of the victim's primary interest in some tangible, personal compensation for the harm suffered (Mueller and Cooper, 1974). Modern interest in victimization however, really began in the late 1930s and early 1940s, notably with the work of Simon (1933), Mendolsohn (1937; 1940), Perkins (1946), Wechsler and Michael (1946), and Von Hentig (1940; 1941; 1948), largely focusing on the crime victim and the victim's role in crime. Victimology has been conventionally defined as "...that branch of criminology which primarily studies the victim of crime and everything that is connected with such a victim" (Drapkin and Viano, 1974:2);[1] a victim has been defined as a "person who has been kidnapped, swindled, defrauded, robbed, suffered other types of wrong by criminal acts or injured in traffic accident" (Rush, 1977:364). These narrow definitions assume that victims are produced only through certain predefined activities -- activities generally equivalent to "traditional crimes" such as homicide, rape, assault, robbery, burglary and other types of property crime (Garofalo, 1974).

A somewhat broader perspective is reflected by definitions that move beyond traditional crimes to conceptualize victimization as: violation of individual rights "through deliberate, malicious acts" (Bedau, 1974:66), "harms inflicted on an individual," (Garofalo, 1974:1), or, "any social harm" (Perkins, 1957:5). But these perspectives are still limited. Harm is only that which is defined in terms of individuals (Bedau, 1974), that which engenders disapproval by a large segment of society (Garofalo, 1974), or that which is defined and punishable by law (Perkins, 1957).

Even though limited definitions dominate the literature, other types of victimization are recognized by society. For example, outside the criminal and juvenile justice systems, the right of redress for and protection against victimization other than by traditional crime is recognized and provided for. The existence of a body of civil law which allows individuals to sue in order to compensate for injuries (law of torts), a flourishing private insurance industry, legislated social welfare entitlements (e.g., workmen's compensation, unemployment benefits and public assistance) and regulatory agencies (e.g., Occupational Safety and Health Administration, Federal Trade Commission, Environmental Protection Agency) all attest to social recognition of non-criminal aspects of victimization. Less socially entrenched but still representative of societal disapproval of victimization are public demonstrations protesting social or economic injustices such as war, violations of civil and human rights and workers' and tenants' strikes.

There has not been, however, widespread acceptance by professionals or the general public of a broad perspective of victimization. In our society, victimization is largely defined in legal terms and addressed within the legal structure. Within that structure itself, the interests of the victim are often subordinate to the functions of crime prevention and control. For example, after the criminal justice system becomes involved with an alleged offender, *the victim* -- except for his/her usefulness as a witness --is no longer a focus of interest. It is not the victim but the state vs. the accused. And although civil law (torts) may provide direct redress for the crime victim, when both criminal and civil

proceedings are warranted in a particular case, the criminal action takes precedence (see Mueller and Cooper, 1974). Hence, redress and compensation for the victim become secondary.

The orientation of the justice system generally works to protect its own institutional interest rather than the interests of the victim. As a result, the prestige and influence of the legal system of justice tend to work against efforts to broaden the conception of victim and victim rights. These rights would go beyond the legal sphere to include "victims without crime" (Jacobsen, 1974:95) and social as well as legal response to them.

To be sure, there are both professional and lay perspectives which address a broad range of types of victimization and contend that the scientific study of victimization should include but not be confined to that which is regulated by law. Reiman (1974) argues that there is widespread violation -- at great cost to society -- of criminal and civil regulations by individuals and groups who do not regard themselves as criminals or victimizers and are neither regarded nor treated as such by society, i.e., they are not susceptible to negative sanctions.

Quinney (1972) views the concept of victim not as determinate but as a social construction -- a phenomenon of consciousness. As such, it is susceptible to varying definitions, depending on the interests of the group(s) defining it. For example, the criminal law definition of victim is one that rests on a particular definition of reality and represents particular socio-political interests.

Quinney suggests that acknowledgement of an alternative reality would finally permit the expansion of our image of victimization.

> Breaking out of the theory of reality which has dominated criminological thought, we would begin to conceive of the victims of war, the victims of the "correctional" system, the victims of state violence, the victims of oppression of any sort (p. 321).

Separovic (1974:16) conceives of victims as "...those who are killed, injured or damaged in property;" and victimization as "a social phenomenon". This perspective requires society to consider the complex of victimization as a serious, total social problem and to intervene in a systemic way. He supports an expanded framework for victimology -- a systemic study of victimization without regard to disciplinary jurisdiction -- as a prerequisite to developing an adequate theoretical base. "We need a concept that will take the victim, regardless of the source (agency) of victimization, as its pivotal concern" (Separovic, 1974:121). The ensuing broadly focused victimology would direct efforts toward "...improving the quality of life and safe human living by reducing human suffering, by lessening human risk ... creating a better world, (improving) the welfare of all men" (Separovic, 1974:21).

The totality of victimization conceived of by Separovic however, is beyond the scope of this monograph. To consider as victimization, any kind of demonstrable harm inflicted or suffered would entail studying a broad range of victimization, from that caused by criminal actions to that caused by natural disasters. On the other hand, to accept as victimization only that specifically addressed by law would be to ignore such realities as the relativity

of law -- and of the justice system itself -- to various cultural, political, economic and social influences; the power of special interests; the complexity of the "victim" and "victimizer" statuses; and the selective justice exercised by our legal system.

Since our political, economic, and legal institutions profess to protect basic human rights, it is from this broad legitimization that the conceptual framework for the monograph has been derived. Within this framework, victimization is defined as a harm caused by unjustifiable violation of basic human rights, i.e., by violation of personal interests for which societal protection is warranted (See Bedau, 1974; Dorsen, 1971; Melden, 1970).

There are several major corollaries to this perspective of victimization.

- Victimization includes, but is not confined to, that which involves the violation of an individual's rights. It is equally possible to violate the rights of an aggregate of individuals, particularly a class of people defined by demographic characteristics such as age, sex, and race.
- Victimization is not confined to violations by individual violators. Both government and private agencies, as well as social institutions and systems may be agents of victimization.
- Harm includes, but is not confined to, that which violates the criminal law or is regulated by civil law.

- There are demonstrable harms, constituting victimization, which are prohibited by law but frequently are not aggressively investigated (e.g., physical abuse and neglect within a family, and within institutions).

Our perspective views victimization as occuring along a continuum. The continuum is not one of severity of harm for that may be as strong at one end as at the other. It is rather a continuum of visibility -- of both victimization and victim rights to redress or to protection against it. Changes in visibility are reflected by the increase/decrease of recognition -- both social and legal -- of victimization as a harm for which intervention and redress are warranted; by an increase/decrease in the availability and strength of interventions (protection and penalties) for dealing with victimization; and by an increase/decrease in the strength of barriers to intervention. The following will discuss three levels of visibility which constitute the framework for this paper -- high, middle-range, and low visibility.

High visibility

At one end of the continuum, victimization is highly visible. High visibility is indicated by widespread recognition of the victimization as a violation of human rights, resulting in harm, which has been carried out maliciously (in contrast to benevolently) and deliberately (in contrast to accidently or negligently) (Bedau, 1974). Several other factors are stongly conducive to high visibility: specific prohibition of victimization by criminal law; attendant intervention and penalties (i.e., the

victimization is prosecutable and punishable by law); victimizers
as well as victims who are identifiable as individuals or small
groups of individuals rather than as organizations or societal
institutions; and a high degree of social distance[3] between the
victim and the offender. Prime examples of that victimization
generally found at the most visible end of the continuum are so-
called traditional crimes, especially when committed by strangers
to the victim: personal crimes such as assault, rape, robbery,
and property crimes such as burglary, vandalism, car theft.

Middle-range visibility

As victimization moves away from the most visible end and
toward the middle of the continuum, both the harm, though visible,
and the victim's right to protection, though legitimate, become
less readily recognized by society; disapproval for the victimi-
zation is consequently less widespread. The harm done may not
be specifically prohibited by law, so legal redress is unavailable.
Even if harm constitutes a violation of the law, legal redress
may be restricted.

Victimizers and victims are often difficult to identify in
the middle part of the continuum. It is, of course, more problem-
atic to identify victims and victimizers and to determine responsi-
bility when the harm is carried out by or inflicted on a group or
an organization rather than a single offender. For example, a
company may be victimized by widespread employee theft; consumers
may be victimized through uninvestigated false advertising. But,
there are other factors which hinder recognition, intervention and
redress.

Victimization in this middle range of the continuum often
occurs within the context of our basic societal institutions or
systems: the family, the community, the education system, the
economic system, the legal system and at local, state and federal
levels of government. Because these institutions and systems are
themselves highly visible, they cannot escape outside scrutiny.
That victimization does take place within them has received a
degree of societal recognition. The current attention given to
child abuse within the family and to the inadequacy of the educa-
tion system, and the movement for children's legal rights are
testimony to this recognition. However, the position which these
social institutions or systems occupy in society very much in-
fluences how the victimization which takes place in them is viewed.
As the institutions or systems which provide essential functions of
socioeconomic organization and control, they are socially created,
supported and valued, and legally recognized as well. When victim-
ization occurs within the context of the family, the school, the
criminal justice, juvenile justice, or mental health systems, it may
be ignored or denied. The agents of victimization who operate freely
within these institutions are not readily thought of as victimizers
(i.e., harm doers) nor are those victimized by them readily thought
of as victims. That the victimization is often committed with
benevolent rather than malicious intent also works against wide-
spread recognition of harm done. Indeed, those victimized are
often viewed negatively by both the victimizers and the larger
society. Rather than intervention on behalf of the victims, societal
disapproval is directed at those who cannot or will not conform to the
requirements and standards of those respected and prestigious
institutions.

Low visibility

At the other end of the continuum, victimization is the least visible. This is indicated by several factors: an absence of recognition of the victimization as a social and legal problem, an absence of negative sanctions, and the existence of structural barriers to change. In addition, while victims may be identifiable, the victimizers are most often incorrectly identified and the roots of victimization go largely unrecognized.

The roots of low visibility victimization are not in individuals, nor in organizations, nor even in individual social systems or institutions -- although all of these may act as conduits for it. The roots are in the societal structure itself and the victimization derives from values shared by all social and economic systems in a society, as well as by the majority of individuals in that society.

Victimization at this end of the continuum is typically diffuse, deeply entrenched and uncritically accepted. Such victimization consists of profound social and economic inequities which have been institutionalized, i.e., incorporated within the values and practices of a society to the extent that they are no longer recognized as victimization. For the purposes of this paper, such victimization will be broadly referred to as *social injustice*. Because it derives from the societal structure itself, social injustice is the most pervasive, most deeply entrenched, and usually least visible form of victimization.

