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Becoming delinquent in the post-war welfare state: England and Wales, 1945-1965

Introduction

Before the Second World War, the majority view of academics and practitioners in the field of juvenile justice in the UK and the US was that youthful delinquency was caused by deprivation, be that in economic, physical or emotional terms.¹ These deprivations were ultimately caused by the processes of Western modernity, namely the inequalities of capitalism, the drive to acquire material goods and the disruption of traditional family structures and social mores. The solution to this was not to physically chastise the young or to incarcerate them, but rather to prevent future bad behaviour by addressing the problems that caused it.

The first juvenile court, set up in 1899 in Cook County, Chicago, established a specialist holistic model for this.² This concept of a juvenile court was found resonance in other parts of the world, including England and Wales.³ The first juvenile court was set up in Birmingham in 1905, and a national system for England and Wales was formally introduced by the Children Act 1908.⁴ Through such tools as gathering pre-hearing reports from schoolteachers and social workers and the use of probation orders, the juvenile courts aimed to prevent as well as punish.⁵ The Children and Young Persons Act 1933 added further requirements in terms of the layout of the juvenile courts, banning the naming of those

¹ H. Hendrick (1994) *Child Welfare: England 1872 - 1989* (London: Routledge), pp.9-11.

² E. Clapp (1998) *Mothers of All Children: Women Reformers and the Rise of the Juvenile Courts in Progressive Era America* (Philadelphia: Penn State University Press); A. M. Platt (1969) *The Child Savers: the Invention of Delinquency* (Chicago: University of Chicago Press).

³ There are three legal jurisdictions in the United Kingdom (England and Wales, Scotland and Northern Ireland), and thus there are three different sets of legislation applicable in each of the nations. This chapter refers specifically to the English and Welsh legal system, but will on occasion refer to 'Britain' as a cultural and political phenomenon.

⁴ A. Logan (2005) 'A Suitable Person for Suitable Cases: The Gendering of Juvenile Courts in England, c.1910-39' *Twentieth Century British History* 16, 132; K. Bradley et al (2009) 'Editorial: Youth and Crime: Centennial reflections on the Children Act 1908' *Crimes and Misdemeanours* 3.

⁵ B. L. Q. Henriques (1950), *The Indiscretions of a Magistrate* (London: Non-Fiction Book Club).

attending court in the press, and adjusting the upper age limit from 16 to 17 years old.⁶ The Cadogan Report of 1938 recommended the cessation of corporal punishment, and birching as a penalty for juvenile males was abolished as part of the Criminal Justice Act 1948.⁷ The Ingleby Report of 1958 called for the decriminalisation of juvenile offenders, with rehabilitative measures instead. This report – along with others undertaken in the 1950s and 1960s – formed the backdrop for the Children and Young Persons Act 1969, which intended to do this before being scaled back by the incoming Conservative government of 1970. These developments in the realm of juvenile justice also need to be seen in the movement for children's rights in the later nineteenth and early twentieth-centuries, as manifested in the establishment of the National Society for the Prevention of Cruelty to Children in 1884, the expansion of compulsory elementary education, the regularisation of fostering and adoption, restrictions on juvenile smoking and drinking, school meals and medical inspections, and the growth of the Child Study Movement.⁸

David Garland described this approach as 'penal welfarist'. The penal welfare state was a modernist superstructure supported by a cross-party political consensus, combining punishment with expert rehabilitation in order to achieve its ends.⁹ The penal welfare state required 'experts' to shape its advice, to tailor it to the precisely-defined needs of individual young people, and in doing so created an army of specialists to deal with them.¹⁰ However, the experts tended to focus their efforts on the most deprived/depraved cases, whilst the majority were dealt with summarily through the use of fines.¹¹ This was part of the middle class grip on society as a whole and the growth of professional society in particular.¹² For Garland, this penal welfare state was disrupted by the financial crises and subsequent rethinking of the efficacy of welfare that took place in the 1970s, ushering in a far more

⁶ See M. Fry and C. B. Russell (1950) *A Note Book for the Children's Court* (London: Howard League for Penal Reform), J. Watson and P. Watson (1973) *The Modern Juvenile Court*. (London: Shaw and Sons) p.3.

