

Introduction

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Over the course of the twentieth century, the development of two different court systems to address the same behaviors by adolescents became a nearly universal feature of modern governance.¹ Depending on age and circumstance, an adolescent charged with a law violation could be processed and sanctioned by either a juvenile or an adult court. Franklin Zimring and Máximo Langer have started an important conversation about why this is so, and the theoretical implications of this global history for understanding and sustaining the mission of juvenile justice in the twenty-first century.² This volume adds a historical dimension to this urgent conversation about youth, crime, and justice. This includes the value of learning from those who struggled with these issues in past contexts in order to understand the hard choices that they made on a daily basis. By focusing on magistrates, social workers, probation and police officers, and youth themselves, this volume highlights the role of human beings as meaningful and consequential historical actors.

This work also emphasizes transnationalism as an overarching but often ignored theme in the history of youth governance. Since the 1980s, historians have developed this concept in exploring the circulation of populations, goods, ideas, policies, and cultures across national boundaries. This “transnational turn” has encouraged scholars of international history to draw upon sources from multiple national origins, and to explore relations between both state and nonstate actors across national borders.³ Providing “a perspective rather than a clear-cut method,” transnationalism prompts scholars to widen the contextual lens for a given study to include not only local and national but also global and border-crossing contexts.⁴

Until recently, transnationalism rarely informed scholarly histories of juvenile delinquency and juvenile justice. This is beginning to change.

For example, *Juvenile Delinquency and the Limits of Western Influence, 1850–2000*, a collection of essays, focuses on the transnational flow of information, ideas, and policies between the global East and West. Its contributions collectively challenge the presumption that Western theories and policies regarding juvenile delinquency exerted a determinative influence in other parts of the world.⁵ More focused on formal juvenile justice systems, the edited volume *Juvenile Justice in Global Perspective* demonstrates that the historical development of separate systems for juveniles comprised a common feature around the world, and also explores the tensions with adult criminal systems.⁶ *Ages of Anxiety* builds upon these books by surveying the emergence of an international policy discourse around juvenile delinquency and juvenile justice in the early twentieth century, and by linking local case studies with the ongoing transnational circulation of ideas, policies, and populations.

In highlighting the importance of transnational history, this volume makes visible key features that have always been present in the history of juvenile delinquency and juvenile justice. For over a century, local and national concerns about juvenile delinquency often have emerged in response to the appearance of “diasporic” migrant populations in urban centers.⁷ The most prominent example is the birthplace of the modern juvenile court, Chicago, where more than three-fourths of its 1.7 million residents were either foreign-born or born to foreign parents at the time of the court’s inauguration in 1899.⁸ Along with a host of other social services, the juvenile court served predominantly first- and second-generation immigrants from southern and eastern Europe. Sociologists at the University of Chicago developed theoretical models of generational and cultural conflict by studying the “foreign” youth who passed through the juvenile court and related agencies.⁹ It is no stretch to say that the American juvenile court was a product of transnational migration.

Where those early social scientific studies took acculturation and “Americanization” as their starting points, the case studies presented in this volume explore the responses of colonial, developing, and modern governmental regimes to juvenile delinquency. A particular area of emphasis here are the middle decades of the twentieth century, which are often neglected in the literature about juvenile justice. It was during this period that international bodies, led by the League of Nations and later

the United Nations, established norms for the governance of children and youth that became the benchmarks for evaluating local and national policies and practices. The emergence of the Internet and wireless media have made it possible for commentators to draw instantly on these norms when assessing cases of youth crime that have gained notoriety.

A recent example was the case of Dzhokhar Tsarnaev, the nineteen-year-old Chechen immigrant who, along with his older brother, carried out the Boston Marathon bombing in April 2013. A seemingly “Americanized” immigrant youth, Tsarnaev turned out to have been leading a double life: an American college student and laid-back “stoner,” according to his friends, but also an increasingly observant Muslim shaped by his brother’s transatlantic travels to eastern Europe along with virtual excursions to radical websites and social media feeds.¹⁰ Tsarnaev’s criminal trial took place in Boston amid debates about whether his age should mitigate a possible death sentence, with reference to the U.S. Supreme Court ruling in *Roper v. Simmons* (2005), which in turn had cited “international norms” as well as emerging “teenage brain” science implying reduced adolescent culpability for criminal acts.¹¹ Some observers suggested that Tsarnaev’s case resembled that of Lee Malvo, the seventeen-year-old Washington, DC, sniper, who was spared the death penalty on the premise that an adult accomplice had influenced him.¹²

