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978-1-107-66952-9 - Young Offenders: An Enquiry into Juvenile Delinquency

A. M. Carr-Saunders, Hermann Mannheim and E. C. Rhodes

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Chapter I

PREVIOUS INVESTIGATIONS

BY H. MANNHEIM

THIS CHAPTER contains a summary of those studies which can be regarded as having increased the amount of factual knowledge on the subject of Juvenile Delinquency in this country, to the exclusion of writings which give merely personal views and comments. Moreover, according to the plan of the present enquiry, the scope of this historical part has been limited mainly to previous investigations into the social aspects of the matter, while references to publications of a medical, anthropometric, or psychological character have been made only occasionally.¹

1. Enquiries into the extent and the causes of Juvenile Delinquency have been carried out in this country, either under official auspices or by private bodies or persons, since the early years of the nineteenth century. Probably one of the earliest, and certainly one of the most interesting, of these investigations is the *Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis*,² published in 1816, immediately after the Napoleonic Wars. This Committee, which counted among its members Samuel Hoare, Jun., James Mill, David Ricardo and F. F. Buxton, was formed with the object

to obtain every possible information respecting the nature and causes of the evil in question, in order to ascertain the most effi-

¹ Those previous investigations which are either hitherto unpublished or not easily accessible to the ordinary reader are summarised at greater length than the others.

² Printed by J. F. Dove, St John's Square, London, 32 pages.

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cient means of removing or diminishing it... To accomplish its designs it was determined that the prisons of the metropolis should be regularly visited by sub-committees appointed for that purpose, the youths in confinement separately examined and privately admonished, the evil consequences of their conduct represented to them, and every persuasive used for their recovery which kindness could suggest.

Moreover, from data extracted from the boys found in London prisons, lists of their friends and associates were drawn up; they were also visited and interviewed and admonished. Though the members of the Committee, quite rightly, asked themselves how much reliance could be placed upon information of this kind, they were inclined to be not unduly pessimistic:

Notwithstanding the suspicion that naturally accompanies information derived from such a source, and under such circumstances, the instances have not been many, in which the accounts received have, upon investigation, proved incorrect.

From the information thus obtained the following emerged as the principal causes of juvenile crime at the time:

The improper conduct of parents. The want of education. The want of suitable employment. The violation of the Sabbath and habits of gambling in the public streets.

In addition to these primary causes it was emphasised, however, that powerful contributory causes were at work:

The severity of the criminal code.

The defective state of the police.

The existing system of the prison discipline.

In an Appendix twelve individual cases were reported in their briefest outlines 'in order to convey a general Idea of the Characters that have come under the notice of the Society'.

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Apart from this, neither individual case studies nor statistical data were given, except for the statement that

there are some thousands of boys under seventeen years of age in the metropolis who are daily engaged in the commission of crime.

2. This private investigation was soon followed by the two comprehensive *Reports from the Select Committees on Criminal Commitments and Convictions* of 1827 and 1828 respectively and the *Report on the Police of the Metropolis* of 1828. These Committees had been appointed with identical terms of reference,

to inquire into the Causes of the Increase in the Number of Criminal Commitments and Convictions in England and Wales,

the last-mentioned for the Metropolis and the Districts adjoining thereto, the others for the rest of the country. The Committee of 1827, however, divided the subject into three sections, dealing with the Agricultural Districts, the Manufacturing Districts, and the Metropolis, and limited its enquiry to the first part of the problem. Though not restricted to Juvenile Delinquency, the Committees saw themselves forced to devote much of their labours to this aspect. The method employed naturally differed from that of private investigations. Instead of personal observations the Committees entirely relied upon witnesses, with an occasional use of statistical data obtained partly from various authorities, partly from the witnesses. The spirit in which they approached their task was one of guarded scepticism. They applied themselves

to examine how far the increase of Crime, or whether much of it might not reasonably be supposed to emanate from circumstances and changes in the state of society.¹

¹ *Report on the Police of the Metropolis*, 1828, p. 3.

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Moreover, it was pointed out that many of the increases in the statistical data had actually arisen from changes in criminal procedure:

Offences which were formerly either passed over entirely, or were visited with a summary chastisement on the spot, are now made occasions of commitment to gaol and regular trial.¹

As the principal causes of the increase in crime in general, the Reports mention 'the extremely low price of spiritual liquor', a general want of employment, the evil of 'compounding', neglect of children and, with special emphasis, the lack of an efficient Police Force and the failure of the penal system to provide suitable methods of treatment for juvenile delinquents. Much space is devoted to the change in the habits of townspeople which was said to have led to 'the abandonment of boys by their parents and masters'.² Whilst previously apprentices had to live in the houses and under personal supervision of their masters, 'now the master has ten or a dozen apprentices, and perhaps never sees them; they work till the evening and then are allowed to go where they please...and the consequence is that they are all thieves'.³

Among the principal recommendations made by some of the chief witnesses and adopted by the Committees is the establishment of a House of Correction for young criminals with a system of management totally different from that of an adult prison, and of an institution for young prisoners after discharge, similar to the Refuge for the Destitute.⁴ Moreover, it is suggested that

If under proper regulations young offenders could be received into the Naval Service... a better security against the repetition

Report on Criminal Commitments and Convictions, 1828, p. 4.