⁷ I. Gibson (1978) *The English Vice: Beating, Sex and Shame in Victorian England and After* (London: Duckworth), p.144.

⁸ See G. Behlmer (1998) *Friends of the Family: the English Home and its Guardians* (Stanford: Stanford University Press) and Hendrick, *Child Welfare*.

⁹ D. Garland (2002) *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Oxford University Press), pp.27-8.

¹⁰ Garland, *Culture of Control*, p.36.

¹¹ Garland, *Culture of Control*, p.42.

¹² Garland, *Culture of Control*, pp.47, 50.

punitive paradigm,¹³ which John Pratt has termed ‘penal populist’. The penal populist approach is driven by a public desire to see offenders punished, does not seek to understand the circumstances of the offending behaviour, to rehabilitate or to address structural inequalities, but rather seeks retribution through incarceration.¹⁴ Garland’s analysis, which in turn draws upon the work of Foucault, Donzelot and Habermas in terms of the creation of a middle class, professional public sphere engaged with measuring and advising on the needs of the poor and powerless, paints a very broad brush picture of developments in the British welfare state and attitudes towards crime and punishment.¹⁵ Garland’s chronology is problematic because it is an historical account that is not grounded in rigorous archival work, and thus is not rooted in the contours of social change in post-war Britain. Whilst Garland’s account is engaging and convincing on one level, it paints too broad a brush stroke over the historical narrative, similar to the one Selina Todd has noted in terms of perceptions of the affluence in post-war Britain and the ‘rediscovery of poverty’ in the 1960s.¹⁶ Although there are many historical treatments of the policy development of the welfare state, historians have only recently begun to look systematically at the social history of welfare in post-war Britain, and thus it is imperative that broad sweep perceptions are revisited and revised in the light of fresh historical understandings.¹⁷

Through its consideration of the ways in which juvenile delinquency was seen to exist within the welfare state, this chapter offers a different account to that of Garland. As this chapter will argue, a broad brush account overlooks some of the critical forces of change, and overstates the impact of welfare on the ground and the decline of punitive voices in public

¹³ Garland, *Culture of Control*.

¹⁴ J. Pratt (2007) *Penal Populism* (Abingdon: Routledge).

¹⁵ See J. Donzelot (1980) *The Policing of Families. Welfare versus the State* (London: Hutchinson); M. Foucault (1989) *The Birth of the Clinic: An Archaeology of the Medical Profession* (London: Routledge); J. Habermas (1989) *The Structural Transformation of the Public Sphere: An Inquiry into a Bourgeois Society*, (Cambridge: Polity).

¹⁶ S. Todd (2008) ‘Affluence, Class and Crown Street: Reinvestigating the Post-War Working Class’ *Contemporary British History* 22.

¹⁷ On the policy development, see for example P. Thane (1996) *Foundations of the Welfare State* (London: Longman), R. Lowe (2005) *The Welfare State in Britain since 1945* (Basingstoke: Palgrave). For the social history, see for example K. Bradley (2009) *Poverty, Philanthropy and the State: Charities and the Working Classes in London, 1918-1979* (Manchester: Manchester University Press), P. Thane and T. Evans (2012) *Sinners? Scroungers? Saints? Unmarried Motherhood in Twentieth-Century England* (Oxford: Oxford University Press). The Voluntary Action History Society are highly active in promoting this area of research – see www.vahs.org.uk (correct at 25 August 2012) for more details.

discourse before the 1970s. Whilst Nilsson has found Garland's theory to be a satisfactory framework in terms of the Swedish situation,¹⁸ it is not as useful as a starting point in terms of analysing the case of England and Wales. Whilst there were agencies and institutions that did fit Garland's portrayal of a penal welfare state, and the original Children and Young Persons Act 1969 would have been its execution *par excellence*, the process was far more complex and contested. This chapter will explore the explanations given for delinquency and remedies for it as manifested in political discourse, the shifting location of expertise in juvenile delinquency and welfare, before looking at the Ingleby Report itself, and asking how these fit in with Garland's analysis.