Such high-profile cases demonstrate how adolescent crime can expose anxieties about family, social order, and national identity. These cases also highlight the significance of reformers’ rhetorical choices, such as the current obsession with brain science. As Terry Maroney perceptively points out, “The brain is not what we are really talking about when we talk about the juvenile brain. We use the juvenile brain to talk about other things. Adolescent brain science has become a quick, culturally salient way to reference those qualities we think are special about juveniles, such as immaturity, impulsivity, and malleability.”¹³ In the United States, children’s rights advocates now routinely use brain science as part of their concerted efforts to put “the juvenile back into juvenile justice.”¹⁴

Collectively, the six case studies in this volume provide a transnational perspective on the historical processes of forging, circulating, and recycling ideas about how children are different from adults, and why those differences should matter for the administration of justice. In this

regard, *Ages of Anxiety* demonstrates the usefulness of social histories of children and youth for policy analysis and decision making in the United States and elsewhere in the twenty-first century. Social histories of children and youth are more abundant than the limited studies of juvenile courts and more broadly conceived than narrowly focused institutional histories.

Such social histories include evidence with which to test a theoretical model for understanding how public anxiety can either reinforce or undermine the rationale for a separate juvenile justice system. Table 1 provides a two-by-two scheme that identifies four strands of anxiety about delinquency and crime.

Table 1

1. Youth Specific and Endogenous	2. Youth Specific and Exogenous
3. Crime Specific and Endogenous	4. Crime Specific and Exogenous

We can use these strands to analyze past policy making. For example, we need to know whether contemporaries worried about crime because they were concerned about kids (i.e., youth specific) or whether they worried about crime in general (i.e., crime specific). If their concerns were youth specific rather than crime specific, this emphasis should reinforce a separate juvenile justice system. From this perspective, it does not matter whether they used the juvenile court as an instrument of benevolence or social control. The key point is that they responded in a “youth specific” manner. But if their concerns were crime specific, rather than youth specific, this approach should support only one court to try all offenders. Similarly, it matters whether historical actors considered troublemakers endogenous (i.e., “our kids”) or exogenous (i.e., “their kids”). The problem of endogenous children should reinforce the juvenile court, whereas fears of exogenous children should weaken it.

The combination of concerns may also make a difference. According to this model, social anxiety about “youth specific” crime by “endogenous” children should be a recipe for strengthening the dual system. In contrast, “crime specific” concerns about “exogenous” children should undermine it, since the issue involved the criminal actions of

other people's children. Other combinations, such as "youth specific" concerns about "exogenous" children or "crime specific" concerns about "endogenous" children, suggest that a strand may simultaneously pull in opposite directions. Fortunately, social histories of children and youth, including the case studies in this volume, provide evidence with which to test this predictive model.

The past, like the present, is a complicated landscape to comprehend. Historians of childhood and youth have shown how modern societies use categories of social identity, such as ethnicity, class, race, gender, age, religion, region, and nationality, to identify and classify who belongs to "in-groups" and "out-groups." And with respect to youth crime, assessments of "respectability" often cut across these categories. Our predictive model is not a substitute for painstaking and nuanced social-historical investigations into past practices. Instead, it provides an interpretive framework for applying this body of research to developing child-friendly justice.¹⁵

Part I first examines how reformers used the idea of modernization to build and legitimize juvenile justice systems in Europe and Mexico. The opening chapter, by David Niget, focuses on the role of Belgian reformers and the International Association of Children's Judges in developing and disseminating proposals for juvenile courts based on the "American" or Chicago model. This approach emphasized the importance of judges as experts who presided over courts that provided treatment to children instead of punishment for criminals. Subsequent reformers, as Niget demonstrates, reconfigured this youth-specific model of juvenile justice to fit into a world shattered and reshaped by two world wars and the Cold War.

The second chapter, by Shari Orisich, examines the transformation of the juvenile court in Mexico City from the 1930s to the 1960s. By analyzing the *estudio social* (social studies, or reports) compiled by caseworkers, she shows how these life histories helped establish professional authority and control over state institutions, the streets, and adolescents. Moreover, as her chapter reveals, these caseworkers were part of the transnational circulation of scientific ideas about delinquency and youth governance. These caseworkers literally inscribed modern "youth specific" theories and practices onto the everyday administration of juvenile justice. Yet, as her chapter points out, their clients had their own ideas about how to live their lives.