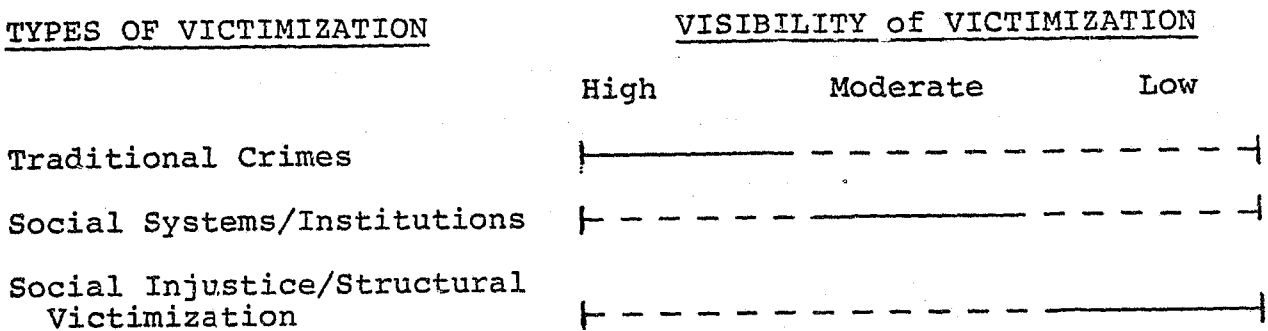### Types of victimization and their place on the continuum

In developing a continuum of victimization and in considering the multitude of victimizations which can occur along it, one major

problem must be recognized; there is no specific type of victimization which fits neatly or permanently on any single point of the continuum. Even when broad categories are developed, victimization can vary in visibility and therefore may be found at more than one point on the continuum. The characteristics and special circumstances of the victims, victimizers and victimization itself as well as prevailing social, political, and economic conditions strongly influence whether the harm committed has a high, moderate, or low degree of visibility, with accompanying disapproval of and redress provided for such harm. For example, victimization by "traditional crimes" -- which generally enjoys high visibility -- may go unrecognized and unredressed while some social inequities -- generally low in visibility of victimization -- may receive strong, if temporary, attention. An example of the former is a brutal assault on a minority youth in a lower class neighborhood; an example of the latter is the increased attention given to the issue of sex discrimination.

For this monograph, three categories of victimization have been developed which parallel the high, middle and low ranges of visibility along the continuum. High visibility is represented by that victimization which takes place through traditional crimes; moderate visibility by that victimization which occurs within the context of individual social systems or institutions; and low visibility by social injustice or that victimization which cuts across all systems and institutions because it reflects values which are deeply and widely entrenched within the social and economic structures of society. Figure 1 below is drawn to reflect the fact that, although certain kinds of victimization more readily fall in one area of the continuum than in another, the types of victimization which

Figure 1.

TYPES OF VICTIMIZATION   VISIBILITY of VICTIMIZATION

                                High   Moderate   Low

Traditional Crimes   ├───────── ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ┤
Social Systems/Institutions   ├─ ─ ─ ─ ─ ──────── ─ ─ ─ ─ ─ ┤
Social Injustice/Structural
    Victimization   ├─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ──────── ┤

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comprise each of the three categories, i.e., traditional crime victimization, victimization by social systems and institutions, and structural victimization or social injustice may be found anywhere along this continuum.

The following sections of the monograph will illustrate the conceptual framework developed above with respect to the victimization of children and youths, specifically, those persons under eighteen years of age. It is important to note, however, that this same framework could be applied in analyzing the victimization of other age groups. Organizationally, subsequent sections of this paper will focus on selected types of victimizations of children and youths -- namely, victimization by traditional crimes, child abuse and neglect, victimization by social systems, and victimization by social injustice.

Child abuse and neglect is a type of victimization which overlaps conceptually with both traditional crime and victimization by social systems. It is discussed separately for two reasons: 1. it illustrates sharply how the continuum of visibility (i.e., variations in level of visibility) applies to a single type of victimization, as well as between types of victimization. 2. child abuse and neglect bridge victimization by traditional crimes and victimization by social systems and institutions. While it is a crime for which legal redress is available and social disapproval is high, its visibility is constrained by the fact that it takes place in the socially and legally supported institution of the family and within facilities under the auspices of the mental health, child welfare and juvenile justice systems.

Victimization by Traditional Crime

Of the many wrongs committed against children and youths, those which bear the legal label *crime* are the most highly visible, because crimes are "wrongs judged to be deserving of public attention through the application of state power" (Nettler, 1978:32). It is important to emphasize legal labeling and its attendant consequences because the availability and strength of sanctions by the state are integral to visibility. In its everyday usage, the word *crime* may be applied to a wide range of acts or omissions which cause damage to children and youths, only some (presumably the most serious) of which are legally defined as crime. A familiar example may be a woman in a supermarket who, witnessing a father spanking his son, objects to her companion that, "It's a crime to treat children that way." Thus, the word *crime* carries an expression of moral condemnation and its meaning may vary with the morality of the user (Nettler, 1978).

Relying on legal labels does not resolve all of the problems in defining crime, for crimes are social constructs and are defined by conceptions of right and wrong that are relative to time and place. Criminal and penal laws also tend to reflect dominant interests in society. However, the tendency in criminology has been to rely on the legal definition[4] of crime for purposes of clarity.

In the conceptual framework, developed above, acts that are legally defined as crimes are located on the end of the continuum where victimization is highly visible. However, it is necessary at this point to add two qualifications. First, logic suggests a positive relationship between crime seriousness and visibility, other things being equal. In this context, seriousness means the extent of injury or other harm to the crime victim. Because many violations of the criminal law committed against children and youths are not very serious (e.g., petty thefts at school), it can be expected that many crimes will not be highly visible. Second, for a variety of reasons suggested above (e.g., characteristics of victims and offenders, considerations of social distance, and so forth), even serious crimes against children and youths may not be highly visible; thus, there is variation in visibility independent of crime seriousness. For example, a serious sexual assault upon a child probably has greater visibility when committed by a stranger than when committed by a relative.

In examining the extent of criminal victimization of children and youths, attention is restricted to the crimes of murder, rape, robbery, assault, and personal larceny. For these types of crime national data are available for describing the extent of victimization. Although such a focus does not include certain types of crime that are important to the study of the victimization of children and youths (e.g., child pornography), it does include major serious crimes committed against young people.

Of the types of crime considered here, murder clearly has the highest visibility. While factors such as characteristics of the victim and offender or the relationship between them may influence the expression of public outrage, the aggressiveness of police investigations, and/or the severity of penal sanctions, such factors do not diminish the seriousness of the crime or the

perception of victimization. In addition, it is probably the case that children, especially the very young, are rarely involved in incidents that could be classified as victim-precipitated:[5] this factor, together with the special weakness, dependence, and vulnerability of young people, amplifies their victim status. Finally, by its very nature, homicide is a physically visible type of crime; while some types of crime against children and youths may be relatively easy to hide (e.g., physical child abuse), it is difficult to conceal murder.

Because of their seriousness, murders are more likely to come to the attention of the police than are other types of crime; this is one reason why Uniform Crime Reports (UCR) data on homicide are generally regarded as accurate estimates of homicides committed annually in the United States (Hindelang, 1974). Children and youths comprise only a small proportion of all murder victims. UCR data show that in 1978, about 14 percent of the total murder victims (18,714) were under 20 years old. More specifically, of all murder victims in all age categories, only 1.1 percent were under 1 year of age, 1.8 percent were between 1 and 4 years old, .8 percent were between 5 and 9 years old, 1.3 percent were between 10 and 14 years old, and less than 10 (8.7) percent were between 15 and 19 years old (Webster, 1979:9). The fact that youths under 20 years of age are victims of homicide to a lesser degree than individuals in other age groups is further substantiated when one considers that approximately one-third (34.3 percent) of the estimated population of the United States as of 1978 was under 20 years of age (U.S. Bureau of the Census, 1979).

In addition to the UCR data, studies in selected American cities (Wolfgang, 1958; Mulvihill, Tumin, and Curtis, 1969) have indicated relatively low rates of criminal homicide involving young people. Considering the nature of this offense -- nearly half of the crimes grow out of arguments between acquaintances -- this is not surprising.

When the race of child/youthful murder victims is examined, the UCR data show that slightly more than half are white and slightly less than half are black. Data for other age categories and for the general population show similar racial breakdowns (Webster, 1979:9) indicating that the overall disproportionate rates of homicide among blacks occurs among all age groups.[6]

One of the unique features of child/youthful murder is that the sex distribution of its victims is approximately equal, at least through the early teens. UCR data for 1978 show that slightly over one-half of the murder victims under 15 years old were male. By comparison, three-fourths of the victims between 15 and 19 and more than three fourths of the remaining victims were male (Webster, 1979:9). Without detailed information on victim age-related variations in such crucial factors as the nature of the victim-offender relationship, these data are difficult to interpret. For example, it might be speculated that if many child (10 and under) murders grow out of family violence, there would be little reason to anticipate victim sex differences; by comparison, it is probably the case that youths in their teens are more likely to be murdered by their same-sexed peers (e.g., in gang-related assaults) than are children under 10. However, it is not at all clear, from the data,

exactly who are the offenders when children and youths are murdered. According to 1978 New York State data on victim-offender relationships in homicide cases, over ninety percent (93.8 percent) of homicide victims under 10 years of age were known to the offender and over eighty percent (83.8) of homicide victims between 10 and 19 were known to the offender (New York State Division of Criminal Justice Services, 1979:103).[7] In the Violence Commission survey of cities, roughly one-tenth of the criminal homicide victims were under 18 years old; their offenders were under 18 in one-third of the cases, between 18 and 25 in another third, and 26 or older in another third. Only 4 percent of the total criminal homicides in the survey involved a child-parent victim-offender pair (Mulvihill, Tumin, and Curtis, 1969).

Other types of crime against children and youths are probably not as visible as murder, at least in part because of tremendous heterogeneity within crime categories. Assaults against children and youths, for example, include everything from playground squabbles to gang fights, from excesses of well-intended parental or school discipline to brutal and perverse forms of child abuse. Many of the less serious incidents may not be defined as crimes, even by their victims.

