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PERSPECTIVES ON YOUTHFUL DEVIANCE:  
IMPLICATIONS FOR SOCIAL POLICIES

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The way a society deals with its younger deviants reflects the place assigned to youth in that society. In his famous study of European family life, Phillippe Aries<sup>1</sup> pointed out that for centuries children shared the same status as adults and were mixed with adults as soon as they were weaned from their mothers at about the age of seven. And so it was possible that in England in 1801, a child of thirteen was hanged for stealing a spoon. A girl of seven was publicly hanged in 1808 and a boy of nine was hanged as late as 1831 for setting fire to a house.<sup>2</sup> But insofar as a childhood status was afforded to the young in early America, the puritans turned their "rude, stubborn and unruly children" over to Masters who would "force them to submit to government"<sup>3</sup>. In New York in the early 1800's it was declared that "If a child be found destitute— if abandoned by its parents—or suffered to lead a vicious or vagrant life; or if convicted of any crime, it may be sent to the House of Refuge"<sup>4</sup>. And, as Anthony Platt observed, the child saving movement which helped initiate the juvenile court at the turn of the century actually invented large categories of delinquency which had up to that time been handled more or less informally. The new reforms in effect imposed sanctions on conduct unbecoming youth and in effect "sought to disqualify youth from enjoying adult privileges"<sup>5</sup>.

Measured against this background of changing perspectives the relative-ness of our own approach to youthful deviance is particularly evident. Obviously, the way youth are treated depends largely on how they are perceived and how their behavior is defined. It would follow that the determination of sound policies must rest on an understanding of the processes underlying these perceptions and definitions. This paper will deal with some of these processes and policies in light of the current labeling perspective on deviance.

Although it may be difficult to acknowledge, we never see things in their total concreteness. We see only certain aspects—those that we have been taught to abstract using the currency of our own cultural symbols. As Walter Lippman expressed in his famous aphorism, "First we look, then we name, and only then do we see." It is in the naming or defining of behavior that we come to "see" or appreciate it as significant for we do not respond to stimuli but rather to our definitions of the stimuli but rather to our definitions of the stimuli. Inasmuch as our behavioral definitions have established cultural connotations, what we see or overlook depends in the final analysis on the concepts our culture provides.

What passes for knowledge and understanding then must center on how we arrive at these definitions. In exploring the sociology of knowledge, Manheim introduced the notion of relationism which held that truth is not necessarily a fixed commodity but is predicated on the historical and situational context in which it is found. As cross cultural studies reveal, our own involvement and narrowed frame-of-reference institutionalizes varying versions of the truth. And, any frame of reference is subject to time and place distortions.

Hence, the early social pathologists, as social reformers, reacted with moral indignation against non-conforming, disruptive and negative behavior. Strongly influenced by their faith in natural law, small town and middle class ideologies they simply assumed that social problems resulted not from defects in the existing institutions but from the acts of individuals who were seen to be either "dependent, defective or delinquent". The social disorganization theorists later moved away from such philosophical pronouncements and held that deviant activities arose from the absence, inadequacies or ineffectiveness of social rules and norms. And then "conflict" theorists, representing still another view believed that deviance was not so much a response to externally imposed values as it was a reflection of a differing set of values.

Increasingly, we are recognizing that deviant behavior is not exclusively the outcome of disruptive and disorganized forces in society but reflects the normal social processes of control which account for conventional behavior as well. Structural functionalists maintain that the normal strains which exist in the social order create conditions of anomie whereby large segments of the population are disproportionately influenced towards deviant adaptations. Meanwhile, labeling theorists in the symbolic interactionism tradition have focussed on the normal social processes which define, label and articulate negative societal reactions which in a sense contribute to further deviant responses. Deviancy in this view cannot be separated from the interpersonal context in which it is defined.

Each of us has his own set of concepts and related assumptions regarding the young and the definition of youthful deviance varies accordingly. The labeling perspective will be considered further inasmuch as it is particularly suited for exploring the processes which affect these definitions.