Part I concludes with Corrie Decker's chapter about the limits of modernizing juvenile justice in an empire over which the sun never set. Decker examines why British colonial administrators in the Zanzibar Islands of East Africa, unlike their counterparts in Kenya and South Africa, did not think juvenile delinquency was a major problem that required them to build new institutions such as a juvenile reformatory for exogenous children. Accordingly, they resisted calls from the Colonial Office, beginning in the 1930s, and later from the United Nations in the 1950s, to follow either British or international blueprints for the administration of juvenile justice. As Decker reveals, juvenile delinquency was in reality a major problem but one that local chiefs (*masheha*) and Islamic legal representatives (*mudirs*) generally handled. They resolved these cases before colonial administrators even knew about them. The indigenous peoples during the colonial era (1890–1963) in effect retained authority and control over their juvenile law violators. This case study reminds us that the history of juvenile justice is the product of what did and did not happen in particular places at specific times, and not necessarily the result of legislative or judicial actions.

The colonial context or framework also suggests a way of thinking about tensions between specific communities and larger governmental bodies, such as local minority communities and external, majoritarian-dominated city, regional, and state authorities. And the idea of endogenous versus exogenous children highlights the importance of race, ethnicity, class, and other categories of identity. This approach includes studying how and why certain populations became “our kids” over time, and why others did not. These categories, of course, could coexist in tension and contradiction, depending on the historical context.

Part II presents three histories of policing and punishing youth crime, beginning with Tamara Myers's chapter about the so-called Montreal Miracle of the 1940s. Her chapter analyzes how the Montreal Police Department reacted to a perceived juvenile crime wave that began during World War II. The police response to this “youth specific” crisis included developing delinquency prevention programs, which redefined the role of police officers as role models who should mentor children and adolescents in the city's playgrounds, on the streets, and in the schools. Her chapter reveals the enduring tension between preventing juvenile crime and increasing state supervision over endogenous and exogenous

youth, and how these policies contributed to new ideas about liberal citizenship.

Building on this theme of expanded state supervision as part of modern liberalism, Guillaume Périssol situates the history of *liberté surveillée* (supervised freedom or probation) within Alexis de Tocqueville's theory about the power and cultural effects of democratization on social relations. Périssol uses this framework to compare the histories of juvenile probation in Paris and Boston during the 1950s. Since the creation of the world's first juvenile court in Chicago in 1899, probation had been the cornerstone of the American model of juvenile justice that emphasized keeping children out of secure confinement so they could grow up in their own homes and communities. Périssol demonstrates the continuing importance of probation for both the court systems and the youths being supervised.¹⁶ He argues that the continued use of probation in this period had a net widening effect that brought new cases of rebellious, middle-class teenagers into the court system. Although supervised freedom spared many youths from incarceration, this use of "soft power" expanded the number of endogenous adolescents caught in the justice system in both Boston and Paris.

Part II concludes with a haunting chapter, by Nazan Çiçek, about Turkish rejection of a separate justice system for juvenile offenders. Until 1979, Turkey processed and sanctioned child law offenders as adults, or in a "crime specific" manner. When Turkey finally passed its first juvenile court law, it limited the jurisdiction of these new courts to the cases of children younger than fifteen years old. Çiçek draws on this history to analyze the media coverage and prosecution in a State Security Court of four adolescents (ages thirteen to seventeen) for the gang rape, torture, and murder of a twenty-year-old kindergarten teacher and rape, knifing, and attempted murder of her mother. The history of resistance to western European conceptions of juvenile justice, she shows, complicated Turkey's long campaign for admission into the European Union. It also demonstrates what happens when policymakers draw on "crime specific" fears to punish "exogenous" children. In this instance, Turkish authorities handled these adolescents as if they were terrorists.

Turkish commentators countered that their government had treated these "monsters" more leniently than the United States would have. They argued that Americans would have executed them or at least sentenced

them to die in prison. During the 1990s, almost every American state had passed laws to make it easier to prosecute and punish juveniles as adults. The authors of a 1996 U.S. government report, for example, emphasized how “crime specific” fears led to the passage of so many “get tough” laws.¹⁷ As they explained, “It is clear from conversations with juvenile justice planners, prosecutors, judges, legislators, and corrections administrators across the country that public fear—more precisely, the fear of being killed by a young person—was the driving force behind recent changes to stem the tide of violent crime by juveniles.” They added, “Frequently, legislatures responded to that fear with proposals to get even, punish, or hold juveniles accountable. Quite often the responses were couched in rhetoric such as ‘If they can kill like an adult, they can be treated just like an adult’ or ‘If you do the crime, you do the time.’”¹⁸

