

SOCI 446

PENOLOGY

SESSION 11 – Juvenile Delinquency

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Session Overview

- **The concept of Juvenile delinquency is being discussed as a prelude to the explanation of the specialised treatment reserved for young offenders.**
- The treatment of juveniles is informed by the broad concept of Diversion. Diversion is a treatment strategy developed to ensure that young offenders are prevented from coming into contact with the contaminating influences of adult correctional institutions.
- The laws of every country make provision for diversion in order to pre-empt the probability of young offenders transitioning from delinquency to adult criminality as a result of the vicious cycle of sentence contamination.



Session overview cont.

- Juvenile delinquency refers to offences committed by young persons, which, when committed by an adult person would be considered a crime and result in his prosecution and committal to a prison when found guilty.
- The act of delinquency is not difficult to define conceptually. However, the concept of who constitutes a juvenile delinquent is mired in verbal confusions, because of differences in cultural interpretations.

Session Outline

- The main topics to be covered in this session are as follows: -
- Topic One: Defining juvenile delinquency
- Topic Two: Theoretical explanations
- Topic Three: Delinquency in Ghana

Objectives/Expected outcomes for the session

On the completion of this session, you should be able to: –

- Identify and explain the cultural differences in the interpretation of juvenile delinquency
- Discuss the theoretical explanations of the concept
- Explain the trend of juvenile delinquency in Ghana.

Topic One:

Defining juvenile delinquency

- **The concept of juvenile delinquency defies precise and universal definition because cultural interpretations influence every stage of the process by which the fact of delinquency is established.**
- Among the East Indians in Mauritius for example, a girl may be regarded as delinquent if she talks to strangers; but she is not officially delinquent to be promiscuous after the age of 12 (that is, she is considered mature enough to make a decision about having sex, at the age of 13).
- In most other cultures the age of 13 is considered as a time of development too early for an adolescent girl of that definition to start dabbling in sexual experiences which could lead to an early pregnancy and greatly endanger her life.

Cultural differences in the definition of delinquency

- A widespread form of delinquency in Cairo is the collection of cigarette butts from the streets – a practice which is often overlooked in other cultures.
- According to a survey in the urban areas of India, the second most important juvenile offence was vagrancy. Vagrancy may refer to homelessness, destitution, begging, penury or rootlessness which in themselves are conditions over which the victims may have little or no control and could therefore not be said to be criminally responsible.
- In some other cultures vagrancy is not looked upon as an offence, and indeed young people considered as vagrants have been classified by the United Nations as Juveniles in need of assistance.

Definition cont.

- In Nigeria, Ghana, and in other African societies, a delinquent child is primarily a violator of the unwritten laws of the home, such as disobedience, disrespect, and defiance of the family.
- In Canada, tree climbing is a delinquent act in metropolitan Toronto according to recent changes in the law. In other cultures, typically in Third World countries, that is, Africa, Asia and Latin America, tree climbing is a useful skill that is actively encouraged and young people are trained to climb especially economic trees to bring down their fruits for sale.
- **Kvaraceus (1959) noted that the differences from country to country with regard to offence and penalties only indicate how divided the world is, on who is delinquent, who is not and what should done about it.**

Differences in the age of Legal responsibility

- **The minimum age at which a child is responsible for his actions** and brought before court varies greatly from country to country.
- In the US for example, the minimum age is fixed at 7; in Israel it is 9, 12 in Great Britain, 13 in Greece and Poland and 14 in Austria, Italy, Norway and Germany. In Ghana, it is 12. In some other countries there is no fixed minimum age of legal responsibility.
- **The upper age limit for juvenile offenders** lies between 16 and 19 for most countries. In the US it differs appreciably from state to state. For example in Wyoming a boy attains legal maturity at 19, while a girl is minor until 21; in Connecticut, the upper limit is 16.
- In Ghana, the upper age limit for juveniles is 17.

