

the California Youth Authority, Rosenbaum and Chesney-Lind find that a variety of physical descriptions regarding appearance and attractiveness was mentioned in official files. This was more likely to be the case for those charged with immorality. The study provides an interesting glimpse of the worldview of those who process female offenders and presents evidence that officials may look upon attractive girls who engage in sexual "immorality" more harshly.

In the article "Identity, Strategy, and Feminist Politics," Patricia Gagné examines the impact of feminist activism on the decision to grant

clemency to women incarcerated for killing or assaulting abusive intimate partners or stepfathers. Identifying the tactics and strategies employed by the feminist battered women's movement, she finds that incarcerated battered women used their careers and personal relationships to form consciousness-raising groups that established a social movement community and gained access to authorities and the public. Gagné discusses how feminists created an opportunity structure resulting in clemency and what strategies and tactics other social movements need to consider in hostile cultural and political environments.

## Girls' Crime and Woman's Place Toward a Feminist Model of Female Delinquency\*

MEDA CHESNEY-LIND

I ran away so many times. I tried anything, man, and they wouldn't believe me.... As far as they are concerned they think I'm the problem. You know, run-away, bad label. (Statement of a 16-year-old girl who, after having been physically and sexually assaulted, started running away from home and was arrested as a "runaway" in Hawaii.)

You know, one of these days I'm going to have to kill myself before you guys are gonna listen to me. I can't stay at home. (Statement of a 16-year-old Tucson runaway with a long history of physical abuse [Davidson, 1982, p. 26].)

Who is the typical female delinquent? What causes her to get into trouble? What happens to her if she is caught? These are questions that few members of the general public could answer quickly. By contrast, almost every citizen can talk about "delinquency," by which they generally mean male delinquency, and can even generate

some fairly specific complaints about, for example, the failure of the juvenile justice system to deal with such problems as "the alarming increase in the rate of serious juvenile crime" and the fact that the juvenile courts are too lenient on juveniles found guilty of these offenses (Opinion Research Corporation, 1982).

This situation should come as no surprise since even the academic study of delinquent behavior has, for all intents and purposes, been the study of male delinquency. "The delinquent is a rogue male" declared Albert Cohen (1955, p. 140) in his influential book on gang delinquency. More than a decade later, Travis Hirschi, in his equally important book entitled *The Causes of Delinquency*, relegated women to a footnote that suggested, somewhat apologetically, that "in the analysis that follows, the 'non-Negro' becomes 'white,' and the girls disappear."

This pattern of neglect is not all that unusual. All areas of social inquiry have been notoriously gender blind. What is perhaps less well understood is that theories developed to describe the

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misbehavior of working- or lower-class male youth fail to capture the full nature of delinquency in America; and, more to the point, are woefully inadequate when it comes to explaining female misbehavior and official reactions to girls' deviance.

To be specific, delinquent behavior involves a range of activities far broader than those committed by the stereotypical street gang. Moreover, many more young people than the small visible group of "troublemakers" that exist on every intermediate and high school campus commit some sort of juvenile offense and many of these youth have brushes with the law. One study revealed, for example, that 33% of all the boys and 14% of the girls born in 1958 had at least one contact with the police before reaching their eighteenth birthday (Tracy, Wolfgang, and Figlio, 1985, p. 5). Studies that solicit from youth themselves the volume of their delinquent behavior consistently confirm that large numbers of adolescents engage in at least some form of misbehavior that could result in their arrest. As a consequence, it is largely trivial misconduct, rather than the commission of serious crime, that shapes the actual nature of juvenile delinquency. One national study of youth aged 15-21, for example, noted that only 5% reported involvement in a serious assault, and only 6% reported having participated in a gang fight. In contrast, 81% admitted to having used alcohol, 44% admitted to having used marijuana, 37% admitted to having been publicly drunk, 42% admitted to having skipped classes (truancy), 44% admitted having had sexual intercourse, and 15% admitted to having stolen from the family (McGarrell and Flanagan, 1985, p. 363). Clearly, not all of these activities are as serious as the others. It is important to remember that young people can be arrested for all of these behaviors.

Indeed, one of the most important points to understand about the nature of delinquency, and particularly female delinquency, is that youth can be taken into custody for both criminal acts and a wide variety of what are often called "status offenses." These offenses, in contrast to criminal violations, permit the arrest of youth for a wide range of behaviors that are violations of parental authority: "running away from home," "being a

person in need of supervision," "minor in need of supervision," being "incorrigible," "beyond control," truant, in need of "care and protection," and so on. Juvenile delinquents, then, are youths arrested for either criminal or noncriminal status offenses; and, as this discussion will establish, the role played by uniquely juvenile offenses is by no means insignificant, particularly when considering the character of female delinquency.

Examining the types of offenses for which youth are actually arrested, it is clear that again most are arrested for the less serious criminal acts and status offenses. Of the one and a half million youth arrested in 1983, for example, only 4.5% of these arrests were for such serious violent offenses as murder, rape, robbery, or aggravated assault (McGarrell and Flanagan, 1985, p. 479). In contrast, 21% were arrested for a single offense (larceny theft) much of which, particularly for girls, is shoplifting (Shelden and Horvath, 1986).

Table 1 presents the five most frequent offenses for which male and female youth are arrested and from this it can be seen that while trivial offenses dominate both male and female delinquency, trivial offenses, particularly status offenses, are more significant in the case of girls' arrests; for example, the five offenses listed in Table 1 account for nearly three-quarters of female offenses and only slightly more than half of male offenses.