Basically, the labeling perspective sets forth a set of assumptions about how people define situations. It is concerned with the societal processes whereby a community or society comes to define certain kinds of behavior as deviant, the nature of the labels that get applied, and the consequent actions and reactions of those being labeled as well as those doing the labeling.

It was Howard Becker who made explicit the emphasis on labeling in his often quoted statement that:

. . . social groups create deviance by making the rules whose infraction constitutes deviance, and by applying these rules to particular people and labeling them as outsiders. From

this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender." The deviant is one to whom that label has successfully<sup>7</sup> been applied; deviant behavior is behavior that people so label.

Lemert<sup>8</sup> provided an early systematic theory of deviance which held that negative societal reactions played a prominent role in determining deviant behavior. The deviant person in this view is "one whose status, function and self-definition" are influenced and changed by the degree of deviance engaged in, by the nature of its visibility and by the kind of response it brings about. Similarly, "the critical variable in the study of deviance" was seen by Kai Erikson to be, "the social audience rather than individual person, since it is the audience which eventually decides whether or not any given action or actions will become a visible case of deviation"<sup>9</sup>.

In assessing others, humans tend to single out and categorize certain features of behavior into what John Lofland<sup>10</sup> refers to as "pivotal categories" which define persons and locate their essential status. People by their actions are identified and dealt with in terms of their imputed pivotal status. Since life is too complex for each of us to be able to correlate all the categories to identify and describe what kinds of people do what kinds of things, consistency specialists — otherwise known as behavioral scientists — emerge to keep track of such correlations. Their job is to show the rest of us what kinds of people engage in delinquent acts, take<sup>11</sup> drugs, become members of delinquent subcultures, masterbate, and so on.

The use of the pivotal category called "delinquent" is not arbitrarily determined but varies to the extent that persons are prepared to impute the category to others. The public is encouraged to recognize categories<sup>12</sup> of deviance through what has been described as a moral entrepreneurship on the part of some people who, being convinced that a certain "deviant" exists, mobilize efforts to influence others to recognize his evil character and to do something about it.

Again, the man in the street has relatively little time to identify deviants effectively. This is left to the imputational specialists<sup>13</sup> who are specially trained to code and impute meaning to behavior. The growing army of social workers, psychologists, psychiatrists school teachers and police in a sense insure the flow of imputations of deviance for their training alerts and prepares them to identify and detect deviants. Moreover, it is likely that as the number of imputational specialists increases, the number of people imputed to be deviant also increases.

The labeling school has not been without its critics.<sup>14</sup> Some have questioned, for example, its theoretical status and prefer to see it as a frame-of-reference which tends to champion the underdog and reflects what Becker acknowledges to be an unconventional sentimentality"<sup>15</sup>. Indeed, if it is a theory, it is not entirely clear whether it is meant to explain

deviance or reactions to deviance. Questions have also been raised regarding how much societal reaction is necessary to bring about a definition of deviancy, the nature of reciprocity involved and whether it is possible to have deviancy at all where the act is secretive and out of the view of others. It has been contended furthermore that the labeling perspective enters the fits well the sociology of the interesting in that the ideas advanced are sometimes considered great not because they are true but because they are simply interesting.<sup>16</sup> Labeling theorists have also been criticized for viewing deviancy in relatively passive terms and for their failure to take note of the more aggressive, political and group responses to and the counter application of labels.<sup>17</sup>

Whatever its shortcomings, for our purposes the labeling perspective does focus attention not so much on the individual child or youth but on the contest in which youthful behavior is being judged and acted upon. And, the emphasis on societal reactions suggests new insights regarding the role played by an informal and formal agencies not only in counteracting but also in initiating and sustaining the very deviance they set out to eliminate.

We turn now to a brief overview of some of the more salient features of our official approaches to juvenile delinquency.

