

DELINQUENCY AND THE FAMILY

A Study of Connexions between
Crime and Socio-Environmental
Factors with Special Reference to
Inmates of the Constantia Reform
School

by

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PREFACE

I had dealt with juvenile delinquents in Israel for seven years, both as a probation officer and as a social worker in the Israeli Navy. It became my ambition to learn about delinquency in other countries. I had encountered plentiful material dealing with juvenile delinquency in the U.S.A., Britain, and certain European countries. Having decided to come to South Africa as Cantor of the Cape Town Hebrew Congregation, I interested myself, while still in Israel, in delinquency in South Africa. I however found it very difficult indeed to trace any relevant publications in this field, and this stimulated me to undertake a research of my own.

After arriving in this country, I went into the matter more closely and came to the conclusion that there is an unwritten policy of turning away from the problem -- of not taking too close a look at it. Speaking to people who deal with juvenile delinquency in Cape Town, I was however as a stranger encouraged by them to study the problem on the assumption that an outsider sometimes sees different points in a different way than the local people.

To my surprise, I found that the last research ever done in South Africa on juvenile delinquency in a reform school for Whites was done in 1953-1954. The latest reliable statistics

I could find concerning the problem in general dated back to 1967-1968.

The present thesis is the result of my curiosity about delinquency in South Africa. In Part One I review juvenile delinquency in general, the system of probation, and the institutionalized treatment of delinquents. I draw upon experience in comparing Israel and South Africa.

Parts Two and Three of the work study the circumstances of a sample of boys lodged in the Constantia Reform School. The method of the research is described and so is the Reform School itself. Two questionnaires were designed and administered, one to the sample of boys and the other to their parents. The findings are then described and analysed.

It is hoped that this research will lead on to other investigations into juvenile delinquency in South Africa. May it also lead to a more serious view being taken of the problem by people who count. Social workers, probation officers, and all who are trying to help young delinquents in this country badly need the backing of enlightened policy-makers.

PART ONE

THEORETICAL BACKGROUND

CHAPTER I

JUVENILE DELINQUENCY

Juvenile delinquency has always been a widespread social phenomenon in many societies. The question of crime in general and juvenile crime in particular has concerned the general public in many places. It is interesting to note that, despite differences between one society and another, juvenile delinquency is a focus of concern in most cultures. Despite the tremendous differences between the population in the West and the East, between the Near East and the Far East, between the population groups on one side of the world and the other, most of the theories taught regarding the phenomenon of juvenile delinquency are applicable not only in one particular place, something that does not apply to other social phenomena.

Crime may be a problem common to all societies but there are numerous differences in the way societies define criminal behaviour, in the way they measure it and in the way they respond to criminology. Different cultural meanings, concepts and behavioural responses compound the problem of identifying common units of variables for comparison." (1)

The following definition of juvenile delinquency may be quoted:-

Delinquencies are all actions legally proscribed for a child above the age of culpability and below a certain maximum age (16, 17 or 18). If a child engages in the proscribed behaviour the State, acting in place of the parent, is obliged to treat the child. All crimes for which adults are liable, plus many other acts which are prohibited only to juveniles until they reach adulthood, are subsumed under 'delinquency'. Purely juvenile delinquencies include such offences as truancy, incorrigibility, and running away from home, as well as some rather trivial offences such as use of obscene language, street-corner lounging, visiting 'gaming places' and smoking cigarettes.⁽²⁾

It is difficult to understand why we consider the above forms as delinquency, and why boys who have engaged in petty theft, street-corner lounging, or even smoking cigarettes may all be 'treated' by being institutionalised for some period of time. Perhaps these trivial juvenile delinquencies, as distinct from juvenile crimes, are not thought to be particularly threatening to society in themselves, but are assumed to be clear and certain indicators of some existing maladjustment which will, perhaps must, result either in subsequent serious juvenile crime or in adult criminality.

The street-corner lounge, by this reasoning, will probably become the gangster of tomorrow, and steps must be taken now to prevent this from occurring.⁽³⁾

It is interesting to note that historically this consideration of concern and fear for the future appeared even in the Bible and this idea was expressed thousands of years ago. When the Bible spoke of a stubborn and rebellious son, the commentators on this verse stress that in reality there never was "a stubborn and rebellious son", and when surprise was expressed over the meaning of the death penalties which, on the face of it, seemed to be extremely harsh for a youth who "did not obey his mother and his father", the commentators

stress that this youth "would eventually rob people and consume the wealth of his father".

It is worth mentioning that this Chapter dealing with juvenile delinquency relates mainly to juvenile crime as it is found in most civilised societies, crime being simply defined as any act that contravenes the law of the State. We shall refer below to those widespread criminal phenomena among youth and shall find that the same phenomena of contravening the law appear again and again in most countries of the world.

The fact that crime appears to have increased steadily over the years in most countries is, of course, reflected only in the criminal statistics. It must, therefore, be a tentative conclusion for improved methods of collecting criminal statistics as well as improved police services imply that a greater number of criminal offences are identified and recorded. But not all criminologists believe that the increase in reported crime is due only to improved methods of detection and police surveillance. (4)

The greater the increase of juvenile delinquency throughout the world, the greater the need for improved and more efficient remedial services to treat such youths. It is a striking fact that throughout the world remedial services to treat the adult criminal are being reduced in comparison to the great number of services to prevent or limit the activities of the juvenile delinquent. One may think that the services for the juvenile delinquent could serve to give direction and

be indicators for dealing with the adult criminal. The juvenile delinquent, like any young person, can be re-educated by a correctional process and helped to develop further along acceptable lines. Society in general, and its institutions in particular, share the responsibility and the obligation to develop the delinquent and to create the instruments and the conditions for growth that enable him to develop properly. The relative paucity of preventative and rehabilitative measures for the adult criminal as opposed to the many efforts designed to maintain and punish him are all influenced by one fact: society develops an attitude of fear to adult delinquency whereas it adopts an attitude of educational concern and a sense of responsibility to the juvenile delinquent. The fear the public has of the crimes of the adult leads it to self-defence, seclusion, and a desire for revenge. On the other hand, society regards the period of adolescence as a moratorium in which the youth is not obliged to give. He receives assistance from the society and the adult generation, and in return they expect him to "give back" when he grows up. The juvenile delinquent also benefits to some extent from this credit. The attitude to the adult criminal is different. Very seldom does the public show sympathy with the adult criminal because of his tragic past, his appearance etc., as it does with juvenile delinquents, whatever their offences may have been. (5)

One of the questions that has always been of concern to legislators was the age at which the full or partial criminal responsibility of a young person begins. Age is not the only factor in limiting criminal responsibility. Other factors exist, such as mental retardation, psychological disturbance, etc. The matter of criminal responsibility in various parts of the world and the historical approaches that were once current regarding juvenile delinquency will be discussed briefly in this chapter.

The outstanding feature of past treatment of juvenile delinquents, and the one most worthy of mention up to the beginning of the 19th century, was its harshness and strictness. There was little difference between the types of treatment meted out to the juvenile delinquent and the adult criminal. It is interesting that not only criminals were faced with harsh and cruel attitudes. - Relations between superiors and subordinates, and the attitudes of, for instance, doctors to patients, were characterised by actions that caused physical pain to others without any great concern about this fact.

Various historical documents reveal very harsh conditions encountered by young boys exiled to colonies abroad along with adult criminals. In his comprehensive work "Juvenile Offenders For A Thousand Years: Selected Readings from Anglo-Saxon Times to 1900",⁽⁶⁾ Wiley Sanders gives a moving description of the transportation of a number of young

convicts by the British authorities to overseas colonies. The prisoners included 37 youths between the ages of 7 to 15.

The approaches to juvenile delinquents between the 17th and the 19th centuries can be linked with social philosophies that were popular at that time. It is possible to identify three main views that determined the policy of treating juvenile offenders in that period:

1. The moralistic view
2. The philanthropic view
3. The economic view.

According to the moralistic view, criminality is an effect of poverty, and poverty is a punishment for immoral living, lack of restraint and control, and for being unwilling to make an effort and to work. According to this view the problem could be remedied only by religious preaching. A man who lacked strong religious faith was likely eventually to become a criminal. Treatment of the criminal was harsh and painful and would eventually, the proponents of this view hoped, bring the criminal to mend his ways.

The philanthropic view was also rooted in religious elements, but, in contrast to the previous view, which neutralised the environment as a factor in criminality, this view lent weight to environmental factors. According to this view

man is born pure and good and it is the environment that leads him to deviate from the right path, but that same environment can also reform him. This concept lies behind the establishment of reform schools, which were originally established at the beginning of the 19th century when this view was dominant. It should also be mentioned that during this period people became increasingly conscious of the need to distinguish between the adult criminal and the juvenile delinquent.

With regard to the third approach, the economic approach, one must refer to the theory of Kirschenheimer in his book, (7) "Punishment and Social Structure" in which he states that punishment methods are a function of the supply and demand of manpower in the labour market. The economic approach lays stress on making the criminal productive, and this has led to the establishment of workhouses for criminals and other types of needy people.

All these theories have the fact in common that criminality in general is a phenomenon that characterises the poorer classes. They pay no attention to criminality among the "haves". White-collar crime is hard to explain by any of these three views and originally criminality among the "haves" was regarded as an act of apostasy. Here one must point out that this phenomenon of white-collar crime increases to the same extent as the development of modernisation

in the industrial and sophisticated world. The reasons for this will be discussed later together with the reasons suggested in a theory to explain the phenomenon of juvenile delinquency. This fact, however, forces one to realise how right the mediaeval philosophers were in saying that man had to choose the path of moderation, and should not be either excessively rich or excessively poor.

Much of the scientific research into the phenomenon of juvenile delinquency has concentrated on trying to find its causes. Frequent efforts have been made and much research done by scientists, social leaders, and social ideologists of one form and another to explain the origins of the problem. Various methods have been proposed to investigate the causes of juvenile delinquency, and various theories propounded to explain it.

It is hard to say exactly which theory is correct and precise; indeed, it may not be possible to speak in terms of "correct or incorrect" in referring to this phenomenon. Various theories examine the problem from different viewpoints of differing societies, explain various phenomena differently, and even differ from one another in structure, i.e., there are theories that concentrate on one element, others on many elements, and some that attempt to build by relying on both.

Due to the fact that most theories contain a number of elements, each theory, though like some others in certain respects, is unlike them in other respects. (8)

The various theories cannot be given in great detail here, but an attempt will be made in this chapter to summarise the essence of the wide variety of differing theories and then to consider the scope of the problem as it is found in various places.

We shall first consider the three categories mentioned above of theories explaining juvenile delinquency.

The proponents of the single element theory emphasise one variable as the main factor in causing the phenomenon, e.g. poverty, mental retardation, the crisis of adolescence, mental disturbance, etc. While it is true that those who support this theory feel they have a greater command of the phenomenon studied and have a fair degree of expertise in the subject, the danger exists, on the other hand, that the broader this specific concept is, the less it is defined and the greater its complexity.⁽⁹⁾

The multi-element theory refers to various causes leading to juvenile delinquency. This theory has as its premise that juvenile delinquency is the result of the simultaneous or continuous action of a variety of factors and causes. One of the first studies that propounded the multi-element theory was that of Cyril Burt, published as early as 1925.⁽¹⁰⁾ By comparing a group of delinquents with non-delinquents, the author sought to identify a significant difference between the

two groups, on the assumption that the differences found would be the causes of the phenomenon. Among his findings that distinguished between the two groups one may mention a lack of discipline on the part of the parents, particular instincts among the delinquents, morbid emotional conditions, mental retardation, broken families, the wrong friends, poverty, physical weakness, etc. Despite the large number of variables in this study there are certain problems in accepting some of the findings, which are rather general, judgemental, and are more complex than the study has assumed them to be.

In contrast to this causal structure, the comprehensive study of Karl Frankenstein should be mentioned.⁽¹¹⁾ Frankenstein also points to a combination of various factors as causes of juvenile delinquency, but, as distinct from Burt's study, which isolates each component individually, with Frankenstein the various elements operate not only alongside one another but following one another. Let us take for example the element of family unity. The death of a parent is a shattering experience of itself which requires fundamental work with the bereaved child. To this must be added the stage of development of the child, and let us assume he is adolescent. In addition one cannot ignore the nature of the relationship between the child and the deceased parents and the disturbance the death of the parent causes to the other family members and their conduct. In other words, Frankenstein sees the

phenomenon being created from a configuration of various causes and regards it in a far more complex manner.

In moving from the structure of the various theories to details of the theories themselves, they should first be divided into two main types : theories that lay stress on the individual and theories that lay stress on society as the cause of delinquency in the individual.

The starting point of studies emphasising the position of the individual is primarily psychological. The focus of interest is the individual, his personality structure, and the experiences from his past that shaped his personality in the usual stages of development and that created this particular person who has deviated into delinquency.

Any act we can think of could have turned out differently if some other person had stood in the actor's shoes, or if the situation had been in some respect different. The question of explanation resolves, essentially, to : 'What sort of person would do this sort of thing?'. We may call such theories, in their more extreme forms, 'kinds of people' theories. The central task of such theories is to devise a classification or typology of personalities of which type has a propensity to certain kinds of behaviour."⁽¹²⁾

Before dealing with the various psychological theories, reference should be made to psychological theories which attempt to explain criminality as being caused by a particular physical build. Although in the previous century great

reliance was placed on these theories, they are not widespread today. The best known of these authorities was Lombroso, who analysed the skulls of criminals, maintaining that the source of criminality was the degenerative nature of the individual. This degeneration, in his view, was illustrated primarily by the skull structure. Primitive man, the insane, and the epileptic were degenerate in this sense. In his book Lombroso identifies criminals according to hereditary biological factors. Early man was a criminal from birth and among savage creatures criminality is nothing exceptional. Even at present, children who have not undergone moderating processes and been educated are criminals and morally deficient. In his view the criminal is characterised by a particular physical build and is the barbarous remnant in human development. It is interesting to note that in recent years some studies, such as the work by Richard G. Fox,⁽¹³⁾ have found a relatively high percentage of an XYY chromosome structure among violent criminals, as against a single Y among non-violent criminals. On the other hand, it was found in one 1972 study in Guinea that among 140 youths in an institution for juvenile delinquents, only two had an XYY structure.⁽¹⁴⁾ This conclusion, of course, is unlikely to lend greater weight to this element from among the other criminogenic elements.

Many investigators regard the main cause of criminal behaviour among youth as a result of a particular personality structure.

Most juvenile delinquents are children with what is known as an anti-social character structure. In her book "The Psycho-Analytical Approach to Juvenile Delinquency"⁽¹⁵⁾ Kate Friedland relies on the psychoanalytical theory that identifies three elements in the self: Id, Ego and Superego. The ego is too weak to restrain or refine the instinctive ego and the fundamental weakness of the ego becomes even more pronounced as it is not supported by the superego. The superego, the source of moral judgement, has not yet become sufficiently independent to reinforce the ego without the assistance of external elements of authority such as parents, educators, police. The delinquent child may be able to distinguish intellectually between right and wrong but this moral judgement does not bind him as the superego has not absorbed the instinctive power of the id. If we take for example the case of vagrancy, the majority of children like to go outside their homes. The healthy child does this before school or in his free time, but the child with criminal tendencies does so during classes owing to the weakness of the superego.

If, for example, this explanation is applied to the use of narcotics and drugs: In terms of personality structure, one may say that the potential addict suffers from a weak ego, an inadequately functioning superego, and inadequate masculine identification." ⁽¹⁶⁾

This psychological explanation of the phenomenon of criminality can be summarised in the following words:

Three elements contribute to the creation of the anti-social character structure, which takes the form of an inability to withstand one's desires and a lack of regard of the consequences of that conduct. The impulses of the id are not worked through, the weaknesses of the ego and the lack of independence of the superego are three inter-related elements.(17)

Most psychologists from the various analytical schools, relying on the three-dimensional personality structure, regard as very significant a weak ego or defects in the functioning of the ego in its interaction with the id, the environment and the superego. In the face of a tempting environment and an aggressive id, the weak ego is unable to delay or refine the impulse to satisfaction. There have of course been many attempts to explain at least some criminal conduct as being a result of neurotic conflict which is caused by a strong and aggressive superego.

The conflict between the id and the superego, for example, with regard to forbidden and unconscious desires for illicit sexual intercourse, takes the form of an impulse from the id for satisfaction while the superego forbids it. This conflict is felt in the ego in the form of guilt feelings expressed in anxiety and depression. In such a case the criminal act is primarily an outward expression, an outward symbol, of an internal conflict. The "functioning" of the criminal act in the framework of the internal personality system is to arouse hostile responses from the environment, e.g. to bring about punishment or ostracism, in order to ease the burden of the

guilt feelings, by finding an alternative for guilt. This type of criminal conduct, neurotically based, is frequently characterised by an internal need to repeat the deed again and again; the relief gained by the punishment is not continuous due to the fact that the internal conflict is continuous. At times, and in more frequent cases among juvenile delinquents, the obsessive neurotic character of the criminal is revealed by leaving clues that lead clearly to the offender. He almost invites his exposure and punishment. Sometimes the neurotic criminal symptom is accompanied by non-criminal neurotic symptoms such as insomnia, nail-biting and bed-wetting.⁽¹⁸⁾

Psychologists tend to regard the nature of the emotional link between the mother and the baby from the very outset as highly significant : "Generally speaking we may say that the causes of his criminal conduct may be found in his parents, in particular in the emotional approach of his mother to his first instinctive expressions".⁽¹⁹⁾ Other investigators regard the type of supervision the child received from his mother as important without laying particular stress on the first childhood age or the emotional aspect. Robert Andry⁽²⁰⁾ stresses in his studies that "the main difference between the criminal and the non-criminal is the type of supervision the child received from his mother." Most investigators attribute a dominant and vitally important role to the function of the mother in the development of the child although it should be

mentioned that at least one investigator maintains that "the role of the father is very significant in the etiology of crime while the role of the mother is doubtful".⁽²¹⁾

In a study on a particular kind of juvenile delinquency, acts of indecency, i.e., sexual attacks by adolescent boys on girls, a connection was found between this criminal conduct and aggressive fathers of these youths who undermined the sexual confidence of their sons and their sexual identity by their violent conduct.⁽²²⁾

Adolescence is a most significant developmental stage in the appearance of criminal conduct. The ages 13 to 15 are well-known as a critical age in regard to most criminal cases. Many studies show particularly high percentages of criminality in this age group. The problem is increasing in these age groups as a "certain kind of personality is confronted with certain kinds of demands -- demands that arise or are intensified when the person moves from the status of 'child' or 'kid' to that of 'man' or 'adult'."⁽²³⁾ Various investigators have attempted to find a connection between the crisis of adolescence and the frequency of crime both among boys and girls.

One of the best known studies was undertaken by Erikson⁽²⁴⁾ in which he describes the crisis of adolescence in the following words:

Growing and developing youth, as they face the physiological revolution they are undergoing, now appear to be involved primarily in what they seem in the eyes of others rather than what they feel they are, and in the problem of how to connect former skills and roles with those now. In the search for a new consciousness with regard to continuity and sameness they must fight some of the battles from earlier years and project the role of enemy onto people who in fact have the best of intentions...

The danger at this stage is role fragmentation. With this stage being based on even earlier serious doubts regarding their sexual identity, cases of criminality and psychosis are not exceptional...

The problem of frustration among adolescents is well known. On the one hand they feel they are adult and that they belong increasingly to the adult world. On the other hand, they are still treated in the home as they were previously, i.e., with the attitude of a parent to his small irresponsible child; the child upon whom one cannot yet rely. This frustration makes the adolescent wish to prove himself demonstratively as a real adult and the way to criminality and to a clash with the law is not at all far off.

The writer can recall many cases from his work as a juvenile probation officer of young people aged 13 to 15, who linked up in a variety of ways with groups of older youths, and who stood out in these groups as the ones who carried out the most daring and dangerous crimes, purely in order to be really accepted in the older group. In many of these cases it is clear that one has to find the reason why these youths follow groups older than themselves and in this way it is possible to

discover many reasons for the problematic transition to the age of adolescence, and indirectly a variety of causes that led the youth into criminal conduct.

Many psychological studies have shown the changes that occur in his group relations. The family, which is the central relations group for the child in the age of latency, loses its centrality and is replaced by his contemporaries. From "my father" as opposed to "your father" in the age of latency, the youth comes to "my friend" as opposed to "my father" in the age of adolescence. The tendency of adolescents to link up with other youths and groups of their own age is well known, a phenomenon which is not widespread in earlier age groups. These groups constitute a central basis and background for criminality, in many cases for gang crimes but later also for individual criminality using skills acquired in committing crimes with the gang.

Widespread phenomena during adolescence are drug-taking and alcoholism. Among the studies of these problems, mention should be made of the work by Chein & Rosenfeld⁽²⁵⁾ who note that the age of 16 is one of exceptionally high susceptibility to involvement in drug use. They note also that this is the age which in our society is often perceived as a stepping stone towards adulthood.

We know also that the spread of drug use in delinquent gangs tend to be associated with the break-up of the gang at the time when some of the healthier members begin to be concerned with the pleasures and responsibilities of adulthood. Until then, the activities of the gang -- rumbles, fights, hell-raising, competitive sports, offer to members and hangers-on a measure of shared status of security, and of a sense of belonging. But as the group grows older, these joint activities are given up as 'kid stuff', and the maturing youngsters develop more individual concerns about work, future and 'steady' girl.

Before leaving the personal, individual factors that cause a youngster to be involved in the juvenile delinquency, and move on to the social causes and the various sociological theories, stress must be laid on the substantive difference between the criminality of girls and boys. Girls are drawn into criminal conduct mainly as a consequence of personal, individual causes relating to them rather than to environmental factors. The work of the Israeli investigator, Yona Cohen,⁽²⁶⁾ may be mentioned here. He stresses that it is wrong to assume that the decline towards prostitution begins with dropping out of school. In his view, dropping out of school often comes after the decline. The family background at times "assists" in the sexual experience of the adolescent girl, arousing harsh responses in the home, responses that may accelerate the process of decline.

As has already been pointed out, it is impossible to overlook the various factors that influence the specific personality of a youth who tends to criminality. One of the most

important factors is the environment in which he grew up. The class division that exists in most societies, and particularly in Western society, brings about a residential environment that is usually characterised by the status of the people who live there. It is nowadays very rare to see dire poverty and great wealth together in the same residential area. In the past, and today as well, the phenomenon of a high concentration of criminal elements in an area of poverty was widespread due to factors which will be dealt with later. But it is impossible nowadays to point to an increase in the number of criminals from affluent areas populated by rich people. There is a criminality of the "haves". As a probation officer in Israel, the writer encountered a number of schoolboys, the children of very wealthy families, who turned to crime because of their inquisitiveness and search for excitement. Many factors contributed to this -- the boredom and monotony of their lives, which lacked challenge and were over-protected; the lengthy and frequent absences of parents from their homes for business or other reasons such as hectic social lives; and not least the poor marital relations between the parents, the stability of whose lives were undermined by their great wealth. The sages warned thousands of years ago: "the more property, the more anxiety".

It is common knowledge that there is a positive association between large families and lower social class. In most cases

poorer families live in very small homes with many children crowded into each room. These families clearly lack proper, or anything like ideal, conditions for bringing up and educating their children. One of the ways of finding luck and success is by leaving home, simply to wander the streets, which after a while readily leads to a clash with the law.

It should of course be pointed out that belonging to a large family does not necessarily mean descending into crime. Many cases are known, in many communities, of poor and large families whose children all grew up without blemish or clash with the law. One should particularly appreciate the head of the family in these cases who manages to educate the children to be law-abiding despite adverse environmental conditions.

Here one should refer to the theory of Albert Cohen,⁽²⁷⁾ who explains at length the connection between social class and the emergency of juvenile delinquency. He endeavours to connect several findings : the increase of the poor, the increase in adolescents, the minority of girls in juvenile delinquent gangs. In addition, he refers in his theory to the special nature of the criminal acts, which are "not useful, and are done through negative hostility". Albert Cohen talks of the establishment of a sub-culture and points to ways in which it is created. The following, according to Cohen, are the stages and conditions for joining in crime.

1. The process of adolescence of a youth in a poor area differs from that of a youth from the middle class. The youth from a poor area grew up in conditions of a lack of cultural unity. The values are presented to him by the other society, yet they do not enable him to attain satisfactory status within it.
2. A youth in a poor area feels "class frustration" as part of his environmental-family education from his earliest childhood. The central images in his environment transmit this frustration to him..
3. The values and behaviour patterns he acquires in his environment have an adverse effect on his ability for achievement in the social framework of the middle class. A lower class youth who comes into contact with middle class youths is aware of continual frustration and from the very outset feels he is a failure unless he has a very strong personality which enables him to contend with continual frustrations and to achieve
4. One of the main problems that increases the social gap is the fact that achievements are measured by the criteria of the middle class. The youth is measured in accordance with these criteria and he tends to measure himself and others by them..