More to the point, it is clear that, though routinely neglected in most delinquency research, status offenses play a significant role in girls' official delinquency. Status offenses accounted for about 25.2% of all girls' arrests in 1986 (as compared to 26.9% in 1977) and only about 8.3% of boys' arrests (compared to 8.8% in 1977). These figures are somewhat surprising since dramatic declines in arrests of youth for these offenses might have been expected as a result of the passage of the Juvenile Justice and Delinquency Prevention Act in 1974, which, among other things, encouraged jurisdictions to divert and deinstitutionalize youth charged with noncriminal offenses. While the figures in Table 1 do show a decline in these arrests, virtually all of this decline occurred in the 1970s. Between 1982 and 1986 girls' curfew arrests increased by 5.1% and 1986 away arrests increased by a striking 24.5%. And

**TABLE 1** Rank Order of Adolescent Male and Female Arrests for Specific Offenses, 1977 and 1986

Male				Female			
1977	% of Total Arrests	1986	% of Total Arrests	1977	% of Total Arrests	1986	% of Total Arrests
(1) Larceny-Theft	18.4	(1) Larceny-Theft	20.4	(1) Larceny-Theft	27.0	(1) Larceny-Theft	25.7
(2) Other Offenses	14.5	(2) Other Offenses	16.5	(2) Runaway	22.9	(2) Runaway	20.5
(3) Burglary	13.0	(3) Burglary	9.1	(3) Other Offenses	14.2	(3) Other Offenses	14.8
(4) Drug Abuse Violations	6.5	(4) Drug Abuse Violations	7.0	(4) Liquor Laws	5.5	(4) Liquor Laws	8.4
(5) Vandalism	6.4	(5) Vandalism	6.3	(5) Curfew & Loitering Violations	4.0	(5) Curfew & Loitering Violations	4.7
				1977	1986	% N Change	
Arrests for Serious Violent Offenses <sup>a</sup>	4.2%	4.7%	+2.3	Arrest for Serious Violent Offenses	1.8%	2.0%	+1.7
Arrests of All Violent Offenses <sup>b</sup>	7.6%	9.6%	+10.3	Arrests of All Violent Offenses	5.1%	7.1%	+26.0
Arrests for Status Offenses <sup>c</sup>	8.8%	8.3%	-17.8	Arrests for Status Offenses	26.9%	25.2%	14.7

SOURCE: Compiled from Federal Bureau of Investigation (1987, p. 169).

a. Arrest for murder and nonnegligent manslaughter.

SOURCE: Compiled from Federal Bureau of Investigation (1987, p. 169).

a. Arrest for murder and nonnegligent manslaughter, robbery, forcible rape, and aggravated assault.

b. Also includes arrests for other assaults.

c. Arrest for curfew and loitering law violation and runaway.

on, "minor in need of correction," "beyond care and protection," or noncriminal status. Juvenile offenses are particularly when compared with offenses for which it is clear that again serious criminal acts are involved. For example, only 4.5% of all arrests in 1986 were for such serious violent offenses, or aggravated robbery, or aggravated assault (Fagan, 1985, p. 479). In 1977, the five most frequent offenses for a single offense listed for girls were: (1) Larceny-Theft, (2) Runaway, (3) Other Offenses, (4) Liquor Laws, and (5) Curfew & Loitering Violations. In 1986, the five most frequent offenses for girls were: (1) Larceny-Theft, (2) Runaway, (3) Other Offenses, (4) Liquor Laws, and (5) Curfew & Loitering Violations. In 1977, the five most frequent offenses for girls were: (1) Larceny-Theft, (2) Runaway, (3) Other Offenses, (4) Liquor Laws, and (5) Curfew & Loitering Violations. In 1986, the five most frequent offenses for girls were: (1) Larceny-Theft, (2) Runaway, (3) Other Offenses, (4) Liquor Laws, and (5) Curfew & Loitering Violations.

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the upward trend continues; arrests of girls for running away increased by 3% between 1985 and 1986 and arrests of girls for curfew violations increased by 12.4% (Federal Bureau of Investigation, 1987, p. 171).

Looking at girls who find their way into juvenile court populations, it is apparent that status offenses continue to play an important role in the character of girls' official delinquency. In total, 34% of the girls, but only 12% of the boys, were referred to court in 1983 for these offenses (Snyder and Finnegan, 1987, pp. 6-20). Stating these figures differently, they mean that while males constituted about 81% of all delinquency referrals, females constituted 46% of all status offenders in courts (Snyder and Finnegan, 1987, p. 20). Similar figures were reported for 1977 by Black and Smith (1981). Fifteen years earlier, about half of the girls and about 20% of the boys were referred to court for these offenses (Children's Bureau, 1965). These data do seem to signal a drop in female status offense referrals, though not as dramatic a decline as might have been expected.

For many years statistics showing large numbers of girls arrested and referred for status offenses were taken to be representative of the different types of male and female delinquency. However, self-report studies of male and female delinquency do not reflect the dramatic differences in misbehavior found in official statistics.

Specifically, it appears that girls charged with these noncriminal status offenses have been and continue to be significantly overrepresented in court populations.

Teitmann and Landry (1981) compared girls' contribution to arrests for runaway and incorrigibility with girls' self-reports of these two activities, and found a 10.4% overrepresentation of females among those arrested for runaway and a 30.9% overrepresentation in arrests for incorrigibility. From these data they concluded that girls are "arrested for status offenses at a higher rate than boys, when contrasted to their self-reported delinquency rates" (Teitmann and Landry, 1981, pp. 74-75). These findings were confirmed in another recent self-report study. Figueira-McDonough (1985, p. 277) analyzed the delinquent conduct of 2,000 youths and found "no evidence of greater involvement of females in status offenses." Similarly, Canter (1982) found in the National Youth Survey that there was no evidence of greater female involvement, compared to males, in any category of delinquent behavior. Indeed, in this sample, males were significantly more likely than females to report status offenses.