Robberies, rapes, and assaults against children and youths may vary in visibility for reasons other than seriousness. Societal attitudes toward and recognition of victimization, ease of detection, and the availability and use of criminal sanctions may all vary with the victim-offender relationship, and may be particularly weak when the offender is a representative of one of society's cherished institutions -- the family or the school. One of the best examples of societal reluctance to intervene in the criminal victimization of its youths is the special case of child abuse, discussed in the following section.
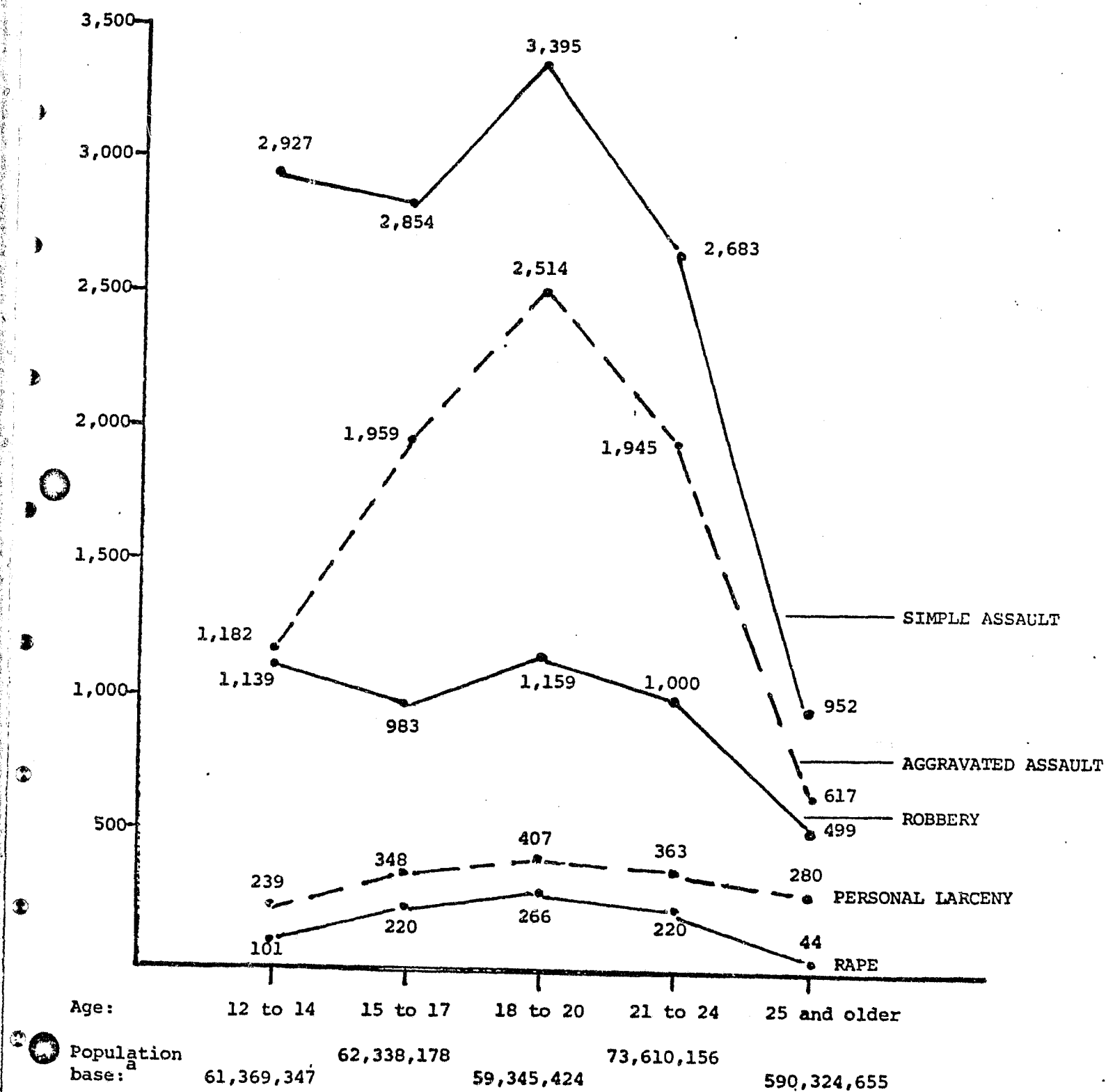
Victim has been defined as one who suffers _unjustly_ (Stanchiu, 1976:29). The distinction between just and unjust suffering may be one difference between less and more visible forms of criminal victimization of young people. For example, crimes committed against older teenagers may have low visibility -- particularly in terms of societal recognition -- when the victims themselves are publicly known for being or having been offenders. Feyerherm (1977) using self-reported measures of both delinquency and victim-ization, rejects the notion that juvenile victims and offenders are two distinct sets of persons. Suggesting a phenomenon analogous to Wolfgang and Ferracuti's (1967) conception of a subculture of violence, Feyerherm (1977:236) suggests that "there may be some merit in conceiving of the victim-offender relationship almost as a game setting, in which the more often one plays, the more likely it is that he will eventually play both roles." Particularly with respect to older teenagers, the age group in society often linked to violence and vandalism in public perceptions of crime, criminal victimization may evoke little sympathy or disapproval, and the victim status may be less easily conferred.

It is probably the case that there is a greater tendency of the general public to associate youths with high rates of criminal offending than with high rates of criminal victimization. Yet young people, especially older teenagers, have been shown to have

generally high risks of being crime victims. Figure 2 displays

the average annual rates (per 100,000 persons) of personal victim-

ization shown by 1973 to 1977 National Crime Survey (NCS) victimi-

zation data. In every crime category shown in this figure -- rape,

robbery, assault, and personal larceny -- age-specific rates of

victimization are highest among 18 to 20 years old persons in the

population. For purposes of this monograph, it is important to

emphasize that the rates of criminal victimization among 15 to 17

year olds are also relatively high, generally as high as the rates

for 21 to 24 year olds, and higher in every crime category than

the rate of victimization for persons 25 and older. Because persons

under 12 years of age are not eligible to be surveyed, the NCS data

cannot be used to estimate rates of criminal victimization for

children under 12.[8] From studies which have used police data

(Amir, 1971; Normandeau, 1969; Mulvihill, Tumin, and Curtis, 1969),

it is safe to assume that for the types of crime shown here, rates

of criminal victimization of children under 12 are quite low.

NCS data in Table 1 show that rates of criminal victimization

among young people vary with the characteristics of race,[9] sex,

and family income. For the personal crimes of robbery, assault,

and personal larceny, rates of victimization are higher among male

than among female 12 to 14 and 15 to 17 year olds. Although sex

differences in rates of criminal victimization have been explained

in terms of lifestyle and exposure to the risk[10] of criminal victim-

ization (Hindelang, Gottfredson, and Garofalo, 1978), such theoret-

ical explanations have not yet been offered in simultaneous sex-

and age-specific terms. However, it is reasonable to hypothesize

Figure 2 Average annual rates (per 100,000) of personal victimization, by age of victim, 1973-1977 National Crime Survey

[a] Estimated population for five years (1973 to 1977).

Table 1   Average annual rates (per 100,000) of personal victimization, by victim age and selected victim characteristics, 1973-1977 National Crime Survey

| Characteristics | Type of Crime | | | | | |
	Rape	Robbery	Aggravated Assault	Simple Assault	Personal Larceny	Population base[a]
Sex:						
Male:						
12 to 14	22	1,815	1,630	3,461	346	31,295,285
15 to 17	8	1,540	2,932	3,555	434	31,535,255
Female:						
12 to 14	183	436	715	2,371	128	30,074,062
15 to 17	436	413	963	2,136	260	30,802,923
Race:						
White:						
12 to 14	97	1,045	1,079	3,027	241	51,744,342
15 to 17	201	869	1,913	2,978	343	52,871,194
Black:						
12 to 14	134	1,732	1,810	2,410	220	8,874,496
15 to 17	325	1,731	2,266	2,124	395	8,704,400
Family Income:						
Less than $3,000:						
12 to 14	423	1,457	1,877	2,898	91	2,625,315
15 to 17	673	1,946	3,756	5,045	499	2,984,963
$3,000 - 7,499:						
12 to 14	92	1,135	1,755	2,929	277	10,985,372
15 to 17	281	1,199	2,392	2,851	386	10,782,774
$7,500 - 9,999:						
12 to 14	151	949	1,538	2,974	221	6,381,985
15 to 17	238	887	1,697	2,731	351	6,044,721
$10,000-14,999:						
12 to 14	81	1,149	976	2,997	210	16,287,840
15 to 17	142	867	1,959	2,706	328	15,655,880
$15,000-24,999:						
12 to 14	77	1,113	926	3,042	280	15,202,921
15 to 17	175	777	1,642	2,887	256	15,652,259
$25,000 or more:						
12 to 14	90	890	877	2,712	249	5,524,560
15 to 17	129	821	1,596	2,625	436	6,380,444

[a]Estimated population for five years (1973 to 1977)

that factors such as differential sex role socialization contribute to lifestyle and behavior differences between male and female teenagers.

Racial differences in the risk of criminal victimization among teenagers vary by type of crime. In the more serious crimes -- rape, robbery, and aggravated assault -- rates of victimization are higher among black youths than they are among white youths. Rates of simple assault (assault without a weapon or serious injury) are higher among white youths than among black youths -- either white teenagers have a higher risk of minor assault than black teenagers, or they are more likely to recall and report such incidents in survey interviews. Rates of personal larceny (purse snatch and pocket picking), which are generally low for young people, show no substantial variation by race.

The NCS data in Table 1 also show variation by family income in rates of criminal victimization among youths. In general, rates of victimization are highest among youths from families in the lowest income category, and they decline somewhat as income increases. However, the relationship between family income and risk of victimization varies tremendously by type of crime. For example, among the 12 to 14 year olds, rates of aggravated assault decrease dramatically with income (from 1,877 per 100,000 in the income category of under $3,000 to 877 per 100,000 in the income category of $25,000 or more). On the other hand the rate of personal larceny among 12 to 14 year olds is quite low (91 per 100,000) in the lowest income category, and although higher income categories have higher rates of personal larceny, there is no

systematic variation. One could, however, speculate that the rates of personal larceny are a function of property availability.