The Official Approach to Juvenile Delinquency: According to the President's Task Force Report<sup>18</sup> on Juvenile Delinquency and Youth Crime, one out of every nine children and one out of every six boys will be referred to the juvenile court sometime prior to their eighteenth birthdate. Self reports indicate also that perhaps 90 percent of all young people have committed at least one act which could have brought them before the juvenile court. Official intervention appears to be a universal threat to all children although the detection and disposition of offenders seems clearly to be biased to reflect wide discretion by the imputational specialists. Inasmuch as teachers, social workers, policemen and judges do reflect public attitudes and social class values, it is not surprising to find that "delinquency" rates are disproportionately higher among urban poor, among blacks and among those who are viewed to have "family and personal problems".

The most significant feature of our juvenile criminal justice system is its legal "overreach" or overcriminalization evidenced in the continued search for legal means to solve what are essentially socio-personal problems. As currently conceived, the definition of delinquency includes not only criminal behavior which is punishable if committed by an adult but also a wide range of so-called juvenile status crimes including truancy, incorrigibility, being in danger of living an immoral life, growing up in idleness, etc., which are illegal or objectionable only with reference to children.

As interpreted by Anthony Platt, the juvenile court continues to further the middle class biases of the early child saving movement. Dominated by women who were the "moral entrepreneurs" of the day, the child savers brought attention to and actually invented new categories of conduct which

in the process "consolidated the inferior social status and dependency of lower class youth, denying them the capacity for initiative, responsibility and autonomy"<sup>19</sup>.

The disposition of those adjudicated to be delinquent by virtue of their childhood status differs little from those who have committed criminal acts. A national census of the almost 60,000 youths incarcerated in the 722 institutions throughout the country revealed for example that one out of every four boys and three out of every four girls were being detained because of status offenses.<sup>20</sup>

Any chain of behavior can be imputed so that a child may come under the jurisdiction of the court. One California judge arguing for the retention of juvenile court jurisdiction over simple juvenile traffic violations illustrated this when he stated:

that the broad powers of the juvenile court can be helpfully invoked on behalf of children whose maladjustment has been brought to light through juvenile traffic violations. A girl companion of a youthful speeder may be protected from further sexual (sic) experimentation. Boys whose only amusement seems to be joyriding in family cars can be directed to other more suitable forms of entertainment before they reach<sup>21</sup> the stage of "borrowing cars when the family car is unavailable.

One negative consequence of this overreach is reflected in the tendency of parents, school teachers and other adults to expect the courts to solve problems which they cannot deal with. Legal definitions, however, tend to be arbitrary artificial and insensitive to the needs of growing children. In effect, recourse to the law narrows considerably the range of diversity permitted youth insofar as prescriptions for conduct tend to be universal and denies important ethnic and cultural variations.

The origins of the juvenile court in America has been compared to the "chaplain's prayer that opens a political convention, graceful and altogether unexceptional, but hardly determinative of subsequent proceedings"<sup>22</sup>. The court early sought to provide a special type of protection and treatment for juveniles. Through it the child was no longer to be accused of a crime, but was to be offered assistance and guidance; there was to be no stigma or record concerning criminal guilt; hearings were to be informal and held in private. In short, the court would give youth an advantage which would in the words of the early founders "protect its least fortunate junior citizens".

Ironically, it is this same set of conditions which today have raised the most significant legal issues regarding lack of procedural rights for children as revealed in the Gault Decision<sup>23</sup>. To be sure, the struggle today seems more intent on providing equal protection to the young to say nothing of the advantages the procedures were designed to provide. As Justice Fortas pointed out "...there may be grounds for concern that the child receives the worst of both worlds; that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."<sup>24</sup>

In general, our approach to delinquency is based on the over-riding assumption that children and youth are basically incompetent and not entirely responsible for their own behavior. The problem is presumed to lie with the child as it is further assumed that the state through its long established institutions does have the capacity and clear mandate for socializing the young.

Paul Goodman<sup>25</sup> cites an intriguing study which revealed how younger children learned to use gymnasium apparatus under differing conditions. When older children were present and in a sense provided an audience, accidents were frequent; and when adults were present, there were fewer accidents but some children did not participate and some did not learn the apparatus. And interestingly enough when the children were left alone, all of them learned and there were no accidents.