5. The development of the sub-culture serves as a form of substitute, which makes a partial "severing of relations" possible, at least from the frustrating world of the middle class. The aggression and violent behaviour in criminal acts, which appear irrational, may be expressed freely and in a liberating manner without causing any pangs of conscience.
6. Through a negative, hostile sub-culture and without any particular purpose, he embarks on a kind of counter-attack. He is the aggressor instead of the victim. The very denial of the values of the broader society for him serves as the criterion for the increase or lower status of his friends.

The violence that characterises the juvenile delinquent from the lower classes is nourished both by the "class frustration" seeking an outlet and by the lack of restraint on impulses breaking out, which the youth of the middle class absorbs from earliest childhood. Violent expressions are common in poor areas and their meaning differs from that among the middle class.

In contrast to the theory of Albert Cohen who explains the creation of a "criminal sub-culture", it is interesting to present the theory of Walter B. Miller,⁽²⁸⁾ who regards poor neighbourhoods differently. There is a poverty sub-culture

in society with patterns of responses, values, norms, of its own, all of which differ in many ways from those of the middle class. These all give the individual a framework in which to relate, a behavioural model and even support in time of crisis. In order to ~~carry out and reach~~ a position of status in his environment, the youth has to develop abilities and behavioural patterns based on the values that are functional in his environment. Some behavioural patterns are not functional in poorer areas, but only among the middle class. Other behavioural patterns are unacceptable to members of the middle class and only acceptable to members of the lower class. Members of the lower class have a generally fatalistic philosophy. A person is "lucky" or "unlucky". This view accounts for the fact that members of the lower class do not develop the orientation towards achievement that is so important to the middle and upper classes. It also makes the youth want to be independent. He has no ambition for academic or business achievement, and he thinks only of the necessity to satisfy his immediate needs. This brings the youth closer to criminal acts which may begin with a desire to prove his "manliness", his "cleverness" in mischief, and his great cunning, and in this way to show himself to his contemporaries as a daring, interesting person -- characteristics that make him very important. In Miller's view, the juvenile gang in the poor neighbourhood is a product of the poverty sub-culture and the juvenile delinquent is integrated into the values of this sub-culture.

In considering criminal conduct we cannot overlook the various defence mechanisms characterised by strong, unrefined, and unrepressed impulses. These aberrations are called psychodynamic mechanisms, mechanisms of adjustment or mechanisms of defence.

They do their work mostly by concealing from the actor his unacceptable wish. Therefore the actor doesn't know, and resists exposure of, the "true meaning" or function of the act. If he knew why he did it he would again stand face to face with his unacceptable wish.

The mechanism of displacement or substitution allows some expression to the unacceptable wish, but neutralizes the anxiety or guilt that would otherwise result by substituting for the target or even the form of the act some other target or form that on an unconscious level means the same thing to the actor.

A special case of an unconsciously intended side effect is the unconscious need for punishment. The unconscious invites punishment and thereby alleviates guilt resulting from some prior behaviour, or from a forbidden wish. (29)

The main concept in this theory is "reaction formation". This defence mechanism is characterised by a strong, unrefined, and unrepressed impulse. The impulse is restrained only with difficulty by the opposite conduct of what it originally required. The demonstrative nature of this opposite conduct is marked by its exaggeration; it is accompanied by emotion

and is unwilling to expose the initial impulse concealed beneath it due to a firm conscience.

For example, various forms of goodness may be construed as reaction formations against nastiness, kindness against unconscious sadistic impulses, generosity against stinginess, love against hate, sportsmanship against envy. Ordinarily, however, we do not interpret socially acceptable behaviour in these terms. We are most prone to such explanations in everyday life when, for one reason or another, we wish to disparage a person. To attribute his behaviour to the operation of a psychodynamic mechanism is to imply that it is not the free and spontaneous expression of goodness of heart, that it does not mean what it seems to mean, that there is something "compulsive about it, that it is slightly 'sick'." (30)

Before dealing with the findings on juvenile delinquency in statistics both in South Africa and Israel, reference should be made to the concept of anomie, which means a social state lacking organisation and a framework, and in this context to refer to the theory of Merton⁽³¹⁾ and of Cloward and Ohlin:⁽³²⁾

Merton makes use of three major concepts in his theory:-

- (a) "Culture goals", i.e. the wants or aspirations learnt from a culture -- these are one aspect of the "culture structure"

- (b) The norms prescribing the means that may legitimately be employed in pursuing these goals -- these norms are a second aspect of the culture structure
- (c) The actual distribution of facilities and opportunities for achieving the culture goals in a manner compatible with the norms -- these are the institutionalised means and are an aspect of the "social structure", the objective conditions of action.

The actual sense of frustration, despair, injustice and a general feeling of strain does not depend on any one of these, but on their interrelationship.

The interaction of these three variables determines the distribution of "socially structured strain". A disjunction of goals and institutionalised means, and the consequent strain, lead to a weakened commitment to culturally prescribed goals or institutionalised means, i.e., to a state of anomie. Merton specifies the ways in which a youth can logically adapt to this disjunction: by accepting or rejecting the culture goals or the institutionalised means. Their reaction to the one does not necessarily determine their reaction to the other. The disjunction can have four results :

- (a) Conformity together with innovation
(professional thieves and white-collar criminals), adhering to the goals but rejecting the prescribed normative means;
- (b) Ritualism (bureaucrats slavishly following the rules without regard for the ends for which these rules were designed) making a virtue of over-conformity to institutionalised norms at the cost of under-conformity to culturally prescribed goals;
- (c) Retreatism (tramps, chronic drunkards, and drug addicts) withdrawing from the "rat race" by abandoning both goals and means;
- (d) Rebellion (members of revolutionary movements), withdrawing allegiance to a culture and social system deemed unjust and seeking to reconstitute society anew, with fresh goals and means of attaining them.⁽³³⁾

Merton's approach to deviance does not focus on individual characteristics but on the positions occupied by individuals in the social system. This theory is clearly radically sociological in its approach.

Cloward and Ohlin linked cultural transmission, rôle theory, and anomie traditions in a rather different way. They

note that Merton speaks at length on the sources of strain and the variety of possible responses, but says relatively little about the determinants of the various responses.

The concept of "illegitimate opportunity" is an attempt to remedy this deficiency.

Not only are legitimate opportunities differently distributed in the social structure, but opportunities to achieve cultural goals by illegitimate means are as well. They assume that deviant responses typically take a sub-cultural form but whether a deviant sub-culture will arise and what form it will take depends on the position of those who are subject to strain relative to the structure of illegitimate opportunities. This structure consists largely of the opportunity to learn, to practice, and to perform deviant rôles.

Delinquent sub-culture, according to Cloward and Ohlin, typically takes one of three forms: the criminal, the conflict, and the retreatist.

The first emphasises orderly, disciplined, rational activity oriented towards economic gain. The second lays stress on violence and gang fighting, and the third, drug use and other 'kicks'. (34)

It should be mentioned that Cloward and Ohlin's theory is noteworthy due to its popularity, and to the rehabilitation programmes and projects that grew out of its ideological basis. This was a result of its persuasive force. Another contributing factor was the fact that the main ideas of the theory

suited the thinking at the time of the various social struggles taking place when it was first presented : the discovery of poverty, and the sharpening of the struggle by Blacks for various rights at the end of the 1950's and beginning of the 1960's in the United States.

The various programmes developed as a result of this theory endeavoured to change the number of legitimate possibilities for youth from poorer areas, while opening new institutions and organisations that equipped the youth from the poor areas for legitimate alternatives previously closed to them.

Following the theoretical review of the motives and causes of juvenile delinquency, we shall attempt to examine the phenomenon as it occurs in Israel and South Africa. We have relied mainly on published Government statistical sources in both countries, but it should be pointed out that in South Africa there are very few statistical data and they do not distinguish between adult delinquency and delinquency by minors.

Two additional factors which have not yet been mentioned are very significant when considering juvenile delinquency, particularly with regard to Israel. These are :

- (a) Migration as a cause of juvenile delinquency
- (b) The lack of religious belief as a cause of juvenile delinquency.

These two elements are particularly significant when combined with the two previously mentioned as contributing to juvenile delinquency, i.e. poverty and excessive affluence.

Israel is well-known as a country that absorbs new immigrants from all over the world.

The flow of Jewish immigration to Israel has been almost continuous since the beginning of the century. Mass immigration greatly increased after the creation of the State of Israel in 1948, but even before then the Jewish community in the country comprised mainly immigrants. Immigrants to Israel after 1948 can be divided into five periods:

- 1948 - 1951 : mass immigration;
- 1955 - 1957 : renewed immigration, particularly from Europe and North Africa;
- 1957 - 1965 : decline of immigration; (35)
- 1965 - 1980 : renewal of immigration, particularly from the U.S.A., Europe, South Africa and the U.S.S.R.

The majority of young delinquents in Israel come from oriental families, most of which came to Israel from North Africa between 1952 and 1957. They belong to the "Maghrebite" community. As a rule, their ethnic and cultural background was quite distinct from that of the other Jews. Their general cultural, economic and educational standards are relatively lower than immigrants to Israel from other countries. The clash between the culture, codes, norms and values of these immigrants and those of the receiving community causes a relative increase in the crime rate among them. The criminality rate among European and American immigrants is very low, due to the similarity or relative closeness of their general cultural and educational standards to those of the receiving community. (35)

One can also point to the existence of a cultural tradition among the African immigrants of settling disputes by violence, a method of "self-help" which may have been more or less accepted conduct in their countries of origin.

Mention should be made of the fact that the main problems of culture conflict with respect to crime and immigration appear with the second generation. Those who came at a very young age are more prone than others to suffer from the effects of their parents' immigration. The conduct norms of their parents usually diverge from the prevailing norms in the receiving country. The integration process may also harm and sometimes shatter the social and economic status of the head of the family. Together with the other effects of the integration process, this may weaken the cohesion of the family unit, thus hindering family control over the young. The oriental Jewish father, however poor, is always a very powerful pater familias. When he comes to Israel, however, the different social conditions may prevent him from exercising his former status to the full. He may be given a job not to his liking. The different living conditions may destroy his previous convictions, leaving him in a state of confusion which prevents him exercising proper control over his family. The youngster may also realise that his father is not the powerful patriarch he was supposed to be; on coming home from school, for instance, he may see his father using an ink-stained thumb to sign a document. All these factors probably make the children of immigrant parents more susceptible to the so-called "street culture" and juvenile delinquency. (37)

The majority of young delinquents in Israel today are second and third generation immigrants of this kind. There are also many young delinquents who have recently come from some areas in Russia and who face the same problems as the oriental youth.

In addition, there is an increasing number of young delinquents today from wealthy families, i.e. families that are usually referred to as "good families". These young people become delinquent for the sake of adventure and after a short while they do not know how to break out of the vicious circle. In many cases they also meet delinquent boys from other groups, such as the children of North African immigrants, who regard it as an achievement to get the "good boys" on their side.

One of the main reasons in Israel today for the delinquency of young boys is the lack of religious values and religious education. Many are looking for something in which to believe and to strive towards. Among children from religious schools there is a very low percentage of juvenile delinquency and virtually no cases of boys or girls taking dagga or stealing cars and the like on the Holy Sabbath.

The statistical evidence of juvenile delinquents who are referred to probation officers in Israel shows that 10,172 boys committed an offence in 1977, 5% more than in 1976. (A juvenile delinquent in Israel is either a male or female offender between the ages of 12 and 18.) In general, every third delinquent boy is aged at least 17. The percentage aged between 12 and 14 decreased between 1975 and 1977 from 48% to 29%, but for those aged between 15 and 16 the

the percentage rose from 48% to 55%. This means that the population of delinquents is older than it was -- children are older before they commence a life of delinquency.

It must be pointed out that in 1977 81% of the Jewish boys who committed offences came from an African or Asian background and 13% from a European and American background. 21% of the boys were at least two standards behind their contemporaries in school; 9% of the 13 - 14 year old boys had not completed 5-6 years of schooling. 24% of the boys aged 15 and over had not completed 7 years of school. (These figures relate to Jewish and not Arab boys.)

As previously mentioned, there is not much statistical evidence available of juvenile delinquency in South Africa. Criminal and penal statistics in South Africa are published by various official agencies, including the police, prison services, and the Department of Statistics.

Unfortunately the statistics in the report of the Commissioner of the South African Police are neither detailed nor comprehensive. The reports are intended to provide information about police activities generally and not specifically to analyse crime statistics in the country.

The reports of the Department of Statistics are, on the other hand, most comprehensive and detailed, but appear only several years after the period to which they refer. It should be noted that, for the purposes of classification and analysis, crime statistics in South Africa are grouped into several categories. The first major classification distinguishes between "the more important economic-sociological offences", in the words of the Department of Statistics, and other contraventions of the criminal law of a less serious nature. The more serious contraventions are referred to as "offences." Contraventions in the second group are referred to as "law infringements."

Careful examination of the trends of juvenile delinquency in South Africa reveals no great difference between South Africa and other countries. It is, however, clear that proportionately more adults are convicted of crimes than juveniles are, i.e. crimes committed by adults constitute a larger proportion of all crimes than the proportion of adults in the society. After World War II, the prosecution rate increased steadily until 1963, when administrative modifications of the system of recording and classification reduced the annual rate by approximately two-thirds. In the 1960's the prosecution rate remained more or less constant at the level of 30 per 1,000 and in 1967-68 a drop in the absolute number of prosecutions was recorded. In 1972-73 the overall

prosecution rate dropped dramatically from 30 to 20 per 1,000. The situation today, at the beginning of 1980, according to one of the magistrates in Cape Town, is that juvenile crime is increasing. More juveniles are appearing in the courts every day and, in his experience, "there are probably more youths than adults appearing before the Court."

Again, these data are not clearly given. This is "patchy" information. In the statistics for 1969-70, 8,2% were from the 7 - 17 age group among the entire population and 3,7% for the White population in this age group (the smallest population among all the age and population groups).⁽³⁸⁾

Jack A. Sauerman, in "Juvenile Delinquency Among White South Africans", emphasises that the basic causes of juvenile delinquency among White South Africans are not very different from those in European, North American and other societies.

As a Probation Officer in various centres in the Republic, and in particular as a Court Probation Officer in Johannesburg in the mid-1960's, he found that most children and young people who appeared on charges of criminal offences began their criminal careers as a result of a disorganised and unhappy social and family background.⁽³⁹⁾

Although the rate of juvenile crime among White South Africans is lower than the rate in the Coloured and Black populations, the incidence of White juvenile delinquency is a matter of deep concern, in spite of the strong community and family ties which exist among White South Africans, especially in the rural areas.

The place of religion as a guide to behaviour of White South Africans is well known. Although conservatism and a resultant greater tendency towards conformity act as a deterrent to juvenile delinquency, they are not entirely effective. In the larger cities and cosmopolitan areas of South Africa, the ideals of radically inclined youth cults that challenge authority and conventional religion have, to some extent, been imitated by the young. This has given rise to an increase in a certain type of crime -- particularly the possession and use of narcotics and, of course, in profitable drug peddling.

Mention must be made of the place of alcoholism as a cause of the increase in the number of the offences committed by young delinquents. Since the report of the Commissioner of the South African Police in 1972-73, drunkenness is classified as a "law infringement" and not (as was the case previously) as an "offence".

While the percentage of White juveniles convicted of offences is low in comparison to other ethnic groups, the number is clearly increasing whether, as a magistrate said recently, because of the high cost of living, a lack of parental control or a lack of religious behaviour and belief. Delinquency is increasing more for these reasons than because of poverty, the cause of most cases in Israel.

NOTESON CHAPTER I

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CHAPTER II

PROBATION AND PAROLE

Probation is an essentially modern method for the treatment of offenders and reflects the broader social and cultural trends of today. In the history of criminal policy, the development of probation and related measures is an integral part of the more general movement away from the traditional punitive and repressive approach and towards humanitarian and utilitarian considerations. This modern trend coincides with attempts to prevent crime by the improvement of social conditions and by the development of social services. It is also characterised by the recognition of social rehabilitation of the individual offender as a main object of criminal policy, and the rational selection and development of effective means to this end.⁽¹⁾

The results of probation cannot be predicted. Every probation officer knows of many cases where he asked the Court to place the offender on probation, fearing, on the one hand, that it might be better for society to imprison the offender, but aware, on the other, that imprisonment might destroy all chances of reform or rehabilitation.

Many criminologists have concluded that probation can be very beneficial for the offender but is not always so for

his family, friends, or neighbours, and this is one of the difficulties involved when this form of sentence is imposed.

In "Practice and Theory of Probation and Parole",⁽²⁾ David Dressler defines probation as

a treatment program in which final action in an adjudicated offender's case is suspended, so that he remains at liberty, subject to conditions imposed by or for a court, under the supervision and guidance of a probation worker.

According to N. S. Timasheff, in "One Hundred Years of Probation",⁽³⁾ a new method of treating corrigible offenders convicted of trivial offences was devised in Boston, Massachusetts, in 1841.

It consisted in giving such offenders another chance, good conduct after trial being deemed conducive to definitive release from punishment, and bad conduct being followed up by the imposition of the delayed sentence and by the execution of punishment."

In the booklet, "The Probation Service in Scotland"⁽⁴⁾ prepared by the Scottish Home Department in 1961, we find the statement that "probation is a period of trial, a combined effort to put right something that has gone awry in an individual's life."

Mrs. L. Le Mesurier⁽⁵⁾ in her work, "A Handbook of Probation and Social Work of the Courts", gives the following

definition of probation:

A system of dealing with young persons found guilty of crimes of lesser gravity and especially with first offenders, wherein these, instead of being sent to prison or otherwise punished, are released on suspended sentence during good behaviour and placed under the supervision of a probation officer, who acts as a friend and adviser, but who in case of the failure of the probationer to fulfil the terms of his probation can report him back to the court for the execution of his sentence originally imposed."

This definition shows very clearly one of the difficult aspects of probation and of the probation officer, the question of authority in the functions of the social worker. He has to be a friend of the offender, but the possibility exists that he will also be the person who has to bring him back before the court, sometimes after a long "friendship", if the probation fails, this invoking a severe punishment.

According to this definition, when an offender is released on probation, no sentence is imposed, but if the probationer fails to observe the terms of his probation, he can be brought before the court and punished for the original offence. The definition omits what may be the most important element of probation, i.e., that the offender is released on a recognizance to which he is a willing party. In other words probation does not rest upon the court exercising its powers of

compulsion, but upon a promise by the offender to mend his ways.

Having referred to some definitions of probation, the origin and development of the system should be examined.

The State of Massachusetts shares with England the honour of having given the probation system to the world. During the first half of the 19th century, Massachusetts Judges diligently sought in a variety of ways to render the administration of justice more humane and a favourable judicial climate was thus established for the development of rudimentary "probation" practices.

The beginnings of probation are usually traced to Boston, where in 1841 a bootmaker by the name of John Augustus attended the Police Court in that city and decided to stand bail for a man charged with being a common drunkard. The Court permitted this and the defendant was ordered to appear for sentence three weeks later, by which time he showed convincing signs of reform. Instead of the usual penalty -- imprisonment in the house of correction -- the Judge imposed a nominal fine of one cent and ordered the defendant to pay costs. It is very interesting to read his own story about pioneering the probation system. The intuition of a simple bootmaker and his social worker's sense which the story illustrates are quite amazing.

In the month of August, 1841, I was in court one morning, when the door communicating with the lockroom was opened and an officer entered, followed by a ragged and wretched looking man who took his seat upon the bench allotted to prisoners. I imagined from the man's appearance that his offence was that of yielding to his appetite for intoxicating drinks, and in a few moments I found that my suspicions were correct, for the clerk read the complaint, in which the man was charged with being a common drunkard. The case was clearly made out, but before sentence had been passed, I conversed with him for a few moments and found that he was not yet past all hope for reformation, although his appearance and his looks precluded a belief in the minds of others that he would ever become a man again. He told me that if he could be saved from the house of correction, he never again would taste intoxicating liquors : there was such an earnestness in that tone and a look expressive of firm resolve, that I determined to aid him! I bailed him by permission of the court. He was ordered to appear for sentence in three weeks from that time. He signed the pledge and became a sober man. At the expiration of his period of probation, I accompanied him into the court room. His whole appearance was changed and no-one, even the scrutinising officers, could have believed that he was the same person who, less than a month before, had stood trembling on the prisoner's stand. The Judge expressed himself much pleased with the account we gave of the man ... and the man continued industrious and sober, and without doubt has been by this treatment saved from a drunkard's grave.⁽⁶⁾

The early pioneers simply wished to keep first offenders and minor recidivists from undergoing the corrupting effects of jail. They were volunteers -- Ministers and others -- whose philosophy was that the offender was a deprived, perhaps uneducated person who needed help in adjusting to his environment.

The probation system began in the United States. After the turn of the century, the spread of probation was accelerated by the juvenile court movement. Thirty-seven states had a

children's court by 1910, 40 had also introduced probation for juveniles. By 1925, probation for juveniles was available in every State, but this was not the case with adults until 1956.

As probation services continued to expand, the demand for professionally educated people increased, particularly trained social workers, to serve as probation officers.

In South Africa, probation as a legal provision in the treatment of criminal offenders has its origin in the First Offenders Act, No. 10 of 1906. This Act provides that where a person is convicted of any crime for which capital punishment is not a penalty, and where no previous conviction is proved or known against him, and after the court has considered the youth, character and antecedents of the offender, or the trivial nature of the offence, or any extenuating circumstances under which the offence was committed, the court may, if it is expedient to do so, release the offender on probation of good conduct and, instead of sentencing him to any punishment or treatment, direct that he be released on entering into a recognizance, with or without sureties.

Section 1 of the Act provides that the court must take the offender's age into consideration when recognizance is contemplated as a method of dealing with such offenders. No reference to a definite age limit, however, could be found. (7)

Other legislation followed that had an important effect on the probation system, e.g. the Prisons and Reformatories Act, No. 13 of 1911, the first Act to make provision for the appointment of probation officers and for their remuneration from public funds. This Act was also the first to provide for the establishment or approval of

places such as rescue homes, work colonies and similar institutions to which well-behaved convicts and prisoners may be sent on probation during the latter stages of their sentences. (8)

Over the years probationary services became increasingly juvenile centred and were less frequently applied to adult offenders.

Today probation officers in South Africa work primarily in terms of the Children's Act, No. 33 of 1960. One of the most significant aspects of this Act is

that, when a child or pupil is placed on probation or under the supervision of a probation officer, the probation officer concerned shall be designated by his office and not by the name of any particular person holding the office. In the previous Children's Act no mention or provision for probation was made, either by that name or otherwise, as is now provided by the existing Act. (9)

The Criminal Procedure Act of 1955 states:

Any court in which a person under the age of 18 years is convicted of any offence may, instead of imposing any punishment on him for that offence...order that he be placed under the supervision of a probation officer.

The court is empowered to combine a probation supervision order with a conventional sentence and this is sometimes

done. The decision to use probation supervision is entirely in the discretion of the magistrate, although he may exercise this discretion after receiving a social report and recommendation from the probation officer. It is important to note that the number of children under probation is very low and in his book "Children on Trial",⁽¹⁰⁾ published in 1975, J. Midgely points to this fact and regards it more as a failure of the underlying theory of juvenile justice than of scarce personnel resources.

South African law distinguishes between two different kinds of courts for youth. Children who commit an offence are brought before the juvenile court, and children who are without care and have not committed an offence are brought before the children's court. The juvenile court operates in terms of the philosophy of juvenile justice. It is consequently a criminal court of law and, as is to be expected,

the court is subject to the same restrictions of punitive jurisdiction as the other inferior courts and may only impose a sentence of lesser severity than the higher regional courts of the Supreme Court itself.

While young people apprehended on very serious charges such as murder or rape or serious cases of robbery may initially be brought before the juvenile court, this is usually only for purposes of remand and referral to the higher courts for trial. The remaining cases are dealt with in a juvenile justice setting by the juvenile court. (11)

Because the juvenile court deals only with actual contraventions of the criminal law, all cases before it are referred by the South African Police. The separation of children who have actually committed criminal offences from children who are incorrigible or whose parents are unable to control or discipline them has been clearly established since the early South African Child Welfare laws were passed. A child who has not broken the law cannot be brought before the juvenile court. Frequently a child initially appears before the juvenile court but, due to a number of circumstances, it is necessary to transfer him to the Children's Court. The Criminal Procedure Act specifies that referral to the Children's Court may take place at any stage of the trial (rape or murder excepted) and even after a verdict of guilty has been given. A decision is often taken to transfer a child to the Children's Court at another stage of the trial, after the verdict has been given. This happens most frequently due to the findings of the social reports presented by the probation service.