Above it was suggested that crimes committed by strangers probably have greater visibility than crimes committed by friends, relatives, and acquaintances. Because of their extreme intrusiveness and apparent unpredictability, stranger crimes probably evoke stronger outrage and social condemnation than crimes committed by non-strangers. For example, the teenage girl who is raped by her boyfriend is less likely to be defined as a victim than the teenage girl who is raped by a stranger. Analysis of NCS data has shown that young people (12 to 17 year olds) are generally victimized by other young people, and that in many of these cases (almost half) the offenders are not strangers to their victims (Hindelang and McDermott, 1979). Depending on the circumstances of the non-stranger encounters, the visibility of the victimization may be quite low.

In sum, this section has discussed the relatively high visibility of victimization of children and youths by traditional crimes. The next section will consider a type of victimization that is less visible to society, but which nevertheless is subject to legal sanctions and is increasingly recognized as a social ill requiring societal attention and intervention, namely, child neglect and abuse.

Victimization by Neglect and Abuse

Child neglect and child abuse are labels identifying separate but related phenomena. They cover an extensive range of victimization, from individual actions and failures to those that are institutional and societal. Abusive or neglectful conditions range from those that have obvious physical consequences to those that "...deprive children of equal rights and liberties, and/or interfere with their optimal development" (Gil, 1979:4). The type of victimization discussed in this section is that conventionally thought of as child abuse and neglect: abuse and neglect committed by individual caretakers -- both within families and in institutions in which children are placed -- which is regulated by both criminal and civil law.

Both neglect and abuse of children have a long history, but their prominence as a subject of social consciousness and of national social policy is recent. It has been pointed out that "A book on child abuse could not have been written one hundred years ago" (Kempe and Kempe, 1978:3) because child abuse was then largely invisible to families and their communities. Although there have been influential individuals who have spoken out against maltreating children, and there have been occasional periods of both professional attention and public concern, historically, society has shown considerable tolerance for the abuse and neglect of children. Indeed, established values have supported rather than disapproved of abusive practices and even today, societal attitudes about children's rights can be best characterized as ambivalent.[11] However, child neglect and abuse are no longer

unrecognized, and their present level of visibility reflects a considerable change in societal sensibilities. Growing recognition of neglect and abuse as both an individual problem and a social ill is reflected by the following: increasing professional and public attention, federal enabling legislation for programs and research, criminal and civil state statutes, and increased availability of intervention services, including more stringent reporting requirements for professionals. However, there are factors that constitute serious obstacles to visibility. Among them are: the circumstances under which child abuse and neglect take place (within the privacy of the home or within institutions empowered to care for children); the legal and social status of the victims (children and adolescents have few rights); and the inadequacy of both empirical and theoretical knowledge about child abuse and neglect.

Indicators of increased visibility

The recent multi-discipline attention accorded child neglect and abuse from the fields of social service, medicine, mental health, law, law enforcement and education, as well as from the general public is unprecedented. Developments in the medical sphere have provided a good deal of the impetus for this current wave of concern.[12] C. Henry Kempe and his associates (1962), are credited with introducing the now-familiar term "battered child syndrome"; but, in focusing attention on this syndrome, Kempe and his colleagues did not identify a new phenomenon.[13] Social workers, teachers, and police as well as physicians had long seen evidence of physical abuse and neglect in the children with whom they had contact. Kempe's work was pioneering in the sense that it

dramatically focused the attention of professionals, particularly physicians, on a problem they had been aware of but were reluctant to acknowledge, let alone intervene in. Physicians are among the most influential of professionals and their long overdue recogntion of child neglect and abuse as an extensive and serious problem requiring intervention has largely contributed to the growing awareness and concern.

Whether legislation is the impetus for or the result of widespread concern over some social problem is arguable. However, federal enabling legislation has become a major contemporary means of developing a body of research and practice knowledge and of addressing problems on a sufficiently broad scale. By 1974, the Child Abuse Prevention and Treatment Act (P.L. 93-247), was passed and a National Center on Child Abuse and Neglect (NCCAN) was established to develop and advance an integrated body of knowledge about child mistreatment and appropriate interventions.

All states now have three sets of laws relating to child abuse and neglect (Giovannoni and Becerra, 1979). One set requires or expressly permits physicians and various other professionals (e.g., school authorities, social workers, police, dentists, and religious practitioners) to report to designated authorities any suspected case of non-accidental physical injury or neglect. The second set consists of criminal laws defining child abuse and neglect and providing sanctions against it. The third set -- civil code statutes -- specifies the criteria for court assumption of jurisdiction over a child. A fourth set of legal provisions exists in many but not all states. These provisions authorize or establish "protective services"

through public or voluntary agencies, as part of a comprehensive program of public child welfare services (Helfer and Kempe, 1974; Smith, et al, 1980b).

Media have also been a powerful influence in focusing public attention on the problems of child neglect and abuse. Newspapers and magazines, film, television and radio can communicate the plight of victimized children more vividly and to a wider audience than can any legislative action, professional interest or scientific discovery.

Obstacles to visibility

Clearly, the developments cited above indicate a heightened national consciousness of child abuse and neglect as a social problem of large proportions. On the continuum of visibility of victimization then, neglect and abuse of children logically could be viewed as moving rather rapidly from lesser to greater visibility on the continuum. However, neglect and abuse are often less visible than victimization by traditional crimes, and efforts to protect children who are both at risk and actually victimized are hampered by a complex of problems. Among them are: definitional ambiguities, inadequacy and inconsistency of statistical information about the extent of child neglect and abuse; inadequacy of empirical and theoretical knowledge, not only about the causes and effects of child abuse and neglect but about the causes and effects of child-rearing practices in general and of parental behavior on children; pluralistic values about child-rearing; lack of standards as to what constitutes "good" and "bad" child-rearing practices; and societal ambivalence about the rights of children. Two leading scholars,

one from the field of medicine and the other from law, affirm that "...a theoretical framework to integrate the diverse origins and expressions of violence toward children and to inform a rational clinical practice does not exist" (Newberger and Bourne, 1978:593). In short, the state-of-the-art is primitive and the visibility of child neglect and abuse as serious victimization -- although on the increase in this country -- is not consistently high.[14]

Definitional Problems

Neglect has been broadly defined as "... willful failure to provide adequate care and protection" (Children's Legal Rights Journal, 1979:39). Child abuse has been broadly defined as "... a situation in which a child's health or development is impaired or endangered for reasons of physical or even psychological parental assault" (Children's Legal Rights Journal, 1979:39). These definitions illustrate how situations which may be labeled as child abuse and neglect cover a very broad range of parental and institutional actions and failures, differing greatly in nature, severity of harm and visibility. Between those cases or situations which are obviously child abuse and those which obviously are not, is a wide area for disagreement as to what does and does not constitute mistreatment and what does and does not require intervention. Some of this disagreement is inherent because child abuse and neglect are socially defined; definitions consequently reflect legitimately differing values about how children should be cared for.

How abuse and neglect are defined is centrally important to all efforts in the field. Adequate visibility and appropriate interventions require clarity and consensus as to what constitutes

abuse and/or neglect. Unfortunately, most of the definitions developed to date reflect an ambiguity which contributes to what respected scholars in the field have termed a "definitional maze" (Giovannoni and Becerra, 1979:5).[15]

The definitions used in state legislation, professional standards for intervention and treatment, national social policy, as well as in research have been found seriously deficient in consistency and specificity.[16] Operational definitions of child abuse and neglect range from precise and limited definitions, such as those found in the medical literature (typically, broken bones, or physical trauma determined by X-ray; and "failure to thrive"), to those that are very broad and include improper clothing, feeding or caring for a child, or emotional mistreatment (Gelles, 1975).

Contributing to the definitional ambiguity, child neglect and abuse are sometimes discussed without distinguishing one from the other (Fontana, 1973; Isaacs, 1972; Mulford, Cohen and Philbrick, 1967; Bleiberg, 1965). Indeed, the definition contained in the national legislation does not distinguish between the two.[17] Other scholars, however, have considered the differences between neglect and abuse. A frequently used distiontion has been provided by Kadushin (1974) who associates abuse with "acts of commission" and neglect with "acts of omission". Although closely related, abuse and neglect are distinct entities which may have different etiologies, prevalence, consequences and treatment needs.[18]

The definitional problems referred to above have an impact on all aspects of the field: theory, identification and reporting, research, policy and planning, and treatment. Until these problems are resolved, they will continue to present obstacles to adequate visibility and appropriate interventions for child abuse and neglect.

Divergent Statistics

The frequency and seriousness of child abuse and neglect have yet to be satisfactorily determined. A review (Oliver, 1978) of research which had been published between 1951 and 1977 (mainly in western Europe and North America), reveals that very few studies specifically defined abuse and neglect. Additionally, most studies used very limited samples and were not designed to provide either actual incidence or estimates of the total numbers of abused and neglected children in the population.

In the U.S. prior to the legislation which mandated data collection through states' central registries, national statistics were based on surveys of newspaper reports and estimates by researchers and practitioners. Both these statistics, and more recent ones, as well as the definitions of child mistreatment on which they are based, have varied widely:

o In 1962, 662 cases of physical child abuse were reported in the U.S. newspapers. For that same year however, Fontana maintained that more than 6,000 cases of physically abused children a year was a truer representation (Fontana, 1971).

o Light (1973) estimated that in 1965, between 200,000 and 500,000 children were physically abused, and between 465,000 and 1,175,000 were severely neglected.[19]

o Helfer and Pollack (1968) estimated that in 1966, between 10 and 15 thousand children suffered severe injuries (including permanent injury) from abuse. From a variety of studies, Zalba (1966) projected an estimate of nearly a quarter of a million of U.S. children (for a

200 million population) who required protection from some kind of mistreatment.

o Gil (1970) estimated that out of a population of 200,000,000, the number of physically abused children was slightly less than 6,000 (n=5993) in 1967, and slightly more than 6,000 (n=6617) in 1968.[20]

o DeFrancis (1973) estimated between 30 and 40 thousand instances of "truly battered children" each year; Fontana (1973) estimated 2.5 million cases of physical abuse per year; Cohen and Sussman (1975) projected 41,104 confirmed cases of child abuse.

o In 1978, the National Center on Child Abuse and Neglect estimated approximately 1 million children to be maltreated each year in the U.S. The breakdown is as follows: about 100,000 to 200,000 were physically abused, 60,000 to 100,000 were sexually abused, and the remainder were seriously neglected (Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, 1978:2).