A compromise definition/Gibbens and Ahrendfeldt

- With reference to the cultural and legal differences and conceptual variations in the notion of who a juvenile is, Gibbens and Ahrendfeldt, (1966) have proposed a compromise/universal definition for the concept.
- According to them, **irrespective of the legal definition, a child might be regarded as delinquent when his anti social conduct inflicted suffering upon others or when his family found him difficult to control, so that he became a serious concern to the community which then reacted punitively.**

Definitions cont. - Sheldon Glueck

- As suggested by Sheldon Glueck delinquency depends on the provisions of a particular statute. The specific laws may proscribe actions which may include **serious offences which when committed by adults may be denominated as crimes.**
- **Other** acts may constitute delinquency include such childhood behaviour as truancy, running away from home and stubbornness, disobedience and similar conduct compendiously referred to as incorrigibility or waywardness.
- Further the laws may prohibit the more general and vague attitudes of anti-social flavour or tendency such as hostility, aggressiveness or guilt feeling leading to some form of deviant behaviour deemed dangerous to the child and society.

Definitions cont. – juvenile offenders and juveniles in need of assistance

- The second United Nations seminar on the prevention of crime and the treatment of offenders stressed in its conclusion that maladjustment and delinquency are not interchangeable terms.
- This means that juvenile **offenders** and **juveniles in need of assistance** and protection, seemed sociologically to constitute two different kinds of persons.
- Many countries however use the term ‘delinquency’ to apply not only to those who have committed criminal offenses, but also those in a state of vagrancy or whose behaviour called for preventive and re-educational measures.

Definitions cont.

- Although these distinctions are very often very clearly established in legislations, there is a certain amount of justification for overlooking it.
- Firstly, both the juvenile offender and those in need of care or assistance are dealt with by the same juvenile court, which acts a judicial body in the case of the former and a guardian in the case of the latter;
- Secondly, the two categories of juveniles are often subjected to the same measures of protection, treatment or resocialization.

Multiple factors

- Delinquent behaviour stems from a combination of so many factors which are subject to explanation by various sociological theories of criminal behaviour.
- **The delinquent child must be examined apart from his peers.**
- His life at home, his problems at school, his relationship with his parents, his self image and his personality all play a part in delinquency predisposition.
- Thus, in the next discussion, a number of theories which have attempted to explain the predisposing factors will be examined.

Topic Two:

Theoretical explanations

Introduction

- The following is a brief summary each of some of the relevant theories:
- According to the psychoanalytical theories, delinquency results from the severe frustrations suffered by a growing up child.
- Albert Cohen's subcultural theory, suggests that delinquency is an expression of rebellion, while Sutherlands Differential Association theory proposes further that young people develop into criminals by learning wrongful ways from bad companions and by seeing powerful and successful people break the laws of society with impunity.
- Thrasher saw juvenile gangs as training grounds for crime.

Theoretical explanations cont.

- Emile Durkheim anomie theory suggests that when the regulating and controlling pressures of society are reduced so that people find themselves without guidance and constraint, unrest and delinquency multiply.
- Robert Merton on the other hand explains that by organising itself so as to arouse and frustrate lower class aspirations, society gets the criminals it deserves.
- Of the theories identified above, Albert Cohens theory is perhaps the most frequently used in explaining the origins and manifestation of juvenile delinquency. The focus in this discussion will therefore be on Cohen's theory.

Cohen's subcultural theory

- **Albert Cohen(1955) who was a student of Robert Merton saw delinquency as the response of the underprivileged youth to a situation in which they are encouraged to aspire to a status which can only be gained by achieving success in middle class terms.**
- **At the same time however the underprivileged group is debarred from achieving such success by their lower-class background.**
- **They respond, according to Cohen, by rejecting the middle class way of life violently and aggressively. They do not merely dissociate themselves from the middle class norms; they resent their exclusion and angrily become the 'opposition'.**

Criminal subcultures predominantly working class

- One of the most obvious examples of a criminal sub-culture is that of the delinquent gang. In his study of the social outlook and origins of members of delinquent gangs, **Cohen postulated that juvenile delinquent gangs are recruited from working class boys frustrated by lack of status.**
- **This means that most often, delinquent sub cultures emerge in the slum areas of the larger cities.** Membership of the gangs is often rooted in the class differentials in **parental aspirations, child rearing practices and classroom standards.**
- The relative position of the youngster's family in the social structure determines, according to Cohen, the problems the child will have to face throughout life.