It is noteworthy that not more than 4% of children appearing in the juvenile court each year are referred to the Children's Court. The child from a deprived background requires welfare intervention more than the child from a stable background. It should be emphasised that on the average White children are referred to the Children's Court six times more frequently than Coloured children. (12)

A possible explanation for this is that many Coloured boys regard committing offences as a way of life, not directly connected to their family situation, while White boys turn to delinquency in most cases due to a bad family situation.

Probation techniques and the ideas behind the system are similar throughout the world. Where differences do exist, they are to be found in matters such as the age limit in various countries, the period of probation, and the construction and authority of the probation service and the juvenile court.

Under a new law passed in April 1977 and dealing with delinquents up to the age of 18, the work of the probation officer in Israel may be divided into two parts, the stage of inquiry in which the probation officer learns the care given to him by the police, and the stage of the probation itself, where the convicted youth is put under probation. A boy or girl committing an offence will be directed by the police to the probation officer, who begins enquiries

concerning the boy, his family, environment, and other circumstances. Upon completing his enquiry, he has the right to suggest to the police whether the child should be brought before the court or the case closed. In most cases the police accept the recommendation of the probation officer.

In court, the probation officer gives his report and also makes suggestions on how the youth should be handled should he be convicted. If the offender is convicted and has to be under probation, he has to sign an agreement in which he agrees to be under probation, and to fulfil all the rules given to him by the probation officer. With regard to adults, the procedure is the same as in South Africa. Before passing sentence the judge asks the probation officer for a report.

Unlike South Africa, there is one court in Israel for youths, whether they have committed an offence or are in unfortunate circumstances without committing an offence. Of all juveniles in Israel appearing before the court, 10% are placed on probation, the period of which varies from six months to three years. The law makes no provision or rules determining the content of probation and does not specify how the probation officer is to deal with a boy or a girl in his charge.

It should be stressed, however, that the probation officer in Israel by law has a great deal of authority in dealing with young delinquents. He is able to do what he thinks best for the young person, and, in over 90% of the cases, the court decides in accordance with his recommendations and report.

Treatment of juvenile delinquency in Israel is based on British law. In 1922 the British mandatory authorities introduced legislation on the treatment of juvenile delinquents for criminal offences. This Ordinance concentrated on two aspects: the punishment of juvenile offenders and probation for juvenile offenders. There were at that time no juvenile courts in the country and the Ordinance was applied in the regular courts. The President of the District Court appointed probation officers from a list of candidates submitted to him by the official communities, i.e. the Jewish and Arab communities, with Arab Christians and Moslems separately. When necessary they were summoned to court and after expressing their willingness to supervise a particular offender, the probation order was granted. These probation officers worked voluntarily. The decisive consideration was that each legally "recognised" community would, as far as possible, care for that community. Such a probation officer was not obliged to give the court any information on the educational or social background of the offender before the probation order was made, nor was he

asked to do so. The rôle of the probation officer was fairly limited. In the main, he was asked to take care of schooling or work arrangements according to the circumstances. On the other hand, after the offender was handed over into the care of such a probation officer, the Ordinance determined his duties, including the obligation to report on the conduct of the offender to the court that issued the probation order.

Only rarely in this period did the judges take steps to issue a probation order, as they were still unfamiliar with the system. At that time there were no proper administrative measures nor institutions for dealing with juvenile delinquents.

The next Ordinance dealing with juvenile delinquents was passed in 1937. This Ordinance raised the level of the legal proceedings and the treatment of juvenile offenders to that current at the time in many Western countries. In due course, this Ordinance served as the basis for the Youth Law passed in Israel in 1971. When the 1937 Ordinance became law, the juvenile Offenders' Ordinance, 1922 was revoked.

The 1937 Ordinance provided for the first time that legal proceedings against juvenile offenders should take place in a juvenile court, although a special framework for this

purpose had not yet been established. It was customary for a magistrate to be assigned as the judge having jurisdiction over juveniles for as long as was required. One day a week was usually set aside, although it would be more correct to say a few hours only, depending on the number of cases that had to be heard. Magistrates interested in youth matters were initially assigned to this task, but there were also some who became acquainted with the problems relating to the hearings of juvenile offenders and became interested in them.

The 1937 Ordinance provided for the first time the possibility to release a child who had committed an offence, without any punishment. This possibility exists today as well and is used primarily where it is necessary to bring the child to court and this is a sufficient deterrent without any intention of punishing him. From the writer's experience as probation officer he found that this possibility of "punishing" a child by bringing him to court has a most significant educational value.

The 1937 Ordinance retained the age groups determined in the 1922 Ordinance, and these were used until October 1, 1975. There was, however, a new element in the definitions of the various age groups that limited the jurisdiction of the juvenile court in various ways, i.e. "a child" meant a person under the age of 14, "youth" from the age of 14 but under 16, "adolescent" meant a person from 16 and under the

age of 18. It may be said that the rules of procedure in the juvenile court applied to all the accused tried there, while the jurisdiction of the juvenile court regarding treatment methods did not extend to girls above the age of 16. They had to be treated as adults, i.e. by punishment. It was, however, possible to issue an order placing a person in an institution and a probation order.⁽¹³⁾

Today, however, there is no discrimination between "a child", "youth" and "adolescent". According to the law of 1977, a child who commits an offence can be brought before the juvenile court only if he is not under the age of 12 and not more than 18. There is no difference between a boy or a girl. If someone commits an offence over the age of 18, his case must be heard by the adults' court and not by the juvenile court.

It is interesting to note that, in terms of the 1937 Ordinance, paid probation officers were appointed for the first time, but they were available only to the juvenile court. Section 9 of the Ordinance, which made provision for probation, provided that a probation order could be given only with regard to people tried in a juvenile court. In the same year the law was also amended in South Africa empowering the Minister to appoint probation officers whose duties were clearly defined.

In 1944 a further Ordinance was enacted in Palestine amending the 1937 Ordinance.⁽¹⁴⁾ It went beyond the limits of the juvenile court, providing that a probation order could be issued in respect of any person, even an adult. In other words, probation in Israel may be said to have started with juveniles and was then extended to adults. The position seems to have been the other way round in South Africa. P.J.H. van den Berg, writing in 1970, suggests that emphasis had been shifting, where probation was concerned, from adults to juveniles.⁽¹⁵⁾

With the establishment of the State of Israel in 1948 the punishment of whipping was abolished. This had been among the punishments mentioned in the Juvenile Delinquents' Ordinance of 1937. In addition, many substantive changes were made in the light of experience gained over the years.

One of the significant changes was, for example, that a probation order was no longer classed as one of the punishments available to the court. This was a logical step as it had already been held that a probation order could be issued with or without a conviction. If there can be probation without a conviction then it is not a form of punishment. In addition the section of the 1944 Ordinance was repealed that provided that where a woman or a girl were made subject to the supervision of a probation officer she would be under the supervision of a female probation officer.

Experience has shown that it was sometimes essential for treatment purposes to appoint a male probation officer and not a female.

The first Israeli law dealing with juvenile delinquents came into operation in 1971. This law determines the jurisdiction of the juvenile court with regard to procedure, punishment, and methods of treatment, and lays down the exclusive procedure that has to be followed in treating juvenile delinquents. In principle one is talking here of criminal procedure although the Israeli legislature emphasised treatment, and the trial itself is considered a part of that treatment.

In conclusion, it may be shown that procedure in juvenile trials in South Africa is derived from British law in the same way as Israeli law has its roots primarily in British law. In South Africa the first regulations were issued more than ten years before this was done in Israel, although the development was more or less the same. Even today there are not many significant differences in the legislation of the two countries with regard to bringing juveniles to justice and probation procedures as a method of treating juvenile delinquents.

There are always attempts in the social sciences to change definitions and alter points of view. Every writer wishes to make a contribution in his field. We shall endeavour

to point out the major points beyond the probation system itself that are frequently discussed. Further, we shall comment on a very recent British approach which tries to see probation in a different light.

Much of the literature over the past 30 years has stressed probation either as casework or administration, or a combination of the two. In the first approach, probation was viewed basically as casework. There are three other points of view: legal, punitive, and merciful.

It should be stressed, however, that only some 5% of writers considered probation wholly as a legal disposition or as a measure either of punishment or leniency. Probation has been seen as a social as well as a legal process, as a method of supervision and guidance in which all available community resources are used and as a process which should aim at the total adjustment of the offender. The casework approach overshadows the other approaches, so that, in drafting a composite definition derived from the literature, it should clearly receive a prominent place.

Probation in the legal sense is simply a suspension of sentence by the court. Since no sentence is imposed, the offender remains in the community until the period of the suspended sentence has expired unless he engages in any conduct that would warrant the carrying out of the sentence in the meantime.⁽¹⁶⁾

This system leaves everything to the probationer and makes probation a simple policing procedure. As previously mentioned, this raises the question of the extent to which the probation officer can be friendly with the offender while at the same time he can threaten to bring him back to court and has the power to do so.

The second approach towards probation is probation as a measure of leniency. In their book "Probation and Parole" published in 1970, authors Carter and Wilkins emphasise that they found only one writer who adopted this approach to probation. In our view, the man in the street or the family of the offender frequently regards the probation officer as a merciful person because he recommended probation for their friend or relative. This attitude is likely to change if the probation officer has to bring the case back before the court for any one of a large number of possible reasons.

The third view regards probation as a punitive measure. Here, too, there is only one writer who made punishment the dominant aspect of his theory of probation.⁽¹⁷⁾ According to him, probation has to be presented to the probationer as a form of punishment. This approach may have been applicable at the beginning of the century, but today it cannot apply.

The fourth approach views probation as an administrative process. In this view

probation is essentially the execution of concrete measures aimed at helping the offender stay out of further trouble. For example, arranging for medical treatment, making appointments for the administration of tests, effecting school transfers, seeking employment for the offender, checking on his activities etc., constitute the main content of probation in this view. (18)

Slightly more than 30% of the authors in this field regard the administration process as the major framework of probation.⁽¹⁹⁾ The probation process, in this view, not only includes finding work for the boy but also, for instance, telling the mother how to keep her house clean and giving her other advice. It literally forces the boy into a certain mould, by the use of pressure and sometimes intimidation, to do what he was told was right.

This brings us to the question of force that has been discussed a great deal in recent years and this will be discussed when considering the future of the probation system.

As has already been mentioned, probation as social casework treatment overshadows all other approaches and will be considered in more detail than the other points of view.

Casework and psychiatry have influenced the juvenile court movement extensively. This influence is illustrated by the broad scope of many of our juvenile court laws; the shunting aside, in the rising tide of a clinical ideology, of legal precedents in favour of loose and informal procedures; the indeterminate sentence, the emphasis on the total situation of an offender; the absorption with emotional problems; and the prevailing adherence to a psycho-analytical theory of causation. (20)

Probation as casework is difficult to analyse primarily because any attempt to define casework is problematic when it concerns courts, law, force, and offenders. It is, however, certain that the casework point of view represents a shift in emphasis from the social conditions of behaviour to individual behaviour itself, especially behaviour that can be approached from the standpoint of the "dynamics" of psychoanalytic mechanisms. The shift has been from a social to a clinical frame of reference. Crime and delinquency are acts with social implications, but individual personality is of primary interest to the caseworker. According to another view in the literature⁽²²⁾ probation is a combination of casework and administration. Probation is represented both by casework functions and by administrative or executive procedures. Where casework is paramount, administrative functions are supplementary, and where administrative duties are indicated as the main approach, casework skills and

techniques must be utilised in the performance of those duties. About 20% of the literature reviewed supported this approach to probation.

Having referred to the most common theoretical views of probation, it is necessary to note some of the recent comments and opinions of other writers and their view of the future of the probation field.

Some writers hold that to consider probation from the point of view of treatment is theoretically faulty and can lead to injustice. The reason for regarding this as theoretically faulty is complex, and the fault lies in the persistent analogy made with individual medical treatment. This analogy is doubtful on a number of grounds:

1. As normal speech is usually understood, most crime is voluntary and most disease is involuntary.
2. The medical model assumes that crime is pathological, but this notion is difficult to sustain for most crime in the light of sociological critiques.
3. The treatment model applied is one of individual treatment, while many of the assumed causes of crime are social.

Apart from these three points there is another difficulty that has already been mentioned. Some therapists arrogate to themselves the right to coerce offenders into accepting

what would be "for their own good in the long run".

"Many people with antisocial tendencies and quite pronounced behaviour problems can be helped in the long term if relationships are sustained by formal discipline of the kind characteristic of probation orders."⁽²¹⁾ In addition to being theoretically faulty, this means that the treatment model is sometimes questionable because it produces arrogance on the part of the therapist leading to injustice for the offender.

Before moving on to a new non-treatment paradigm for probation practice suggested by two British writers, A.E. Bottoms and William McWilliams, it is important to mention briefly⁽²²⁾ some other views of the future of probation.

According to Fisher⁽²³⁾ who identifies the main problem in the conflict between the surveillance requirement of the court and the casework function of the social worker, "it's the element of force, of power which is in question, and its use as a justification for casework intervention." Fisher believes the situation is changing because the new generation of generically trained social workers "cannot compromise their values by operating as surveillance agents or effectively 'treat' reluctant clients for their criminality."

According to Harris⁽²⁴⁾ the social worker is not carrying out court orders and other penal responsibilities; "offenders may legitimately continue to be forced to carry out certain actions as a result of the court orders, but the social work treatment should be kept distinct from the punishment." He offers no details as to how such a separation of functions may be achieved in practice, but his position appears to require a wholly new non-social-work-based "community surveillance agency", while the probation service would continue to receive its present funds.

Haxbey⁽²⁵⁾ also deals with the theoretical aspect of probation. He lays greater stress on community intervention in dealing with the offender. "It shall be the duty of every probation and after-care committee to promote the welfare of persons in its area and provide them with advice, guidance and assistance in such ways as seem likely to reduce the incidence of crime in the area."

He draws attention to the importance of the community as its influence is marked in producing differential crime rates in different areas.

The need for a new paradigm arose due to the fact that in everyday practice in the probation service the situation is not as it should be. All too often, officers remain committed to traditional practices without giving them

adequate consideration in the light of new knowledge.

The following paradigm stems from the preliminary observation that there are four basic aims of the criminal side of probation practice and all other objectives may be subsumed into them. These four primary aims are and have been:

1. The provision of appropriate help for offenders
2. The statutory supervision of offenders
3. Diverting appropriate offenders from custodial sentences
4. The reduction of crime.

Regarding the first point it is noteworthy that instead of "treatment" the term "help" is used. The authors are not referring to material help, although clients frequently came to the office because they wanted material help. In practice, the client and the caseworker have different views on the relative importance of material aid and longer-term measures.

The substitution of help for treatment is the essential feature of the paradigm, and the meaning of help is ultimately defined by the client. How do the two differ? The treatment model begins with a diagnosis by the caseworker of the malfunctioning of the client. The caseworker then decides upon the appropriate treatment with little or no advice from the client, who is offered no choices about

the form of the appropriate treatment. In the "help" model, the caseworker does not begin with an assumption of client malfunctioning. Rather he offers his unconditional help with client-defined tasks. If the offer is accepted this leads to a collaborative effort between worker and client to define the problem requiring help and to work out a set of possible alternative strategies. The worker is also absolutely explicit about the kind of help his agency can or cannot offer and the client is then left to make the choices for himself.

It is noteworthy that, where the help model is concerned, no expectations are raised that it will be beneficial in the reduction of crime and it is vital to point out that this is not the purpose of shifting the focus from treatment to help. It must, however, be pointed out that there is at least a tiny shred of research evidence to suggest that help may be more effective in reducing crime than treatment.

With regard to the second point, the statutory supervision of offenders, this paradigm suggests that choice has to be maximised both at the court stage and subsequently. Consent to the making of the order given to the court has to become far more real as a consent made in a genuine situation of choice. The order, by imposing various requirements, gives authority to the officer to supervise the offender in accordance with the requirements. The client has the right

to choose to accept or reject social work help, without incurring official sanction and without this reflecting adversely in a social inquiry report in the event of a further court appearance.

These suggestions minimize the conflict that almost every probation officer has in mind between force and compulsion on the one hand, and his occupation as a social worker on the other.

The solution contained in this second point is very logical as

the business of influencing people to change their behaviour is about choice. It has something to do with increasing people's sense of identity and responsibility by increasing the range of situations in which they have a real choice of how to behave and realise their goals. (26)

The idea of saving appropriate offenders from going to prison where this seemed socially unnecessary has been a central part of the philosophy and practice of the probation service since its inception and this brings us to the third point of the new paradigm. There is a tendency in recent theories to minimize custodial sentences and to reduce the period of imprisonment. Many criminologists and social workers today are increasingly sceptical about the benefit of imprisonment and the contribution of prisons to the rehabilitation of the offender. A tendency exists today to

send offenders to training centres, to hostels, etc.

rather than to prison, except offenders who have committed serious offences.

A further substantial reduction in custodial sentence could be achieved only if:-

1. Probation officers abandon treatment concepts in making recommendations
2. They cease to recommend custodial or suspended sentence disposals
3. The probation officer thinks imaginatively but realistically about alternatives within the range of existing facilities and develops appropriate recommendations in suitable cases. (27)

In short, it must be emphasised that there is considerable scope for further diversion of offenders from custodial sentences. This can, to a considerable extent, be achieved without additional resources for "alternatives", consistently with the other aims of the service, but only by a complete reconceptualization of practice in social inquiry work.

The last point, one of the most important aims of the probation system, is the reduction of crime. The traditional expectation of the probation service by the public at large has been that it helps to reduce crime. Crime is predominantly social, so that any serious crime reduction strategy must be of a socially based character. There are

many phenomena in crime that cannot be explained by the individual theory of crime. It is also difficult to believe that the various differences in the field of crime are simply the result of differential police activity. These assumptions mean there is a major need for work with communities rather than with individuals.

Community work with the aim of crime reduction can be done in many different ways. One possible method is a treatment-orientated one, in which the social work team in effect diagnoses the ills of the community and tries to correct them. The difficulties with this approach are exactly the same as those of the individual treatment model. Firstly, there is no strong evidence that it works. Secondly, recipients of the treatment do not see the approach as meeting their real needs. The idea of working with the community is the same as the idea of "help" previously mentioned, although if a particular group of probation officers is invited to an area in this way they will still need to have some practical ideas of how crime could be reduced. For example, there are three local situations which appear to be crime producing, in which there is much room for the probation officer to work: the school, the housing market, and the employment situation. It should be mentioned that in Israel today there is more and more emphasis on this point of view.

A very interesting theory and suggestion relating to community work was put forward recently by Christie⁽²⁸⁾, who proposed an idealized model for a conflict-based victim-orientated non-professional neighbourhood court. Such an institution can exist only where there is a certain level of community. The important point here is that a given structural change such as the neighbourhood court is seen as a catalyst for promoting social cohesion and social care. It seems that with all these suggestions there is room to point out that many communities exist with highly cohesive relationships but with very high official crime rates. From the writer's experience as a probation officer in Israel, he can recall many areas in which both the crime rate and cohesive relationships were very high. Notwithstanding this and the difficulties in achieving the aim of reducing crime by working with the community, and, even if a reduction in crime is not achieved, urging the "help" model onto a community is and should be spread increasingly in many countries of the world in order to achieve the important aim of crime reduction.

NOTES

ON CHAPTER II

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CHAPTER III

THE REFORMATORY SYSTEM

Institutionalization is a widespread method of dealing with juvenile delinquents. A juvenile court or other competent body may sentence a child to a reformatory or alternative correctional institution. In the eyes of the public this is the most typical method of dealing with a juvenile delinquent. In contrast to the adult criminal, who does not have many intermediate courses open to him until he is sent to prison, a juvenile delinquent is usually only sentenced to prison after several other forms of sentence designed to reform his behaviour.

There are many kinds of institutions all over the world, known by a variety of names: Reform School, Reformatory, Community Home, Detention Centre, and the like.

An attempt will be made here to explain the reform system and to understand its significance and consequences, rather than to define the different types of corrective institutions for juvenile delinquents.

The first homes established to house needy people, the sick, the mentally ill, and criminals, were founded in Europe. As early as 1552 King Edward VI turned the wing of a government building into a home for the needy. It was called "Bridewell"

and served as a model for houses of correction in England, even lending its name to many of them.⁽¹⁾

Its true aim may best be explained by the wording of the supplication addressed to the King by the Governors of the Poor on behalf of the poor people: "That we may no longer lie in the street for lack of harbour, and that our old sore of idleness may no longer vex us nor grieve the commonweal." (2)

There is no historical evidence that English Bridewells had any influence abroad. On the Continent, houses of correction were erected under the influence of new model institutions in Holland. The starting point for the Dutch institutions was closely connected with the criminal law. The ultimate aim was to lead the prisoner back into society. Writers at the time were full of praise for the results. Many towns in Holland as well as in other countries adopted and imitated what they regarded as a new model institution. (3)

In the middle of the 16th century houses of correction existed in Germany, France, and Switzerland, in addition to those in England and Holland. All of them contained young delinquents together with adults.

One of the leading personalities in the field of prison reform in the 18th century was John Howard, born in 1726.

His father was a determined non-conformist who insisted on sending him to a teacher who shared his own independent views on church and religion. He had three characteristic traits from the very beginning: A vivid interest in empirical observation, a liking for travel, and sincere sense of responsibility.

He investigated the situation of prisoners and people in the houses of correction, improved housing conditions, organised schools and introduced new industries. Later generations acknowledged these progressive reforms as 'the earliest and certainly the most complete work of physical and incidentally of moral regeneration undertaken by any English landlord.' (4)

One of the first institutions in Europe was established in France by Jean Baptist de la Salle at the end of the 17th century. It was an institution for disturbed, sick, and delinquent children. (5)

In the earlier institutions, the main emphasis was placed on work and on education to work. Group teaching of children or adults was not widespread then. Generally speaking, the ordinary population was given no education and the children of the nobility received individual instruction. It is therefore clear that there was no room to think of education and instruction in those institutions which housed the marginal elements in society. In 1704 Pope Clemence established in Rome "a centre for the reform and education of unbridled youth spoilt by idleness which could become useful if it were only guided." (6)

Two general trends characterise the development of these homes:

- (i) a growing differentiation among the types of population housed there;
- (ii) an increasingly humane approach.

The two trends are interdependent and share as basis appreciation of the person and appreciation of the individual. The institutions fulfilling these rôles from the end of the Middle Ages up to the Reformation were characterised by keeping undifferentiated population such as mentally ill with other sick people, prisoners and poor, without any differentiation on the basis of sex or age. Later a distinction began to be made between the mentally ill and other types of sick people and prisoners were separated according to sex and age, and the degree of danger that the various criminals were likely to be to the public. A distinction also developed among the various groups. Juveniles were divided into a number of sub-groups according to types of disturbance, sex, closed and open institutions, institutions for treatment and observation, family institutions and foster families. Later there was a marked differentiation in the institutional arrangements together with the development of means of classifying the children themselves: Psychological tests, classification committees, diagnostic teams at public health stations and in the institutions themselves. All these were means of giving expression to the concern of the public to its institutions

and to the "attitude of acceptance" towards this youth, in contrast to the past when the main consideration in sending youths to a home was to keep these elements outside society.

The second trend characterising the development of institutions to accommodate delinquents was an increasingly humane attitude, a development which should be seen in a broad historical context. The strict attitude to juvenile delinquents in particular and to criminals in general that existed previously was particularly hard and harsh and there were not infrequent cases of children being executed for minor offences they committed. Until the influence of people such as Alexander Pattison, Everly Ruggles Bridge, John Howard and others was felt, those committing crimes were sometimes punished by the religious institutions in that country, e.g. the Inquisition. It is not hard to imagine the nature of the punishment. In fact the entire relationship of superior and subordinate, officer and soldier, master and apprentice had a definite element of harshness and physical aggression. The changes that took place following the decreasing class gaps also influenced the relationship of the people in charge of the institution towards the juvenile delinquents.⁽⁷⁾

The system in these homes at that time was relatively simple. There were not many professionals with professional training drawn in from outside, such as psychologists, social workers,

guides, educators, etc. The person in charge was the central figure and the entire system was hierarchical. The higher a person was in the hierarchy, the greater his authority, and his understanding was also meant to be greater. It is worth quoting an extract from the memoirs of a Master of Training at a reformatory. These memoirs reflect the situation in England at the end of the 19th century.

When the principal arrived, he looked at the list of offences and disciplinary infringements committed by the boys. The benches were moved back and a stool placed in the middle of the room. The punishments included losing credit points and cuts with a cane or strap. The boy sentenced to cuts was ordered to bend over the stool to receive his cuts, eight with the cane or twelve with the strap. Before giving the punishment, the principal used to say: 'When you have sown, you will reap.' The boys looking on responded by hiding their faces or observing with enjoyment...I remember one of the first occasions when a boy given eight cuts did not make a sound, as though nothing had happened. He remained silent when it was over, saluted, saying 'Thank you sir', and sat down. The education co-ordinator subsequently recalled that in one year the institute had been visited by some of its graduates who had left about 50 years previously. They were full of praise for the work and disciplinary habits they acquired while at the institute. One of them said he would even be prepared to pay himself to enable his three sons to receive this kind of training. (8)

Once again, it should be noted that this description relates to the end of the 19th century, by which time more humane methods, much better than the methods used previously, had been introduced. Someone needs a great imagination to imagine the type of cruel methods used in treating juveniles in previous centuries.