Clearly, since child abuse and neglect have become a focus of national policy and effort, estimates and reports of abuse and neglect[21] have increased: from 6,000 cases of physical abuse estimated in 1962 to between 100,000 and 200,000 cases (not even including sexual abuse) estimated in 1978. How much of this change is due to a real increase in the occurrence of such mistreatment as Fontana (1973) maintains and how much is due to increased reporting of it is unknown. Although it is generally conceded that statistics indicating the incidence of child abuse and neglect in the U.S. do not adequately reflect the extent and seriousness of the problem (Polansky, 1977; Cohen and Sussman, 1975), the increase in both reported and estimated cases of child abuse and neglect does reflect a rising level of visibility and concern for child maltreatment.

The magnitude of the problem of child neglect and abuse remains unknown. The widely varying, often contradictory statistics raise legitimate questions about the accuracy of any estimates now available. The lack of knowledge about the true volume and trends of child neglect and abuse seriously impedes efforts to provide interventions which are both sufficiently wide-reaching and effective.

Identifying the Victimizers

Three variables have been posited as major contributors in an incident of child abuse: CHILD + PARENT + SITUATION = ABUSE (Helfer, 1972). Intervention, treatment, and research generally have focused on one or more of three variables, and both professionals and lay persons most often place abuse within the context of the family and the home. Although abuse of children has greater visibility now than a decade ago, such visibility (i.e., wider social recognition and disapproval) does not extend equally to all manifestations of maltreatment.

Even within the context of familial mistreatment, there are varying degrees of visibility. Poor people, because of their greater dependence on public health and social agencies, have greater social visibility as child neglecters and abusers than middle and upper income people. Differential labelling of childhood injuries is an example of such visibility: in affluent families, such injuries are often diagnosed by private physicians as accidents while in poor, socially marginal families, they constitute reportable abuse and/or neglect. (See Newburger and Bourne, 1978; Newburger et al., 1976).

Agents of victimization are however, not confined to parents; abusive or neglectful situations are not confined to the home.

Children also suffer "professional abuse" (Polier, 1975:357),[22] i.e., both neglect and abuse at the hands of professionals (such as teachers, physicians, social workers); by social service and welfare agencies; and in institutions. Neglect and abuse which take place in professional and socially valued spheres are much less a subject of public and professional attention and outrage than are neglect and abuse by parents and family members. Social consciousness and "public wrath" are stronger when child neglect and abuse are viewed as an individual, familial problem. Viewing abuse and neglect this way however, allows a great deal of maltreatment to go unrecognized and untreated.

Although the knowledge base for neglect and abuse in general is in a primitive stage, there are even less hard data on that victimization which takes place in residential child care facilities than there are on familial mistreatment. Still the plight of institutionalized children is no longer invisible in our society and is emerging as a matter for public and professional concern. There are those - notably, Wooden (1976) and Blatt (1966, 1973) -- who have written passionately and persuasively about the extensive abuse and neglect of children in institutions and about its profoundly detrimental effects.

Recognition of maltreatment is also reflected in some definitions, (Gil, 1979; Polansky, 1977; Child Abuse Prevention and Treatment Act, 1974) which extend the range of victimization to include that which is committed by institutional personnel. The Federal Regulations implementing Child Abuse Prevention and Treatment Act broaden the category of persons responsible for a

child's care to include "... the child's parent, guardian, or other person responsible for the child's health or welfare, whether in the same home as the child, a relative's home, a foster home, or a residential institution" (emphasis added) [45 CFR Section 1340. 1-2 (b) (3)].[23]

That neglect and abuse of institutionalized children is emerging as a public issue is also attested by the convening of the first National Conference on Institutional Maltreatment of Children, in 1977. The types of maltreatment considered by the Conference cover but probably do not exhaust the range of ills suffered by children in institutions: physical abuse and neglect, sexual abuse; emotional and intellectual damage; environmental neglect and abuse; and, social damage and labeling (National Center on Child Abuse and Neglect, 1978).

The above discussion has demonstrated how child neglect and abuse may be found at several points along the continuum. It is not so much because the harm itself varies in seriousness but because other factors which impede or facilitate the *visability* of harm vary. In this monograph, child neglect and abuse serve as a conceptual link between the victimization discussed in the previous section as having high visibility -- traditional crime -- and the victimization which will be discussed in the next section as having moderate visibility -- victimization by social systems and institutions.

Neglect or abuse of children is not only a crime for which legal redress is available but one for which social disapproval is high. As such, it shares some of the high visibility generally

associated with traditional crimes. However, the fact that it takes place within the socially and legally supported institution of the family and within child care facilities under the auspices of the mental health, child welfare and juvenile justice systems is a major constraint on its visibility. While this constraint is unique to victimization in the middle range of visibility, an additional constraint on visibility applies to traditional crimes as well as to child abuse/neglect and social system victimization. The identification of victimizers (and victims as well) is strongly influenced by socioeconomic status. Those of lower socioeconomic status appear to be identified more readily and frequently while those of higher socioeconomic status are subject to less scrutiny.

Although as a nation, we are increasingly aware of the maltreatment of children, this awareness rarely extends beyond what is conventionally viewed as child neglect and abuse. In the next section we will consider another type of victimization which is subject to far less scrutiny and disapproval, and is therefore much less visible, than either traditional crimes or than what is usually described as child abuse and neglect: abuse and neglect by social systems and social institutions.

Victimization by Social Systems and Institutions

As noted above, there exists a dichotomy between "adult words of concern for the child and adult behavior patterns of indifference" (Gottlieb, 1977:178). Nowhere is this dichotomy more striking than in the victimization of children and youths by the very systems designed to serve them.

By system or institutional victimization of children and youths we mean abuse, neglect, and in some cases criminal victimization by the institutions or systems created by society to care for, protect, educate, rehabilitate, or otherwise "help" children and youths, or by agents of these social institutions or systems. This section focuses specifically on the systems of education, juvenile justice, and mental health care, although what we are calling system or institutional abuse and neglect has direct parallels in other systems such as health, mental retardation, and child welfare.

It is important to emphasize that conceptual difficulties arise when an attempt is made to separate the perpetrators of such abuse and neglect according to particular systems or institutions. For example, sometimes the functions of social systems and institutions overlap providing youths who come into contact with them similar types of services -- counselling, education, and training. Moreover, it could be argued that much of the serious victimization occurs in the interfaces of various systems where children and youths may be lost. For example, youths with very serious problems (e.g., the violent juvenile offender) and youths with minor problems (e.g., the status offender) may be shuttled back and forth between systems, with none of the systems providing care or treatment.

Victims of the education system

Of the three systems considered in this section -- education, mental health, and juvenile justice -- it is in the educational system that victimization of children and youths is least visible, yet at the same time most widespread. Unlike the systems that deal with

with society's mad or bad, education impacts _all_ children and youths. Like mental health and juvenile justice, much of the abuse and neglect done by and through our schools is done with avowed benevolent intentions. The persistent myth that education is "the great equalizer" and the belief in education as always and everywhere a "good" have made schools and schooling as American as apple pie. Such widely held beliefs shield the educational system from careful public scrutiny and protect it from its critics.

Who are the victims of the educational system? Of course the answers to this question are many and varied, and are influenced by factors such as political ideologies, educational philosophies, and assumptions about the nature of childhood and adolescence. However, four perspectives are suggested. In the first perspective, victims of the educational system include the most obvious failures of the system -- children and youths out of school. The Children's Defense Fund (CDF) (1974:17-18) has identified five major categories of children out of school:

> The unknowns (some children are victimized by the educational system to the extent that features of that system systematically exclude children in this category -- e.g., these are the children who have never gone to school or been registered for school, particularly the severely mentally and physically handicapped).

> The excluded (those children who have tried to enroll but were not accepted -- e.g., incontinent children, children on waiting lists for special programs, special needs children for whom there are no programs).

> The pushouts (children who have been enrolled in school, but are forced to leave by school policies -- e.g., pregnant girls, expelled or suspended students, dropouts, children who are counseled and encouraged to withdraw).

> The partially excluded (those children who are receiving particularly inadequate services -- e.g., children who are misclassified, children in training schools or mental institutions, ignored truants), and the rejected (insensitivity and humiliation in school may encourage voluntary nonattendance for some children -- e.g., children systematically excluded because of their race, unwed mothers or pregnant girls, poor children with few clothes).

The categories developed by the CDF illustrate (1974:18) "the many groups of children who are excluded from school or for whom schooling is such an intolerable ordeal that they leave it 'voluntarily.'" Although the harms they suffer vary in visibility, clearly these children and youths are victims of the educational system -- either directly (by overt exclusion) or indirectly (through inadequate services, biases, insensitivities, and so forth). But children and youths out of school are not the only ones suffering from some of the system abuses described by the CDF. Young people who attend school regularly also have to deal with problems such as race, sex, and class-related biases and hostilities, misclassification, degradations and humiliations, inappropriate or inadequate instruction, and so forth.

This leads to a second perspective, one which views as victims of the educational system all children and youths -- in or out of school -- who suffer from such instances of abuse and neglect. Perhaps the most visible victimization in this perspective is found in low income, urban schools plagued by problems such as: inferior facilities, instructional materials and teachers, racial tensions, violence, and vandalism. It is debatable whether, in such school systems, children out of school are more aptly described as victims than children in school.

From a third perspective, all children and youths are victims of the educational system, for even those who escape the types of victimization described above are violated by the very structure and functioning of American education. Less visible types of victimization by the educational system, perpetrated with wholly benevolent intentions, flow directly from how youths are educated. Such victimizations include emphasis on grades and academic competition as criteria for defining self-worth, curricula that stifle creativity and deviance from pre-established norms of thinking and behaving, authoritarian relationships that reinforce the subjugated status of students, and tracking systems that stigmatize youths and shape life chances, often on the basis of non-academic criteria (e.g., social class or minority group membership, troublemaking). These policies and practices are so firmly entrenched in the current system of education that they are not readily perceived as wrongs.

A fourth perspective on victimization by the educational system focuses on students' rights. A person is victimized when his or her rights are violated; when rights are not acknowledged by law and society, victimization has low visibility. This notion is particularly important in discussing systems victimization, for the powerlessness or lack of rights of its victims characterizes this type of abuse and neglect generally and contributes to its low visibility. Not surprisingly then, some of the most comprehensive analyses of systems victimization are found in the literature on the legal rights of children and youths. In terms of the educational system, access to school, various rights within school (e.g., rights in matters of expulsion, free speech, corporal punishment), and compulsory education have all been discussed in terms of the powerlessness of children and youths in dealing with a social institution that plays a large role in shaping their lives. For example, Friedenberg (1977:167) has observed that, "what compulsory education does is to define young people as a subject category and puts on their movements and their perceptions certain kinds of restrictions that no one else is subject to at all." (See also Adams, et al., Gross and Gross, 1977; Braden, 1978; Mountz, 1980.)