Utilizing Canter's national data on the extensiveness of girls self-reported delinquency and comparing these figures to official arrests of girls (see Table 2) reveals that girls are underrepresented in every arrest category with the exception

**TABLE 2** Comparison of Sex Differences in Self-Reported and Official Delinquency for Selected Offenses

	Self-Report <sup>a</sup> M/F Ratios (1976)		Official Statistics <sup>b</sup> M/F Arrest Ratio	
	1976		1986	
Theft	3.5:1 (Felony Theft)	2.5:1	2.7:1	
	3.4:1 (Minor Theft)		6.0:1	
Drug Violation	1:1	5.1:1		(Drug Abuse Violations)
Vandalism	5.1:1 (Hard Drug Use)	12.3:1	10.0:1	
Disorderly Conduct	2.8:1	4.5:1	4.4:1	
Serious Assault	3.5:1	5.6:1	5.5:1	
	(Felony Assault)			(Aggravated Assault)
Minor Assault	3.4:1	3.8:1	3.4:1	
Status Offenses	1.6:1	1.3:1	1.1:1	(Runaway, Curfew)

<sup>a</sup> Extracted from Rochester Center (1982, p. 383).

<sup>b</sup> Compiled from Federal Bureau of Investigation (1987, p. 173).

of status offenses and larceny theft. These figures strongly suggest that official practices tend to exaggerate the role played by status offenses in girls' delinquency.

Delinquency theory, because it has virtually ignored female delinquency, failed to pursue anomalies such as these found in the few early studies examining gender differences in delinquent behavior. Indeed, most delinquency theories have ignored status offenses. As a consequence, there is considerable question as to whether existing theories that were admittedly developed to explain male delinquency can adequately explain female delinquency. Clearly, these theories were much influenced by the notion that class and protest masculinity were at the core of delinquency. Will the "add women and stir" approach be sufficient? Are these really theories of delinquent behavior as some (Simons, Miller, and Aigner, 1980) have argued?

This article will suggest that they are not. The extensive focus on male delinquency and the intention to the role played by patriarchal arrangements in the generation of adolescent delinquency and conformity has rendered the major delinquency theories fundamentally inadequate to the task of explaining female behavior. There is, in short, an urgent need to rethink current models in light of girls' situation in patriarchal society.

To understand why such work must occur, it is first necessary to explore briefly the dimensions of the androcentric bias found in the dominant and influential delinquency theories. Then the need for a feminist model of female delinquency will be explored by reviewing the available evidence on girls' offending. This discussion will also establish that the proposed overhaul of delinquency theory is not, as some might think, solely an academic exercise. Specifically, it is incorrect to assume that because girls are charged with less serious offenses, they actually have few problems and are treated gently when they are drawn into the juvenile justice system. Indeed, the extensive focus on disadvantaged males in public settings has meant that girls' victimization and the relationship between that experience and girls' crime has been systematically ignored. Also missed has been the central role played by the juvenile justice system in the sexualization of girls' delinquency

and the criminalization of girls. Finally, it will be actions of the juvenile understood as major as they have historic obedience of all you patriarchal authority arbitrary.

## The Romance of the West Side Story

From the start, the focus on visible law often justifying the neocavalier of terms. In extremely important and R. Shaw and Henry E. in 1929, utilized an study of juvenile delinquency, particularly *Juvenile Arrows* (1942) and studies such as Shaw's and *The Jack-Roller* much of the subculture of the subculture of delinquency. In their ecology and McKay analyzed on male delinquents referred to these rites (though they occasional evidence to data on female and McKay, 1942, p. 3 graphical work traced with the law; in *Brotherhood* the delinquent and criminals were followed for these works was any equation of male delinquency. Early fieldwork on delinquency set the stage for another search. Yet here too only in talking to and followed over a thousand during roughly the same McKay's more quantitative He spent approximately the five of six female field observation of (1927, p. 228) did mention





he felt accounted for the lower number of girl gangs: "First, the social patterns for the behavior of girls, powerfully backed by the great weight of tradition and custom, are contrary to the gang and its activities; and secondly, girls, even in urban disorganized areas, are much more closely supervised and guarded than boys and usually well incorporated into the family groups or some other social structure."

Another major theoretical approach to delinquency focuses on the subculture of lower-class communities as a generating milieu for delinquent behavior. Here again, noted delinquency researchers concentrated either exclusively or nearly exclusively on male lower-class culture. For example, Cohen's work on the subculture of delinquent gangs, which was written nearly twenty years after Thrasher's, deliberately considers only boys' delinquency. His justification for the exclusion of the girls is quite illuminating:

My skin has nothing of the quality of down or silk, there is nothing limpid or flute-like about my voice, I am a total loss with needle and thread, my posture and carriage are wholly lacking in grace. These imperfections cause me no distress—if anything, they are gratifying—because I conceive myself to be a man and want people to recognize me as a full-fledged, unequivocal representative of my sex. My wife, on the other hand, is not greatly embarrassed by her inability to tinker with or talk about the internal organs of a car, by her modest attainments in arithmetic or by her inability to lift heavy objects. Indeed, I am reliably informed that many women—I do not suggest that my wife is among them—often affect ignorance, frailty and emotional instability because in do otherwise would be out of keeping with a reputation for indubitable femininity. In short, people do not simply want to excel; they want to excel as a man or as a woman [Cohen, 1955, p. 138].