With the development of the system of institutions during the 19th century it became more generally realised that a delinquent who was still a minor should be educated not only to a life of work, but also towards various theoretical professions. The underlying premise of this treatment was that the delinquency of minors could be controlled and tamed in this way. The minor was introduced to a proper form of daily living, of study and work, and was also subject to a behavioural framework that was hard to avoid. Any effort to avoid it brought on tangible and painful punishment.⁽⁹⁾

As can be seen to date, the first theoreticians supporting a reform in the method of punishment came from Europe, but it is interesting that the first institutions for juvenile delinquents which proved themselves and served as a basis for the present institutions for juvenile delinquents were in the United States.

The United States, more than any European country, was prepared to accept and develop the new ideas of the individualisation of treatment and the progressive form of prison discipline. (10)

Some of the states introduced new laws which were expected to improve prison discipline by the stimulus of a shortened prison term.

After the end of the Civil War a new era for American prison reform began. The tasks of reconstruction aroused and deepened the sense of social responsibility. An enthusiastic interest in an active and conscious penal policy spread over the United States.

With an avowedly reformatory attitude of this kind, the American reformers had much in common with those in Europe who promoted differentiated and graded forms of prison discipline.

The movement in America towards reformatories reached its peak at the celebrated First National Prison Congress in Cincinnati in 1870 which suggested the following guidelines:

An independent Board of Guardians controlling the new reformatory institutions, primary and reform schools for children and juveniles, a graduated system of reformatories for adults, i.e. a house of reception, an industrial reformatory and an intermediate reformatory. (11)

The practical outcome of the Cincinnati Congress was the creation of a new type of penal institution, the reformatory. In 1877 the first reformatory in the United States, the Elmira Reformatory, was opened. Elmira used a special form

of prison discipline for adolescents and young adults between the ages of 16 and 30 who had been committed under indeterminate sentences for terms varying between a certain minimum and maximum period.

This new system in the United States suffered serious setbacks. After approximately 20 years, what had begun as a bold experiment, lost the inspiring impulse of its initiators and became routine work and mass treatment. Nevertheless, the reformatory system remains a lasting American contribution to penal reform.

At the beginning of the 20th century, the European Penal System entered a new era of reform. The example of the American reformatory inspired not only academic discussion, but led also to the erection of new types of institutions in various European countries. (12)

The institutions existing today throughout the Western world are built more or less on the same model as institutions built at the beginning of this century, although there has been a systematic improvement of work, treatment, and instruction methods towards the juvenile delinquent.

Having examined the historical roots in the method of treatment and the changes that have taken place over the years, an attempt will be made to deal with the beginnings of institutional treatment in South Africa.

South Africa, like other countries, treated adults and young delinquents in the same way: they were both brutally and cruelly punished. (13)

During the period of Dutch Colonial rule at the Cape, criminal matters were dealt with by a special judicial authority known as the Council of Justice. It was not until the advent of the British Colonial administration that special legislation dealing with children and young offenders was passed. Local philanthropists, impressed by the progress of the child-saving movement in England, persuaded the colonial government in 1879 to pass the Reformatory Institutions Act, which provided for the establishment of a juvenile reformatory. Such a reformatory was established in Cape Town. In 1889 it was decided to move the institution into the countryside where it still stands, presently under the control of the central government through its Coloured Affairs Administration. (14)

The reformatory school was the first such institution in South Africa, but the first charitable residential institution in the country appears to have been a children's home founded in 1808, Het Suid Afrikaansche Weeshuis, or the South African Orphanage. This Orphanage was officially opened on September 26, 1815.

Other children's homes were subsequently built. The Anglican Church opened an orphanage for girls in 1862 and in 1868 it founded a "House of Mercy for Wayward Girls". The Dutch Reformed Church founded an orphanage for boys and girls in 1882.

In the South African Republic, the 1897 report of the Chief of Prisons caused public concern by revealing that a considerable number of children and young people convicted of offences were being detained in prisons. It was decided to establish a special reformatory for the detention of young people, but the Anglo-Boer War broke out before anything could be done. After the War, the matter was taken up by the British administration and in 1909 a reformatory was opened in Heidelberg. In the same year legislation was passed establishing an industrial school for children in need of care at Standerton. (15)

In 1911, the Prisons and Reformatories Act prescribed reformatories as suitable solutions for the needs of young offenders and licenced children's homes and industrial schools were regarded as appropriate remedies for the problems of children in need of care. The Act established the principle that a child or young person should not be imprisoned. The separation of children from adults represented a major development at that time. The Act defined for the first time the upper limits of childhood as 16 years, but allowed for committal in a reformatory or industrial school up to the 18th year. In practice no reformatories were established and as a result young offenders were treated as adults by the courts.

In 1920 the Prisons and Reformatories Act was amended to permit the licencing of voluntary hostels for the reception of children convicted of criminal offences. Although the

earlier legislation had permitted children convicted of offences to be committed to industrial schools of or children's homes, this occurred only infrequently.

Public opinion was opposed to reformatories. An example of this occurred in the House of Assembly in 1937 when reformatories were described in a debate as "hostels" where young offenders "were having a very good time". The Member of Parliament concerned went on to state that many South Africans were bitterly opposed to reformatories. In his view, what young offenders needed was "a good thrashing and then let them go". (16)

In 1931, no less than 21,526 young people under the age of 21 were in South African prisons. The population of the reformatories was less than 1,500.

After the Children's Act of 1937 came into force, the Educational Department retained responsibility for the administration of the industrial schools and reformatories, as the Government felt these were essentially educational institutions and best administered by educationalists.

The situation, according to J. Midgley in his book "Children on Trial", is that less than two per cent of those with no previous convictions were committed to reform school, 21 per cent of those with two previous convictions and 50 per cent of those with three previous convictions were

committed to reform school. A total of six per cent of those convicted in the juvenile court were committed to reform school. They were all teenage children under 18 years of age, most of them being 15 years of age.

Midgley did his research in the Cape and points out that all the children sent to reform school were Coloured. The percentage of White children sent to reform school is very low and the fact that there is only one single reform school in the entire country for White youths speaks for itself.

Homes in Israel originally also grew and developed from various institutions in Europe in the 17th and 18th centuries. They gained their Israeli character by relying on more progressive models, the children's homes for progressive education which originally developed in central Europe at the beginning of the present century (Landschulheim) and the youth society in the kibbutz. The first institutions in Israel were established in the framework of youth aliyah (immigration). Children who arrived on their own after the Holocaust were organised in an institutional framework that stressed the value of rural life, the necessity for personal realisation, and productive labour. These institutions served for many years as a place for the absorption of neglected children, children from large families, including children from criminal families. Because of the special nature of youth aliyah

institutions which created a wide variety of ideas, life-styles, values and different behavioural norms, possibly due to the points mentioned above, the integration of those youths from broken homes was very good and it can be said that these institutions constituted the archetype for the Israeli institutions and homes. Most of these institutions were established in rural areas, where manual and agricultural labour were emphasised. An appreciable percentage of the graduates of these institutions in their early years were among the founders of additional kibutzim and villages in Israel. Further institutions that were widespread in the years before the establishment of the State were those run by the very religious, in which hundreds of children from broken homes were educated, including refugee children from the Holocaust who did not arrive within the framework of youth aliyah.

Legally, the care of juvenile delinquents was provided for during the period of the British mandate and for the first time one can find regulations dealing with the matter in 1921. The legislation was known as the Prisons Ordinance 1921, regulations for reform schools for minor offenders. It is interesting to note that here too prisons and reform schools overlap. (The view that was current in Europe at the time was that prisons and reform schools should be regarded in the same light). This Ordinance contains a variety of sections that deal in detail with the entrance

of a boy into such a school, the daily programme, and the regulations contain detailed provisions for discipline and punishment. The maximum punishment for each type of offence, catalogued by three degrees of seriousness, are set out in the regulations. The regulations distinguish between instances where the minor offender committed one disciplinary offence in three months and instances where the offence was committed twice or three times in this period. The punishment included the loss of credit points and caning. Emphasis was placed on the link with the family and the "young sinners" had to write to their parents or relatives once a week, or sometimes more frequently if necessary.

Since the establishment of the State there has been a drastic change in the state of the homes in the State of Israel and this has found-expression in the Law. The institutional framework has become more permissive and all the regulations and the mandatory legislation have been repealed. Various types of homes have been established, both stricter and less strict, and juvenile court judges would send juvenile delinquents to those institutions in accordance with various considerations that prescribed, inter alia, the character of the youth, his age, the seriousness of the offence committed, etc.

In practice there is today in Israel one closed institution for boys which is referred to in the Law as a "locked home".

Offenders with a long record of criminal offences, stays in other institutions etc., are sent there. It is almost superfluous to state that most of these youths are, after a short time, sentenced to jail. It is interesting to note that there is a special prison in Israel for juvenile offenders (Tel-Mond) up to the age of 21. Most of the offenders who are sent to this jail have previously spent a great deal of time in various institutions.

Most of the open institutions in Israel that receive juvenile delinquents are situated in rural areas and each has its own special method of care. A section of the Ministry of Labour and Welfare is responsible for youth and institutions for juvenile delinquents in Israel. It enables the various institutions to choose the staff it wishes and to decide on the various methods of treatment in each institution, which may well differ among them.

It is interesting to note that when a probation officer recommends to a magistrate of a juvenile court that a youth be sent to a particular institution, the decision is made after the youth has been directed for observation for an entire month to a temporary home in which he is checked daily. The team undertaking the treatment then decides which institution is best suited to this youth. It sometimes happens that the team decides on another method of treating a particular youth, which does not agree with the view of

the probation officer, and the magistrate of a juvenile court then has to decide whether to send the youth to a home or to leave him at home under the supervision of the probation officer.

The tendency among probation officers in Israel is usually to contend, as far as possible, with the juvenile delinquent in his own environment and not to remove him from parental control. Sending a juvenile delinquent to a home for juvenile delinquents is most uncommon in the day-to-day workings of the courts in Israel. Less than 10 per cent of the judgments by the juvenile courts in Israel are institutionalisation orders and in most of these cases the youths are usually sent to foster families and not necessarily to institutions. The percentage of youths sent to a "locked home" is very small.

The sending of a youth to a home by the court as a method of treatment is usually regarded by the public as the most widespread and typical form of treatment. It has, however, been found that both in South Africa and in Israel -- and it is clear that this situation exists in very many countries -- this method of treatment is relatively seldom found.

The underlying motives of this system should be examined as well as the intentions behind the various people applying treatment who have concluded that removing a youth from home

will cure him of his criminal affliction. But several-- theoreticians maintain that the worst home is preferable to the best institution, meaning that confronting the problem youth where he is is preferable to confronting him elsewhere, in a place foreign to him where he is subject to the influence of youths like him or even worse, a fact that considerably reduces the chances of rehabilitation.

The following are some of the declared aims of the various bodies that send juvenile delinquents to a home, as set out in a study undertaken in 1972 in the Henrietta Szold Institute in Jerusalem.⁽¹⁷⁾ This study was made in Israel but it has implications for similar institutions in other countries.

1. Placing of a minor in the protected environment-- of a home lessens the tension and frustrations that characterise the life of the juvenile delinquent in his previous environment. This, of course, is based on the premise that the home in which the youth is placed is protected as fully as possible, and not subject to adverse influences from within and without.
2. Keeping a youth in a home enables him to have close and continued contact with guiding figures that create positive images. This contact is designed to enable him to make up what he lacked in his home or school. In this regard stress is

laid on the need for an excellent team of guides in every institution, but in reality many institutions employ young people who lack the required experience and, at times, can even cause more harm than good by their lack of flexibility and strictness.

3. The home makes it possible to acquire a profession. Professional training is, in the view of the people who made the study, an essential element in the social rehabilitation of the criminal and something he will need after his release.
4. Essential teaching is also given to the youth in the appropriate manner, with a much clearer and more methodical ideological approach than the ordinary school from which he formerly "dropped out".
5. In the home the youth learns to be subject to habits and discipline and he gets used to an essential daily routine which differs from the one he formerly knew. The stress in the home on cleanliness, punctuality, and order introduce the youth to a different routine of living and shapes his personality in a far more positive manner than previously.

6. The protected and controlled environment in the institutions prevents the temptation of all sorts of adventures for youths who lack self-control. This is most significant for those youths who are usually easily tempted by adventure as a result of a life of idleness, lacking a framework, and as a result of a home without an authoritative figure leading to the youth finding himself on the street.
7. Life in the home is a group experience different from family experience. Through this extended social activity the youth is able to learn correct rules of social behaviour and to develop, under guidance and supervision, proper behavioural patterns.
8. The physical removal of the youth from his criminogenic environment has great positive effect. This is the environment in which the youth developed his previous criminal habits. These habits contributed to the crime for which he was removed from his home.
9. Removing the youth from his home enables both him and the members of his home to re-evaluate each other and to re-organise their reciprocal relations, which are bad in most cases.

10. A number of factors were found to influence the effectiveness of the home. Some of these concerned the main objectives in establishing the home. Others included personal qualities of the principal, especially the standard and nature of his education. The principal's qualities are of course especially relevant in the case of a small home, a family home, in which there is a team of workers, whose work is usually based around one person, the dominant figure in that place, who influences difficult youths. An examination of the declared objects of the home shows that it is an instrument built solely to realise its objects. It is an instrument controlled by the body operating it whose various components and parts carry out its activities in an integrated and co-ordinated manner with a view to realising its various aims in a utilitarian and purposeful manner.

The nature of the operation of the home and the level of its achievements are the consequence of many elements. Among the determining elements are: the standard of the staff as individuals, the spirit of the staff, the personality of the principal, and the nature of the reciprocal relations between him and the personnel. This relationship is transmitted directly to those subject to care. The home, the

personnel, and those subject to care are a complex unit but they are a single unit. The various educational responses of those subject to care depends on the manner of their stimulation. The ability of one or other member of the staff depends upon his ability to get on with those subject to care. Another element that influences the type of the home and its effectiveness is the authority of the person in charge of sending children to the home. The probation officer, the court, the classification committee (where such a committee exists) -- these bodies operate in accordance with their view of the person subject to care and in accordance with the image the home has in their eyes. It is not infrequent that there is a gap between the home as it is and its image in the eyes of those who sent the youth to stay there. Sometimes this image even creates a change in the form of a self-fulfilling prophecy.

What is the difference between youths sent to an institution and those who are subject to supervision and treatment in their place of residence without having to leave their homes? The group in the home is usually different from the other children in that all their personal, criminal, and family conditions are more difficult and pathological. The criminal acts of youths in this category are more serious and most of them have a hostile attitude to attempts at treatment and anything connected in any way with the treating establishment. The majority of them have a long history of previous treatment in various social institutions. Their parental home is more

often a broken one. They are more likely to have been severely rejected by their parents who themselves were sometimes on the fringes of society or "welfare cases". These phenomena inevitably lead to low achievement in the areas of study and employment and deterioration is not far off.⁽¹⁸⁾ From the writer's experience as a probation officer he can testify to many cases of delinquent children from large families who did not regard the order sending them to a home as a threat but saw in it a possibility for them to open a new door in their lives, to make progress by learning a profession, etc. There were also parents who welcomed such an order because it alleviated the heavy financial burden on the head of the family. (Incidentally, the Israeli Youth Law enables a Magistrate of a juvenile court to impose the duty of bearing the financial expenses of the youth in the institution on the parents but, to the best of the writer's knowledge, this section of the law has only been used in isolated cases.)

The homes are usually classified according to the age, sex, degree of disturbance, or degree of social and criminal involvement of their occupants. Homes may also be classified by their functions and by the form of their construction. There are closed institutions with guards and walls, relatively open institutions, partially open and partially closed institutions, institutions for observation, and institutions for treatment and rehabilitation. There are institutions known as industrial schools, in which emphasis is more on learning a profession and treatment under guidance. The

primary emphasis in each institution is, of course, treatment, which will vary with the type of occupant. In his book The Defence of the Weak,⁽¹⁹⁾ Edward Glover reviews the treatment homes in Norway and distinguishes between three kinds of institutions.

- (i) For a long time, alcoholic vagrants have been incarcerated in special institutions of forced labour for periods of up to eighteen months or three years. Originally, they were intended to receive some kind of treatment, in a very broad sense of the word, but this purpose has decreased in importance. The present major function of these institutions seems to be purely that of detention of troublesome persons.
- (ii) Second, there is a borstal for young offenders which is based on a much older law for the handling of young offenders, and has treatment as an explicit purpose. In line with this, the superintendent of the institution is a psychologist by training, and social workers and assistants try to carry out a general vocational and guidance programme.
- (iii) Finally, there is an institution for preventive detention for abnormal but not insane offenders. This institution constitutes one of several

so-called "preventive measures", the employment of which requires a psychiatric examination. It has a double purpose: protection of society, and rehabilitation of the offender.

In a study by Vinter and others⁽²⁰⁾ homes were classified by their treatment trends, and characteristic lines in the structure and function of the homes were identified in the light of this classification. In this study, homes were also classified according to their principal objective, i.e. (1) obedience and adaptation; (2) re-education - development; (3) treatment. In homes based on the principle of "treatment", emphasis is placed on understanding the person receiving treatment, and less importance being placed on discipline. Discipline is emphasised to a greater extent in homes based on "obedience". In their study they found that there is always an interaction between the staff and the people who are getting treatment. The interaction is in such a way that the personnel direct those receiving treatment, and they in turn direct the personnel.

One of the problems that appears to relate to the institutionalisation of boys is their attitude towards themselves as people and their identity.⁽²¹⁾ In most institutions there is a lack of a firm feeling of identity. This often means that matters such as clothing are particularly important to the boys. A study by Derek Miller of an American Institution

illustrates this. The boys were each issued with a suit of clothes. Although the clothing was of excellent quality, its style was not acceptable to a young man. The boys clearly disliked the suit, and never wore it in the manner originally intended. All efforts on the part of the institutional system to avoid this have been defeated by the rapid changes in adolescent fashions. The boys' attitude was justified as the cut of the suit set them apart from their peer group in any neighbourhood. This applied almost to the same extent to their haircut. Their feeling of isolation and being out of contact with their environment was reinforced by their appearance. For all male adolescents, appearance clearly enhances or detracts from a sense of masculine identity and this is particularly so for the deprived and institutionalised boy. It appears that the penal system recognises a military type of smartness in the institution as helping in this direction.

Many institutions maintain a very strict way of life based on strong discipline, reminiscent of an army camp with all its ceremony. In this way the owners of these institutions attempt to guide those in their care with sometimes excessive discipline. It appears to them that in this way the criminal activity can be restrained and turned aside. The great influence that boys have on their friends is also discussed by Polsky in his study⁽²²⁾ which is both instructive and interesting in its methodology. The author took part as

a "participant observer". He is in the area of observation, close to an observational subject, but endeavours to minimise as far as possible the influence of his presence on the subject of observation. Through a long stay with the youths he succeeded in being accepted by them and by the personnel without being actively involved in the life of the cottage that was studied. As an observer of this kind he had to show that he was not a threat by not talking when he witnessed small or large disciplinary infringements. At the same time it was important that his silent patronage would not be a temptation to new infringements.

The book describes "cottage parents", who were a kind of guide and house mother couple. Their functions brought them into direct contact with the youths in the cottage. They supervised and cared for them and had to get on with them. On the other hand they were considered as "marginal un-professional people", removed from the centre of power and positions of influence in the institution generally. This power was concentrated in the administrative and budgetary management and the professional establishment. The establishment was the influential group in important decisions regarding the youth subject to care. These centres of power were however removed from the day-to-day life of the youths and their pressing problems. Lacking formal power and having to face the various demands of the youths, the "parents" had to get to know the youths and get on with them. Usually this was done through compromise between those in positions of

power and the youths. They made concessions to the youths on their various claims and granted them privileges. This compromise enabled the "cottage parents" to manage the life of the cottage in an ongoing way, minimising disturbances, but, at the same time, abandoning quite a few rehabilitative and remedial efforts.

Various neighbourhood groups are sometimes established in one institution. The youth adapts, both for himself and others, the methods he used in his own neighbourhood, from which he was removed for treatment. Polski stresses that as a result the place where a youth is held must be regarded as directly influencing the remedial process.

In practice the staff usually stands in overt or covert conflict with those in their care. The members of the staff (who are not infrequently older people) have to get on with youth from the fringes of society. Few physical means of control and restraint are available to the staff and in many cases they may not be used. The hesitation of the staff to use these means limits their discipline and this is often abused by those under their care. The struggle is particularly sharp as the staff is not a homogeneous body directed by a central force. Various professional relationships confront the administrative hierarchy.

Those receiving treatment are not a uniform body. Facing the impotent person on the fringes, to whom Polsky refers in his study, is the social élite to control those in the institution. The interaction between the marginal staff member and the natural leadership among the youth determines the character of day-to-day life and the short-term objectives. Long-term objectives may well be put off to a distant and undefined future, should they conflict with the desires of the natural leadership among the youth in the institution. It is of interest to note the study by Rachel Huttner,⁽²³⁾ who studied the functions and influence of the internal leadership in homes for juvenile delinquents. This study, carried out in Israel in 1968, revealed something of the covert conflict among those receiving care themselves. On the basis of various projections "élite" and "non-élite" were identified among the boys. The élite was noteworthy for initiating more activities and showing greater aggression than the "non-élite". When the strong imposed duties on the weak, the latter carried them out without question and did not dare to inform or tell those responsible in the institution about it. The weaker youth turned to the members of the élite for a decision in a quarrel. There are no rapid changes in the status of the élite. Once a youth has been admitted to the "club" of the élite he holds this position for a long time. The leadership is smaller in number than the group being led. They are close to the members of staff. They obtain backing in their function from the staff and obtain privileges from the staff in many

significant areas for youth, such as large choice portions of food, or being let off work and instead supervising their colleagues who are required to perform all sorts of services in the home. They also demand various personal services from their colleagues who perform these services submissively and even obsequiously. The élite does not gain the status by any special ability to solve problems for the group in specific areas. Its members are in control in every situation whether they are knowledgeable about it or not. They stand out from the rest and attain their status thanks to one thing: their willingness and ability to use physical force in the face of opposition. This is how they control the others.

There is close co-operation among members of the leadership and among themselves. This solidarity among the élite stands out clearly against the lack of unity among the non-élite. It is interesting that in relations between the staff and the élite a clear lack of authority can be found on the part of the guides as opposed to the authority, sometimes even excessive authority, in relations between the staff and the marginal group among those in their care. There is an implicit silent understanding between the élite and the staff that, in exchange for privileges, the élite will assist the staff in carrying out its particular duties.

This reflects the problematic nature of the home. The staff, which is in direct contact with those in its care, must have a very direct influence on the youth, serving as a role model or creating "socially therapeutic" conditions which will contribute to the educational object of the home, but it is not free to do so as it is so involved in maintaining day-to-day order. It exploits the hierarchical structure among those in its care in order to obtain assistance in the short-term, while the objects of the home and of the élite group do not come into direct confrontation. Both sides are careful to avoid reaching such a confrontation.

The result is that life in the home and its daily routine are not determined by the objectives of the home alone. They are, inter alia, the result of reciprocal relations, compromise, and tacit agreement between individuals and groups in the home and a member of the staff as staff and as individuals. While the positions of power are divided between the élite and staff, the non-élite (the bottom of each hierarchy) has the duty imposed on it to adapt to the existing situation. This group has to find its limited satisfaction and enjoyment in the home in which freedom, legitimate and illegitimate benefits of life are limited, particularly for this group.

Life in the home is meant to provide those sent to it with what they lack in their natural environment. It should stay the process of criminal decline by rehabilitation,

education, and personality reform. However, in carrying out its rehabilitative tasks, the home has to face problems related to the practical limitations of administration, such as personnel, physical conditions, and budgets. In addition, there are also substantive difficulties relating to the actual structure of the home. There are grounds for assuming that these difficulties are greater in a home with an unstable standard of administration. The more the workings of the home approach the bureaucratic hierarchical ideal, the clearer the expectations and sanctions. These clear expectations encourage stability and prevent anxiety. On the other hand this also leads to standardised relationships, playing down individual relationships. In such cases, the treatment side is ignored and greater emphasis is placed on the proper running of the home from the point of view of its day-to-day and suitable physical arrangements.