The postwar paradox: rising affluence, rising juvenile crime

Where the 'penal welfarist' explanation of juvenile delinquency as the product of deprivation of one sort or another came adrift was in the decades immediately after the Second World War, when deprivation had supposedly been tackled by the provisions of the welfare state. The Labour governments of 1945-51 introduced a welfare state that provided a financial safety net for those out of work, the National Health Service provided a healthcare programme that was free at the point of access, secondary education to age fifteen and beyond was available to all, and there were major programmes of public and private house building. Over the course of this period, work was plentiful, and employees had more disposable income in their pockets than before. Working class teenagers in particular were seen as being particularly affluent, an assumption fuelled by Mark Abrams' market research in the later 1950s.¹⁹ Yet the police and the Home Office noted steady increases in crime and its severity by all age groups, which followed the outbreak of war in 1939 and failed to abate in peacetime.²⁰ On the face of it, children and young people had more than they had ever had

¹⁸ R. Nilsson (2009) 'Creating the Swedish Juvenile Delinquent: Criminal policy, science and institutionalization, c.1930-1970,' *Scandinavian Journal of History* 34.

¹⁹ M. Abrams (1959) *The Teenage Consumer* (London: London Press Exchange).

²⁰ Home Office (1947) *Summary of Statistics relating to Crime and Criminal Proceedings for the Years 1939-45*, Cmnd. 7227, pp.7-8; R. Hood and A. Roddam (2000) 'Crime, Sentencing and Punishment' in A.H. Halsey and J. Webb (eds) *Twentieth-Century British Social Trends* (Basingstoke: Macmillan), p.681.

before, yet adults were puzzled by the persistence of bad behaviour.²¹ This prompted a raft of research and policy reviews to try and find a solution to the ‘problem’ of juvenile delinquency within the welfare state. Behind these concerns lay further anxieties about whether youthful offending might indicate more worrying shifts in the nature of British life: had the economic forces of modernity and capitalism changed Britons’ morality, character and social identity to the point where these could not be rescued by affluence and the safety net of the welfare state? T.R. Fyvel, the author of *The Insecure Offenders*, a book written in response to fears about the emergence of the ‘Teddy boy’, expressed this sense that there was:

Something afoot, that there were some aspects of our materialistic, mechanized, twentieth-century society – something in the way of life, in the break-up of traditional authority, in the value of the headlines which encouraged widespread youthful cynicism in general and rather violent delinquency in particular.²²

Contemporaries by no means saw this as an exclusively English or British problem, but one that was experienced across the world, in both East and West, throughout the British Empire, spreading along with American products. Juvenile delinquency was, on the one hand, a product of Western modernity and capitalism; it was also a signal of the decline of Britain’s imperial power and the rise of the US in cultural, economic and geopolitical terms. British power had been diminished by the costs of participation in two world wars, enabling the US to take over Britain’s previous role as the policeman and banker of the world. Although the US and Britain had a shared cultural heritage and language, much was made of the US being ‘foreign’, ‘different’ and, above all, ‘American’. Despite the global reach of the problem, it was one for which the roots could be found in the most intimate location: parenting practices and family structures within the home, which appeared to be evolving as a result of modernisation and then changing rapidly in the wake of the Second World War.²³

Juvenile delinquency regularly occupied members of the Houses of Commons and the Lords. Members of the House of Commons, the directly elected part of the British

²¹ See, for example, commentary on this in the Ministry of Education (1960) *The Youth Service in England and Wales* Cmnd. 929 (London: HMSO), p.31

²² T. R. Fyvel (1966) *The Insecure Offenders: Rebellious Youth in the Welfare State* (Harmondsworth: Penguin), p.24.