From this Cohen (1955, p. 140) concludes that the delinquent response "however it may be condemned by others on moral grounds, has at least one virtue: it incontestably confirms, in the eyes of all concerned, his essential masculinity." Much of the same line of argument appears in Miller's influential paper on the "focal concerns" of lower-class life with its emphasis on importance of trouble, toughness, excitement, and so on. These,

the author concludes, predispose poor youth (particularly male youth) to criminal misconduct. However, Cohen's comments are notable in their candor and probably capture both the allure that male delinquency has had for at least some male theorists as well as the fact that sexism has rendered the female delinquent as irrelevant to their work.

Emphasis on blocked opportunities (sometimes the "strain" theories) emerged out of the work of Robert K. Merton (1938) who stressed the need to consider how some social structures exert a definite pressure upon certain persons in the society to engage in nonconformist rather than conformist conduct. His work influenced research largely through the efforts of Cloward and Ohlin who discussed access to "legitimate" and "illegitimate" opportunities for male youth. No mention of female delinquency can be found in their *Delinquency and Opportunity* except that women are blamed for male delinquency. Here, the familiar notion is that boys, "engulfed by a feminine world and uncertain of their own identification . . . tend to 'protest' against femininity" (Cloward and Ohlin, 1960, p. 49). Early efforts by Ruth Morris to test this hypothesis utilizing different definitions of success based on the gender of respondents met with mixed success. Attempting to assess boys' perceptions about access to economic power status while for girls the variable concerned itself with the ability or inability of girls to maintain effective relationships, Morris was unable to find a clear relationship between "female" goals and delinquency (Morris, 1964).

The work of Edwin Sutherland emphasized the fact that criminal behavior was learned in intimate personal groups. His work, particularly the notion of differential association, which also influenced Cloward and Ohlin's work, was similarly male oriented as much of his work was affected by case studies he conducted of male criminals. Indeed, in describing his notion of how differential association works, he utilized male examples (e.g., "In an area where the delinquency rate is high a boy who is sociable, gregarious, active, and athletic is very likely to come in contact with the other boys, in the neighborhood, learn delinquent behavior from them, and become a gangster" [Sutherland, 1977, p. 131]). Finally, the work of Travis Hirschi on

the social bonds that control delinquency ("social control theory") was, as was stated earlier, derived out of research on male delinquents (though he, at least, studied delinquent behavior as reported by youth themselves rather than studying only those who were arrested).

Such a persistent focus on social class and such an absence of interest in gender in delinquency is ironic for two reasons. As even the work of Hirschi demonstrated, and as later studies would validate, a clear relationship between social class position and delinquency is problematic, while it is clear that gender has a dramatic and consistent effect on delinquency causation (Hagan, Gillis, and Stimpson, 1985). The second irony, and one that consistently eludes even contemporary delinquency theorists, is the fact that while the academics had little interest in female delinquents, the same could not be said for the juvenile justice system. Indeed, work on the early history of the separate system for youth, reveals that concerns about girls' immoral conduct were really at the center of what some have called the "child-saving movement" (Platt, 1969) that set up the juvenile justice system.

### "The Best Place to Conquer Girls"

The movement to establish separate institutions for youthful offenders was part of the larger Progressive movement, which among other things was keenly concerned about prostitution and other "social evils" (white slavery and the like) (Hoskinson and Wallach, 1978; Ratner, 1985, p. 54). Child-saving was also a celebration of women's domesticity, though ironically women were influential in the movement (Platt, 1969; Ratner, 1985). In a sense, privileged women found, in the moral purity crusades and the establishment of family courts, a safe outlet for their energies. As the legitimate guardians of the moral sphere, women were seen as uniquely suited to patrol the normative boundaries of the social order. Enfranchising rather than challenging these energies, women carved out for themselves a role in the policing of women and girls (Feiman, 1980; Freedman, 1981; Messerschmidt, 1987). Ultimately, many of the early child-savers' activities revolved around the monitoring of young

girls', particularly immigrant girls, to prevent their straying from the path of respectability.

This state of affairs was a quence of a disturbing conflict between feminists and the more conservative movement. Concerned about the potential and distrustful of male (immigrant) sexuality, notable women including Susan B. Anthony, fought with the social purists around a posing the regulation of prostitution the age of consent (see Messerschmidt, 1987). The consequences of such a movement that are, to some extent, the same possible coalitions.

Girls were the clear losers in this movement. Studies of early family court activity virtually all the girls who appeared were charged for immorality (Chesney-Lind, 1971; Schlossman, 1978; Sheldon, 1981). More to the point, for such misbehavior were girls sent to reformatories (where, for example, in Chicago (where court was founded), one-half of the girls were sent to reformatories between 1900 and 1910). In Milwaukee, twice as many girls were committed to training schools (Sheldon, 1981, p. 72); and in New York, twice as many girls as boys were sent to training schools (Sheldon, 1981, p. 72).

In Honolulu, during the period over half of the girls referred to court were charged with "immorality," which was defined as sexual intercourse. In addition, 30% were charged with "wayswardness of immorality" was vigorously pursued by arresting officers and social workers. Lengthy questioning of the girl and her mother, with whom she was suspected of sexual intercourse, was followed by gynecological examinations. The girls were then ordered in virtually all cases to attend the purpose of the examinations, who understood the purpose of the examinations, would routinely note the court's "admission intercourse by a girl is a heinous act," "by men ruptured" are the notions on the forms. Girls during

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girls', particularly immigrant girls', behavior to prevent their straying from the path.