The Turkish use of the term “monster” to describe juvenile offenders was similar to how some American social scientists, prominent lawmakers, and many media outlets in the 1990s described juveniles as “super-predators.”¹⁹ This rhetoric went far beyond distinctions between “our kids” and “their kids.” Instead, the term “predator” and the adjectives “godless,” “fatherless,” and “remorseless” implied that these children were not children and barely members of the same species.²⁰ For instance, a 1994 editorial in the *Arkansas Democrat-Gazette* pointed out that “locking up kids with adults is not a palatable prospect” but that “some of these defendants are ‘kids’ only chronologically. The time has passed when novels like *Lord of the Flies* can shock by displaying the human species’ capacity for wanton brutality at an early age. Just look in Little Rock’s jails, or worse, on its streets for examples.”²¹

Even as juvenile crime rates dropped precipitously and continuously during the 1990s, some commentators, such as John J. DiIulio, a professor of politics and public affairs at Princeton University, and James Alan Fox, a professor of criminal justice at Northeastern University, contended that the crime drop might “merely be a lull before the next storm of juvenile violence.”²² According to their prognostications, “the next generation of ‘super-predators’ would be even worse” and the 1990s would look “like the good old days.”²³ As it turned out, their predictions about a coming bloodbath in the twenty-first century were wrong and wrongheaded.²⁴ Unfortunately, many of the “get tough” policies enacted by states and the federal government remain in place.²⁵

Accordingly, policymakers who wish to avoid repeating such mistakes should remember why “youth specific” justice systems were created in the first place, and why they spread across the globe during the twentieth century. Lawmakers must also be aware of the perils of drawing distinctions between “our kids” and “their kids,” especially since the history of doing so has been regrettable. “Crime specific” concerns need not trigger amnesia. Historical sensitivity and awareness can be antidotes.

The concluding chapter to this volume uses our theoretical model to provide a comparative anatomy of moral panics about juvenile delinquency and crime. Beginning in the 1970s, sociologists used this concept initially to study societal overreactions to “shallow-end phenomena such as soft drug use, sexual deviance, and juvenile offending rather than to murder, rape, or robbery.”²⁶ Similarly, historians have employed this concept to analyze social anxieties from libertine youth in mid-seventeenth-century Holland to a myriad of concerns about teenagers in modern America.²⁷ Building on this research and our case studies, we analyze to what extent such moral panics about juvenile delinquency focused on children as undifferentiated criminals or as young persons, whether perceptions of the protagonists as “endogenous” versus “exogenous” affected the official response, and whether international norms made a difference. This historically informed perspective suggests why some moral panics about youth deviancy led directly or indirectly to positive reform, instead of serving merely as a recipe for repressive policies. And, as the recent Turkish and U.S. examples suggest, how and why rhetoric that denies the humanity of youthful offenders erodes public confidence in both the juvenile and criminal justice systems and undermines international norms.

NOTES

- 1 Franklin Zimring, Máximo Langer, and David S. Tanenhaus, eds., *Juvenile Justice in Global Perspective* (New York: New York University Press, 2014), 1–5.
- 2 Franklin E. Zimring and Máximo Langer, “One Theme or Many? The Search for a Deep Structure in Global Juvenile Justice,” in *Juvenile Justice in Global Perspective*, 383–411.
- 3 See Thomas Bender, ed., *Rethinking American History in a Global Age* (Berkeley: University of California Press, 2002), particularly Akira Iriye, “Internationalizing International History,” 47–62; “AHR Conversation: On Transnational History,” *American Historical Review* 111, no. 5 (December 2006): 1442–1464.