There are positive aspects in concentrating the treatment course in one place for juvenile delinquents, which is a point in favour of institutional treatment. Yet there are also negative aspects, many of which have already been mentioned above. Further negative aspects however exist, especially concerning the structural components of the home. These may limit the usefulness of the rehabilitation, which was the reason the youth was sent to the home. (24)

1. Some regard criminality as a kind of disease and as a result see the home as a kind of hospital for the "criminally ill". The juvenile delinquent requires remedial treatment and this is given to him by the various educational and rehabilitative services. When he has "recovered" he returns "healthy" to his environment. With regard to the home, the emphasis is placed on the stay of the person in the home and in spite of the follow-up treatment carried out in a number of countries on juvenile delinquents in institutions, the high number who return to their bad ways is indicative that the follow-up treatment is not significant and the emphasis on the expectations of the youth after his release from the institution is certainly secondary.
2. The home is a means of treatment which gives those in it planned values. Relatively little emphasis here is placed on the sub-culture of those in the home. This exists in the home and distorts the rehabilitative efforts of the staff. This point poses an appreciable dilemma as, on the one hand, all attempts to remove the youths from their criminal sub-culture could well imply an untenable imposition of values. On the other hand, should the staff members "drop" to the level of those in the home and should they adapt to the behavioural patterns of the youths themselves, this would be seen by the youths as a kind of "surrender", which has very dangerous implications for the reciprocal relations between the staff and those in the home.

3. Banishing the youths from their place of residence and their physical removal from their natural environment is likely to undermine the world to which the youth has become accustomed and weaken his patterns of expectation and usual behaviour. There is a crisis in the life of the youth which, on the one hand, can serve as a springboard towards him considering mending his ways. On the other hand, it can lead him to a form of despair and unwillingness to co-operate with his superiors. The need to re-adapt to a new framework that is, on the face of it, administered by forces stronger than himself, the denial of freedom of movement and decision, limiting the activities he previously enjoyed, are all in a sense the deserts of his criminality. The physical removal of the youth from his place of residence also indirectly leads to the punishment of the members of his family who do not always find the time or the means to visit him as often as they should. This is true, for example, in South Africa where there are many cases of youths from one area sent to some institution far away. They are not only far from their social environment throughout that period, but their families are also unable to visit them.
4. A further critical point is sometimes made against referring urban youth to institutions in rural and agricultural places and areas, which are particularly foreign to these youths. In such a situation, the youth has far more to contend with in his new situation. He also has

to contend with the fact that he is far from his natural environment and with the rural situation imposed on him, which is not always to his satisfaction despite the often-quoted advantages of country life, or of scenic beauty. The main problem in this respect is that the youths must return after the period of their sentence to their own environment. They need, during their time in the institution, to develop their ability to face the reality of urban life, and the difficulties that go with it, properly. Their need for this is far greater than their need for a peaceful rural life. The lack of guidance in this direction, in addition to the lack of preparation for going out into normal life after the period of sentence and the lack of follow-up treatment, at times can lead to such serious frustration that the youth can regress tremendously to the period before he was placed in the institution.

With regard to this point, and in conclusion, in spite of the saying quoted earlier in this chapter that the worst home is better than the best institution, it is the writer's view, in the light of his experience in field work, that in many cases youths can be saved from the abyss by sending them to an institution. In spite of all the dangers and doubts expressed in this chapter, one cannot negate the intensive day-to-day treatment given to the youth, the various positive images with which he can identify, obtaining a profession and an education which

he gets during his stay in the institution, the experience of a positive confrontation with a policy imposed on him and his adaptation to this policy, which is a result of understanding and not simply of submission. In view of this it seems to us that quite often the probation officer and those treating youths should prefer sending them to a home than leaving them in their environments, with the consequent risk of further decline.

NOTESON CHAPTER III

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P A R T T W O

THE STUDY OF A CAPE TOWN REFORM SCHOOL

CHAPTER IV

THE SCOPE AND METHOD OF THE STUDY

After working with juvenile delinquents in Israel for several years the writer came to the conclusion that there were two main categories of delinquents.

The first category consisted of boys whose lives could be predicted to a greater or lesser degree from very early childhood. Children in this category are those born into broken families, or into very large families that in most cases live in poor areas under bad conditions. Boys in these families have to struggle throughout their childhood and youth, unlike those who come from wealthier families and who get whatever they ask from their parents. In many families the parents have lost the ability to cope with the bad family situation and this leaves children open to delinquency from an early age.

The second category consisted of boys born to wealthier families with fewer children. It is more difficult to predict delinquency in such a family, particularly for somebody not involved in the field of social science. It is easier to differentiate between the two socio-economic groups, rich and poor.

In the course of probation work in Israel, the writer found that there were often many cases of delinquency in families belonging to the first category. It was saddening to see parents appear repeatedly before the courts, each time with another of their children. On the other hand, it was only seldom that one saw more than one son (or sometimes daughter) from a family in the second category appearing before the court. The reasons for this difference are connected with the number of children in the family, the potential and the resources of the family, and its social status. In Israel, most families with more than one delinquent come from North Africa or Georgia. Persons from these areas usually belong to the lower strata of the society (see Chapter I).

On the other hand there are very few Ashkenazi families with more than one delinquent child.

In studying juvenile delinquency in South Africa, it was assumed that, in addition to the general factors that lead a boy to delinquency, a special contributing factor in families of the first category was the strong influence that family members had upon each other. In families of the second category, this influence did not exist.

The present study was begun early in the second term of the 1978 academic year at the University of Cape Town. A particular aspect of the inquiry was to investigate the effects on the

family of one of the children having been found guilty of an offence. The subject was in due course approved by the University, and the investigation was begun.

The first stage involved the compilation of a questionnaire directed at boys on probation. This endeavoured to ascertain the factors that led these boys to commit offences, to investigate the relationships between them and their families, and to establish whether another child in the family had influenced them.

After meeting with the various organisations dealing with juvenile delinquents, such as NICRO, the Department of Social Welfare and Pensions, the Jewish Board of Guardians, and others, it was found that the average number of White boys appearing before the courts in a year in Cape Town was 120. A one in two sample was decided upon. Every second boy who appeared before the courts in 1977/78 was interviewed. Families were interviewed as well. It was further decided to interview all the Jewish delinquent boys who appeared before the courts and were arrested by the police in the same year. A comparison would then be made between them and the other boys, and between them and cases in Israel.

Further investigation, however, revealed that it would be almost impossible to obtain particulars of juvenile delinquency among the Jewish population. It is not necessary to enter

into the reasons here, but the fact that only a very small percentage of Jewish boys caught by the police appeared before the courts is indicative of the help and welfare received by these boys from the various organisations, and about the homogeneity of the Jewish population.

After interviewing several probation officers and after perusing published material on the probation system in South Africa, the writer soon realised that only a limited number of probationers were receiving treatment in South Africa. There was thus a major difference between the probation system in Israel and in South Africa.

The impression was gained that the work locally was connected to the juvenile court to a far greater extent than in Israel where probation covered a wide range of services both to delinquents and their families.

The first active step when the research for the present study was begun was interviewing 6 boys who were under probation in the Department of Social Welfare and Pensions in Cape Town. The list of youths currently under probation submitted by the Department was small and only 6 were available for interviewing. The others were undergoing military training or working far away. Five of the 6 boys had been convicted for the first time, and all the convictions were for theft. One of the boys was first convicted when he was ten years old.

The small number of boys under probation in Cape Town and the small range of offences committed by them led the researcher to realise that a broader theme would have to be chosen for the field study. After due consultation with the research supervisor, it was decided to interview 60 boys in the Constantia Reform School and, at a later stage, to interview their parents. The questionnaire originally designed for interviewing probationers was amended and in April 1979 a start was made on the interviews, permission to work in the Reform School having been duly applied for and received.

There were, at the time the study commenced, 165 boys in the Constantia Reform School. From these were drawn those whose homes were in the Cape Province -- a list of about 120. Every second name from this list, in alphabetical order, was chosen -- hence a sample of one in two. The researcher was unable to conduct interviews in Afrikaans and it was therefore fortunate that most of the boys were found to be able to speak English. With only a few were language difficulties experienced.

After completing the interviews with the boys a second questionnaire was compiled, designed to be used in a study of their parents.

It was however found that 60% of the boys interviewed lived outside Cape Town. This presented a difficulty, as the

researcher himself was, because of his employment in Cape Town, unable to travel to distant towns. An attempt was made to contact social workers in the relevant towns so that the parents could be interviewed by them. After some six months however, only 30 questionnaires had been returned. Despite good co-operation from some social workers difficulties such as the refusal of the parents to respond (although a letter was written to the parents by the Reform School), no fixed address, change of address, and so on were experienced. It proved impossible to solve all these difficulties and so the research design had to be modified.

It was felt that the outstanding interviews with parents should be abandoned but that the findings should be noted and discussed despite the fact that they only partially covered the universe and were thus not representative of it. At the same time it was decided to increase the sample of 60 boys interviewed in the Reform School by a further 40. These were chosen by proper randomized procedure.

In order to present a background to the research, brief comment on the Constantia Reform School, its history, educational system, and so on is included here.

During the 19th century several countries (such as the USA and Germany) established reform schools. The purpose of the schools was to separate the juvenile offender from the adult offender and to create facilities for re-education.

In South Africa the establishment of reform schools was first legalised by the Reformatory Institutions Act of the Cape Colony in 1879. In 1882 an institution on the Valkenberg Estate, close to Cape Town, accepted the first 22 offenders. This development was inspired by William Porter, one-time Attorney-General of the Cape Colony, who left the amount of £20 000 as a bequest for the establishment of a reform school.

The institution was not to remain for long on the Valkenberg Estate. When it was decided to house the mentally ill there, the juvenile offenders were transferred to the Tokai Estate.

The State, which had in the meantime taken over control of the institution, showed an active interest in the new experiment. Amendments to the original Reformatory Institutions Act and the recommendations of various select committees led to improvements in the administrative and treatment methods in the institution. It was provided, inter alia, that the maximum age of detention was increased from 16 to 18 years old (1882); industrial training was recommended (1885), and the separation of Whites and Coloureds was requested (1891). In spite of improvements, progress in practice took a long time, largely as a result of a lack of suitable buildings and trained personnel.

After the Anglo-Boer War, all four provinces of the subsequent Union, as well as Rhodesia, were allowed to send juvenile offenders to the reform school in Tokai. In 1906, legislation

was adopted in the Transvaal that led to the establishment of a reform school for Whites at Emmasdal, Heidelberg. In 1912 the offenders at Emmasdal were transferred to Houtpoort, also near Heidelberg.

After Union, the important Act No. 13 of 1911 followed. This Act provided that the various races in the reform schools should be separated. Provision was also made for the two types of reform schools: one for juvenile offenders and one for youthful adult offenders.

The separation of the races among the offenders was made possible by the transfer of the White offenders (the younger group) from Tokai to Houtpoort. The youthful adults, for whom provision now also had to be made, were sent to the Breakwater Prison, while the adult offenders were transferred to the Roeland Street jail.

Conditions in institutions of this kind were at that time far from ideal. The offenders had to eat out of tin plates with wooden spoons because knives and forks were regarded as dangerous weapons. Their hair was shaven off, hard labour was the order of the day, and heavy punishments were imposed for infringing the many regulations.

In 1922 it was decided to change the institution at Tokai into a reform school for Whites. Young adults could now

be transferred from the unfavourable circumstances in the old Breakwater Prison to the rural environment of Tokai.

In the meantime other reform schools came into being, such as the Diepkloof Reform School for "Bantu" juvenile offenders and an institution for "Bantu" girls in Estcourt.

The administration of the Reform School in Tokai was in 1934 transferred from the Department of Prisons to the Department of Union Education (currently the Department of Education, Arts and Science). This Department set as its aim the individual treatment of the offender. The approach was changed from the older and more suppressive one to an educative and rehabilitative one. That, at least, is what the declared policy stated. Despite this declaration, however, it was a very difficult task to break down the old prison atmosphere and replace it with something more positive. The buildings were unsuited to their purpose and there was a severe shortage of trained personnel. Over time, however, improvements followed when psychologists and more trained teachers and instructors were appointed. Both the facilities and the treatment methods improved.

In 1942 the Reform School at Houtpoort was converted into an industrial school and the institution at Tokai became the only reform school for the treatment of White juvenile offenders.

In 1944 the White and Coloured divisions of the Tokai Reform School were separated. Each division would thereafter have its own principal. The White division was henceforth to be known as the Constantia Reform School. Every year the school houses between 160-180 boys from all over the country (the capacity is 200 boys). They vary in age between 14 and 22, but the tendency is to restrict ages to between 16 and 18.

The main aim of the Reform School is education, and correction. Emphasis is placed on both theoretical and practical education. Apart from the classrooms, there are workshops in which every boy can learn an occupation which will be useful to him later in life. It is possible to receive practical training in woodwork, printing, motor mechanics, and other trades. The average stay in the school is two years, but where a boy is due to leave shortly before his matriculation he stays until he completes his studies.

Every new arrival receives a red badge. Badges are changed in accordance with behaviour. Getting a different badge means greater privileges and more holidays. The boys go out for their main holiday at the end of the year, but a briefer holiday at the mid-year (i.e. in June) is also allowed.

Before going on holiday, the school contacts the probation officer in the area where the boy lives and the probation officer is asked to prepare the family. Sometimes the probation officer recommends that the boy should not be released

for the holiday or should be sent somewhere else.

The boys enjoy very good hostel accommodation, sporting facilities, and a swimming pool. The researcher, during his first visit to the school under the guidance of the psychologist, frequently forgot he was in a reform school so good were the conditions.

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CHAPTER V

THE PARENTS AND FAMILIES

As stated earlier, the writer originally wished to meet all the parents of the boys to interview them. Unfortunately this proved an almost impossible task. We managed to interview 31 families from all parts of the country.

Only 16 questionnaires from these 31 families were completed by both parents. Ten questionnaires were completed by the mothers only, and five by the fathers only (there are some small differences in the total number of mothers only or fathers only, due to the fact that some parents took the liberty of completing the questionnaire for their partner where they were certain of the answers).

The parents' questionnaire was divided into three parts. The first part was to be completed by both parents and they were asked for different particulars of their home, language, opinions of the causes of their son's delinquency, etc. The second part was directed at the father, who was asked about his past, his occupation, religious beliefs, relations with his son and with other members of the family, hobbies, etc. The third part was directed at the mother and she was asked about her past, her marriage, relations with her husband and convicted son.

Although no meaningful conclusions can be drawn from this questionnaire because of the limited number of interviews, it is both important and interesting to examine the different answers to see the standard of living to which parents were accustomed and the level of the population to which they belonged.

The parents were interviewed in Johannesburg, Cape Town, Port Elizabeth, East London and George. Outside of Cape Town (and in some cases, in Cape Town as well), the writer was assisted by local social workers who knew the area well and in some cases knew the people involved. They also had the advantage of speaking Afrikaans, a language which, unfortunately, he cannot speak. Fourteen families were-- Afrikaans-speaking, twelve English-speaking, and five spoke both. Approximately half of the families interviewed were, therefore, Afrikaans-speaking families and the other half were English-speaking families. This distribution corresponds roughly to that in the school itself.

Twenty-five families (10%) live in a house and six (20%) live in a flat. It is interesting to note that fifteen families (48%) have no car, nine families (28%) have one car and seven families (24%) have two cars.

These results should not be regarded as contradictory due to the fact that in South Africa many families live in houses

and not in flats although these houses are in poor areas and are sometimes very small and overcrowded.

Who are the parents of these boys? Most were born in South Africa (only one mother and three fathers were born outside the country).

The majority of the fathers (35%) were aged between 46 and 50, 24% were aged 35 to 40 and 16 between 41 and 45 and 51 to 55. Only two fathers were more than 55 years old.

The majority of the mothers were aged 36 to 40 (34.7%), with 28.5% aged 41 to 45, 14.2% aged 46 to 50 and more than 55, and 3.5% under 35 and between 51 and 55.

TABLE 1

Parents of Boys in Constantia School :
Classified according to Age Distribution

Age of Parent	Parent			
	Father		Mother	
	Number	Per cent	Number	Per cent
Under 35			1	3.5
35 - 40	6	24	10	34.7
41 - 45	4	16	8	29.5
46 - 50	9	36	4	14.2
51 - 55	4	16	1	3.9
55 +	2	8	4	14.2
Total	25	100	28	100.0

Bearing in mind that the parents interviewed had children in the 14 to 18 age group, it is interesting to note the relatively large numbers of mothers who were under 40 years old. Fifteen of the mothers were married before the age of 20 (53%). Despite the small sample, involving only 100 boys, the influence of a very early marriage on the children should be considered -- it might even be regarded as one of the reasons for the deviation of the children.

Nineteen of the parents were married once, and four of the fathers and eight of the mothers were married for a second time.

Twelve of the couples were the real parents of the boy in the reform school and the boy's father was still living with the boy's mother; twelve of the fathers (50%) were not living with the real mother of the child; sixteen of the mothers (57%) were not living with the real father of the child. It is important to note that, of the 31 families interviewed, 22 of the boys had suffered the trauma of separation, whether due to the divorce, the death of one of the parents, adoption by another member of the family or by someone who was not a member of the family. It is also interesting to note the ages at which the boys were separated under the different circumstances.

Nine boys (49%) were under 10 years old when the parents were separated, six boys (27%) were aged between 11 and 14 and a further five boys (20%) were 17 years old at the time of the separation.

Once again these particulars cannot be ignored as they once again indicate the importance of the family structure on the correct development of the child.

The cultural level of the parents as expressed by them in response to the different questions, including questions on their childhood, proved very interesting. Eighteen fathers (78.2%) completed high school, two (8%) finished college and three (13.4%) only completed primary school. Among mothers only eight (29%) completed high school, nineteen (71%) completed primary school or left school in the middle of their studies. This point appears to be clearly related to the early age of marriage mentioned above.

Examining the criminal records of the parents, primarily the fathers, it appeared that two fathers only had committed offences in their childhood and were brought before the court as a result. Twenty-one fathers (95%) did not commit any offence and two committed offences after their marriage and were imprisoned as a result, both for a short period of less than a year. None of the fathers had been in a reform school. Four fathers said they had been at boarding school, two of them due to the standard of studies in the school where they lived and the other two due to the home situation. Four fathers (19.4%) said they had been punished often as children and seventeen fathers (80.6%) were not punished often.

Among the mothers, eleven (47%) were punished often and sixteen (53%) were not punished so often.

Had we been dealing here with larger and more significant numbers, it might have been possible to consider the high percentage of mothers who had been punished and were in turn stricter with their own sons. Nevertheless, even with these small numbers, this result cannot be overlooked as a factor in the deviation of their sons.

It is important to note the social status of the parents. One of the ways to do so is to examine the different occupations and distribution of income among the fathers. Among the mothers, ten (37.3%) were working outside the home, and had been doing so for more than two years. Some had even worked for sixteen, eighteen and twenty years. Sixteen women (62.7%) said that they did not work outside the home. It was interesting to note that only five of the mothers (18.5%) regarded work outside the home as having an affect on the children, and twenty-two of them (81.5%) did not regard this fact as having had any influence on the children.

It is worthwhile describing the results of a 1950 study in New York on the effect of working mothers on delinquency.⁽¹⁾ It was found that a significant proportion of mothers of non-delinquent children worked than were housewives. There were indications that working mothers, at least in low income groups, were not as conscientious about arranging for the supervision of

their children as were those who remained at home. Secondly, the supervision of those children who did become delinquent was far less suitable on the part of working mothers than on the part of mothers who were housewives. Thirdly, a boy who is carelessly supervised and whose mother works occasionally, is far more likely to become a delinquent than the poorly supervised son of a mother who does not go to work.

In our study, we did not find mothers whose work was cleaning, scrubbing or other domestic duties, but we did find a secretary, nurse, superintendent, telephone exchange operator, bookkeeper, assistant supervisor, office worker, a worker in a shoe factory, a wage clerk and a door lady.

Some authors, however, do not agree with the above finding of the connection between a working mother and delinquency.— Nye found in 1958 that there were slightly stronger tendencies toward delinquency where the mothers worked, and that the effect was greater among girls than boys.⁽²⁾ Andry, in a 1960 study in England, found no significant relationship between delinquency and the work status of the mother, but the fathers' work schedules did have a bearing on delinquency among the children in his sample. Herbert C. Quay, in his book "Juvenile Delinquency", considers that outside employment by the mother is not as important in contributing towards delinquency as some observers have suggested. It may be deleterious for mothers to work, but not greatly so. Children can apparently mature psychosocially and avoid delinquency even if the mother is gone from time to time just as they can endure the death of the parent when the

basic relationships in the family are adequate.⁽³⁾

With regard to the occupation of the father, it was found that the fathers of delinquents were on shift work to a greater extent than the fathers of non-delinquent children. In addition they stated more frequently that they were absent from their home for reasons of work when the child was between six and fifteen years old. Andry suggests in his study that it may be the lack of a close relationship with the father that mattered more than the fact of the absence itself -- the fathers always seemed to have some reason for staying away from their sons.

The fathers in this study were all working for an employer (94%), apart from two who were self-employed. It was interesting to note that all nineteen of the fathers working for someone else held steady jobs. Sixty percent of them (14) had worked in their jobs from between six and twenty years, and the other five fathers between three to five years.

Examining the different occupations and the income rates gives some picture of the level of the families. Once again it must be stressed that as the sample was small, the numbers were not sufficiently significant.

We gained the impression, as will be shown later, that there were no great differences among the boys themselves although possibly the small number can give us some ground for assumptions

but based on the origin and life of the families.

On the premise that the average income in South Africa is R600 per month, our data included ten fathers whose income ranges from R500 to over R1000 per month, and five whose income is under R300 per month.

TABLE 2

Fathers of Boys in Constantia
Reform School Classified
according to Monthly Income

Income	Fathers
Under R300	5
R300-R500	6
R500-R700	6
R700-R1000	2
More than R1000	2
TOTAL	21

In the writer's view the results so far indicate that the families of the boys in the reform school are from the middle class.

In examining the different occupations, we find a building contractor, a company director, a motor salesman, a security guard, a refrigeration mechanic, a labourer, a storeman, a tyre foreman, a railway conductor, a carpenter, a wood machinist and others.

In conclusion, it seems to the writer that there is room to ask whose son had the greater chance of becoming delinquent: the son of the educated father who was very busy and saw his son only very seldom, or the son of an uneducated man who did his work and then came home to spend his time with his family.

On the question of religion in the life of the family, it must be emphasised that some writers assert that religion is the most vital influence in the character development of youth, and in the event of there being delinquency, it is the most effective means to reform the youth offender. Other sociologists have taken the position that because of the insincerity of church leaders, stringent laws imposed by the church, the ethnocentrism that evolves from denominationalism and the identification of the church with the power structure of society, religion provokes and facilitates delinquent behaviour.⁽⁴⁾

Nine fathers (39%) said they attended church regularly; eight used to take their sons with them before their sons were sent to reform school. Fourteen other fathers (61%) did not attend church regularly and did not take their sons with them. The nine fathers who attended church regularly discussed their sons with their ministers.

It is interesting to note that the fathers did not see any connection between religion and delinquency. In trying to understand this point, we must assume that those who attended church

regularly cannot blame themselves for a lack of faith and therefore did not see any connection between the two. The others did not want to change their kind of life as a consequence of their statements. (The first group cannot accuse themselves of a lack of faith as they go to church regularly yet their sons still became delinquents. The others would certainly not agree with the link between delinquency and religion, as if they did so they would be forced to change their way of life and this is something they certainly would not want.)

If the parents do not regard religion as a reason for the delinquency of their sons, the question arises of what the reason is in their view.

Fifteen parents (48.3%) pointed to bad friends as the main reason. Eleven parents (35.5%) pointed to the problematic personality of their sons.

It is worthwhile looking at the way some of the parents expressed themselves in response to this question. These responses also show other reasons.

Parents of a boy who had been adopted since childhood thought the son started to go the wrong way after learning that he had been adopted. Certain other parents blamed the wrong attitude of their other sons and daughters towards the convicted son. Three of the mothers pointed to the death of their husband as the

cause of the delinquency of their son, in the same way as one of the fathers pointed to the fact that his wife died as the reason for the delinquency. Another mother indicated that her husband was a heavy drinker and was unemployed. Certain other parents blamed the area in which they lived.

Among the reasons, we must point to the answer given to the question in the fathers' questionnaire: "Do you drink alcoholic liquor regularly?"

Of the twenty-three fathers, eight answered positively (34.8%) and fifteen (65.2%) answered that they did not drink regularly. On the premise that almost 35% influence their family life because of their drinking, it may be assumed that, in the cases in this study, some of the boys turned to delinquency because of the unstable behaviour of their fathers that was expressed, inter alia, in heavy drinking.

The above is a selection of known reasons for delinquency, but it is important to note how many parents seek the main reason outside the walls of their home and see friends as the main reasons of their sons' delinquency. Twenty-five families (86.4%) said they had no connections with other families and twenty-eight families (93.3%) did not see any change in the attitude of the environment towards them because of the conviction of their son.