This state of affairs was the direct consequence of a disturbing coalition between some feminists and the more conservative social purity movement. Concerned about female victimization and distrustful of male (and to some degree female) sexuality, notable women leaders, including Susan B. Anthony, found common cause with the social purists around such issues as opposing the regulation of prostitution and raising the age of consent (see Messerschmidt, 1987). The consequences of such a partnership are an important lesson for contemporary feminist movements that are, to some extent, faced with the same possible coalitions.

Girls were the clear losers in this reform effort. Studies of early family court activity reveal that virtually all the girls who appeared in these courts were charged for immorality or waywardness (Chesney-Lind, 1971; Schlossman and Wallach, 1978; Sheldon, 1981). More to the point, the sanctions for such misbehavior were extremely severe. For example, in Chicago (where the first family court was founded), one-half of the girl delinquents, but only one-fifth of the boy delinquents, were sent to reformatories between 1899-1909. In Milwaukee, twice as many girls as boys were committed to training schools (Schlossman and Wallach, 1978, p. 72); and in Memphis females were twice as likely as males to be committed to training schools (Sheldon, 1981, p. 70).

In Honolulu, during the period 1929-1930, over half of the girls referred to court were charged with "immorality," which meant evidence of sexual intercourse. In addition, another 30% were charged with "waywardness." Evidence of immorality was vigorously pursued by both arresting officers and social workers through lengthy questioning of the girl and, if possible, males with whom she was suspected of having sex. Other evidence of "exposure" was provided by gynecological examinations that were routinely ordered in virtually all girls' cases. Doctors, who understood the purpose of such examinations, would routinely note the condition of the hymen: "admits intercourse hymen ruptured," "no laceration," "hymen ruptured" are typical of the notations on the forms. Girls during this period

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were also twice as likely as males to be detained where they spent five times as long on the average as their male counterparts. They were also nearly three times more likely to be sentenced to the training school (Chesney-Lind, 1971). Indeed, girls were half of those committed to training schools in Honolulu well into the 1950s (Chesney-Lind, 1973).

Not surprisingly, large numbers of girl's reformatories and training schools were established during this period as well as places of "rescue and reform." For example, Schlossman and Wallach note that 23 facilities for girls were opened during the 1910-1920 decade (in contrast to the 1850-1910 period where the average was 5 reformatories per decade [Schlossman and Wallach, 1985, p. 70]), and these institutions did much to set the tone of official response to female delinquency. Obsessed with precocious female sexuality, the institutions set about to isolate the females from all contact with males while housing them in bucolic settings. The intention was to hold the girls until marriageable age and to occupy them in domestic pursuits during their sometimes lengthy incarceration.

The links between these attitudes and those of juvenile courts some decades later are, of course, arguable; but an examination of the record of the court does not inspire confidence. A few examples of the persistence of what might be called a double standard of juvenile justice will suffice here.

A study conducted in the early 1970s in a Connecticut training school revealed large numbers of girls incarcerated "for their own protection." Explaining this pattern, one judge explained, "Why most of the girls I commit are for status offenses. I figure if a girl is about to get pregnant, we'll keep her until she's sixteen and then ADC (Aid to Dependent Children) will pick her up" (Rogers, 1972). For more evidence of official concern with adolescent sexual misconduct, consider Linda Hancock's (1981) content analysis of police referrals in Australia. She noted that 40% of the referrals of girls to court made specific mention of sexual and moral conduct compared to only 5% of the referrals of boys. These sorts of results suggest that all youthful female misbehavior has traditionally been subject to surveillance for evidence of sexual misconduct.

Gelshtorpe's (1986) field research on an English police station also revealed how everyday police decision making resulted in disregard of complaints about male problem behavior in contrast to active concern about the "problem behavior" of girls. Notable, here, was the concern about the girl's sexual behavior. In one case, she describes police persistence in pursuing a "moral danger" order for a 14-year-old picked up in a truancy run. Over the objections of both the girl's parents and the Social Services Department and in the face of a written confirmation from a surgeon that the girl was still premenstrual, the officers pursued the application because, in one officer's words, "I know her sort . . . free and easy. I'm still suspicious that she might be pregnant. Anyway, if the doctor can't provide evidence we'll do her for being beyond the care and control of her parents, no one can dispute that. Running away is proof" (Gelshtorpe, 1986, p. 136). This sexualization of female deviance is highly significant and explains why criminal activities by girls (particularly in past years) were overlooked so long as they did not appear to signal defiance of parental control (see Smith, 1978).

In their historic obsession about precocious female sexuality, juvenile justice workers rarely reflected on the broader nature of female misbehavior or on the sources of this misbehavior. It was enough for them that girls' parents reported them out of control. Indeed, court personnel tended to "sexualize" virtually all female defiance that lent itself to that construction and ignore other misbehavior (Chesney-Lind, 1973, 1977; Smith, 1978). For their part, academic students of delinquency were so entranced with the notion of the delinquent as a romantic rogue male challenging a rigid and unequal class structure, that they spent little time on middle-class delinquency, trivial offenders, or status offenders. Yet it is clear that the vast bulk of delinquent behavior is of this type.

Some have argued that such an imbalance in theoretical work is appropriate as minor misconduct, while troublesome, is not a threat to the safety and well-being of the community. This argument might be persuasive if two additional points could be established. One, that some small number of youth "specialize" in serious criminal behavior while the rest commit only minor acts

and, two, that the juvenile court rapidly releases those youth that come into its purview for these minor offenses, thus reserving resources for the most serious youthful offenders.