²³ Fyvel, *Insecure Offenders*, pp.18-21.

parliament, were in part responding to the comments, questions and anxieties of their constituents, as well as to their own perception of media coverage and the picture presented through the annual releases of criminal statistics. The newspapers were rarely slow to latch onto tales of garroters or battling Mods and Rockers, as the work of Pearson and Cohen has shown.²⁴ The use of statistics as a means of understanding complex social phenomena had grown from the mid-nineteenth century, intensifying in the mid-twentieth.²⁵ Crime statistics were very much a part of this world, with the first issue of criminal statistics published in 1857.²⁶ New possibilities in the field of computing from the mid-twentieth century onward enabled more complex statistical calculations to be carried out.²⁷ Criminal statistics also became news items in their own right. As with the stereotypical representations of the ‘juvenile delinquent’, criminal statistics offered a means of trying to grasp the concrete by means of the abstract.²⁸ As members of both Houses were involved in drafting and ratifying laws, their perceptions of juvenile crime, its explanations and remedies were important.

This chapter will now explore some of the concerns of the MPs and Lords regarding juvenile delinquency. One set of concerns revolved around the nature of cultural products and their consumption by the young. In 1946, Cyril Dumbleton, Labour MP for St. Albans, asked James Chuter Ede, the Home Secretary, if an enquiry would be held into the impact of cinema clubs on the young. Tom Skeffington-Lodge, Labour MP for Bedford, argued that the young were being exposed ‘to propaganda of a most undesirable sort’ during the films, whilst Dumbleton was concerned about the nature of the organisers. Chuter Ede was dismissive, being of the mind that ‘penny dreadfuls’ had not hindered his own development and that the government could not usefully intervene in the matter of who would run weekend cinema clubs.²⁹ Dumbleton made his point with reference to the concerns of teachers and other

²⁴ G. Pearson (1983), *Hooligan: a history of respectable fears* (London: Macmillan); S. Cohen (1973) *Folk Devils and Moral Panics: the Creation of the Mods and the Rockers* (St. Albans: Paladin).

²⁵ T. Crook and G. O'Hara (eds.) (2011) *Statistics and the Public Sphere: Numbers and the People in Modern Britain, c.1800-2000* (Abingdon: Routledge), pp.9-11.

²⁶ Hood and Roddam, ‘Crime, sentencing and punishment’, p.675.

²⁷ See K. Bradley (2012) ‘Juvenile delinquency and the public sphere: exploring local and national discourses in England, c.1940-1969’ *Social History* 37, 22.

²⁸ Bradley, ‘Juvenile delinquency and the public sphere’

²⁹ Hansard HC, vol. 428 cols. 771-2 (31 October 1946)

professionals, speaking on another occasion of a headmistress in his constituency studied these cinema clubs, finding that the children were encouraged to passively consume the films shown.³⁰ Another head drew attention to the club leaders' lack of training and alleged recourse to films that would gratify and placate.³¹ The headteachers presented their particular impressions the cinema clubs, with no attempt to measure or ascertain what the children and young people had actually made of it. The voices of the young were absent. What such debates raised were the conflicts of interest between teachers who wanted to see 'educational' fare being provided and the film and cinema industries, who wanted to offer products that sold.

Concerns were also raised about the specific content of these products and their impact on the moral outlook of children, young people and other vulnerable groups. Skeffington-Lodge started a debate in the Commons in 1947 on the practice of British magazine and newspaper proprietors in buying in 'American' fiction for publication. He stated that these sensational stories, full of drama, crime and divorce, were quickly adapted to suit a British audience, with his example of 'St James' Park' being substituted for 'Central Park' in the New York-based original. He argued that:

Their readers are unconsciously absorbing propaganda for the American way of life. I have no objection to the American way of life for Americans, but let them keep it, I suggest, in America.³²

Such views were not typical of all members, and were rebutted accordingly – in this case, MPs spoke about Britain's own lack of moral leadership in not acting to bring rates of illegitimacy down in Barbados, as well as the way in which Britons were not compelled to buy or read such material, and the trade agreements required through Britain's participation in the Marshall Plan, the major economic recovery scheme underwritten by the US in the later 1940s and 1950s to rebuild European economies and thereby prevent the spread of communism.³³

³⁰ Hansard HC vol. 430, col. 1959 (27 November 1946)

³¹ Hansard HC vol. 430 col.1659-60 (27 November 1946)

³² Hansard HC, vol. 444 cols. 2357-8 (28 November 1947)

³³ Hansard HC vol. 444 col. 2361-5 (28 November 1947). The trade agreements were later refined – see M. Barker (1992) *A Haunt of Fears: The Strange History of the British Horror Comics Campaign* (Jackson, MS: University of Mississippi Press) p. 8.