Cohen -Differential socialization and the middle class norm

- **Lower class families**, who have never known a middle class life style, **cannot socialize their children in a way that prepares them to enter the middle class.**
- These children grow up with poor communication skills, **lack of commitment to education and an inability to delay gratification.**
- **Education is the key to the middle class normative structure. A good education would lead to a good job, a good job would lead to a good income, and a good income would lead to a good style of life.**
- The ability of an individual to attain a good/high standard of education by pursuing education **to an appreciable level is what constitutes the middle norm.**

Persistence and postponement of gratification

- **Persistence (patience) is required to get through the educational system** to be able to reap its benefits.
- **Persistence means the ability to postpone (that is, delay) the gratification** of vanity till after the completion of the process. This requires time and waiting.
- **According to Cohen lower class boys however lack the commitment** to education and are unwilling to delay the gratification of their immediate pleasures. In other words. Lower class boys lack the ability to conceive and plan for their future by a willingness to endure the hardship of maybe, studying today in order to reap the benefits of education in the morrow.

Middle class socialisation based on discipline and ambition

- Cohen explained that the **emphasis among middle-class parents on self-discipline, planned ambition and constructive use of leisure** by their children paves the way to educational and social advancement.
- **In contrast the freer and more spontaneous but less ambitious attitudes of the working class leave their children less capable** of benefiting from conventional opportunities for advancement.
- The lower-class boys find themselves at a disadvantage because of their **lack of ambition explained by the inability/ignorance of their parents** to inculcate in their children achievement motivation.



Repudiation of middle class values – subculture is witches' coven

- **Being sensitive to their inferior status and finding the effort to adopt middle class standards too great, some of these boys react by repudiating middle class values altogether and holding up to ridicule conventional respectability and morality.**
- **The sub-culture thus formed stands in relation to the dominant culture rather like a witches' coven in relation to Christianity, so that what was most condemned is now most admired.**
- **The common motive behind all the thieving, the bullying of better behaved children, playing truant, defying teachers and destroying property is simply malicious delight in annoying the representatives of respectability, according to Cohen.**

Delinquent offences meant as punishment for the affluent

- Cohen pointed out that this interpretation satisfactorily explained some otherwise puzzling aspects of juvenile delinquent behaviour.
- For example, **a lot of delinquent activity cannot be accounted for in terms of simple gain**, since very often, **great risks are taken and efforts expended to steal precious articles which are of little value to the thief that they are soon discarded, given away or sold cheaply.**
- **Their aim is to punish those they consider as the the representatives of a society considered hostile**

Juveniles resist supervision

- **Delinquent gang members are very resistant to efforts by teachers or social agencies to regulate their lives or supervise their leisure activities.**
- **A resentment of being pushed around and exploited by authorities also accounts for two prominent features of the gang ethos, namely, hostility towards any form of outside control, and 'short run hedonism.'**

Criticism of Cohen

- The sub-culture theory put forward by Cohen (1955) was criticized by Cloward and Ohlin (1960) and others on the grounds that the available evidence suggests that **there is no desire on the part of the delinquents to achieve middle class status.**
- The delinquent wants to achieve success, **but success, as it is understood in his own lower-class sub-culture.** Here, **for example, the possession of money is in itself a passport to status, whereas in middle class circles, while money is also valued, respectability and a way of life are probably felt to be more important.** What are the main bases of the critiques?

Cohen criticised cont.