The lower the visibility of victimization, the more difficult it is to measure its extent. The actual extent of systems victimization is particularly dificult to estimate, not only because of low visibility, but also because of the many different perspectives that can be taken in defining the victim. Thus, estimates of how many children and youths are victims of the educational system may vary from estimates of very few, if any, children and youths of school age to estimates of all children and youths of school age. Another measurement problem is that many of the concepts used in defining systems' victims are difficult to operationalize. There is undoubtedly greater agreement over what constitutes robbery or physical child abuse than there is over what constitutes inferior or inappropriate instruction in schools.

Victims of the mental health and juvenile justice system

Much of what we have discussed in terms of visibility of victimization is also relevant to victimization by the mental health and juvenile justice systems. However, unlike the educational system, not all youths come into contact with these systems; only

those youths who have been designated by society as psychologically disturbed, dependent, neglected or delinquent, are processed by these systems.

For the purposes of this paper, the mental health and juvenile justice systems will be discussed together because of the conceptual difficulty in separating the purposes and functions of the two systems (Miller, 1980). The stated purpose of the mental health system is to assist those youths who suffer from psychological problems; the stated purpose of the juvenile justice system is to identify dependent and delinquent youths and reintegrate them into society. However their common purpose is to define acceptable patterns of behavior for youths. With respect to the functioning of these two systems, Miller (1980:3) has emphasized that "Confusion and overlap in function is apparent with respect to the goals of deterrence, incapacitation, retribution, and treatment." It is consequently, difficult to determine whether a particular youth should be processed by the mental health or the juvenile justice system. Being assigned to "one category or the other becomes highly arbitrary, having more to do with personal characteristics than with specific behavior or a meaningful classification system" (Miller, 1980:3).

It is as difficult to characterize the victims of the juvenile justice and mental health systems as it is to characterize the victims of the educational system. Attempts at characterizing the victims of the juvenile justice and mental health systems are influenced by factors such as philosophies of punishment and rehabilitation, political ideologies, and philosophies of deviant behavior. Different perspectives on looking at victimization of children and adolescents by these two social systems are discussed below.

According to one perspective, all children and youths who come into contact with either the juvenile justice and/or mental health systems are victimized. According to this viewpoint, these two systems exist because the "natural channels" through which these youths' needs should have been met have not functioned adequately (Wilensky and Lebeux, 1958). The basic institutions of the family, religion, and the political, economic, and educational institutions have not met the needs of youths. In effect, youths who come in contact with these systems are already victimized -- victims of the failure of basic societal institutions.

From a second perspective, all children and youths who are actually institutionalized by the mental health and juvenile justice system are victimized. Youths are removed from their families and are, in most cases, removed from their communities. Institutionalized youths are not only warehoused, receiving little or no treatment, but many are brutalized by the staff and other youthful inmates (Bartollas, Miller, and Dinitz, 1976). Unfortunately, there is little hard evidence that substantiates that children and youths are being punitively treated in institutions. As Wooden (1976:107) suggests:

> Aside from periodic newspaper articles, occasional reports by concerned citizens and a book or two on the subject, very little factual information about life in juvenile penal institutions reaches the general public.... Nevertheless, word seems to

trickle out, as it did in Texas for as long as a decade before the Morales trial. Throughout the country, at great risk to their personal safety, children leaked horror stories via letters to friends, family, trusted lawyers and the investigative news media. On the other side of the coin are the unknown numbers who, after crying out for sanity, lower their voices, their hands, their desire to survive and take their young lives by suicide.

While Wooden addresses the difficulties in obtaining information about the victimization of children and youths in juvenile justice institutions, it is important to point out that this holds true as well for those who are institutionalized by the mental health system.

From a third perspective, some would argue that only a small percentage of youths who come into contact with the juvenile justice system and mental health system are victimized. This perspective assumes that the majority of the children and youths who have contact with these two systems either deserve it or are in need of treatment. For example, many youths, who suffer from psychological disturbances or engage in illegal activities, create problems for and are disruptive to the community; they often victimize others. On the other hand, this perspective acknowledges that at least some of the youths who come into contact with these systems are mislabeled or misclassified, or are shuttled back and forth between systems.

The child who has learning disabilities may be unfairly labeled as delinquent or mentally ill because he or she "acts out" in school. Such youths suffer the consequences of inappropriate labeling or misclassification (e.g., loss of self-confidence, confinement in institutions, subjection to drug therapies).

The child who cannot be placed in any one system is also victimized. This seems to be particularly true in the case of youths with severe problems -- children who commit violent crimes and children who suffer from severe emotional disturbances. A 1972 report by a New York City Committee on Mental Health Services stated that the admission policies of various institutions discriminated against children who exhibited violent behavior, those who continually ran away from placement and those who had serious emotional difficulties (Strasburg, 1978). A more recent New York City study has supported the finding that institutional personnel do not want to deal with difficult cases (Harstone, 1979). This study has emphasized that such youths spend long periods of time in detention facilities, receive minimal or no treatment, and are moved back and forth between institutions.

A final perspective, similar to the third perspective that views the juvenile justice and mental health systems as necessary but somewhat mismanaged, deals with the failure of these systems to recognize the basic legal rights of children who are clients of these systems. While the juvenile justice system guarantees some of the due process rights that adults are afforded in the criminal justice system to children and youths -- the right to be found guilty beyond a reasonable doubt and the right to counsel -- many youths do not benefit from these protections. Juvenile justice and legal professionals often ignore the rights of youths; they often act with unlimited discretionary power unchecked by citizens or government officials.

As compared with the juvenile justice system, the mental health system is probably even more negligent in protecting the legal rights of children and youths. Because the legal rights of the client of the mental health system are dependent upon the determination of the client's responsibility for his or her actions and the client's ability to exercise good judgement, there are no clearly defined legal standards that can ensure the protection of the client of the mental health system (Mechanic, 1969). Even though there are legal regulations that govern the conditions under which an individual can be confined, the general principles that underline these laws (e.g., "dangerousness" and "in need of immediate hospitalization") are ambiguous (Mechanic, 1969) and often lead to serious abuse by practioners.

As with victimization by the educational system, it is quite difficult to estimate the actual extent of abuse by the juvenile justice and mental health systems. This is due to their low visibility and the various perspectives from which the victim can be defined. Consequently, if one is to estimate how many children are victims of institutions, these estimates could vary from counting all youths who have any involvement with the systems to those who are actually institutionalized to those who receive brutal treatment or no treatment at all.

This section on system abuse has suggested various perspectives on the ways social systems can victimize youths. Because each of these systems purportedly exists to improve the lives of youths in some way, victimization by these systems is less visible than the other types of victimization that have been previously discussed in this monograph. The section which follows discusses another type of victimization that is even less visible, victimization by social injustice.

Victimization by Social Injustice

The preceding section has illustrated how the nature of victimization by social systems varies according to the particular social system in which it takes place. Such victimization also has some visibility because of the context in which it occurs, i.e., in highly visible systems such as the education, juvenile justice and mental health systems. The final category of victimization to be considered along the continuum of visibility is social injustice. It is closely related to victimization by social systems and institutions in that they act as conduits for it; it is distinguished from social systems victimization by the broadness of its scope and the presence of obstacles to visibility which are more powerful than for any kind of victimization. At the least visible end of the continuum, social injustice is an outgrowth of the entire societal structure. It reflects a system of values which is deeply and widely entrenched in society's social and economic structures to the extent that those values are shared by all social systems, as well as the majority of individuals in a society.

Social injustice is that violation of human rights which occurs when equality of opportunity "...to grow and to learn to live to the best of one's native ability..." (Rush, 1977:327) is available only, or largely, on an arbitrarily discriminatory basis. It occurs when unequal statuses are assigned to people

on the basis of characteristics such as sex, race, age, socio-
economic status, and when such statuses determine access to
rights and privileges in society. The result is "status
rationing" (Gruber, 1980:73):those who are perceived as having
lower status are given fewer rights and privileges. Status and
privileges assigned on the basis of inherent characteristics
over which one has no or little control is an uncritically
accepted, and often valued reality in this and similar societies.
It is largely unrecognized as victimization because it is an
outgrowth of widely shared and cherished societal values.
Some examples are the traditions of individualism; of
competitiveness and free enterprise; the romantic
notion of the self-made man.

Harm suffered through violation of human rights occurs all
along the continuum, adversely affecting individual victims and
groups of victims. However, when victimization is institution-
alized within the very structure of society, not only indi-
viduals and groups suffer but there are serious consequences for
the larger society of which these victims are a part. The
terrible phenomenon of genocide is testimony to the structural
nature of social injustice. Genocide is made possible by
blaming a racial, cultural or political group for social and
economic ills. Widespread compassion for that group is thereby
eliminated and its annihilation is legitimized. "Social
injustice" is an apt term; it is an injustice which victimizes
the very society which tolerates or encourages it.

Who are the victims?

Victims have been broadly defined as those who "...do not
have the luxury of choice" (Holland, 1979:26). Those who are most
vulnerable to social injustices are those whose life opportunities
and rights to protection from harm are denied or ignored because
of factors over which they have no control. Some children may
suffer social injustice by virtue of their race, their sex and/
or the socioeconomic status (education, occupation, income) of
their parents.

All children share a vulnerability to societal-level victimi-
zation by virtue of two related factors: 1. Their status as
children: Like race, sex and socioeconomic status, age is a
major determinant of access to rights and privileges in our
society. Children have never been given the same legal, moral
or social rights that adults have. 2. The nature of their
relationship to the social institutions of the family, school,
courts, and health systems: The major function of societal
institutions -- all of which have an impact on how children
fare in this society -- are socialization and social control.
The objective of social control often conflicts with individual
aspirations, inclinations and needs. (See Billingsley, 1965;
Denzin, 1973; Leonard, 1973; Liazos, 1978).

These factors constitute a greater dilemma for children
than for adults. While children are under the legal control
of the family, the school, the courts, they enjoy few legal
protections in these relationships. Because the benevolent
nature of those social institutions is assumed, legal protection
of children's rights has been considered superfluous.

To be sure, not all children are equally vulnerable to social injustice. Most vulnerable are those "...born in the cellar of our society." (Keniston, 1979:281), i.e., children who must suffer the compounded inequities of agism, racism, sexism and poverty. A brief review of the documented effects of societal neglect and abuse on such children and of the status of children's rights will illustrate the special vulnerability to victimization of some children in our society and the general vulnerability of all children.