There is some historical evidence that children, preadolescents and adolescents at least in crises situations can create their own societies and realize their potential for self-regulation.<sup>26</sup> The Russian Civil War orphans in the early 1920's for example were forced to fight for physical survival after their parents and relatives had been killed. These youths did indeed organize their lives effectively and survived by preying on the rest of society. Similarly, a spontaneous organization of children five years of age and older emerged in the wake of the Columbia Civil War in the early 1950's. These children effectively managed to form gangs composed of smaller social living units which learned to exist against the rest of society.

In many ways youths today prefer to be non-participants of the past and have become dropouts from history. In spite of the pamperings, briberies, put-downs, tongue-laskings, and promises of a bright shining future, youths are refusing to reenact the past and may not even desire to keep the system in tack. They are what Leslie Fiedler<sup>27</sup> refers to as "the new mutants" who face life with a new logic of its own. In contrast to his earlier counterpart, today's youths often feels no need to hide or disguise his rebellious deeds out of defense for god and motherhood. His escapades contribute directly to the growing inferiority complex and amateur status of his parents.

Perhaps our post-industrial society has signaled the beginning of a still more profound revelation which in Margaret Mead's <sup>28</sup> view represents an entirely new cultural stage in our history. Beginning with a post-figurative cultural stage where children learned primarily from their forbears, and moving to a configurative culture in which both children and adults learned from their peers, we are now entering a pre-figurative culture in which adults learn also from their children. Whereas in the past, the older generation could lend experience to guide youth through life, today's elders cannot provide this help because there are no guides. Youth thus take on a new authority in dealing with what is a mutually unknown future.

June Bingham states the problem in what are perhaps more personal terms when she states:

Those now over 40 were often burdened by their late Victorian and pre-Freudian parents with a harsh conscience, a tendency to overblame themselves. They were sandwiched between a generation that questioned too little and a generation that questions too much. They themselves never had the white meat of the turkey. When they were children, the best parts were being saved, as a matter of course, for the adults; by the time they grew up, the best parts were being saved, as a matter of course, for the children. Having been children in an adult-centered world, they are now adults in a child centered world"<sup>29</sup>.

Implications for Determining Policy: In concluding this discussion, at least three major policy directions will be briefly considered. The first concerns policies aimed at narrowing considerably the range of juvenile acts which come under the jurisdiction of the juvenile courts with a corresponding diversion of cases to non-legal welfare agencies. The second reflects the need to reinforce judicial procedures to safeguard children's rights and insure due process of law for those accused of criminal acts.<sup>30</sup> The third more broadly takes into account the interactional context in which youthful deviance occurs and argues for modifying social institutions to provide for a new and more responsible involvement of youth in society.

Clearly, policies need to be redirected so as to eliminate many of the poorly defined vague and non-criminal actions of youth from under the jurisdiction of the courts. Basically this calls for dropping juvenile status offenses and separating out for differential treatment the cases of dependency and neglect from the more narrowly defined set of delinquent acts. The courts would then be more properly used as an adjudicatory structure to deal with children whose alleged acts would be criminal if committed by an adult. The courts, in other words, should no longer be



used to regulate and control the moral behavior of youth. Norval Morris, in arguing for the elimination of victimless crimes, made the point most pointedly when stated, "It is improper impolitic and socially harmful for the criminal law to act the moral busybody<sup>30</sup> to intervene in or attempt to govern the private conduct of the citizen"

This recommendation has found considerable support. Acknowledging the ineffectiveness of the juvenile court system, the President's Task Force Report recommended the complete elimination from the court's jurisdiction of conduct illegal only for children.<sup>32</sup> Lemert in the same report held that the only defensible philosophy for the juvenile courts is one of judicious non-intervention with the courts remaining the "agency of last resort for children"<sup>33</sup>. Similar, Schur in recognizing the harmful effects of delinquency labeling advances the concept of radical non-intervention and flatly states that we "leave kids alone wherever possible."<sup>34</sup>. And finally, the Child Welfare League of America in its National Policy statement on the Rights of Children<sup>35</sup> recognized the courts as the only legal authority that may limit or terminate parental rights, transfer legal custody of children, appoint guardians, grant adoption decrees, or commit children. But again the report held that the jurisdiction of the courts should extend only to those cases which would be subject to prosecution if committed by adults, while other juvenile offenses should be reserved for appropriate child welfare agencies.