- Cloward and Ohlin point out that the success of a juvenile subculture depends on the availability of opposing values and alternate courses of action.
- **Illegitimate means as well as legitimate means vary in accessibility. Only those neighbourhoods in which a criminal community flourishes offer the youngster easy opportunity for learning the criminal role.**
- Other researchers have investigated the question whether juvenile delinquency is an exclusively lower class phenomenon. A study carried out by Rosenberg and Silverstein have thrown more light on the existing theories.

Criticisms cont.

- With reference for example to Cohen's assumption that juvenile delinquency is primarily a lower class phenomenon, Rosenberg and Silverstein stated that criminologists are now beginning to take note of Middle class delinquency and its spread to the upper class reaches particularly in the American society.
- Further, the assumption that delinquency is a product of abnormality appears no longer tenable in the light of the evidence. The evidence suggests that a significant proportion of the young people who have been delinquent are normal individuals suggests – in other words - that delinquents are essentially normal persons.

Topic Three:

Delinquency in Ghana

- In Ghana, no systematic work has been done to find out the specific factors or the combination of factors which precipitate delinquency among juveniles.
- This may be due to the fact that juvenile delinquency has not assumed in Ghana, the alarming levels it has attained in the developed societies.
- The evidence available derives predominantly from small sample studies carried out either by university faculty or by students to explore one aspect or the other of delinquency in the country.

Delinquency in Ghana -Existing research

- The problems investigated predominantly included the predisposing factors of delinquency, the impact of correctional facilities on desistance from delinquency and the factors that influence the transition of juvenile delinquents into adult criminals.
- The research questions were structured around the socio-demographic variables of the participants - including their age, ethnic origin, offences committed, socio-economic background of parents, schools attended, peer influence, and religious background.
- Others included whether respondents originated from broken homes, age at first arrest and institutionalization, the predisposing factors and whether the respondents had other treatment options such as probation.

Existing studies cont.

- Some of the earlier studies by Nortey (1969) Abotchie and Senah (1987) Boamah (2006) and Antwi-Boasiko and Andoh (2010), among others have stressed that socio-economic factors such as poverty, single parenting, large family and delinquents' peer associations predispose juveniles to delinquents.
- Subsequent studies however suggest that these earlier studies offered only a partial explanation for delinquency. In the sense, that there may be several probabilities where some juveniles may come from these backgrounds as the studies have suggested and yet may not become delinquents.

Findings of Some Studies

- The findings of some of these recent studies suggest, as reported for example by Boamah (2014) indicate that the interaction between the structural background factors of delinquents and informal social control mechanisms may not necessarily predict the early onset of delinquency in the Ghanaian social context because of the nature of the socio-economic structure of the society.
- Further, the country's criminal justice system had a differential impact on the juvenile delinquents. While for some it helped change their criminal careers, for others, it failed to help them desist.
- Boamah's study further contradicted the theoretical perspective that suggests that deviant values are learnt in intimate groups, in other words as a result of long enduring and frequent peer pressure (Sutherland 1947)

Historical trend -

- The historical trend in juvenile delinquency in the country shows that **the number of juveniles appearing before court is increasing year by year. This trend may be explained by a number of administrative and demographic factors, namely, the number of juvenile courts has been increased from 3 in 1952 to ten presently.**
- Secondly **special police departments have been established for the prevention of juvenile delinquency,** and as a result, cases which were hitherto unknown to the police are now being dealt with.
- Thirdly, the increase may be due to **the inevitable increase in the juvenile population.**

Predominant juvenile offences

- The predominant type of offences committed by juveniles in the country are offences against property, specifically, the stealing of cash, wrist watches bicycles, clothing etc. from relatives and non-relatives. Other offences include assault, causing harm, attempted suicide, throwing stones, damage to property, attempted abortion, possession of marijuana and deceit of public officers.
- In recent times, armed robbery, gang rapes and computer fraud of various descriptions cumulatively known as 'sakawa'. To these can be added the evidence of vandalism in schools during which both public and private property are destroyed.

Offences cont.