Among technologically advanced countries, the United States has one of the highest rates of infant mortality; it is among the very few that do not guarantee adequate health care to mothers and children; the incidence of disease, accidents, neglect and abuse, and mental and emotional illness among children remains widespread. Of all age groups in American society, children are the most likely to live in abject poverty; and it is estimated that in this country of material plenty, millions of children remain hungry and malnourished (Gottlieb, 1973; Keniston, 1979). U. S. Department of Education statistics reveal marked discrepancies in educational opportunity and quality of education between white and non-white children, and between affluent and poor children (Gottlieb, 1973). Within our justice system, large numbers of children are detained, found guilty of and incarcerated for actions that could not constitute punishable offenses for adults (Smith et al., 1980a; Poulin et al., 1979).

To possess legal rights and to be able to invoke them is a basic protection against injustice. Until recently, children had no access to this protection. A movement for the establishment of children's rights does exist in this country but broad, societal level support for it is sporadic and ambivalent.

Children's rights to due process within our system of justice were largely nonexistent until this past decade. The Supreme Court decisions, Kent v. U.S. (383 U.S., 541 (1966)) and In re Gault (387 U.S., 1 (1967)), set precedents for the emergence of due process protections in juvenile proceedings.[24]

Children still have very few rights in school-related disputes. School attendance, up to a certain age, is compulsory and there are few protections against a school's use of corporal punishment. In 1977, the Supreme Court ruled in Ingraham v. Wright (45 U.S.L.W. 4364 (1977)), corporal punishment as a disciplinary tool in public schools does not constitute cruel and unusual punishment. Children subjected to such discipline are not entitled to constitutional protections.[25] Nat Hentoff's comment that "...school children remain the last Americans who may legally be beaten..." (in Hyman & Wise: 1979, xi) emphasizes the contribution of our legal system to social injustice.

Although children are not explicitly denied legal protections against their families, the law's concept of the family -- as a unit with broad parental authority over minor children -- rests on a presumption that

> ...parents possess what a child lacks in maturity, experience and capacity for judgment required for making life's difficult decisions. More importantly,

historically it has recognized that natural
bonds of affection lead parents to act in the best
interests of their children (Chief Justice Warren
Burger, June 21, 1979).[26]

The notion that the family, by and large, fulfills its expected function to love, nurture and support its members is so widely accepted that courts are reluctant to challenge the autonomy and invade the privacy of families even when the well being of children is at risk.

Obstacles to visibility of victimization

The belief that the United States is a society that cares about, provides for and cherishes its children seems little shaken by contradictory data. Why is there such glaring discrepancy between an oft-expressed commitment to equality of opportunity, to concern for the helpless and disadvantaged and the actual experiences of those who are unequal, helpless, disadvantaged? There are varying perspectives which attempt to explain this discrepancy between societal beliefs and realities, and to identify the factors which allow social injustice to remain unrecognized and unsanctioned by society.

Individuals, institutions and social systems are influenced by and are conduits for societal policies, attitudes and practices and in this context they may contribute to social injustice. However, human relations, institutional practices and the workings of the United States' legal and social systems generally reflect and are constrained by the social and economic philosophy and values -- both positive and negative -- which dominate our society. Social injustice may be carried out through individual actions and the practices of organizations,

institutions and systems but it is made possible by something far more diffuse and enduring: societal policies and values which create or tolerate grossly inequitable social, economic or political conditions for some of its members while providing generous benefits for others (Gil, 1979).

Keniston (1979) maintains that societal inequities -- all of which ultimately affect children -- persist despite efforts at reform because of the very nature of our economic system and our unthinking acceptance of the ideology that buttresses it. That ideology excludes some people from equality and fairness, keeping them in chronic need, so they will not only do the menial, insecure, dead-end jobs that are a fact of every society, but will accept low pay for doing them. The process of exclusion is initiated by our educational policies, which exclude certain children from quality education on the basis of their social and economic backgrounds. It is then maintained by patterns of employment opportunity and by our political and social processes.

The discrepancy between the desire to ameliorate social injustice and its persistence has also been attributed to the American obsession with individualism. Both failures and achievements are perceived largely in terms of individual efforts. This society is committed to a tradition of individualism to such an extent that we cannot perceive the larger, structural causes of our social ills (Zigler, 1979; Keniston, 1979). The phenomenon of "blaming the victim" (Ryan, 1971) has become commonplace. Victims are viewed as possessing negative traits which justify any harm inflicted on them. This rationalization provides support for a widely held belief that societal ills

persist because the inadequacy of individuals subverts societal efforts toward reform. The predicament of children in social systems over which they have little control or influence illustrates how society blames the victim. When a child fails to conform or to achieve according to the standards of a social system and its institutions, he or she is considered to be the problem -- to be resolved through strategies of individual rehabilitation or coercion. That the problem could be the failure of the social systems and institutions is rarely considered. Indeed, society holds its institutions and social systems in such esteem that little scrutiny is imposed and little accountability is required of them. (See for example, Denzin, 1973:127-144).

The persistence of social injustice and its low visibility may also be explained in terms of conflicting and incompatible social values. Newberger and Bourne (1978) have described the conflict between "family autonomy vs. coercive intervention" (should society intervene in situations of risk to children?) and between "compassion vs. control" (how should society intervene, i.e., how should parents be dealt with?). Polansky (1977:34) has described this conflict in terms of "a child's right to protection vs. parents' rights to autonomy". Liazos (1979) has described conflicting goals/functions within the educational system: perpetuation of the social and economic order vs. equal educational opportunity. Katz and Teitelbaum (1977), are among those who have described the tension within the juvenile justice system, between the goals of "legal justice" (due process protections) and "substantive justice" (individual treatment and rehabilitation).

All of these issues underline a tension between two basic societal beliefs: 1. that the state exists to protect the rights of its citizens (including its children), and 2. that societal institutions function for the good, not the harm, of societal members and must be preserved. When such values compete with each other for societal support, such competition fosters confusion and ambivalence and undermines efforts to address and resolve social problems.

Because societal behavior, values and philosophy are expressed through the behavior, values and philosophy of its individual members as well as its institutions, the responsibility for social injustice falls not only on an amorphous "society" and its institutions but on the convictions and actions of individuals who constitute that society. Few people would deny the existence of some form or degree of social injustice and most people disapprove of it -- in the abstract. However, there is also considerable tolerance for even well-documented inequities. Many of us do not feel any imperative for active involvement in their amelioration, largely because they are so much a part of the societal structure. Until these inequities are addressed, the disparity between the ideals of social justice and the realities of social injustice will persist. Richard Geiser's statement in The Illusion of Caring (1978) is compelling and sobering: only "...when those who are not injured are as indignant as those who are...shall justice come to America."

Summary and Conclusions

This monograph has presented a broad perspective on the victimization of children and youths in our society. Selected types of victimization have been conceptualized in terms of their degree of visibility, that is, where they might fall on a continuum of visibility. Several types of victimization of children and youths -- criminal victimization, abuse and neglect, victimization by social systems and institutions, and social injustice -- have been used to illustrate the varying levels of visibility of victimization.

Although this monograph has not described all the possible ways that children and youths are victimized in our society, the conceptual framework that has been developed can be used to analyze many other types of victimization. Additional types of victimization include: victimization by corporations (e.g., mass marketing of harmful food additives or dangerous toys), victimization by mass media (e.g., exposure to violence on television), victimization by the prevailing economic structure (e.g., inadequate housing for children of lower income families), and victimization by illegitimate activities (e.g., child prostitution and pornography). For example, the victimization of children and youths by illegitimate activities could be placed somewhere in the middle of the continuum. Although these offenses are probably less visible to society than most types of victimization by traditional crime, whether they are more or less visible than victimization by child abuse and neglect is an open question. One of the underlying assumptions of the conceptual framework

is that the degree of visibility of a particular type of victimization cannot be represented on the continuum as a discrete point -- there are too many factors that influence visibility.

In this monograph we have suggested some of the numerous factors that affect levels of visibility. The visibility of any type of victimization is dependent upon factors such as the geographical area in which it takes place, laws that prohibit certain kinds of actions but not others, general social climate, actual enforcement of penalties to deal with those who victimize, relationships between victims and victimizers, social barriers that discourage intervention, and so forth. It is difficult, if not impossible, to begin to assign weights to these factors, or to suggest their comparative impacts on visibility. For one thing, there has been no attempt here or elsewhere to catalogue or identify all possible variables that are related to visibility. Moreover, some of the factors which influence the degree of visibility vary tremendously over time and place (e.g., police policies and practices toward certain types of activities), and may carry greater weight as determinants of visibility at one point than another.

Although the concept of visibility has been useful as a heuristic tool for organizing and analyzing victimization, it has also presented some difficulties. Most obviously, the concept lacks precision (it was no accident of omission that the concept was never strictly defined). This is largely because the concept of visibility is very fluid; as noted above, it is influenced by a myriad of factors that are difficult to identify

and measure. And as we have observed at several junctures, visibility is highly dependent on the political and moral preferences of the observer.

What is most apparent is that the conceptual framework developed in this paper highlights the need for more attention by both researchers and theoreticians to the area of victimization of children and youths. Certainly, visibility is only one of several perspectives for the analysis of this victimization, and other frameworks may prove more fruitful. There is a clear and pressing need for better data on the number and type of children and youths who are victimized; however, these data cannot be gathered until concepts are more clearly defined. Relatedly, there is a need to develop innovative ways to operationalize and measure victimization, in particular, victimization by social systems and institutions.

FOOTNOTES

[1]There are those, notably Benjamin Mendelsohn, who consider the study of the victim as a science necessarily separate and independent from criminology.

[2]Bedau (1974:66) explains the theoretical basis for this:

> The prevailing political and legal theory on which our institutions are professedly built is precisely the protection of such rights of persons. Indeed, from the theories of John Locke in the seventeenth century down to the latest pamphlets of the American Civil Liberties Union, the whole rationale for government is unintelligible apart from the belief that individual persons have rights, and that impartial governmental powers are needed primarily for the implementation and protection of these rights.

[3]Although the law defines acts as punishable crimes without regard to the personal characteristics of victims or of offenders, the unfortunate reality is that the likelihood of intervention and strength of penalties -- even within the boundaries of traditional crime -- tend to increase with the *social distance* between victims and offenders. This includes differences of race, ethnicity, class, age, and the existence of a prior relationship.