The evidence is mixed on both of these points. Determined efforts to locate the "serious juvenile offender" have failed to locate a group of offenders who specialize only in serious violent offenses. For example, in a recent analysis of a national self-report data set, Elliott and his associates noted "there is little evidence for specialization in serious violent offending; to the contrary, serious violent offending appears to be embedded in a more general involvement in a wide range of serious and non-serious offenses" (Elliott, Huizinga, and Morse, 1987). Indeed, they went so far as to speculate that arrest histories that tend to highlight particular types of offenders reflect variations in police policy, practices, and processes of uncovering crime as well as underlying offending patterns.

More to the point, police and court personnel are, in turns out, far more interested in youth they charge with trivial or status offenses than anyone imagined. Efforts to deinstitutionalize "status offenders," for example, ran afoul of juvenile justice personnel who had little interest in releasing youth guilty of noncriminal offenses (Chesney-Lind, 1988). As has been established, much of this is a product of the system's history that encouraged court officers to involve themselves in the noncriminal behavior of youth in order to "save" them from a variety of social ills.

Indeed, parallels can be found between the earlier Progressive period and current national efforts to challenge the deinstitutionalization components of the Juvenile Justice and Delinquency Prevention Act of 1974. These come complete with their celebration of family values and concerns about youthful independence. One of the arguments against the act has been that it allegedly gave children the "freedom to run away" (Office of Juvenile Justice and Delinquency Prevention, 1985) and that it has hampered "reunions" of "missing" children with their parents (Office of Juvenile Justice, 1986). Suspicion about teen sexuality are reflected in excess concern about the control of teen prostitution and child pornography.

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## Toward a Feminist Theory of Delinquency

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Indeed, parallels can be found between the earlier Progressive period and current national efforts to challenge the deinstitutionalization components of the Juvenile Justice and Delinquency Prevention Act of 1974. These come complete with their celebration of family values and concerns about youthful independence. One of the arguments against the act has been that it allegedly gave children the "freedom to run away" (Office of Juvenile Justice and Delinquency Prevention, 1985) and that it has hampered "runaways" of "missing" children with their parents (Office of Juvenile Justice, 1986). Suspensions about teen sexuality are reflected in excessive concern about the control of teen prostitution and child pornography.

Opponents have also attempted to justify continued intervention into the lives of status offenders by suggesting that without such intervention, the youth would "escalate" to criminal behavior. Yet there is little evidence that status offenders escalate to criminal offenses, and the evidence is particularly weak when considering female delinquents (particularly white female delinquents) (Daresman and Alekin, 1984). Finally, if escalation is occurring, it is likely the product of the justice system's insistence on enforcing status offense laws, thereby forcing youth in crisis to live lives of escaped criminals.

The most influential delinquency theories, however, have largely ducked the issue of status and trivial offenses and, as a consequence, neglected the role played by the agencies of official control (police, probation officers, juvenile court judges, detention home workers, and training school personnel) in the shaping of the "delinquency problem." When confronting the less than distinct picture that emerges from the actual distribution of delinquent behavior, however, the conclusion that agents of social control have considerable discretion in labeling or choosing not to label particular behavior as "delinquent" is inescapable. This symbiotic relationship between delinquent behavior and the official response to that behavior is particularly critical when the question of female delinquency is considered.

### **Toward a Feminist Theory of Delinquency**

To sketch out completely a feminist theory of delinquency is a task beyond the scope of this article. It may be sufficient, at this point, simply to identify a few of the most obvious problems with attempts to adapt male-oriented theory to explain female conformity and deviance. Most significant of these is the fact that all existing theories were developed with no concern about gender stratification.

Note that this is not simply an observation about the power of gender roles (though this power is undeniable). It is increasingly clear that gender stratification in patriarchal society is as powerful a system as is class. A feminist approach to delinquency means construction of explanations

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of female behavior that are sensitive to its patriarchal context. Feminist analysis of delinquency would also examine ways in which agencies of social control—the police, the courts, and the prisons—act in ways to reinforce women's place in male society (Harris, 1977; Chesney-Lind, 1986). Efforts to construct a feminist model of delinquency must first and foremost be sensitive to the situations of girls. Failure to consider the existing empirical evidence on girls' lives and behavior can quickly lead to stereotypical thinking and theoretical dead ends.

An example of this sort of flawed theory building was the early fascination with the notion that the women's movement was causing an increase in women's crime; a notion that is now more or less discredited (Steffensmeier, 1980; Gora, 1982). A more recent example of the same sort of thinking can be found in recent work on the "power-control" model of delinquency (Hagan, Simpson, and Gillis, 1987). Here, the authors speculate that girls commit less delinquency in part because their behavior is more closely controlled by the patriarchal family. The authors' promising beginning quickly gets bogged down in a very limited definition of patriarchal control (focusing on parental supervision and variations in power within the family). Ultimately, the authors' narrow formulation of patriarchal control results in their arguing that mother's work force participation (particularly in high status occupations) leads to increases in daughters' delinquency since these girls find themselves in more "egalitarian families."

This is essentially a not-too-subtle variation on the earlier "liberation" hypothesis. Now, mother's liberation causes daughter's crime. Aside from the methodological problems with the study (e.g., the authors argue that female-headed households are equivalent to upper-status "egalitarian" families where both parents work, and they measure delinquency using a six-item scale that contains no status offense items), there is a more fundamental problem with the hypothesis. There is no evidence to suggest that as women's labor force participation has increased, girls' delinquency has increased. Indeed, during the last decade when both women's labor force participation accelerated and the number of female-headed households

soared, aggregate female delinquency measured both by self-report and official statistics either declined or remained stable (Agerton, 1983; Chilton and Daddsman, 1987; Federal Bureau of Investigation, 1987).