- There is evidence also of political hooliganism/non-conformity during the aftermath an opposition party winning an election. Members of the Youth wing of the winning party resort to the seizure or lock outs of public property claiming that it is now their turn to run affairs and to profit therefrom
- The seizure of public toilets and toll booths and the locking out of party offices and the offices of public officers perceived to be either corrupt or incompetent are examples. T
- he evidence of delinquency is predominantly higher among boys than girls and is urban situated.

Further research recommended

- Based on the overall findings of the existing studies, Boamah (2014) suggested the need for further research to revisit, test and verify the underlying assumptions of most of the traditional theories of crime to explain why young people become delinquent, or people persist in or desist from crime over their life course.
- Undertaking a research of this nature will go a long way to generate new ideas and theoretical models that will help explain the possible factors of criminality and reduce reoffending.
- Further, there is the need for criminal justice system - in particular; the Police, Court and Correctional institutions to develop a computerized data base that will store relevant information on criminal offenders who pass through the criminal justice system.

Juvenile Treatment facilities

- The generation of this data will ensure easy access of information for governments and researchers to track and study the impact of correctional treatments on offenders who age out of the criminal justice system. Keeping such data will also enable researchers to undertake longitudinal and cohort studies as well as a comprehensive life course study.
- Treatment facilities for juvenile delinquency in Ghana which will be discussed into some detail subsequently include both institutional facilities such as industrial schools where skills in a variety of vocations are taught.
- These facilities are in Sekondi, Agona Swedru, Accra. The skills taught include farming, dress making, tailoring, carpentry, auto mechanics, soap making and building construction. The Industrial Schools are run by the Department of Social Welfare

Treatment facilities cont.

- There are, also the Senior Boys Correctional Centre (SBCC - formerly known as the Borstal institute) which is run by the Prisons Service, for juveniles between the ages of 17 – 21 and Remand and Probation homes where juveniles are held over a short period, because their cases are awaiting final determination in the law courts, or they may be in need of a short period of re-socialisation in the opinion of the Court.
- The non-institutional treatment include, probation, supervision by a fit person (foster home placement) and repatriation of vagrants or other criminals like pick pockets rounded up in the streets, to their home towns with an order of restriction banning them from returning to where they were repatriated -over a period determined by the juvenile court.

Summary

- The concept of juvenile delinquency defies universal definition because cultural interpretations influence every stage of the process by which the fact of delinquency is established.
- Notwithstanding the cultural and legal definitions, a child might be regarded as delinquent when his anti social conduct inflicted suffering upon others or when his family found him difficult to control, so that he became a serious concern to the community which then reacted punitively

Summary cont.

- According to the psychoanalytical theories, delinquency results from the severe frustrations suffered by a growing up child.
- Albert Cohen's subcultural theory, **saw delinquency as the response of the underprivileged youth to a situation in which they are encouraged to aspire to a status which can only be gained by achieving success in middle class terms.**
- At the same time however **the underprivileged group is debarred from achieving such success by their lower-class background.** Delinquency is thus an expression of rebellion, while
- Sutherlands Differential Association theory proposes further that young people develop into criminals by learning wrongful ways from bad companions and by seeing powerful and successful people break the laws of society with impunity.

Summary cont.

- In Ghana, no systematic work has been done to find out the specific factors or the combination of factors which precipitate delinquency among juveniles. This may be due to the fact that juvenile delinquency has not assumed in Ghana, the alarming levels it has attained in the developed societies.
- The evidence available derives predominantly from small sample studies carried out either by university faculty or by students to explore one aspect or the other of delinquency in the country.
- The findings suggest that the majority of delinquent offences in the country are crimes against property, committed more often by boys than girls predominantly in the urban areas of the country

Assignment

- With reference to Cohen's explanation of juvenile delinquency, what in your view, would be the most effective approach to contain the problem? Discuss with illustrative examples.



Reading list

REQUIRED TEXT

Chris Abotchie (2011)

Distance

Abotchie, C., (2018)

Crime Prevention

Publishing

Penology, Accra,

Institute of Continuing and

Education

Treatment of Criminals and

Accra, Olive Tree Printing and

Chapter One pp 1-12