Although social disapproval for harm visited on a person of lesser status by one of higher status is not unknown, it is reflective of our discriminatory system of justice that the strongest disapproval and sanctions are reserved for that victimization in which the offender is (1) a stranger to, (2) of lower socioeconomic status than the victim, and (3) a member of an ethnic or racial minority. A classic example of such victimization is sexual assault of a white woman of high socioeconomic status by a black man of low socioeconomic status. Conversely, when victimization involves individuals or groups personally known to each other or related by blood or marriage, the victimization is often perceived as somehow less severe.

Relatedly, when victim and offender, although strangers to each other, are part of a minority group bound by ethnic, racial, or even age ties, the larger society tends to perceive the victimization as less serious. An illustration of this is provided by a former New York City criminal court judge, Bruce Wright, who maintains that the criminal court system is racist because it encourages black and Hispanic people to commit crimes against each other. It does this by conveying the message that while harsh penalties will be imposed on minority people who victimize whites, penalties for victimization of one's own minority group or race will be less harsh -- amounting to no more than "...a slap on the wrist" (Sunday Star Ledger, May 4, 1980: Section I, p. 13).

[4]The legal definition of crime is that a crime is an intentional violation of the criminal law, committed without defense or excuse, and penalized by the state (Tappan, 1947).

[5]Marvin Wolfgang in Patterns of Criminal Homicide (1975: 252) defines victim-precipitated as that term which "...is applied to those criminal homicides in which the victim is a direct, positive precipitator in the crime. The role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. The victim-precipitated cases are those in which the victim was the first to show and use a deadly weapon, to strike a blow in an altercation -- in short, the first to commence the interplay of resort to physical violence."

[6]There are, however, data that do not show similar racial breakdowns among all age groups. According to 1978 New York State data, there is a great amount of racial disproportionality among different age groups of homicide victims. The data show that the greatest amount of disproportionality occurs between white and black youthful victims under 10 years of age. Of the 80 victims of homicide in New York State under 10 years of age, 18.8 percent were white, whereas 61.3 percent were black (20.1 percent were Hispanic and of other racial heritage). Other age breakdowns for black and white victims of homicide illustrate this disproportionality: in the 10-19 year old age group, 23 percent were white and 48.2 were black victims of homicide; in the 20-39 year old age group, 22.8 percent were white and 47 percent were black; in the 40-59 year old age group, 38.1 percent were white and 38.9 percent were black; and, in the 60 and over age group, 62.8 percent were white and 27.6 percent were black (New York Division of Criminal Justice Services, 1978:163).

[7]These 1978 New York State data show a relatively strong relationship between victimization age and the victim-offender relationship. These data indicate that as the age of the victim of homicide increases, the more likely the victim is to be murdered by a stranger. The following is an excerpt from Table 8 which illustrates this relationship. (New York State Division of Criminal Justice Services, 1979:103).

Homicide Victims: Selected Offense Characteristics by Victim Age, New York State 1978 (Percent*)

Offense Characteristics	Victim Age				
	Under 10	10-19	20-39	40-59	60 and over
Victim-offender relationship					
Nonstranger	93.8	83.3	74.5	67.4	42.9
Stranger	6.2	16.7	24.5	32.6	57.1
Total	100.0 (64)	100.0 (90)	100.0 (400)	100.0 (184)	100.0 (77)

*The total number of cases on which the percentages are based is shown in parenthesis. The total excludes cases with missing or unknown data. Percentages do not always add to 100.0 due to rounding.

[8]It is also important to note that in the National Crime Surveys, interviews with 12 and 13 year olds are conducted by proxy with an adult household member, usually a parent, presumed to be knowledgeable about the child's victimization experiences. Experience with victimization surveys indicates that such proxy interviews tend to produce underestimates of the numbers of victimizations actually suffered by the people for whom proxies are being used.

[9]Races other than white and black have been excluded from this analysis because the number of cases is too small for reliable estimate.

[10]Strictly speaking, rates of victimization are not measures of the risk of victimization for individuals in particular demographic groups. Victimization rates are calculated by dividing the estimated number of victimizations summed across individuals by the estimated number of persons in the population. Because the numerator is a count of

victimizations, not victims, and because some victims may report more than one victimization, the rates of victimization may overestimate the risk of victimization for individuals in the population.

[11]For a summary history of child maltreatment and societal attitudes toward it, see: Radbill (1974); and,Giovannoni and Becerra (1979); Demeuse (1974).

[12]In 1961, the American Academy of Pediatrics conducted a symposium on the problem of child abuse. At this symposium, under the direction of C. Henry Kempe, an inter-disciplinary (pediatric, psychiatric, radiological, and legal) presentation was made on the "battered child syndrome." The battered child syndrome is the extreme form of an entire spectrum of non-accidental injury and deprivation of children (Kempe, 1971).

[13]Kempe himself points to others whose work has made such visibility possible in our society. He credits Ambrose Tardieu, a professor of legal medicine in Paris, as the first (1860) to describe the battered child syndrome. He also cites the scientific research of Johnson (1860), the radiological advances -- made possible by Roentgen's discovery of x-rays -- by Roth (1906), Bromer (1926), Caffey (1946), Silverman (1953), and Wolley and Evans (1955). All of the above are cited in Kempe and Kempe (1978:5, 127).

[14]For a review of the current state of knowledge about child abuse and neglect, see the preliminary, national level assessment of abuse and neglect, and its relationship to the juvenile justice system by Smith, Berkman, Fraser (1980). The assessment summarizes the literature and the research and considers major issues, problems and needs. It offers a preliminary but detailed summary of: definitions; incidence; characteristics of children, parents and situations; and the effects of neglect and abuse upon children.

[15]Among the many researchers and practitioners who have focused on definitional problems are: Giovannoni and Becerra (1979); Martin (1978); Nagi (1975); Polansky, Borgman, DeSaix (1972); Billingsley and Giovannoni (1972); Meier (1964); Young (1964); and Chesser (1952).

[16]While definitions which may be broadly interpreted are clearly inadequate for research purposes, the value of specific versus general definitions of abuse and neglect is a major issue in the legal and policymaking spheres. Statutory definitions of child abuse and neglect, as well as the grounds for determining such maltreatment, vary from state to state and are for the most part, broadly defined. There are those who support statutory vagueness (Katz, 1971; Krause, 1977) and those

16 cont.
who believe it is undesirable (Wald, 1975:1000-1002). Those who support broadly defined statutes believe that the judicial discretion and flexibility permitted by broad definitions best serve the interest of both the victim and the accused. Those who support specificity in statutes believe that vagueness permits too much discretionary power which is a danger and detriment to all concerned, particularly the accused. The Juvenile Justice Standards illustrate this stance. The IJA-ABA report "Standards Relating to Abuse and Neglect" (also known as the Juvenile Justice Standards project) recommends stringent and specific criteria as grounds for court intervention; such criteria would dramatically curtail judicial discretion and emphasize deterrence to "family autonomy."

[17]Child abuse and neglect means "the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby..." Child Abuse Prevention and Treatment Act (PL 93-247).

[18]The work of Meier (1964), Young (1964), Polansky (1972, 1977) Kadushin (1974) and Giovannoni and Becerra (1979) has focused on such distinctions. Young's classic work not only categorized cases of neglect separately from cases of abuse, but also provided criteria for determining seriousness of incidents within each type. Norman Polansky developed the Childhood Level of Living Scale to measure neglect. Revised in 1976, this remains the most reliable and relevant instrument in the literature. Giovannoni and Becerra have provided an excellent review of efforts to distinguish between the two; they suggest, however, that both abuse and neglect should be subsumed under the rubric of "mistreatment" or "unfit parenting" (1979:19).

[19]Light's estimates are based on corrective adjustments he made to data from a 1965 survey by Gil, who had collected data about knowledge of child abuse from a nationally representative sample of households.

[20]Although all 50 states were represented in this survey, the fact that in some states, reporting was not required by law but was rather "permitted" suggests that official reporting represents only a portion of actual incidence.

[21]Although official figures for both neglect and abuse are considered under-estimates, data estimating the ratio of neglect to abuse show a preponderance of neglect over abuse. Ratios range from ten to one (Cain, 1978; Polansky, Borgman and DeSaix, 1972:25) to three to one (Nagi, 1975; Polansky, Hally and Polansky, 1977:9). Despite this preponderance of neglect over abuse cases, it is child abuse

21 cont.
which has been the more frequent subject of study. Polansky
(1977:3) has offered this explanation:

> Abuse permits a more concise definition than
> does neglect. The traditional preference of
> investigators for readily manageable problems may
> well be a major reason why abuse has been the more
> popular object of study.

[22]Justine Wise Polier, a respected New York City jurist,
extends the professionals' responsibility beyond the actions
they take, to the actions they _fail_ to take, not only for
individual cases of mistreatment but for resolution of
societal mistreatment as well. Discussing children's
constitutional rights to protection from abuse by social
agencies and institutions, she writes:

> It becomes necessary to ask...where the
> professionals were while the children were
> subjected to mistreatment and where they will
> stand in regard to implementation of these
> (court) decisions (1975:361).

[23]For references, see Child Abuse and Neglect Reports, Feb. 1977,
cited in Child Abuse and Neglect in Residential Institutions,
(1978:1). Unfortunately, the regulations restrict the
definition of institutional abuse and neglect to residential
situations because the legislative mandate to the National
Center on Child Abuse and Neglect does not include the care
of children in non-residential settings. A major institu-
tion which thus escapes the scrutiny of NCCAN is the school.

[24]The Supreme Court in Kent v. U.S., 383 U.S. 541 (1966)
extended the first due process guarantees to juveniles. The
court held that a waiver order transferring a juvenile
accused of serious crime to adult criminal court is invalid
without a statement of reasons, a hearing, or effective
assistance of counsel.

In re Gault, 387 U.S. 1 (1967) specified the essential due
process protections to which juveniles charged with an offense
are constitutionally entitled: the right to timely and
adequate notice of the charges, the right to
counsel, the privilege against self-incrimination, and the
right to confront accusers and cross-examine witnesses.

See also Lynn Mountz, 1980:3-6; and Charles Smith et al.,
1980a:19-26.

[25]Ingraham v. Wright, 45 U.S.L.W. 4364 (1977), cited by
Hyman & McDowell in Hyman and Wise, 1979:3.

[26]Cited in Behavior Today, 7/9/79:1. The statement is from
the Court's majority opinion which upheld the constitution-
ality of state laws permitting parents to commit their minor
children to institutions for the mentally ill without a
formal, adversary hearing.

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