It appears that having a son in a reform school has no influence on the family's outside connections. The question arises of the extent of the influence this has on the internal life of the family. Eighteen mothers (72%) did not see any influence on their family life nor any change in the relationship with their husband due to their son's conviction. A slightly higher percentage of mothers (81.3%) did not see any influence of their son's conviction on the other children. These results may be compared to the reasons given by the parents for delinquency. It is possible to understand their position that there was a "mishap" with one son and it was not the whole family structure that was wrong. As a result there was no place for the whole family to be influenced because of this one son. With regard to the consequences of the conviction on the attitude of the parents towards the son, ten mothers (41.6%) thought there was a change in their attitude, and fourteen mothers (58.4%) did not change their attitude at all. The percentage of the fathers whose attitude changed was much smaller than among the mothers, and only 7.8% indicated that this had happened. It may be said that the cause of this difference is the fact that in many families the father has either deserted or has never been a member of the family.⁽⁵⁾ In such families the influence of the mother is far greater than that of the father. It is interesting to note, however, that four of the mothers indicated that their husbands had changed their attitude, while another fifteen saw no such change.

With regard to the attitude towards other children, eight mothers (17.1%) felt they had changed their attitude because of the conviction of their son. Fourteen (62.9%) did not think there had been such a change, i.e. life at home was not disturbed and did not bring about the change in the child-parent relationships.

As is to be expected from a mother, even if her son was doing wrong and conducting himself incorrectly, he did not lose his mother's love and attention. Twenty-two mothers (91.7%) had the same feelings of love towards their son and only one mother had the courage to say she did not have the same feeling. This mother had adopted the son who was now in the reform school. We received one other negative answer to this question, but this was supplied by the father- answering for the mother who had died in 1974. There were also other questions taken into consideration in such a case and this answer, which was very personal and very emotional, should probably be disregarded.

In conclusion, it can be seen that most of the families interviewed were from the middle class. The fathers were working, and in some of the families so were the mothers. Most of the parents had a reasonable level of schooling. In families such as these the conviction of the son was regarded more or less as an accident. In families on a lower level, on the contrary, the conviction was seen as a result of the way of life.

NOTESON CHAPTER V

- (1) Sheldon and Eleanor Glueck: "Working Mothers and Delinquency" in Marvin E. Wolfgang, Leonard Savitz and Norman Johnston: The Sociology of Crime and Delinquency, New York: Wiley, 1970, p. 497.
- (2) Herbert C. Quay: Juvenile Delinquency. Princeton, New Jersey: D. van Nostrand Company Inc., 1965, p.71.
- (3) Ibid., pp. 71-72.
- (4) "Religious Control and Delinquent Behaviour". Thomas M. Gannon in The Sociology of Crime and Delinquency, New York: Wiley, 1970, p.500.
- (5) Herbert C. Quay: op. cit., p.75.

CHAPTER VI

CHARACTERISTICS OF OFFENDERS IN THE REFORM SCHOOL

A. THE OFFENDERS THEMSELVES

One hundred pupils in the Constantia Reform School were interviewed. (See Chapter IV). Most of the boys came from South Africa's two largest cities, Johannesburg and Cape Town. Their geographical distribution is shown below.

TABLE 3

Classification of Offenders according to Geographical Distribution
of Place of Residence

<u>City</u>	<u>No. and %</u>
Johannesburg	40
Cape Town	31
Port Elizabeth	8
Durban	8
Pretoria	5
East London	4
Other	4
Total	100

It has been mentioned that the boys in the school were aged between 14 and 22. The age distribution of boys interviewed is given in the following table.

TABLE 4Offenders Classified according to Age at Last Birthday

Age	No. and %
14	2
15	3
16	18
17	29
18	33
19	13
20 and over	2
All offenders	100

From the table it can be seen that 80% of the boys were between the ages of 16 and 18. Many studies have stressed that the ages between 14 - 16 are critical with regard to the committing of offences.⁽¹⁾ It will be seen later that most of the offenders remained in the reform school for between one and two years, which means that they committed their offences between the ages of 14 - 16. These results can also be seen in the next table in which the age at first conviction is examined.

TABLE 5Offenders Classified according to Age at First Conviction

Age	No. and %
8	2
9	1
10	1
11	3
12	3
13	9
14	16
15	28
16	21
17 and over	16
All offenders	100

It will be noted that 65% of the boys committed the offence for which they were first convicted when between the ages of 14 - 16.

With regard to the church affiliation of the offenders, a study done in the reform school in Constantia in the years 1946-1953 should be mentioned.⁽²⁾ Research was done on 544 pupils in the school in that period. It was found that most of the offenders (43.4%) were affiliated to the three large Afrikaans churches, the Nederduits-Gereformeerde Kerk, the Nederduits Hervormde Kerk, and the Gereformeerde Kerk; they were followed

by members of the English churches (23.9%); Roman Catholics (9.1%), and members of the Apostolic Churches (7.5%).⁽³⁾

Only a small percentage belonged to other churches or sects. The church affiliation of 13.8% of the offenders was unknown; presumably however some of the boys for whom religious affiliation was unknown may have been members of the churches named above, which would imply higher figures than those that are given here.

TABLE 6

Offenders in the 1946-53 Study Classified according to Religion

Religion	Percentage	No.
Afrikaans churches	43.4	236
English churches	23.9	130
Roman Catholic	9.2	50
Apostolic churches	7.5	41
Other	2.2	12
Unknown	13.8	75
Total	100.0	544

When the above figures are compared with present ones, it appears that there is little difference except that there has been an increase in the percentage of Roman Catholic offenders. The present study also found that most of the offenders (48%) were affiliates of the three large Afrikaans churches, followed by affiliates to the Anglican Church (17%), Roman Catholic

Church (19%), and the Methodist Church (16%).

TABLE 7

Offenders Classified according to Religion

<u>Religion</u>	<u>No. and %</u>
Afrikaans churches	48
Anglican	17
Catholic	19
Methodist	16
All offenders	100

It is important in this connexion to note that, for the total White population of South Africa in 1946, 54.12% belonged to the three large Afrikaans churches. The figure for 1970 was 49%. Thus, while on the one hand there has been a decrease in the percentage of people belonging to the Afrikaans churches in the population as a whole, there has on the other been an increase in the number of offenders belonging to these churches.

It has been found that the impoverished population strata in cities provide relatively more criminals than the better-off urban population, or than does the rural population. If the sectors of the population from which membership of the Afrikaans Churches has been drawn had dropped relatively on the economic scale, or if they had become relatively more urbanized, this could account for the increase of their representation in the ranks of offenders. The former supposition is hardly the case --

the opposite is probably true. But the increasing urbanization of Afrikaners over the period concerned is undeniable.

The next table gives an indication of the number of children in the families from which the juvenile offenders came.

H.J. Venter, quoted by the author of the 1946 - 1953 study, claims the average number of children in White South African families of the time was 4. He also says that 4 children constitute the limit where the "manageable" number of children is concerned. It can be seen from the table that the number of children was 5 and above in 54% of the families.⁽⁴⁾

TABLE 8

Offenders Classified according to
Number of Children in their Families

<u>No. of Children</u>	<u>No. and % of Offenders</u>
1	5
2-4	41
5-7	40
8-10	12
11	2
Total	100

Once again, the differences between the 1946 - 1953 study and the present study were not very great. In the present study it was found that 54% of the families had more than 5 children. It should be noted that the results were similar

for families with one child only, and families with two to four children, as shown by the next tables.

TABLE 9

Offenders Classified according to
Number of Children in their Families (1946 - 1953 Study)

<u>No. of Children</u>	<u>Percentage</u>	<u>Number</u>
1	5.9	32
2-4	39.0	212
5-7	31.6	172
8-10	13.1	71
11 and more	3.1	17
Unknown	7.3	40
Total	100.0	544

TABLE 10

Comparison between 1946-1953 Study and the Present One
where Number of Children in Family is concerned (In percent)

<u>No. of Children</u>	<u>1946 - 1953 Study</u>	<u>Present Study</u>
1	5.9	5
2-4	39.0	41
5-7	31.6	40
8-10	13.1	12
11 and more	3.1	2
Unknown	7.3	0
Total	100.0	100

The following two tables show first the number of brothers and then the number of sisters in the families.

TABLE 11

Offenders Classified according to
Number of Brothers

<u>No. of Brothers</u>	<u>Offenders</u>
0	21
1	24
2	31
3	13
4	5
5	3
6	1
7	2
All offenders	100

TABLE 12

Offenders Classified according to
Number of Sisters

<u>No. of Sisters</u>	<u>Offenders</u>
0	11
1	33
2	19
3	22
4	9
5	4
6	2
All offenders	100

It is presumably not the size of the family as such that is the problem, but the implication family size may have in certain circumstances.

It appears that the dislocation in the large family is greater than in the smaller family when the family suffers some setback. Where the father in a large family dies, for example, financial need more frequently sets in than with a smaller family. It is usually more difficult for one-parent families in particular to maintain control over 5 or 6 children than over 2 or 3.

It was surprising to find that the number of eldest boys in the study and the number of youngest were closely similar.

TABLE 13

Offenders Classified according to Order of Birth

<u>Order of Birth</u>	<u>No. and Percentage</u>
eldest	23
middle	54
youngest	18
only child	5
All offenders	100

It has been stated in many studies that oldest boys more frequently commit offences as they are more exposed to crime than the others. The earlier study of the Constantia School showed a much greater proportion of oldest boys than youngest

boys. The present study does not show this. This may be because life in present times produces different changes and crises in the family that nowadays can leave their mark on the youngest child in a way that was not formerly the case.

The next table deals with an indicator that may be very important in the causation of delinquency. It shows that 53% of the boys did not live with both real parents before their conviction.

TABLE 14

Offenders Classified according to
with Whom they Lived before Conviction

<u>Lived With</u>	<u>No. and Percent</u>
Parents	47
Mother	18
Father	3
Step-father	9
Step-mother	8
Foster parents	6
Brother or sister	2
Other relatives	6
Alone	1
All offenders	100

The questionnaire included a question on whether the respondent had previously been to a trade school. 54% of the boys answered that they had, and 46% said that they had not.

Interestingly, 53% of the boys were shown not to be living with both real parents -- 47% were. But we cannot infer from the coincidence of these figures that living with parents protects boys from the risk of admission to a trade school as cross-tabulation of these two variables was not undertaken.

Regarding the background of the boys, and with whom they lived before coming to the reform school, it is interesting to note how many of them were the first in the family to be convicted and committed to a reform school. Only 24% of all the boys were not the first to be convicted. Those 24 boys had a brother or sister who had been convicted of an offence before them. This strengthens the assumption referred to in Chapter V that we are dealing with boys here who came from middle-class families where a boy or girl was not often convicted of an offence. Where, however (in one-quarter of the cases) a sibling had been convicted before the respondent, it is reasonable to assume that the respondent will have been affected by the prior conviction of this sibling, and perhaps not unwarranted to assume that the influence would have been adverse.

There was a big difference in the responses to the question on how many of the family had previously been committed to an institution. Only 7% of the boys were not the first to be in an institution. It was also found that 17% of the brothers and sisters who had been convicted before the boy in the reform school had been convicted of offences that were not serious

enough for them to be committed to an institution.

The question arises: What were the offences that led these 100 boys to be committed to a reform school?

The list of the various offences in the questionnaire included relatively serious crimes (such as using drugs, driving a car without permission) as well as less serious offences (such as stone-throwing). The following table gives greater detail.

TABLE 15

Distribution of Types of Crime
for which Offenders were Convicted

<u>Type of Crime</u>	<u>No. of Convictions</u>
Running away from home	53
Shoplifting	62
Car theft	60
Other theft	50
Driving car without permission	57
Passenger in car without permission	29
Stone-throwing (e.g. at windows)	42
Damage to Railway property	23
Drug-taking	48
All convictions	424

It may be seen from this table that offenders had an average of 4.24 convictions.

The most common types of crime were shoplifting, car theft and driving a car without the knowledge of the owner. These three kinds of offence are common nowadays in almost every Western society.

It has to be borne in mind that, in addition to the above figures, there is possibly a great deal of undiscovered crime. In addition, there will be lesser offences which are overlooked due to the youthfulness of the offenders. In addition, offences not listed above were not inquired about in the course of the interviews, but the possibility of their existence should be remembered.

B. THE OFFENDERS AND THEIR FAMILIES

The role of the parents in the delinquency of one or more of the children in their family has been discussed in Chapter V. Several relevant aspects of the family background of the offenders will now be considered.

The following table shows the marital status of the boys' parents.

TABLE 16

Offenders Classified according to
Marital Status of Parents

<u>Marital Status</u>	<u>No. and Per Cent</u>
Married	54
Divorced	26
Widowed	14
Without parents	6
All offenders	100

This table shows that approximately half of the boys (46%) came from incomplete families. Even among those families where the parents were recorded as married, there were some where the parents did not live together, for instance because of the place of work of the father, imprisonment, or lengthy hospitalization. Thus, strictly speaking, more than 46% of the families were in fact "broken". It should be noted that in the earlier study in the Constantia Reform School it was found that 57,9% of the offenders came from incomplete families. This figure is particularly high when compared with more general findings. E.H. Sutherland, in his book Principles of Criminology⁽⁵⁾, puts the scope of incomplete families among young offenders at between 30% and 60%.

Much can be learnt about the offenders' relations with their families before conviction from the boys' answers to the question: "Did your parents often punish you?" and: "Did you need to get permission before going out in the evening?" By punishment was meant a "hiding" or more severe punishment. 60% of the offenders told us that they were punished by their parents, mostly by their fathers. The remaining 40% said they were not punished often and, when they were, the punishment was not very serious.

Some parents do not know how to enable their children to identify with them, and they try to achieve this by an attitude of overly-strict punishment. This attitude leads to stubbornness and

rebellion and has the opposite effect from the one the parents expect.

It was found that 79% of the offenders had to ask permission to go out in the evening. This result has to be treated with care and it is difficult to draw conclusions from it. On the one hand, it may be assumed that all 79 families were strict. On the other, it may be assumed that it indicates an organised home in which an effort is made to fulfil and maintain a proper family life.

A further question arises with regard to the attitude of the families to the offenders now being in the institution. 55 boys replied that they felt a change in their parents' attitude towards them after conviction, and 48 of these said that the change was for the good. 45% of the offenders said there had been no change at all in the attitude of their parents towards them.

We consider that among the factors that lead a child to delinquency should be reckoned the entire family environment and the broader environment of friends. Chapter V of the present study records that some parents blamed bad friends for changing their son from a good child to one that had committed offences.

The next table records the number of friends the boys said they

had before entering the reform school. Only close friends were taken into account.

TABLE 17

Offenders Classified according to Number of Close Friends

<u>No. of Friends</u>	<u>No. and Percentage</u>
None	17
1	12
2	19
3	14
4	13
5	8
6	2
7	1
8	1
9 and more	13
All offenders	100

More than half (58%) of the offenders had between 1 and 4 friends. It is surprising to note how many boys said that they had more than 9 friends.

In the next Chapter the relationship between the number of friends and other variables will be examined and the significance of the above figures will be seen.

C. THE OFFENDERS IN THE REFORM SCHOOL

In the questionnaire answered by the offenders, relatively little attention was paid to the situation of the boys in the School. We were more interested to find out about their past and their background. As mentioned in Chapter IV, the average length of the stay in the School was 2 years. The table below shows that only 6 boys had already spent more than 2 years in the School; this was in accordance with a special decision of the Court.

TABLE 18

Offenders Classified according to
Length of Stay in the Reform School

<u>No. of Years</u>	<u>No. and Per Cent</u>
1	62
2	32
more than 2	6
All offenders	100

Almost all offenders interviewed, thus, had not yet completed 2 years in the School.

Boys are referred to the Reform School by direct sentence, by transfer from an industrial school or other institution, or by transfer from a prison to a reform school. We found that all the boys interviewed came either as a result of a direct sentence by the court or from an industrial school. None of the boys had been referred to the School from a prison.

The following two tables show the contact between the offenders and their families while in the School. The first table shows the frequency of visits by parents. No definite conclusions may be drawn from this table about the lack of contact between parents and their sons. Only 31 boys were from Cape Town and its surrounding area. Thus in nearly three-quarters of the cases geographic factors alone could account for lack of contact.

TABLE 19

Offenders Classified according to Frequency of
Visits by Parents

<u>Visits</u>	<u>No. and Per Cent</u>
Monthly	30
Infrequent	14
None	56
All offenders -	100

Visits are allowed once a month on a Sunday. There was a definite correlation between the number of boys who received monthly visits and boys who lived in Cape Town, and between those who did not get visits at all and those who lived outside the Cape Peninsula.

A more definite pattern emerges from the next table, which shows the frequency that mail was received by the boys from their families.

TABLE 20

Offenders Classified according to
Frequency of Receiving Mail

<u>Mail Received</u>	<u>No. and Per Cent</u>
Often	61
Seldom	25
Never	14
All offenders	100

In the questionnaire the terms "often" and "seldom" were defined. "Often" was defined as more than once a month, and "seldom" as less than that. It can be seen from the table that 86% of the boys received letters at least once a month. The remaining 14 boys did not get letters at all. Of these, 6 had no parents and the other 8 said relations with their parents were bad.

NOTESON CHAPTER VI

- (1) John Baron Mays: Juvenile Delinquency, the Family and the Social Group. A Reader. Longmans, London: 1972.
- (2) J.M. Lötter: Die Rehabilitasie van Blankejeug-oortreders. 'n Opvolgstudie van 'n groep oud-leerlinge van die Constantia Verbeteringskool van 1946-1953. (Translated from Afrikaans). Nasionale Buro vir Opvoedkundige en Maatskaplike Navorsing, 1961.
- (3) The term "English churches" was employed by the researchers in the 1946-1953 study referred to in Note 2 above. The writer, in the present study, has collected data on "Anglican" and "Methodist" affiliations, and does not use the term "English churches". It is not known exactly what "English churches" should be taken to mean, and "English churches" may therefore not be entirely comparable with "Anglicans" and "Methodists" combined.
- (4) Lötter: op. cit.
- (5) Sutherland, E.H., Cressey, D.R.: Principles of Criminology. J.B. Lippincott Co., Chicago, Philadelphia, New York: 1955.

CHAPTER VII

THE SEARCH FOR SIGNIFICANT ASSOCIATIONS BETWEEN VARIABLES

In this Chapter we shall examine some of the variables referred to in Chapter V and Chapter VI to establish whether they are related. Looking at the different kinds of crime that appeared in the questionnaire given to the boys we shall try to establish whether any of the types of crime listed in the questionnaire were significantly linked with certain other factors on which data were obtained. As has been mentioned previously, the list of the kinds of crime included both major and minor offences.

The CROSTAB 2 computer system was used in dealing with the answers given by the offenders themselves, and the chi-square (test) was used.

After completing the interviews, we decided to test the connection between the different variables according to the following groups:

1. Religion of the offender
2. Order of birth
3. Marital status of the parents
4. Size of the family
5. Age at first conviction
6. Attitude and connection with the family after conviction
7. Kind of life before referral to the reform school
8. Number of friends
9. Kinds of crime.

Thomas M. Gannon, in his 1970 study "Religious Control and Delinquent Behaviour", has the following to say about the relation of delinquency and religion.

The examination of the effects of religion and individuals and groups, as well as the specific relationship of religion to delinquency and crime, has long intrigued social scientists. The question that often occurs is what is meant by religion? Is religion to be identified by church affiliation or by observable religious practice, or does not religion penetrate beyond mere statements of membership or attendance into intensity of a person's commitment to religious behaviour? (1)

In this study, we examined the religious affiliation of every boy. We were not, however, concerned with the strength of the affiliation. In Chapter V we found that only 39% of the fathers who were interviewed went to church regularly. Not all the fathers were however interviewed. Thomas M. Gannon⁽²⁾ in a study done in the U.S.A. in 1967 found that over half the group interviewed attended church and did so more frequently than their parents. If this may be assumed true of the boys in the present study, we can take it that at least half of them attended church regularly.

Some investigators have found a relationship between religiousness and delinquency. Argyle found that

the rate of crime was lower for people who actually went to church regularly but was not lower for those who merely held orthodox beliefs. The rate was higher for Catholics and lower for Protestants and Jews in all countries, although this was partially due to class differences." (3)

Even the theories that claim an association

between low religiousness and delinquency question whether low religiousness is a result of, or a predisposition to, delinquent behaviour.⁽⁴⁾

With regard to the relationship between religion and the different kinds of crime, we found interesting results dealing with religion and five kinds of crime.

The five kinds of crime where the association was more significant than the remaining four were: taking things from a shop or store (shop-lifting); using drugs; driving a motor car without the knowledge of the owner; and taking things from a car, house or garage.

We shall now comment on the following five tables relating to the kinds of crime mentioned above, and explain their results.

TABLE 21
Offenders Classified according to
Religion and Shoplifting

<u>Religion</u>	<u>Shoplifting</u>		<u>Total</u>
	<u>Yes</u>	<u>No</u>	
Afrikaans churches	26	22	48
Anglican	7	10	17
Methodist	11	5	16
Roman Catholic	18	1	19
Total	62	38	100

$$\chi^2 = 13.33$$

$$P = 0,0040$$

3DF

There is strong evidence of association between religion and shoplifting. It is important to note the large number of Roman Catholic boys who committed this offence. Was this because the Catholic boys came, on the whole, from the poor families?

American investigations show that Roman Catholics and Baptists commit relatively more crimes than the members of other churches. The explanation of this phenomenon does not lie in the religious belief itself but rather in sociological circumstances that relate to the affiliates of the particular religious conviction. Catholics in the U.S.A. include many new immigrants among their members -- people who were not yet able to adapt to their local culture. Baptists include many Negroes, a population that for a variety of reasons has a very high crime rate.⁽⁵⁾

TABLE 22

Offenders Classified according to
Religion and Drugtaking

Religion	Drugtaking		Total
	Yes	No	
Afrikaans churches	19	29	48
Anglican	9	8	17
Methodist	8	8	16
Roman Catholic	13	6	19
Total	49	51	100

$$\chi^2 = 4.68$$

$$P = 0.1965$$

In this table we also find a larger percentage of Catholic boys who used drugs than other boys. There is no evidence of a strong association between the two variables in this table (as in the previous table) but, relatively to the other kinds of crime, it is more significant than the others.

The following table reveals no association between religion and the offence of driving without permission.

TABLE 23

Offenders Classified according to Religion and
Driving a Car without the Knowledge of the Owner

Religion	Driving a Car		Total
	Yes	No	
Afrikaans churches	30	18	48
Anglican	6	11	17
Methodist	9	7	16
Roman Catholic	12	7	19
Total	57	43	100

$$x^2 = 4.16$$

$$P = 0.2449$$

This table shows the large percentage of boys belonging to the Afrikaans churches who were involved in driving a car without permission (62.6%). The percentage of boys who belonged to the Catholic church who committed this offence was even higher (63%).

TABLE 24

Offenders Classified according to
Religion and Car Theft

Religion	Car Theft		Total
	Yes	No	
Afrikaans churches	27	21	48
Anglican	12	5	17
Methodist	12	4	16
Roman Catholic	9	10	19
Total	60	40	100

$$\chi^2 = 3.84$$

$$P = 0.2794$$

In our analysis of the above tables and our attempt to ascertain the significance of the association between religion and the different kinds of crime, we shall try to formulate an explanation, based on the attitude of the offenders towards religion. Many young boys, whether offenders or not, cannot conceive of themselves as worthy of a personalised relationship with God.

To them His demands are simply the measure of their shortcomings, and they lack the optimism or strength to make a real effort to conform. . . . (6)
Much of the religious control is exercised unconsciously and depends largely on behavioural examples and religious experience rather than on precept. Only at a later stage does it reach the level of conscious decision and personal commitment. (7)

In our view, a youngster in the age group dealt with in this study very often tries to examine God. One of the ways is to see whether he would get punished after doing something wrong, or not. "Youth cannot keep a distant future for long in their

minds and have difficulty in making the moment-to-moment connection between their current misconduct and a set of 'rewards and penalties' which are to be realised only in a life after death."⁽⁸⁾

Two kinds of crime which reveal a higher chi-square value than others are shop-lifting and using drugs. By shop-lifting, we mean that the boy takes small things in his pockets while walking in the shop or store. The risk of discovery is very small in such cases and here the boy wishes to test God -- whether God saw him doing it or not, and whether he will be punished for it when no human saw him taking it. The second kind of crime which has a relatively stronger evidence of association to religion is the use of drugs. Here too, we find an offence that is committed unobserved with only a small risk that the offender will be caught or discovered. The risk of being caught was higher in all the other kinds of crime listed in the questionnaire and there is, consequently, less significance in "testing God". The correlation between these kinds of crime and religion therefore is lower. In all the other kinds of crime, tables are not given as the correlation found was 0.7 or more i.e., without any significance.

It is interesting to note that no evidence of association was found between religion and the marital status of parents ($P = 0.9564$). The high percentage of divorce among Roman Catholic parents (36.8) should be stressed, as it is the highest

among all the religious groups in this study.