² *Ibid.* pp. 8–9.

³ Sir John Eardly Wilmot's evidence, *Report on Criminal Commitments and Convictions*, 1828, Minutes of Evidence, p. 27.

⁴ *Report on Criminal Commitments and Convictions*, 1828, p. 10.

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of offence would be provided than could be hoped for from any improvement of their morals that could be effected by the discipline of a prison.¹

3. Nine years after the passing of the Parkhurst Act of 1838 (1 & 2 Vict. Chapter 82), which provided for the establishment of a prison for young offenders, a Select Committee of the House of Lords was appointed

to inquire into the Execution of the Criminal Law, especially respecting Juvenile Offenders and Transportation.

The Report of this Committee, published in 1847, is mainly concerned with questions of treatment and makes it clear that the establishment of Parkhurst Prison had achieved but little in fighting Juvenile Delinquency. One of the chief witnesses, Mr Serjeant Adams, expresses his doubts 'whether we are not entirely upon an erroneous Principle with respect to the Punishment of juvenile offenders'.² His conclusion is that the sources of Juvenile Delinquency are to be found not so much in 'the mere Ignorance and Poverty of the Masses of the People'³ (this against the view that lack of education was chiefly to blame), but in the faulty handling of the earliest juvenile aberrations by separating young offenders from their families for very long periods and relieving the parents of any further responsibilities:

it appears to me that our present system is a Premium upon Persons in low Life to make their Children Thieves...the Moment a Child is convicted of theft he ceases to be a Burden to his Parent.⁴

The Report itself seems to share this view.⁵

¹ *Report on the Police of the Metropolis*, 1828, p. 8.

² Evidence of John Adams, Serjeant-at-Law, Minutes of Evidence, p. 13.

³ Minutes of Evidence, pp. 309-13.

⁴ Minutes of Evidence, p. 14 (Mr Serjeant Adams).

⁵ Report, p. 5.

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4. In December 1851, a Conference was held at Birmingham 'for the purpose of consulting on the means of establishing preventive and reformatory schools...'. On that occasion, a prize of £200—later augmented to £300—was offered for the best essay on the subject and was equally divided between the two successful competitors.¹ One of them, Micaiah Hill, dealt at the very outset of his essay with the question whether juvenile crime had increased or decreased, and, comparing the years 1836 and 1845, he came to the conclusion that, whilst adult crime had increased, taking into account the growth of the population, juvenile delinquency had fallen by 13 per cent. He stressed the fact that the statistical returns were generally made with reference to the number of committals, and not of offenders. As some individual offenders had been committed 'to the incredible number of a hundred times... the increase of adroitness in a few may be taken by the incautious as the indication of a fearfully vitiating process among the juvenile population'. Thus we find that already at that time were recognised the difficulties caused by the failure of *Criminal Statistics* to show the extent of recidivism.

Generally speaking, Micaiah Hill's essay represents an interesting mixture of old and modern methods. Long discussions of a moralising character are followed by statistical investigations of the town-country problem and by observations on the criminological significance of certain occupations, like street trading, for juvenile crime.

5. The Select Committee appointed in 1852

to inquire into the present treatment of Criminal and Destitute Juveniles in this country, and what changes are desirable in their present treatment, in order to supply industrial training, and to combine reformation with the due correction of juvenile crime,

¹ See *Two Prize Essays on Juvenile Delinquency*, by Micaiah Hill, Esq. and C. F. Cornwallis (London, 1853).

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did not submit a Report. It had, however, the advantage of receiving evidence from such outstanding experts as Mary Carpenter, Matthew Davenport Hill, and Mr Serjeant Adams. Asked what he regarded as the leading causes of juvenile crime, the famous Recorder of Birmingham drew attention to the following points:¹

the growth of the towns, which had destroyed the 'natural police, operating upon the conduct of each individual' in small towns, whilst in a large town men live in absolute obscurity with little or no control from outside; the 'gradual separation of classes which takes place in towns by a custom which has gradually grown up, that every person who can afford it lives out of the town', whilst previously 'rich and poor lived in proximity, and the superior classes exercised that species of silent but very efficient control over their neighbours to which I have already referred'; the state of dwellings of the poor; the unnecessary exposure of property for the purpose of attracting the attention of customers (he mentions 'complaints which recorders are in the habit of making of shopkeepers so exposing their property').