Any effort to modify court jurisdiction and delinquency statutes must also provide for the diversion of those children who will continue to need help for a variety of problems. Such problems as are often reflected in runaways, truancy, drug abuse, sexual experimentation could more effectively be defined as child welfare problems. To be sure the failure of governmental authorities to deal adequately with the full range of child welfare concerns and the limited involvement and accountability of the private agencies in the past resulted in a larger voice by police, courts and correctional authorities in the handling of juveniles in trouble. A renewed effort will have to be made to insure that the network of child welfare agencies is better equipped to handle children diverted to them. Somehow child welfare agencies must learn to provide programs which would eliminate the negative labeling and compulsory mandates which have met with obvious failures in the past.<sup>36</sup>

Closely related to proposals which would narrow the reach of the juvenile courts and provide for greater diversity of youthful behavior, is the attention which should be given to insure uniform treatment and constitutional safeguards for children accused of committing criminal acts. Although there are age differentials just as there are other extenuating circumstances which need to be considered in any judicial proceeding, neither the childhood status of the accused nor the presumed superior parental wisdom of the judge can justify procedures which violate basic individual rights.

The juvenile criminal justice system can no longer deny children their rights. Procedures which have been adopted to protect the so-called "best interests of the child" are more a myth than reality. Much too often this has led to unfair unconstitutional, and even inhumane treatment.<sup>37</sup>

While the ultimate source of change will come through legislation and judicial innovation, public expectations need somehow to be modified to accept a much more limited and formalized role for the courts. The public needs to be reconvinced if it is not already convinced, that the court should be engaged in that which it knows best—administering justice—and not practicing psychiatry, social work, family counseling which can be better provided by other service agencies. Schur put it bluntly when he stated that what was needed was "uniformly applied punishment not disguised as treatment."<sup>38</sup>

A final policy area is concerned with the broader interactional and structural aspects which give rise to definitions of deviance. As long as people play an influential role in creating the context for defining, labeling, and otherwise dealing with delinquent offenders, they must bear responsibility for modifying or reversing the self-defeating aspects of their activities. We should not overlook the obvious fact that the labelled deviants find it difficult to engage normally in a society which refuses to provide them with viable social statuses and role alternatives. The very processes which are responsible for the articulation of deviant behavior must also be re-engaged to ameliorate that behavior.

A few weeks ago, a special Presidential Panel released a report entitled, "Youth Transition to Adulthood"<sup>39</sup> which concluded that young people ought to have more interaction with adults; that they should be given greater chances to work and learn outside the formal established school system and that they should take on more responsibility not only for themselves but also for others as well.

Implementing these recommendations will not be easy. Our society is structured in accordance with our outmoded ways of thinking about one another. And our incapacity to learn to think differently leads to the suppression of some of our most vital elements. The rebellion of youth, for example, is mostly seen as a threat to an established order essential to the well-being of adults. Yet, it is through the process of rebelling that the adolescent asserts his own self-identity and makes his life meaningful.<sup>40</sup> We need social policies which encourage adults to recognize the wider diversity of behavior and accept youthful "upheavals" as natural events in the resolution of identity crisis.

This undoubtedly calls for educational programs aimed at confronting the negative societal reactions which emerge among adults and the counter actions of youth which tend to strain relations and cloud real issues. It would suggest institutionalizing conflicts through providing new opportunities for debate and shared problem solving activities in significant

arenas where community standards influence the behavior of youths. In the process, youth would be encouraged to "invent" significant roles for themselves and most importantly participate in society in ways that matter.

What is being recommended here in no small way calls for revamping existing institutions to more effectively accommodate the needs of the young. It affects families, schools, work, politics—all of which, our experience tells us, are not easily changed. To do less, however, would miss the point entirely.

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