

CHAPTER III

RELEVANT STUDIES
AND CRIME CAUSATION

The establishment of the juvenile court is the most considerate and crowning step in humanizing the treatment of the young offenders in the field of juvenile delinquency. Its main essential is the recognition of juvenile delinquents. Thus, they differ in responsibility from other courts for adults. The emphasis is not on crime and punishment but on crime causation and its prevention. The attitude of humanity and less of punishment should characterise society's dealing with child violators of law. Similar type of philosophy has been primarily embodied in the statute setting up the first juvenile court of Cook Country, Illinois, in 1899. According to it, the delinquent should be treated like the neglected or the dependent. It gives official sanction to the fact that whatever might be the immediate cause for its court trial, the problem is in essence a problem involving understanding, guidance and protection rather than a problem of the criminal responsibility, guilt or punishment. Professors Sheldon and Eleanor Glueck (39)_a say :

" As nearly as possible the suggestion of formal, continuous criminal proceedings was eliminated, and of all essential elements of the modern juvenile court was present : friendly petition instead of criminal complaint or indictment; summons instead of warrant; informal hearing instead of technical trial; special courtroom instead of criminal court; specially designated judges; probation officers to make social investigations and to represent the interests of the child; supervision of the delinquent in the community; provision for allowing him to remain in his own home, 'subject to the visitation of the probation officer'; his placement in a family, where necessary, 'subject to the friendly supervision of such probation officer'; boarding him out 'in some suitable family home'; committing him, when called for, to some appropriate institution; discharging him from an institution by the court on recommendation of the board of managers; and the like".

This is indeed a step of progress in achievement for humanity. But from the point of view of preventing and curing the delinquent or the criminal, the crucial requisite is still lacking; one must be equipped with sufficiently accurate knowledge of the causes of delinquency rooted in the stresses and strains and restrictions of the present civilisation. Without the exact and sound knowledge of the causes of delinquency, whatever and however may be the elaborate system, its set up in the juvenile court cannot be too successful in curing or curbing or preventing juvenile delinquency. The existing youth-

correcting agencies are far more better in theory and motivation than the past ones in dealing with delinquency and criminality. But they can work successfully only when they are provided with the true causes, with the knowledge of the part where the shoe pinches. Any programme based on causation works adequately towards achieving the goal. The past method of dealing with the delinquents and criminals was ineffectual because the deep-rooted tendency towards the delinquency and crime remained untouched.

To understand the delinquent child and his particular behaviour one has to take into account the personality of the delinquent himself and the immediate and remote environmental surroundings in which he is brought up. With advances in science of psychology, we know much more today about the impulses and environmental conditions of juvenile delinquents than what we knew a few years back. Much light has been shed on the intricacies of delinquent behaviour through a number of studies and works such as "The Individual Delinquent" by W. Healy (20); 'The Young Delinquent' by Cyril Burt (5); 'Unravelling Juvenile Delinquency' by Sheldon and Eleanor Glueck (39); 'The Social Determinants of Juvenile Delinquency'

by Sullenger Thomas Earl (42); 'Saving Children from Delinquency' by Scott, D.H. (41); 'The Adolescent Criminals' by William Norwood East (13); 'Family Relationship and Delinquent Behaviour' by Nye F. Ivan (33); 'The Delinquent Child in India' by Dr. Manshardt Clifford (28); etc. etc. Most of the studies point to the reasonable relationship between some factors and crime or delinquency. Certain researches have been made which show seasonal and climatic variations in crime and delinquency (5, 18, 25). There are numerous studies which show fluctuations in various indexes of economic conditions as related to the ups and downs of crime and delinquency (25). Professor Haikerwala Bejoy Shanker (18) in his book 'Economic and Social Aspects of Crime in India' says that crime in India varies with seasons. Professor Sullenger Earl Thomas (42) studied delinquency in relation to various social factors. There are certain workers who have studied specific factors of environment and culture. There are also other investigations emphasising the genetic and constitutional origin of delinquency or crime (25). During recent years there are also a few individuals who have made psycho-analytic approach to the problem (17). But all these

studies emphasise one or the other factor or factors on which the authors have concentrated in their respective investigations. Like the blind discovering the parts of the elephant as this or that, each builds the entire subject in the image of that piece of it, which he happens to have touched.

All the foregoing discussion suggests that in the field of human conduct and behaviour the theory of single causation does not give sufficient explanation. Human behaviour or conduct whether social or anti-social is the product of the working of one's mental endowment - potential and dynamic - against his family background and his physical and social environments. The behaviour or the conduct may be said to be the result of interplay between innate constitution and environmental forces. Every factor in the constitution of the individual or in the environment has a favourable or unfavourable effect upon the behaviour or conduct of the individual. In this respect, Professor Kraraceus (24) summarises that there is, however, general agreement that no single cause for delinquent behaviour arises from complex inter-related causes of which the misconduct is merely symptomatic. Prof. Merrill Mand (30) also holds :

" Because of the multiplicity of these determining factors and because of the difficulty of establishing causal relationships, even where the factors are known to exist, the answers to our why will still be equivocal".

Further he says :

" that every individual has his breaking point and that breaking point is not the same for individual 'B' as for individual 'A'."

The famous Italian criminologist Ceasare Lombroso

(25) referring to the causes observes :

" Every crime has its origin in a multiplicity of causes, often intertwined and confused, each of which we must, in obedience to the necessities of thought and speech, investigate singly. This multiplicity is generally the rule with human phenomenon, to which one can almost never assign a single cause unrelated to others. Everyone knows that cholera, typhus and tuberculosis have specific causes, but no one would venture to maintain that meteorological, hygienic and psychic factors have nothing to do with them. Indeed, the best observers often remain undecided as to the true specific cause of any given phenomenon".

And finally, even Professor Neumeyer Martin (32)_b suggests :

" Delinquency is not an isolated problem and cannot be understood without consideration of the background of the current social problems. Delinquent behaviour is the result of a multiplicity of associated factors rather than the product of a few apparent causes. More specifically it is the product of both personal and social disorganisation, which in turn is rooted in various conditions".

Most of these authors seem to have an omnibus purpose of unravelling all possible factors of juvenile delinquency. Their attempts are very instructive as well as suggestive and are also creditable. However, the present author feels that these efforts are sometimes not meeting the requisites of a scientific, more exact inquiry. A narrative - survey type of study, as undertaken by most of them, only suggests the likely causes on the whole, but not points to the part exactly played by each. To undertake a work with the latter purpose needs an experimental study, a design with more control and manipulation of a few variables that are to be studied. The present author in the following chapters purports to make such a study as far as possible, manipulating some ^{variables} _A controlling others and subjecting the results to the more scientific analysis by statistical tools.