We did not enter into the question referred to above of whether low religious faith leads to delinquency or not and we did not in this study, try to examine the place of religion as a factor in delinquency, but we did find an association between religion and some kinds of crime, with some attempts to explain these phenomena.

It was noted in the previous chapter that 23% of all the boys were the eldest in their families. Some theories were mentioned which hold that the eldest children are more exposed to crime than other children. In this study, we have to support Sutherland's view, which opposes this theory and does not regard the eldest son as any different from the other children.⁽⁹⁾

In examining the order of birth and the different kinds of crime, we did not find evidence of association. There was one kind of crime (causing damage to railway carriages, trucks or stations) however, for which we found a greater association than with other crimes, ($P = 0.3808$), as is shown in the following table.

TABLE 25

Offenders Classified according to
Order of Birth and Causing Damage

Member	Damage		Total
	Yes	No	
Only child	3	2	5
Youngest	6	12	18
Eldest	4	19	23
Middle	11	43	54
Total	24	76	100

$$x^2 = 3.07$$

$$P = 0.3808$$

A chi-square value per se, with 3 degree of freedom, is not significant so that it must be postulated on the basis of our data that there is no evidence of a difference between the place of the sons in the family with regard to committing offences. (In all other kinds of crime we found a chi-square value of 0.5823 and more). To explain the difference between the value in the above table and all the other kinds of crime, it may be assumed that causing damage is a form of letting off steam, of taking out aggression, in response to the pressures in the home both from parents and other members of the family. It is more natural for this kind of letting off of steam to take the form of causing damage rather than any other kind of crime referred to in the questionnaire. It is possible that this could explain the higher correlation.

We found a relatively higher chi-square value in the following table, in which we tested the correlation between the order of birth and obtaining permission from parents to go out in the evenings. The objective in asking the question on permission to go out in the evenings was to see whether the boy came from a strict home or a permissive one.

TABLE 26

Offenders Classified according to Order of Birth
and Permission to go out in the Evenings

Order of Birth	Permission Required		Total
	Yes	No	
Only child	4	1	5
Youngest	17	1	18
Eldest	20	3	23
Middle	40	14	54
Total	81	19	100

$$x^2 = 3.26$$

$$P = 0.3532$$

The youngest boys in the family formed the highest percentage of those who had to get permission (94%). Those in-between had to ask permission least of all (72%).

It is interesting to note the results relating to the order of birth and receiving punishment from parents. It was explained to the boys that what was meant by severe punishment was for example a "hiding". The following table relates to these two variables.

TABLE 27

Offenders Classified according to the Order of Birth
and receiving Punishment from Parents

Order of Birth	Punishment		Total
	Yes	No	
Only child	2	3	5
Youngest	8	10	18
Eldest	14	9	23
Middle	39	15	54
Total	63	37	100

$$x^2 = 3.02$$

$$P = 0.3889$$

The results in this table are not particularly significant. It is however interesting to note that it was the "middle" boys who had the highest punishment rate (72%). Only children received least punishment from their parents (44%). It may be assumed here that the eldest and youngest boy in the family are

unique to their parents and often benefit from a better attitude than the other children. The middle child is sometimes known as the "sandwich" in the family who often serves as the object of barbs of criticism both from his older and younger brothers and, as a result, experiences a different attitude from his parents.

We found no association between the order of birth and the marital status of the parents (0.6598). It might have been assumed that we would find a larger number of only children among the relatively high number of divorced and widowed parents, but the fact that we did not find this might be because the parents had been only recently divorced or widowed. As was mentioned in Chapter VI, the phenomenon of divorce and widowhood may be regarded as one of the contributing factors to juvenile delinquency, particularly with regard to the age group with which we are concerned here. We might have assumed that, if there was fertile ground for a youth to turn to crime, his place in the family would encourage this. An only child who is the son of either over-strict parents or excessively permissive parents might turn to juvenile delinquency sooner than others. A youngest child might turn to delinquency early because of his brothers or sisters. But this study revealed no association whatsoever between the order of birth and the age of the first conviction (P. 0.99). It thus seems that it does not make it more critical for one boy than another whether he is an only child, or the eldest, etc.

The same result was also found with the number of friends in correlation to the order of birth. (We were referring to very close friends.) 75% of the boys had up to four friends. The small number of only children in the study makes it impossible to draw conclusions of a general nature in this regard about only children.

The small number of only children also interfered in our analysis in the connection between the order of birth and the frequency of correspondence being despatched. We did not find any association between the two variables, (0.9608) although 4 of the 5 boys who were only children sent letters weekly to their families. Once again it appears that we need larger numbers of only children to draw significant conclusions.

TABLE 28

Offenders Classified according to the Order of Birth
and Frequency of Correspondence Despatched

Order of Birth	Weekly	Fortnightly	Monthly	Less than Monthly	Never	Total
Only child	4	0	0	0	1	5
Youngest	12	1	4	1	0	18
Eldest	17	4	1	1	0	23
Middle	38	10	3	1	2	54
Total	71	15	8	3	3	100

$$x^2 = 4.91$$

$$P = 0.9608$$

It will be noted from this table that 86% of the boys wrote letters to their families at least once a fortnight. Whether this is imposed by the staff of the school, or the boys felt it necessary themselves, it shows the importance of the connection with the families. This is highlighted even further in the following table which shows the connection between sending letters to the families and receiving letters in reply.

TABLE 29

- Offenders Classified according to
Receipt and Despatch of Family Correspondence

<u>Receipt of Correspondence</u>	<u>Weekly</u>	<u>Fortnightly</u>	<u>Monthly</u>	<u>Less than Monthly</u>	<u>Never</u>	<u>Total</u>
Often	55	6	3	0	0	61
Seldom	11	6	4	3	2	25
Never	5	3	1	0	1	14
Total	71	15	8	3	3	100

$$\chi^2 = 16.04$$

$$P = 0.0418$$

This table shows strong evidence of an association of 0.0418, a significant value, with little probability of the result being accidental. It shows that the connection with the families is not only a one-way street, and that letters prompt replies, both ways.

The following table indicates the connection between the marital status of the parents and the frequency with which mail is received by their offspring in the School.

TABLE 30

Offenders Classified according to Marital Status of Parents
and Frequency with which Mail is Received

Marital Status of Parents	Often	Mail Received		Total
		Seldom	Never	
Married	40	12	2	54
Divorced	13	6	7	26
Widowed	7	6	1	14
No Parents	1	1	4	6
Total	61	25	14	100

$$\chi^2 = 9.73$$

$$P = 0.1366$$

There is a relatively high chi-square level here compared with other results which indicates an association between the marital status of the parents and the despatch of letters to the son in the reform-school. If we look at the "often" column, we see that 74% of the married parents sent letters often and only 50% of the divorced and widowed parents. This shows that here too the stability of the family has a large role to play. When the family is incomplete, this has its effect in an area such as correspondence by mail with the boy.

In order to establish other connections with the family, i.e. apart from the question of correspondence, we asked the boys if there was any change in their parents' attitude to them after conviction. 55% replied in the affirmative, that there was a positive change for the better, and 45% answered that they did not see any change in their parents' attitude.

Relating the question of improved attitudes to the marital status of the parents, we found no association (0.4046) at all. We found the same percentage (61%) of married parents and divorced parents who had changed their attitudes towards their sons and 43% among the widowed parents.

TABLE 31

Offenders Classified according to Marital Status of Parents
and Attitudes towards Offenders after Conviction

Marital Status of Parents	Changed	Attitude after Conviction	
		Unchanged	Total
Married	33	21	54
Divorced	16	10	26
Widowed	6	8	14
No Parents	0	6	6
Total	55	45	100

$$x^2 = 2.92$$

$$P = 0.4046$$

We shall now examine whether there is any relationship between the marital status and the different kinds of crime. We found four kinds of crime with a relatively low chi-square value in relation to marital status.

The next table indicates the association between marital status and running away from home. While we found an insignificant probability of a 0.1346 chi-square value, it is interesting to note that this was nevertheless the highest chi-square value between marital status of parents and kinds of crime in their sons.

TABLE 32

Offenders Classified according to Marital Status of Parents
and running away from Home

Marital Status of Parents	Ran away		Total
	Yes	No	
Married	32	22	54
Divorced	16	10	26
Widowed	3	11	14
No parents	2	4	6
Total	53	47	100

$$x^2 = 5.57$$

$$P = 0.1346$$

In running away from home, the youth shows his dissatisfaction with the conditions at home. -- This is often his first step into delinquency⁽⁹⁾. It would consequently be logical to assume that this kind of crime would be positively associated with the marital status of the parents.

It is important to note the finding in the above table, however, that the same percentage of children (60%) who ran away from home came from homes where the parents were married and from homes where the parents were divorced. This indicates that it is not always the external framework that either protects from damage or causes it. It is the life within the family unit that is the most important. Another significant point was the high percentage of boys who ran away from home who came from families where one parent was absent because of divorce,

compared to the low percentage of boys who came from families where a parent was absent because of death (21%). This finding is similar to other studies which found that, in general terms, the death of a parent is less damaging than disruption from marital discord.⁽¹⁰⁾

As has been mentioned previously, we found four kinds of crime with a relatively low chi-square value in relation to marital status (less than 0.5). These are: running away from home, taking money from family or friends, shop-lifting, and using drugs, and even if we did not find an association in these four kinds of crime it is worthwhile indicating them and examining their tables.

The following table does not find an association between marital status and taking money from friends and/or family. ... Most of the boys told us while answering this question that they initially did not take money from their friends but only from their family. Later they began to take money from shops, other houses, etc.

TABLE 33

Offenders Classified according to Marital Status of Parents
and Taking Money from Friends and Family

Marital Status of Parents	<u>Took money</u>		<u>Total</u>
	Yes	No	
Married	24	30	54
Divorced	18	8	26
Widowed	7	7	14
No Parents	2	4	6
Total	51	49	100

$$x^2 = 3.66$$

$$P = 0.3005$$

In this table a high percentage of children from divorced families (70%) was found in relation to other children. It is understandable, however, that this kind of crime has a relatively higher value of significance than many others as this is where the child begins one of the first steps in delinquency, and his starting point is at home. In many cases a boy takes money from the family and when he sees there was no response, or that the response is confined to his home, he tries the next step in taking little things from a shop or store.

TABLE 34

Offenders Classified according to Marital Status of Parents
and taking Small Items from a Shop or Store

Marital Status of Parents	Taking from Store		Total
	Yes	No	
Married	29	25	54
Divorced	19	7	26
Widowed	11	3	14
No Parents	3	3	6
Total	62	38	100

$$x^2 = 2.95$$

$$P = 0.4002$$

This table shows the same percentage of children (78%) who came from families with one parent only, whether due to divorce or death. This is the first of the four kinds of crime with which we are dealing here in connection with marital status where the offence takes place outside the home, outside the family. We can see the response of children who come from an

incomplete home, in which one parent is missing, and it is not surprising that the percentage among children from divorced families is high, as it is for children from widowed families.

The results of the next table are possibly more surprising. Here we examined the connection between the marital status of the parents and the use of drugs by offenders.

TABLE 35

Offenders Classified according to Marital Status of Parents
and the Use of Drugs

Marital Status of Parents	Drug-taking		Total
	Yes	No	
Married	22	32	54
Divorced	15	11	26
Widowed	9	5	14
No Parents	3	3	6
Total	49	51	100

$$\chi^2 = 2.41$$

$$P = 0.4992$$

As can be seen from this table, there is no association between the two variables. It is thus very probable that this result was a chance result. The surprising aspect of this table is the high percentage of boys from widowed families (64%), the highest in the table.

With regard to the previous table, it may be assumed that there is no major difference between boys from widowed families and

those from divorced families in respect of offences committed outside the home in which other boys are not involved, in other words, offences committed by the offender alone.

In all other kinds of crime a correlation of 0.69 and above was found, i.e. not a significant figure. In addition, no association was found between the marital status and the age of the first conviction ($P = 0.999$), marital status and number of friends ($P = 0.9901$), and marital status and number of brothers ($P = 0.9998$) and number of sisters ($P = 0.9982$). These findings confirm the premise above regarding the order of birth, i.e. the separation due to divorce or death in most cases occurred only recently.

With regard to the number of brothers and sisters, i.e. the size of the family, it was assumed that there would be a connection between the number of brothers and sisters and the number of friends. It was assumed that the smaller the number of brothers, the larger the number of friends, and vice versa. The picture, however, appears to be very different and we obtained a chi-square of 1.000 which is far from being significant with regard to the connection between the number of brothers and the number of friends. Similar results were obtained with regard to the number of sisters and friends -- $P = 0.9999$.

The same general result was obtained regarding the number of friends and the age of the first conviction, as well as the

number of friends and the kind of life before conviction.

There was a more significant result obtained from examining the association between the number of friends and receiving punishment by parents before conviction. As the following table shows, the chi-square value is 0.1592, a value with a much lower probability of chance than those concerning the number of friends and number of brothers or sisters.

TABLE 36

Offenders Classified according to the Number of Friends and
Receiving Punishment at Home before Conviction

<u>Punishment</u>	<u>Number of Friends</u>										Total
	0	1	2	3	4	5	6	7	8	9	
Yes	14	5	14	10	11	7	2	1	2	12	78
No	3	7	5	4	2	0	0	0	0	1	22
Total	17	12	19	14	13	7	2	1	2	13	100

$$x^2 = 13.08$$

$$P = 0.1592$$

This table shows that more children who received punishment very often from their parents have more friends than those who did not receive punishment very often. Almost 54% of the boys who received punishment had between 2 and 5 friends.

A policy of excessive punishment leads to rejection and pushes the youth into the company of his friends. Frequently these friends have a similar background and try to get the better of

their situation by destructive means which serve to unfetter the chains binding them at home.

To return to the background of the boys themselves, we examined the age of the first conviction as related to the several kinds of crime and to other important variables.

In Chapter VI it was found that 65% of the offenders were convicted for the first time between the ages of 14 and 16. As has been mentioned, this is the most common age group in most Western societies for crime to begin. Approximately 10% of children began their offences after the age of adolescence.⁽¹¹⁾

There is, as previously stated, a closer association between shoplifting and religion than between shoplifting and marital status. We submitted a theory for this phenomenon and believe that studying the following table lends further strength to this theory. An offender does not begin immediately with a serious crime. He first tests his ability on smaller offences, in which the risk of being caught is not so high. From there he progresses to more serious offences that hold more of a challenge for him.

While the following table does not reveal a high probability of being obtained by chance, it should be examined as, relative to the other tables dealing with age of first conviction, it is more significant to us and lends support to our premise.

TABLE 37

Offenders Classified according to
Age of First Conviction and Shoplifting

<u>Age</u>	<u>Shoplifting</u>		<u>Total</u>
	<u>Yes</u>	<u>No</u>	
Under 9	2	0	2
9	1	0	1
10	1	0	1
11	3	0	3
12	3	0	3
13	8	1	9
14	12	4	16
15	15	13	28
16	12	9	21
17 and over	5	11	16
Total	62	38	100

$$\chi^2 = 9.48$$

$$P = 0.4875$$

Both our experience and the above table indicate that many boys begin their delinquency with shoplifting, often after running away or taking money from their families. In many cases, the boys do not come to the shop or store to steal, but as soon as the opportunity presents itself to take something, they take the risk and commit the offence. They are frequently encouraged by success and try to do it again. It is not a large step from this offence to other more serious offences.

As has been mentioned, the natural process of deviation in many cases begins in the home, and from there moves to the shop, streets, etc.

Although the next table reveals an insignificant chi-square value, the kind of crime referred to there, taking money from friends and family, has certain interesting features. The chi-square result in itself is not significant, but, next to the result in Table 37, it is closer to significance than is the case with any of the other types of crime.

TABLE 38

Offenders Classified according to Age of First Conviction
and Taking Money from Friends or Family

<u>Age</u>	<u>Took Money</u>		<u>Total</u>
	<u>Yes</u>	<u>No</u>	
Under 9	2	0	2
9	0	1	1
10	1	0	1
11	3	0	3
12	1	2	3
13	8	1	9
14	10	6	16
15	12	16	28
16	8	13	21
17 and over	6	10	16
Total	51	49	100

$$x^2 = 6.99$$

$$P = 0.5376$$

In discussing this table, two contradictory aspects should be mentioned. First, it is both logical and borne out by experience that a large number of offenders actually begin their offences by taking money from their parents -- sometimes to test their courage and at other times to take revenge against their parents. Secondly, some boys are very much afraid of their parents and would not dare to take anything from their parents without their permission.

On the other hand, taking money from parents sometimes does not reveal any heroism on the part of the offender, and this has a significant role in beginning the offence.

No significant chi-square value was found in all the other kinds of crime connected to the age of first conviction, and all the results were within the limits of 0.8 - 0.9.

It might be mentioned that the writer, through his work as a Probation Officer, met many lower-class boys who began their delinquency much earlier than the ages shown in this study. It is assumed that in such cases there would be a strong association between the age of first conviction and the kinds of crime. The writer knows of many cases of very young children involved in shoplifting and car theft. In growing up, their deviation continued and it developed into other kinds of offences. As has been mentioned, only a small number of children in this study began their offences before the age of 14.

It was, therefore, not possible to obtain significant results that would show the progression in commencing offences as the children grow older.

Many investigators refer to the importance of the complete family unit to the growth of the child. The process of socialization starts in the family group. In the family, the child acquires attitudes and learns how to relate to other people and to the property of others. (12)

Examining the families in this study according to the question of whom the offenders lived with before their conviction, we return to the role these families played in the process of the deviation of their sons. In Chapter VI it was noted that 53% of the boys did not live with their real parents before conviction. This means a high percentage of incomplete families.

The following table, which examines the association between the family structure and running away from home, reveals no association, although the chi-square value is more significant than for other kinds of crime when related to the persons in whose care the child was living. The table shows that 48.9% of the boys who lived with their parents ran away from home. In these families, the completeness of the family was only in the marital status but not in the actual family life.

TABLE 39

Offenders Classified according to Kind of Life
before Conviction and Running away from Home

<u>Lived with:</u>	<u>Ran Away</u>		<u>Total</u>
	<u>Yes</u>	<u>No</u>	
Without parents	1	1	2
Parents	23	24	47
Mother	6	12	18
Father	2	1	3
Step-father	6	3	9
Step-mother	8	0	8
Foster parents	4	2	6
Brother	1	1	2
Relatives	2	3	5
Total	53	47	100

$$\chi^2 = 6.99$$

$$P = 0.5376$$

This table shows a very high percentage of boys who lacked a complete, stable, and encouraging background before conviction. It is interesting to note that all the boys in the study who lived with a step-mother ran away. This finding tends to confirm our assumption regarding the importance of family background and the security and support that contributes to the character building of the boy.

The importance of the mother in the development of the child is clearly implied in the data in this table. Firstly, as shown

above, all the boys living with a step-mother ran away from home, while only 66% of the boys who lived with a step-father ran away. 33% of the boys living with their mother only ran away, while 66% of the boys who lived with their father only ran away.

These findings brought to mind the study done by Juan B. Cortes and Florence M. Gatti in the United States. They asked a delinquent and a non-delinquent group the following question: "Would you say that your father has been the ideal father?" and "Would you say that your mother has been the ideal mother?". It was found with regard to the mothers that there were no significant differences between the two groups. 70 delinquent boys regarded their mothers as ideal and 30 gave a negative answer, while 76 non-delinquent boys saw their mothers as ideal, and 24 said that they did not. The delinquent boys appeared however to have a lower opinion of their fathers than the non-delinquent boys. A higher proportion of boys had parents who were either separated or divorced. Children usually remain with the mother in the event of a separation or divorce and resentment or criticism of the father is inevitably transmitted to the child or developed by the child.⁽¹³⁾

A more significant chi-square value was not found with regard to all the other kinds of crime connected to the kind of life before conviction.

These findings repeatedly indicate the importance of the institution of the family and the damage that can be done to the boy by separation from his parents. On the other hand, social diagnosis is a difficult and complicated process. No single factor can be pointed out as the "cause" of the deviation of one youth or another. In this Chapter an attempt was made to find some link between the different variables essential in the development of the boy. Situations, both inside and outside the family, which differed considerably nevertheless sometimes evoked responses that were very similar. These responses are pointers on the way to the boy's delinquency. When a strong association was found between the one variable and a kind of crime, in most cases it was found the kinds of crime themselves were akin. An attempt was made to explain these findings. The findings in Chapter V cannot be forgotten, that we are dealing here with middle-class families that have the facilities and in most cases, the education to overcome a crisis situation without influencing the children. There are children under constant pressure who reveal no delinquent behaviour until the time of an acute crisis or traumatic experience -- the remarriage of a parent, the death of a person to whom the child was greatly attached, and other factors.⁽¹⁴⁾ In such a case it is the duty of the parent to explain the situation to the child and to guide him on how to overcome it. Most of the boys in this study did not receive this guidance or received insufficient guidance. The consequence was the committing of offences, conviction, and referral to a Reform School.

NOTESTO CHAPTER VII

- (1) Thomas M. Gannon: "Religious Control and Delinquent Behaviour" in The Sociology of Crime and Delinquency, by Marvin E. Wolfgang, L. Savitz; N. Johnston. New York: 1970, p. 499.
- (2) Ibid., p. 501.
- (3) Juan B. Cortes with Florence M. Gatti: Delinquency and Crime. New York: Seminar Press, 1972, p. 262.
- (4) Ibid., p. 5.
- (5) J.M. Lötter: Die Rehabilitasie van Blankejeug-oortreders. 'n Opvolgstudie van 'n groep oud-leerlinge van die Constantia Verbeteringskool van 1946-1953. (Translated from Afrikaans). Nasionale Buro vir Opvoedkundige en Maatskaplike Navorsing, 1961.
- (6) Thomas Gannon: op. cit., p. 507.
- (7) Ibid., p. 508.
- (8) Pauline V. Young: Social Treatment-in Probation and Delinquency. New Jersey: Patterson Smith, 1969, pp. 450-451.
- (9) J.M. Lötter: op. cit.
- (10) Herbert C. Quay: Juvenile Delinquency. Princeton, New Jersey: D. van Nostrand Company Inc., 1965, p.69.
- (11) Yona Cohen: Juvenile Delinquency in Israel. Tel Aviv: Gome, 1975, p.74.
- (12) John Baron Mays: Juvenile Delinquency, the Family and the Social Group. London: Reasliir-Longman Group Limited, 1972.
- (13) Juan B. Cortes with Florence M. Gatti: op. cit., pp. 118-119.
- (14) Pauline V. Young: op. cit., p. 155.

PART THREE

OVERVIEW

CHAPTER VIII

THE STUDY IN PERSPECTIVE

Many disciplines are concerned with juvenile delinquency.

As the number of factors involved in this phenomenon is increasing, more people from a variety of disciplines are dealing with it. From this study alone it is clear that there is room for involvement by sociologists, church ministers, social workers, teachers, psychologists and others. Viewing this study in perspective, we wish to lay greater stress on the role and duties of the social worker.

It should not be forgotten that this study deals with boys who are in a correctional institution. The treatment differs from an offender who remains at home. The role of the social worker in the institution will be analyzed first, followed by the role according to the background of the boys analyzed in the previous chapters.

Firstly, it is agreed that boys in an institution are those who failed to behave correctly while with their families and in an open society. This fact alone means that the social worker should pay them far closer attention than before, in order to restore or rehabilitate as much as possible before the boy returns home or worse, to prison. Otherwise, prison probably awaits him. There are cases where boys fail less because of

themselves than because of their social workers who were unable to deal with the problem effectively.

Take a social worker, for example, to whom a boy is brought in his office. The boy is completely unknown to the worker, and so is the family. The social worker will make every effort to obtain information about the family and the child, and will regard this task as a great challenge. On the other hand, if the same social worker gets another case of a boy who is unknown to him but whose family is familiar to him, as are the various means previously tried to help the family, would he devote the same efforts to helping the second boy as well?

The advantage of being in an institution is that the boy gets treatment and attention not only from one person but from a group of professionals who make every effort jointly to help him. On the other hand, the disadvantage of being in an institution, besides the fact that the boy misses his family, is the risk that the boy can perfect his criminal technique under the influence of other boys at the institution despite the opportunity given him to improve himself under the influence of the professionals.

The role of the social worker in the institution is not only to work with the boy, but also to work on the family links and relationships while the boy is in the institution. The worker also has the duty of guiding the teachers of the child on how to get close to him and to handle him properly.

Although the staff in most institutions will try to give the boy everything they can offer, Pauline Young points out:-

The boy and the officials live in two worlds of discourse, and there is little or no meeting of minds. The boy has to obey the rules of the institution, but he does not participate in their formulation. The meanings of those rules are not his meanings and he feels himself to be under an authority that provides plans that he must accept and follow. (1)

He also sees the social worker as one of the staff, who is against him, and even if the social worker wants to help him, it is only within the confines of the institution. There is sometimes a conflict between the loyalty of the social worker towards the agency in which he is working and his devotion and willingness to help the client. Such a conflict is felt much more keenly in an institution where the social worker is not the only professional. Sometimes there are clashes with other views expressed by other professionals on the staff.