By contrast, a feminist model of delinquency would focus more extensively on the few pieces of information about girls' actual lives and the role played by girls' problems, including those caused by racism and poverty, in their delinquency behavior. Fortunately, a considerable literature is now developing on girls' lives and much of it bears directly on girls' crime.

### Criminalizing Girls' Survival

It has long been understood that a major reason for girls' presence in juvenile courts was the fact that their parents insisted on their arrest. In the early years, conflicts with parents were by far the most significant referral source; in Honolulu 44% of the girls who appeared in court in 1929 through 1930 were referred by parents.

Recent national data, while slightly less explicit, also show that girls are more likely to be referred to court by "sources other than law enforcement agencies" (which would include parents). In 1983, nearly a quarter (23%) of all girls but only 16% of boys charged with delinquent offenses were referred to court by non-law enforcement agencies. The pattern among youth referred for status offenses (for which girls are overrepresented) was even more pronounced. Well over half (56%) of the girls charged with these offenses and 45% of the boys were referred by sources other than law enforcement (Snyder and Finnegan, 1987, p. 21; see also Pope and Feyherm, 1982).

The fact that parents are often committed to two standards of adolescent behavior is one explanation for such a disparity—and one that should not be discounted as a major source of tension even in modern families. Despite expectations to the contrary, gender-specific socialization patterns have not changed very much and this is especially true for parents' relationships with their daughters (Katz, 1979). It appears that even parents who oppose sexism in general find "uncomfortable tampering with existing traditions" and "do not want to risk their children

becoming misfits" (Katz, 1979, p. 24). Clearly, parental attempts to adhere to and enforce these traditional notions will continue to be a source of conflict between girls and their elders. Another important explanation for girls' problems with their parents, which has received attention only in more recent years, is the problem of physical and sexual abuse. Looking specifically at the problem of childhood sexual abuse, it is increasingly clear that this form of abuse is a particular problem for girls.

Girls are, for example, much more likely to be the victims of child sexual abuse than are boys. Finkelhor and Baron estimate from a review of community studies that roughly 70% of the victims of sexual abuse are female (Finkelhor and Baron, 1986, p. 45). Girls' sexual abuse also tends to start earlier than boys' (Finkelhor and Baron, 1986, p. 48); they are more likely than boys to be assaulted by a family member (often a stepfather) (DeJong, Hervada, and Emmett, 1983; Russell, 1986), and, as a consequence, their abuse tends to last longer than male sexual abuse (DeJong, Hervada, and Emmett, 1983). All of these factors are associated with more severe trauma—causing dramatic short- and long-term effects in victims (Adams-Tucker, 1982). The effects noted by researchers in this area move from the more well known "fear, anxiety, depression, anger and hostility, and inappropriate sexual behavior" (Hervada and Finkelhor, 1986, p. 69) to behaviors of greater familiarity to criminologists, including running away from home, difficulties in school, truancy, and early marriage (Browne and Finkelhor, 1986).

Herman's study of incest survivors in therapy found that they were more likely to have run away from home than a matched sample of women whose fathers were "seductive" (33% compared to 11%). Another study of women patients found that 10% of the victims of child sexual abuse, but only 1% of the nonvictim group, had left home before the age of 18 (Metzgerman, 1978).

Not surprisingly, then, studies of girls on the streets or in court populations are showing high rates of both physical and sexual abuse. Silbert and Fries (1981, p. 409) found, for example, that 10% of the street prostitutes they interviewed had been sexually abused as juveniles. Girls at an

Arkansas diagnostic unit and a Massachusetts juvenile court were adjudicated for either status or delinquent offenses. Reported rates of physical and sexual abuse were high in both groups. Girls in the diagnostic unit reported rates of physical and sexual abuse of 38% and 38%, respectively. Girls in the juvenile court reported rates of physical and sexual abuse of 38% and 38%, respectively. A sample survey of girls in a system in Wisconsin (Pheps et al., 1982) found that 79% had been subjected to sexual abuse that resulted in some form of physical injury. 50% had been sexually abused by persons who were closely connected to them. Moreover, 50% had been "raped" or forced to participate in sexual intercourse. Pheps et al. (1982, p. 66). Evidently, these rates were reported by McCormack, Janus, and Burgess (1986). They found that 73% of the females in a runaway study had been sexually abused. The males had been sexually abused at a rate of 33%. The study of youth charged with runaway, or listed as missing, per found that 55% were incest victims (Gutierrez, 1979).

Many young women, then, a result of profound sexual victimization, are on the streets. They are forced to survive on the streets in order to survive. Interiors who have run away from home share that they do not have a lot of alternative choices. In fact, they are being labeled as delinquents, yet a legal acts (Koroki and Chesney-Lind, 1982). Wisconsin study found that 54% of the girls who had run away found it necessary to steal and clothing in order to survive. A sexual contact for money, food, (Pheps et al., 1982, p. 67). In their study, McCormack, Janus, (1986, pp. 392-393) found that 38% of the female runaways were significantly more likely to be involved in delinquent or criminal activities such as theft, petty theft, and prostitution. Research (Chesney-Lind and Roper, 1982) on the backgrounds of adult women underscores the important links between





childhood victimizations and their later criminal careers. The interviews revealed that virtually all of this sample were the victims of physical and/or sexual abuse as youngsters; over 60% had been sexually abused and about half had been raped as young women. This situation prompted these women to run away from home (three-quarters had been arrested for status offenses) where once on the streets they began engaging in prostitution and other forms of petty property crime. They also began what becomes a lifetime problem with drugs. As adults, the women continue in these activities since they possess truncated educational backgrounds and virtually no marketable occupational skills (see also Miller, 1986).