Questioned whether he had found classes of children peculiarly liable to crime, he mentioned

the children of criminals: they are hereditary criminals; then illegitimate children: the testimony of inspectors of prisons, and of gaolers, and the chaplains of gaols, is uniform to the fact that illegitimate children form a very large class of juvenile criminals. Orphans, for obvious reasons, form another class. Foundlings and step-children form a large class; and no doubt the children of the very poor form a class. But the result of 30 years' observation upon the subject has been to convince me that poverty, though a cause of crime, is a very much smaller cause than is usually supposed... But that is consistent with poverty being the indirect cause of crime... either that it created moral desti-

¹ Matthew Davenport Hill's evidence, Minutes of Evidence, p. 35.

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tution, or that it threw the criminal into habits of wandering and indolence, which exposed him to great temptations.¹

With this view Mary Carpenter in her subsequent evidence substantially agreed:

I believe that the number of crimes produced by physical destitution is small, in comparison with those which are brought about by moral destitution.²

The Appendices to this Report contain a large number of fairly comprehensive case histories of juvenile inmates of various Houses of Correction and Gaols, histories which are, more often than not, merely unchecked repetitions of the boys' own statements. Occasionally statistical tables are given, showing the frequency of broken homes, the weekly earnings of offenders and their families at the time of apprehension, and similar items.^{3,4}

6. In 1883 a Report was published by the Anthropometric Committee of the British Association, which had been appointed 'for the purpose of collecting observations on the systematic examination of the height, weight, and other physical characters of the inhabitants of the British Isles'.⁵ Among the (approximately) 53,000 persons measured by the Committee there was a group of 1,273 boys and 601 girls from Industrial Schools, and it was shown that the boys were, at the age of 14, nearly 7 inches shorter of stature and $24\frac{3}{4}$ lb. lighter in weight than the boys of the same age in the

¹ Matthew Davenport Hill's evidence, Minutes of Evidence, p. 61.

² *Ibid.* p. 130.

³ *Ibid.* pp. 435 et seq.

⁴ The Report to the Secretary of State for the Home Department on the State of the Law relating to the Treatment and Punishment of Juvenile Offenders, published in 1881, is nothing but a collection of reports on the subject received from Chairmen of Quarter Sessions, Recorders and Magistrates in England and Wales, Sheriffs in Scotland, Judges and Reformatory and Industrial Schools in Ireland, and similar bodies, as well as from foreign Governments.

⁵ British Association for the Advancement of Science. Annual Report 1883, pp. 253 et seq.

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first class of the general population.¹ Similar, though less pronounced, differences were shown for the younger age groups. For children of 13 years, for instance, the following figures were given:²

Average weight (including clothes)

General population lb.	Professional class lb.	Labouring class lb.	Industrial schools	
			Boys lb.	Girls lb.
87·2	89·8	84·0	72·31	72·76

Average height (without shoes)

General population		Industrial schools	
Boys in.	Girls in.	Boys in.	Girls in.
56·91	57·77	53·23	52·98

It may be noted that at the time when this Report was published the Industrial School population could be regarded as somewhat more representative of the juvenile delinquent in general than it is now. On the other hand, the weight of the above figures may be somewhat invalidated by the failure of the Report to indicate how long the children had already been in the institution at the time when they were measured. To exclude the possible criticism that their physical inferiority may, at least partly, have been due to their stay in the institution, it would have been advisable to measure these children immediately after arrival.

7. In 1895 one of the foremost contemporary experts, the Rev. William Douglas Morrison, then prison chaplain at Wandsworth Prison, published his book on *Juvenile Offenders* which was, for many years, rightly regarded as the standard book on the subject. Considering the date of its publication,

¹ Table XXI, p. 296.² Tables XIX and XX, pp. 293-4.

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it certainly was a work of outstanding qualities, and in many parts it is not without interest even to-day. Mr Morrison's investigation was chiefly devoted to the following aspects:

(a) Local Distribution of Juvenile Delinquency. The author found himself seriously handicapped by the lack of local figures in the *Criminal Statistics*. Consequently he had to use as basis for his comparisons the statistics of juveniles committed to prison and correctional institutions, though he was fully aware of their very limited value. His result that the delinquency rate is greatest in the most densely populated districts, such as the Metropolis, Northumberland and Lancashire, is in accordance with the now well-founded view that density of population is one of the main factors in both adult and juvenile delinquency—a view which has recently been reaffirmed by the investigation of the figures for the years 1934–36 (Persons Found Guilty of Indictable Offences) made by Dr E. C. Rhodes.¹

(b) Relationship between Juvenile Delinquency and Pauperism. The author's conclusion that 'there is least crime where there is most pauperism'—a paradox which he explains by the differences in the standards applied by Poor Law authorities in towns and country—has at least not been refuted by more recent researches.

(c) The Physical Condition of Juvenile Offenders. Again the author is hampered by lack of statistical information. Even the annual reports of the Inspectors of Reformatory and Industrial Schools, so he complains, are content to make some general statements not supplemented by accurate figures. The only material available for comparisons with the general population are the death rate, the body weight and height. His conclusion is, however,² that 'among the many causes which produce a criminal life the physical inferiority of the offender is one of the most important'.

¹ See below, Chapter II, para. 6.

² p. 102.