With regard to teachers in an institution, it is known that "boards of education do not provide institutions for delinquents with the best available teachers. Only rarely does one find young, progressive, well-trained, and highly experienced teachers on the staff of institutions." (2)

On the other hand, the writer has known some cases where boys in an institution formed a very close relationship to one of the teachers, although the teacher was qualified neither in psychology nor social work. Sometimes the offender finds in

the institution the person he sees as the ideal father or guide. The writer also knows of an institution where the social worker made every effort to establish links between the boys in the institution and the people living in the area. This case was well-known because of its success, which was due entirely to the readiness of the people to accept the boys and the unlimited efforts of the social worker.

There has to be continuous contact between the social worker in the school and the parents of the offenders. Where the institution is far away from the child's home, the link must be between the social worker in the institution and the probation officer or social worker in the district from which the boy came. As previously mentioned, in the Constantia Reform School there is a regular transference of information to the probation officer. Before any long holiday, the probation officer is informed of the boy's arrival so that the family knows that their son will be coming home.

When the child comes home it is important for him to find an environment that would be conducive to his further normal development. Monson and Cowden ⁽³⁾ found that when the boy returns home he faces a great risk of developing problems in his post-release adjustment. This is most noticeable in cases where no reconstruction services have been rendered.

"Reconstruction may be defined as a family-care service which is being rendered to a family in which one member is receiving institutional treatment."⁽⁴⁾

Since the definition of "institution" in the S.A. Children's Act includes a reform school, reconstruction services are applicable. However, there is no statutory provision for reconstruction services for the families of juvenile delinquents who have been sent to reform school. In practice, however, a probation officer who has submitted a report to the court on a convicted juvenile would never close the case after the young offender has been committed to a reform school. It is general practice to render reconstruction services to the families of young offenders in the same way as services are rendered to families of children who have been committed to institutions in terms of the Children's Act. The only difference is that reports are not sent to reform schools at regular intervals. Reports would only be sent if requested, usually with a view to considering holiday leave for a pupil or release on licence. (5)

In addition to reconstruction, which essentially concerns the relationship between the young offender, his family, and the social worker, there is also "after care", which is closely linked with reconstruction and depends very much on the extent of reconstruction given to the family of the offender while in the reform school. After-care means the support and the arrangements for the young offender by his probation officer after release from the reform school, so that the offender can adjust properly in his old environment. At the same time, it is the duty of the probation officer to help the family, school, employers, etc. to adjust once again to the boy and to do his best to ensure that the boy will not feel rejected by them.

Having analysed the role of the social worker in the institution and after the boy is sent home, we shall try to ascertain the extent to which he can be involved in the boy's environment in accordance with the points mentioned in Chapter VII.

This touches on the preventive role of the social worker, a vital one in social work because the prevention of delinquency in a family saves the work of many professionals at a later stage. There is a difference between lower-, middle-, and upper-class families with regard to prevention. We assume that most of the families concerned in this study first came into contact with a social agency or a social worker because a particular son was convicted of an offence. In the case of many middle-class boys it is difficult to speak in terms of prevention because the majority of the families are hesitant about going to an agency and asking for advice or help. When they do go in the end, it is sometimes too late and the social worker has to start working with the family in terms of treatment. Often, the deviation of the son is the end of a long process which begins, for example, by separation or divorce, moving to a different area, serious illness of a member of the family, etc. Such deviation could be prevented with suitable assistance. Some people who belong to a church do not tell the minister, who is close to them, of their situation, often because they think they would disturb him and because they do not regard their situation as one that ought to be discussed with a minister of religion. There should be a working relationship between the different churches and social agencies, so that, where the minister is unable to help the family, he should bring the social worker into the picture. In such cases, it may be assumed that the social worker would enter the family at an early stage when something could still be done to prevent a serious

process. The church has to encourage people to relate to what is happening in their homes and not to hesitate too much when they suspect one of their children of misconduct. Here the church plays the role of a social factor rather than a religious factor. With a correct approach, much can certainly be done by the church in order to prevent complicated circumstances in the family and outside it.

The church can also play a major role among the youth through lectures, seminars, free day camps, etc., -- it should not confine itself to preaching. In Part I of this study the writer mentioned that he recalled very few delinquents who came from religious families, and this was certainly because of their way of life (it must be stressed that those were Jewish boys in Israel, but we do not propose to enter into the differences in the lifestyles of peoples of different religions).

Using Sutherland's Differential Association that "criminal behaviour is learned", we have to ask ourselves how this process of learning can be stopped in time and what the role of the social worker is in preventing its further development.

The question of the marital status of the parents and the kind of life the offender led prior to his conviction brings us to the point of family therapy and family consultation. The question arises of how many families have such therapy and believe that such consultation can help them. The question is increasingly acute among middle-class families that are ashamed to go to the

correct people as this for them would be admitting to their own failure.

The assumption of the writer is that people do not see the social worker as an expert (such as the doctor or dentist) and as a result do not go to him as soon as they have a problem. People readily take even very minor problems to a physician, but do not call upon a social worker for even major problems. We might ask ourselves how many divorces could have been prevented through correct advice, through correct consultation? How many offences could have been prevented through an early approach to an agency or to a social worker in private practice, if this could be afforded?

In our view there should be a direct channel of information to welfare officers in every case of divorce or death of a parent. There should then be a direct approach from the welfare office to the family to give advice and to encourage family members not to hesitate if they are unable to overcome the problems created by the new situation.

There is another way of obtaining information, i.e. through the school. Every teacher ought to be immediately aware of any change in the family through the child. The teacher should pass the information on so that someone could contact the family and start working with them. The teacher has a very important role in building the personality of the child. Sometimes the teacher has a child in his class who is not progressing well

and it will be obvious that the child is different from others in the class. Knowing the family, the teacher does not think there are special problems. But the question should be asked: Where does the boy fit into the family? Is he the only child, is he the youngest, is he the middle child, what is his relationship with his brothers and sisters, etc.? Was the child born after a desired pregnancy, etc.? Emphasis on all these points can lead people who are dealing with the child to a curriculum of guidance for the family. In such a case this can prevent the child being forced onto the street with all the consequences that follow. The degree of awareness required from the teacher, social worker, minister etc., in order to prevent the child from starting to commit offences is limitless. If it is feared that the child is involved with bad friends, there should be an immediate response from the parents. The writer can recall a case of a delinquent boy, on probation, who told him about many of his friends. He was particularly proud of his ability to find them for his group. Some of these friends were unknown to the probation officer, but he felt an obligation to warn their families about the fact that their children were friendly with the probationer. One of the friends was not prepared to sever his association with the probationer and later was convicted of an offence committed jointly with the probationer. The other boys severed their connections in good time and were not convicted of any offence.

In many cases the first offence, especially if it begins at an early stage, is very much a call for help. The question arises

of how many social workers and probation officers fully appreciate the situation and take great care in the treatment of the offender even if the offence itself was not severe. In some cases, young boys come before the probation officer due to a minor offence. After a conversation with the boy and his parents, the probation officer asks the police to close the case. He does not realise that this offence was merely a symptom of the real situation at home. There are cases which the probation officer does not regard as sufficiently severe for the boy to be brought to court. He examines the home situation and directs the boy to another social worker, or to some other source of treatment. The common system among probation officers is to meet the offender more than half-way and to ask the police to close the case, when the boy is a middle or upper-class child, but he devotes more of himself to the case where the boy is from the lower class. It is an open question as to which is preferable: to leave the boy with a feeling that he was forgiven, and not to bring him before the court, with the risk that he would once again come to the probation officer due to a more serious offence: or to let him come before the court hoping that this would prevent the commission of another offence. There is also the question of stigmatisation which "can intensify a deviant self-image and lead to further acts of deviance."⁽⁶⁾

The factors of delinquency differ for the lower-, middle-, and upper-classes. It is, accordingly, necessary to work differently in order to prevent delinquency in the different classes. In our view, the middle and upper class require much more work with the

family and much more casework. With regard to the lower class, it is necessary to concentrate more on community and group work. The lower-class boy lacks most of the facilities the middle-class boy has, so that, in addition to problems at home, he also has to face missing many things which other boys of his age often have. He has no possibility of attaining these things.

Since the problem of juvenile delinquency is very complicated, as are the ways of overcoming the problem, it is the hope of the writer that this study will make some contribution to the field and to a better understanding of some of the factors involved.

It is hoped that this study will give the reader an acquaintance with offenders in the Reform School in Constantia, the only one for Whites in South Africa, and serve some good purpose to those who are involved in, or interest themselves in, the position of children committed to a correctional institution..

NOTESTO CHAPTER VIII

- (1) Pauline V. Young: Social Treatment in Probation and Delinquency. New Jersey: Patterson Smith, 1969, pp. 311-312.
- (2) Ibid., p. 316.
- (3) F.P. Pieterse: "Reconstruction and After Care for Young Offenders" in Midgley, J., Steyn, J.H., and Graser, R.: Crime and Punishment in South Africa. Johannesburg: McGraw-Hill Book Company, 1975, p. 213.
- (4) Ibid., p. 213.
- (5) Ibid., p. 214.
- (6) Mana Slabbert: Repetitive Cycles. Institute of Criminology, U.C.T. 1980, p.43.

ANNEXURES

ANNEXURE A

Juvenile Delinquency Questionnaire

JUVENILE DELINQUENCY QUESTIONNAIRE

- | 1 | 2 |
|---|---|
| | |

- | | | |
|---|---|---|
| 3 | 4 | 5 |
| | | |

- | | |
|---|---|
| 6 | 7 |
| | |

- 8

Roman Catholic ☐

Methodist ☐

Muslim ☐

Jewish ☐

Other ☐

- | | | | |
|---|--|--|----|
| 9 | | | 12 |
| | | | |

- | | | | |
|----|--|----|--|
| 13 | | 16 | |
|----|--|----|--|

- 17

- | | |
|----|----|
| 18 | 19 |
| | |

- 20

- 21

- 22

- 23

- | | |
|----|----|
| 24 | 25 |
| | |

- | | |
|----|----|
| 26 | 27 |
| | |

- | | | | | | | |
|----|--|--|--|--|--|----|
| 28 | | | | | | 33 |
|----|--|--|--|--|--|----|

- | | | | | | | |
|----|--|--|--|--|--|----|
| 34 | | | | | | 39 |
|----|--|--|--|--|--|----|

17. Which are you in the family? 40
☐
- An only child ☐
- The youngest child ☐
- The eldest child ☐
- Between youngest & eldest ☐
18. Are you the first child in your family who was convicted of an offence? 41
☐
19. If not, who was the first? 42
☐
- A brother ☐
- A sister ☐
20. Was this brother or sister older or younger than you? 43
☐
- Older ☐
- Younger ☐
21. Are you the first child in your family who was committed to a reformatory? 44
☐
22. If not, who was the first? 45
☐
- A brother ☐
- A sister ☐
23. Was this brother or sister older or younger than you? 46
☐
- Older ☐
- Younger ☐
24. If your answer to Question 18 is "no", what age were you then? 47 48
☐ ☐
25. Where is your brother or sister staying now? 49
☐
- At your parents' house ☐
- In an institution ☐
- Outside your parents' house ☐

26. In response to Question 18, is your brother or sister under probation, or was he or she in the past under probation?

50

☐

Is today

☐

Was in the past

☐

51

☐

27. Do you have any connection with him/her?

52

☐

28. Marital status of your parents

Married

☐

Never married

☐

Divorced

☐

Widowed

☐

29. With whom did you live before you were sent to the institution?

53

☐

Mother & father

☐

Mother only

☐

Father only

☐

Mother & stepfather

☐

Father & stepmother

☐

Foster parents

☐

Brother or sister

☐

Other relatives

☐

54

☐

30. Do you receive letters from your parents

Often

☐

Seldom

☐

Never

☐

31. Do you receive letters from your brothers and sisters?

55

☐

Often

☐

Seldom

☐

Never

☐

32. Do you write letters to your family and how often? 56
☐
- Once a week ☐
- Once a fortnight ☐
- Once a month ☐
- Less than once a month ☐
- Never ☐
33. Do your parents come to visit you and how often? 57
☐
- Weekly ☐
- Seldom ☐
- Never ☐
34. Where do you usually go for your holidays? 58
☐
- To my parents' house ☐
- To other relatives' house ☐
- To friends' house ☐
35. Think back to the time before you had committed any offence. Did you need permission from your parents to go out in the evening? 59
☐
36. Do you need such permission now when you are home for the holidays? 60
☐
37. Did you get punished often by your parents before you committed your offences? 61
☐
38. Do you get punished often now when you are at home for the holidays? 62
☐
39. Did you get any severe punishment from your parents after you were convicted? 63
☐
40. Do you see any change in your parents' attitude towards you because you were sentenced? 64
☐
41. Do you see any change in your brothers' or sisters' attitudes towards you after you committed an offence? 65
☐

42. Did one of your brothers or sisters commit an offence after you were sentenced? 66
☐
43. In response to the last Question and to Question 18, did you feel any change in the attitude of your parents towards you after the conviction of your brother or sister? 67
☐
44. Have you ever been in a boarding school or did your parents ever send you to live with somebody else? 68
☐
45. If "yes", was this because of an offence committed by one of your brothers or sisters? 69
☐
46. Do you think there has been any change in your parents' attitude to your brothers or sisters because of your conviction? (Did they, for instance, send your brothers or sisters to boarding school or to live elsewhere?) 70
☐
47. With approximately how many close friends did you play before you were sentenced? 71 72
☐ ☐
48. Have you any connection with these friends today? 73
☐
49. Do you see your friends when you go on holidays? 74
☐
50. With whom did you commit your last offence? 75
☐
- Friend(s) ☐
- Brother(s) or sister(s) ☐
- Alone ☐
1. Did you commit one of your offences with a friend who is now also in Constantia School? 76
☐
2. (If your answer to Question 51 is "yes") Do you have any special connection with this friend now? 77
☐
3. If you committed your offences with somebody else, who took the lead? 78
☐
- You ☐
- Your friend(s) ☐

JUVENILE DELINQUENCY QUESTIONNAIRE II

1. Card code

1	2

2. Case number

3	4	5

3. Everyone breaks some rules and regulations during his lifetime. Some break them regularly, others less often. Below are some frequently broken by boys your age. Please indicate the things you have done and not been caught, and those you have done that led to a previous conviction; also indicate which offences you committed on your own and which with one of your brothers or sisters.

(a) Driven a car or motorcycle without the owner's knowledge

Alone

--	--

With brother or sister

--	--

--	--

6	7	8

(b) Run away from home

Alone

--	--

With brother or sister

--	--

--	--

9	10	11

(c) Taken little things from a shop or store

Alone

--	--

With brother or sister

--	--

--	--

12	13	14

(d) Taken things from a car, a boat, a house or a garage

Alone

--	--

With a brother or sister

--	--

--	--

15	16	17

(e) Been in a car for a ride with someone else who took it without the owner's knowledge

Alone

--	--

With a brother or sister

--	--

--	--

18	19	20

(f) Thrown stones or sticks or any other things in order to break a window, street-light or something like that

Alone

With brother or sister

--	--

--	--

--	--

21 23

--	--	--

(g) Taken little things like cigarettes or money from your friends or family

Alone

With brother or sister

--	--

--	--

--	--

24 26

--	--	--

(h) Caused damage to railway carages, tracks or stations

Alone

With brother or sister

--	--

--	--

--	--

27 29

--	--	--

(i) Used drugs

Alone

With brother or sister

--	--

--	--

--	--

30 32

--	--	--

ANNEXURE B

Parents' Questionnaire

ANNEXURE B

PARENTS' QUESTIONNAIREI. Parents

1. Card Code 1 2
2. Case Number 3 5
3. Which language do you speak at home? 6
- (a) Afrikaans
- (b) English
- (c) Both
- (d) Other
4. Do you live in a house or a flat? 7
- (a) A house
- (b) A flat.
5. For how many years have you lived in your present home? 8 9
6. How many persons are living in your home? 11
7. How many bedrooms do you have? 12
8. Are any rooms other than bedrooms used for sleeping? 13
- (a) Yes ☐
- (b) No ☐
9. How many cars do you have? 14
10. On the average, how often do you go to a movie, show, concert, etc.? 15
- (a) Once a week ☐
- (b) Once a fortnight ☐

(c) Once a month ☐

(d) Less than once a month ☐

11. On the average, how often do you go to sport matches?

16

(a) Once a week ☐

(b) Once a fortnight ☐

(c) Once a month ☐

(d) Less than once a month ☐

12. What, in your opinion, is the chief reason for your son's deviation?

17

(a) The relationship between him and us ☐

(b) His brothers' and sisters' attitude towards him ☐

(c) The economic situation of our family ☐

(d) The area we live in and the people around us ☐

(e) Bad friends from other areas ☐

(f) His problematic personality ☐

(g) Any other reason (explain) : _____

13. Have you connections with other parents whose sons were also sent to a reformatory?

18

14. Do you see any change in the neighbours' attitude towards you because of your son's conviction?

☐

15. How often do you write letters to your son?

20
☐

(a) Never ☐

(b) Once a week ☐

(c) Once a fortnight ☐

(d) Once a month ☐

(e) Less than once a month ☐

16. Does your son consult with you about his future after he is discharged from his reformatory?

21
☐

Yes ☐

No ☐

II. Father

1. Age (in years)

23
☐

2. Place of birth

24
☐

(a) South Africa ☐

(b) Other African country ☐

(c) America ☐

(d) Europe ☐

(e) Other ☐

3. If not born in South Africa, at what age did you come to South Africa?

26
☐

4. Which are you in your family?

27
☐

(a) An only son ☐

(b) The eldest son ☐

(c) The youngest son ☐

(d) Between the eldest and youngest ☐

5. Are your parents still alive? 28
☐
- (a) Both of them ☐
- (b) Mother only ☐
- (c) Father only ☐
- (d) Neither ☐
6. If one of your parents is dead, at what age were you when he/she died? 30
☐☐
7. If both your parents are still alive, are they still married? 31
☐
- (a) Yes ☐
- (b) No ☐
8. In case of divorce or separation of your parents, how old were you when this happened? 33
☐☐
9. Is this your first marriage? 34
☐
- (a) Yes ☐
- (b) No ☐
10. What age were you when you were first married? 36
☐☐
11. How long before your present marriage had you known your wife? 37
☐
- (a) Less than 6 months ☐
- (b) Between 6 months & a year ☐
- (c) More than a year ☐
12. Are you and the mother of your convicted son at present living together? 38
☐
- (a) Yes ☐
- (b) No ☐

13. If not, how old was your son when you began living apart?

40

14. Did you ever discuss with your wife the size of the family you want, i.e. the number of children?

41

(a) Yes

☐

(b) No

☐

15. If your answer to the last question is positive, how does the actual size of your family compare with what you had wanted it then?

42

(a) Just as wanted

☐

(b) Bigger

☐

(c) Smaller

☐

16. Try to remember your childhood and your parents' home. Did you often get punished by your parents?

43

(a) Yes

☐

(b) No

☐

17. At what age did you leave your parents' home?

45

18. Did you commit any offence before your marriage?

46

(a) Yes

☐

(b) No

☐

19. If yes, what age were you then?

48

20. Were you brought before the court because of any offence you committed in those times?

49

(a) Yes

☐

(b) No

☐

21. Were you ever sentenced to a reform school? 50
☐
- (a) Yes ☐
- (b) No ☐
22. Did you commit any offence after you were married? 51
☐
- (a) Yes ☐
- (b) No ☐
23. Have you ever been in prison? 52
☐
- (a) Yes ☐
- (b) No ☐
24. If yes, how long were you in prison? 53
☐
- (a) Less than a year ☐
- (b) Between 1 & 2 years ☐
- (c) Between 2 & 5 years ☐
- (d) More than 5 years ☐
25. At what age did you leave school? 55
☐ ☐
26. Have you ever been in boarding school? 56
☐
- (a) Yes ☐
- (b) No ☐
27. If yes, what was the reason for living away from your parents' home while studying? 57
☐
- (a) The level of study ☐
- (b) Situation in the family ☐
- (c) Personal reason connected with your behaviour ☐

28. What is the highest level you obtained in your education?

58

☐

(a) Primary school

☐

(b) High school

☐

(c) College

☐

(d) University

☐

29. What is your present occupation? (If retired, what was your former occupation?)

30. Are you self-employed or do you work for somebody else?

59

☐

(a) Self-employed

☐

(b) Work for somebody

☐

31. What is your present income per month?

60

☐

(a) Under R300

☐

(b) Between R300 - R500

☐

(c) Between R500 - R700

☐

(d) Between R700 - R1000

☐

(e) More than R1000

☐

32. For how many years have you been in your present job?

62

☐

33. Do you attend church regularly?

63

☐

(a) Yes

☐

(b) No

☐

34. Do you take your children with you when you are going to church?

64

☐

(a) Yes

☐

(b) No

☐

35. Before your son was sent to an industrial school or reformatory, did he come with you regularly to religious services?

65

☐

(a) Yes

☐

(b) No

☐

36. Did you ever discuss your son's situation with your minister (spiritual leader)?

66

☐

(a) Yes

☐

(b) No

☐

37. What connection, if any, do you think there is between religious services and delinquent behaviour?

67

☐

38. Did you often punish your son?

(a) Yes

☐

(b) No

☐

39. Do you feel there was any difference in your attitude to this particular son, when compared with your other children?

68

☐

(a) Yes

☐

(b) No

☐

40. Did you change your attitude and your behaviour towards your other children after the conviction of your son?

69

☐

(a) Yes -

☐

(b) No

☐

41. Do you see any influence from your son on the other children in the family?

70

☐

(a) Yes

☐

(b) No

☐

42. In case of more than one child having been convicted, do you see any influence of the convicted child on your son who is now in the reformatory?

71

☐

(a) Yes

☐

(b) No

☐

43. Do you drink alcoholic liquor regularly?

72

☐

(a) Yes

☐

(b) No

☐

44. Do you have any special hobby to which you devote most of your leisure time?

73

☐

(a) Yes

☐

(b) No

☐

45. Are you a member of a sports-club or any other club?

74

☐

(a) Yes

☐

(b) No

☐

46. Have you ever given your son permission to drive a car without his having a driver's licence?

75

☐

(a) Yes

☐

(b) No

☐

III. Mother

1. Card Code
2. Case Number
3. Age (in years)
4. Place of birth :
 - (a) South Africa
 - (b) Another African country
 - (c) Europe
 - (d) America
 - (e) Other
5. If you were born outside South Africa, at what age did you come to South Africa?
6. Which are you in your family?
 - (a) An only child
 - (b) The eldest child
 - (c) The youngest child
 - (e) Between the youngest & eldest
7. Are your parents still alive?
 - (a) Both of them
 - (b) Mother only
 - (c) Father only
 - (e) Neither
8. If one of your parents is dead, at what age were you when he/she died?

	1	2
3		5
		7
		8

	10
	11

	12

	14

9. If both your parents are still alive, are they still married? 15
☐
- (a) Yes ☐
- (b) No ☐
10. In the case of divorce or separation of your parents, how old were you when this happened? 17
☐ ☐
11. Is this your first marriage? 18
☐
- (a) Yes ☐
- (b) No ☐
12. What age were you when you were first married? 20
☐ ☐
13. Are you and the father of your convicted son at present living together? 21
☐
- (a) Yes ☐
- (b) No ☐
14. If not, how old was your son when you began living apart? , 23
☐ ☐
15. Try to remember your childhood. Did you get punished often by your parents? 24
☐
- (a) Yes ☐
- (b) No ☐
16. At what age did you leave school? 26
☐ ☐
17. Are you working outside your home? 27
☐
- (a) Yes ☐
- (b) No ☐

18. If yes, what is your present occupation? (If retired, what was your former occupation?)
-
-

19. How many years have you been working outside your home? 29

20. Do you think there has been any effect upon your children because you and your husband work outside your home for most hours of the day? 30

(a) Yes

(b) No

21. Do you see any influence on the family's life because of what has happened to your son? 31

(a) Yes

(b) No

22. Do you think there is any difference in the relationship between you and your husband because of your son's conviction? 32

(a) Yes

(b) No

23. Do you see any influence or any connection between your son's conviction and your other children's situation? 33

(a) Yes

(b) No

24. Do you think there has been any change in your attitude towards your son after his conviction? 34

(a) Yes

(b) No

25. Do you think there has been any change in your husband's attitude towards your son after his conviction?

35

☐

(a) Yes

☐

(b) No

☐

26. Do you think there has been any change in your and your husband's attitude towards your other children because of your son's conviction?

36

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(a) Yes

☐

(b) No

☐

27. Do you feel the same feeling of love towards your convicted son as you feel towards your other children?

37

☐

(a) Yes

☐

(b) No

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