Confirmation of the consequences of childhood sexual and physical abuse on adult female criminal behavior has also recently come from a large quantitative study of 908 individuals with substantiated and validated histories of these victimizations. Widom (1988) found that abused or neglected females were twice as likely as a matched group of controls to have an adult record (16% compared to 7.5%). The difference was also found among men, but it was not as dramatic (42% compared to 33%). Men with abuse backgrounds were also more likely to contribute to the "cycle of violence" with more arrest for violent offenses as adult offenders than the control group. In contrast, when women with abuse backgrounds did become involved with the criminal justice system, their arrests tended to involve property and order offenses (such as disorderly conduct, curfew, and loitering violations) (Widom, 1988, p. 17).

Given this information, a brief example of how a feminist perspective on the causes of female delinquency might look seems appropriate. First, like young men, girls are frequently the recipients of violence and sexual abuse. But unlike boys, girls' victimization and their response to that victimization is specifically shaped by their status as young women. Perhaps because of the gender and sexual scripts found in patriarchal families, girls are much more likely than boys to be victim of family related sexual abuse. Men, particularly men with traditional attitudes toward women, are likely to define their daughters or stepdaughters as their sexual property (Finkelhor, 1982). In a society that idealizes inequality in

male/female relationships and venerates youth in women, girls are easily defined as sexually attractive by older men (Bell, 1984). In addition, girls' vulnerability to both physical and sexual abuse is heightened by norms that require that they stay at home where their victimizers have access to them.

Moreover, their victimizers (usually males) have the ability to invoke official agencies of social control in their efforts to keep young women at home and vulnerable. That is to say, abusers have traditionally been able to utilize the untrivial commitment of the juvenile justice system toward parental authority to force girls to obey them. Girls' complaints about abuse were, until recently, routinely ignored. For this reason, statutes that were originally placed in law to "protect" young people have, in the case of girls' delinquency, criminalized their survival strategies. As they run away from abusive homes, parents have been able to employ agencies to enforce their return. If they persisted in their refusal to stay in that home, however intolerable, they were incarcerated.

Young women, a large number of whom are on the run from homes characterized by sexual abuse and parental neglect, are forced by the very statutes designed to protect them into the lives of escaped convicts. Unable to enroll in school or take a job to support themselves because they fear detection, young female runaways are forced into the streets. Here they engage in panhandling, petty theft, and occasional prostitution in order to survive. Young women in conflict with their parents (often for very legitimate reasons) may actually be forced by present laws into petty criminal activity, prostitution, and drug use.

In addition, the fact that young girls (but not necessarily young boys) are defined as sexually desirable and, in fact, more desirable than their older sisters due to the double standard of aging means that their lives on the streets (and their survival strategies) take on unique shape—one again shaped by patriarchal values. It is no accident that girls on the run from abusive homes, or on the streets because of profound poverty, get involved in criminal activities that exploit their sexual object status. American society has defined as desirable youthful, physically perfect women. This

means that girls on the streets, who have little else of value to trade, are encouraged to utilize this "resource" (Campagna and Poffenberger, 1988). It also means that the criminal subculture views them from this perspective (Miller, 1986).

## Female Delinquency, Patriarchal Authority, and Family Courts

The early insights into male delinquency were largely gleaned by intensive field observation of delinquent boys. Very little of this sort of work has been done in the case of girls' delinquency, though it is vital to an understanding of girls' definitions of their own situations, choices, and behavior (for exceptions to this see Campbell, 1984; Peacock, 1981; Miller, 1986; Rosenberg and Zimmerman, 1977). Time must be spent listening to girls. Fuller research on the settings, such as families and schools, that girls find themselves in and the impact of variations in those settings should also be undertaken (see Figueroa-McDonough, 1986). A more complete understanding of how poverty and racism shape girls' lives is also vital (see Messerschmidt, 1986; Campbell, 1984). Finally, current qualitative research on the reaction of official agencies to girls' delinquency must be conducted. This latter task, admittedly more difficult, is particularly critical to the development of delinquency theory that is as sensitive to gender as it is to race and class.

It is clear that throughout most of the court's history, virtually all female delinquency has been placed within the larger context of girls' sexual behavior. One explanation for this pattern is that familial control over girls' sexual capital has historically been central to the maintenance of patriarchy (Lerner, 1986). The fact that young women have relatively more of this capital has been one reason for the excessive concern that both families and official agencies of social control have expressed about youthful female defiance (otherwise much of the behavior of criminal justice personnel makes virtually no sense). Only if one considers the role of women's control over their sexuality at the point in their lives that their value to patriarchal society is so pronounced, does the historic pattern of jailing of huge numbers of girls guilty of minor misconduct make sense.

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This framework also explains the enormous resistance that the movement to curb the juvenile justice system's authority over status offenders encountered. Supporters of the change were not really prepared for the political significance of giving youth the freedom to run. Horror stories told by the opponents of deinstitutionalization about victimized youth, youthful prostitution, and youthful involvement in pornography (Office of Juvenile Justice and Delinquency Prevention, 1985) all neglect the unpleasant reality that most of these behaviors were often in direct response to earlier victimization, frequently by parents, that officials had, for years, routinely ignored. What may be at stake in efforts to roll back deinstitutionalization efforts is not so much "protection" of youth as it is curbing the right of young women to defy patriarchy.

In sum, research in both the dynamics of girls' delinquency and official reactions to that behavior is essential to the development of theories of delinquency that are sensitive to its patriarchal as well as class and racial context.

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