- 4 Bernhard Struck, Kate Ferris, and Jacques Revel, "Introduction: Space and Scale in Transnational History," *International History Review* 33, no. 4 (2011): 573–584, at 579.
- 5 Heather Ellis, "Introduction: Constructing Juvenile Delinquency in a Global Context," in *Juvenile Delinquency and the Limits of Western Influence, 1850–2000*, ed. Heather Ellis (New York: Palgrave Macmillan, 2014), 1–18.
- 6 Zimring, Langer, and Tanenhaus, *Juvenile Justice in Global Perspective*.
- 7 For a concise overview, see Kevin Kenny, *Diaspora: A Very Short Introduction* (New York: Oxford University Press, 2013); see also Robin D. G. Kelley, "How the West Was One: The African Diaspora and the Re-Mapping of U.S. History," in Bender, *Rethinking American History in a Global Age*, 123–147. For a more recent example of this phenomenon, see Miroslava Chávez-García, "Latina/o Youth Gangs in Spain in Global Perspective," in Ellis, *Juvenile Delinquency and the Limits of Western Influence*, 93–118.
- 8 Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (New York: Cambridge University Press, 2003), xxx.
- 9 For an overview, see Martin Bulmer, *The Chicago School of Sociology: Institutionalization, Diversity, and the Rise of Sociological Research* (Chicago: University of Chicago Press, 1986), esp. 45–63; for exemplars, see William I. Thomas and Florian Znaniecki, *The Polish Peasant in Europe and America* (Urbana: University of Illinois Press, 1996 [1918–20]); and Clifford R. Shaw, *The Jack-Roller: A Delinquent Boy's Own Story* (Chicago: University of Chicago Press, 1930).
- 10 "Boy at Home in U.S., Swayed by One Who Wasn't," *New York Times*, April 19, 2013; Janet Reitman, "Jahar's World," *Rolling Stone*, July 17, 2013.
- 11 Dana Goldstein, "The Teenage Brain of the Boston Bomber," *The Marshall Project*, May 15, 2015 (www.themarshallproject.org).
- 12 See, e.g., Laurence Steinberg, "Dzhokhar Tsarnaev, Adolescent or Adult?," *Boston Globe*, March 30, 2015.
- 13 Terry A. Maroney, "The Once and Future Juvenile Brain," in *Choosing the Future for American Juvenile Justice*, ed. Franklin E. Zimring and David S. Tanenhaus (New York: New York University Press, 2014), 203.
- 14 *Ibid.*, 197.
- 15 For an introduction to "child-friendly" justice, see Ton Liefard, "Child-Friendly Justice: Protection and Participation of Children in the Justice System," 88 *Temple Law Review* (2016): 905–927.
- 16 On the centrality of probation, see Steven L. Schlossman, *Transforming Juvenile Justice: Reform Ideas and Institutional Realities, 1825–1920* (DeKalb: Northern Illinois University Press, 2005).
- 17 Patricia Torbet, Richard Gable, Hunter Hurst IV, Imogene Montgomery, Linda Szymanski, and Douglas Thomas, *States Responses to Serious and Violent Juvenile Crime* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1996).
- 18 *Ibid.*, 53.

- 19 For an introduction to the literature on the role of the news media in shaping racialized perceptions of youth crime during the 1980s and 1990s, see Perry L. Moriearty, “Framing Justice: Media, Bias, and Legal Decisionmaking,” 69 *Maryland Law Review* 4 (2010): 850–909. In *Punished: Policing the Lives of Black and Latino Boys* (New York: New York University Press, 2011), Victor M. Rios examines this history from the perspective of Black and Latino youth who were continuously treated as criminals.
- 20 William J. Bennett, John J. DiIulio, and John P. Waters, *Body Count: Moral Poverty . . . and How to Win America’s War against Crime and Drugs* (New York: Simon and Schuster, 1996).
- 21 “Grading the Session: A Fine Start toward a Safer State,” *Arkansas Democrat-Gazette*, August 29, 1994, 4B.
- 22 Shay Bilchik, *Juvenile Justice Reform Initiatives in the States: 1994–1996* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice, 1998), 6–7.
- 23 Ibid. Also see James Alan Fox, *Trends in Juvenile Justice: A Report to the United States Attorney General on Current and Future Rates of Juvenile Offending* (Washington, DC: U.S. Bureau of Justice Statistics, 1996).
- 24 Franklin E. Zimring, “American Youth Violence: A Cautionary Tale,” in *Choosing the Future for American Juvenile Justice*, ed. Franklin E. Zimring and David S. Tanenhaus (New York: New York University Press, 2014), 7–36.
- 25 Franklin E. Zimring and David S. Tanenhaus, “On Strategy and Tactics for Contemporary Reforms,” in *Choosing the Future for American Juvenile Justice*, 216–233.
- 26 David Garland, “On the Concept of a Moral Panic,” *Crime Media Culture* 4 (2008): 20.
- 27 Benjamin B. Roberts and Leendert F. Gorenendijk, “Moral Panic and Holland’s Libertine Youth of the 1650s and 1660s,” *Journal of Family History* 30 (2005): 327–346; Steven Mintz, *Huck’s Raft: A History of American Childhood* (Cambridge: Harvard University Press, 2004).