Such concerns persisted. In 1952, Maurice Edelman, Labour MP for Coventry and a writer himself, raised a question in the Commons about the American-style comics. Edelman claimed that the comics had been brought into the UK by American troops during the war, but had subsequently found willing publishers and an eager market. He argued that the comics were ‘sadistic’, and that they ‘introduce[d] the element of pleasure into violence.’ Whilst Edelman could not prove a linkage between these comics and youth crime, he argued that this was due to a lack of enquiry.³⁴ The comics were not a part of a gradual embracing of the ‘American’: their arrival in the UK was a result of the war itself. In the same debate, Dr Horace King, pointed to the way in which children supposedly took things on trust from adults, and that in a world of ‘crazy and cheap values’ the state had a duty to intervene to protect the young from such deleterious influences.³⁵ He said:

We want to keep our English ways. What we get from America is not the best of American life, the natural American culture that exists in a million homes in that country, but all that is worst from America both in scenes portrayed in the films and in this particularly cheap and nasty literature which is coming over.³⁶

Although ‘America’ was the label attached to these cultural products, the meaning was far from literal. What the MPs were referring to was commercialised, popular texts that were easy to access and digest, which were associated with ‘American’ consumer culture. The ‘harm’ side of this resulted in a campaign to ban the comics, which, as Martin Barker has shown, produced the Children and Young Persons (Harmful Publications) Act 1955, which banned such publications.³⁷ The ‘American’ side of the debate continued.

Concerns about ‘Americanization’ were one part of a cluster of anxieties that were periodically expressed by MPs in relation to the impact of the Second World War. Whilst there were many parallels between juvenile delinquency in the First and Second World Wars, the latter had some significant differences, notably around the presence of overseas troops and prisoners of war and the level of domestic disruption and devastation. As some of the extracts above suggest, some saw the presence of GIs in Britain during the conflict as being the means by which ‘American’ products were brought into the country and tastes

³⁴ Hansard HC vol. 504 col. 2027 (1 August 1952)

³⁵ Hansard HC vol. 504 col. 2030 (1 August 1952)

³⁶ Hansard HC vol. 504 col. 2031-2 (1 August 1952)

³⁷ See Barker, *A Haunt of Fears*.

established. The American cultural products were not just affordable and accessible, but spoke to an allegedly different system of values around consumption, self-gratification and a lack of regard for others. This explanation of juvenile delinquency set up a number of binary oppositions, which placed an immoral, throwaway ‘American’ culture of serial divorces and gangsters against a moral, durable British culture. Skeffington-Lodge’s central concern about the US fiction being ‘Anglicized’ was the ‘roaring carnival of quick drinks, adolescent sex, bright lights and dimmed thinking’, its location within an affluent backdrop, and the casual treatment of marriage and family life being presented as taking place within Britain, and he worried about how this would be received within Britain and the British Empire, as constituting the ‘British’ way of life.³⁸ This theme would emerge in other manifestations, as part of discourse around the decline of the moral fabric of the British family and of the British nation, in the broader context of Britain’s decline as an international power. Divorce was a case in point. Increasing rates of divorce through the early and mid-twentieth century were seen by some members of the Commons and Lords as being a decline in moral standards,³⁹ not a reflection of how the law around divorce had been liberalised in tandem with growing legal aid provision for divorce.⁴⁰ In objective terms, divorces were easier to obtain by the 1950s but there was no effective baseline for measuring how marital discord itself had changed. Parenting remained a common theme, with attention being paid to how the war had taken fathers into the forces, and mothers into the factories, with daughters being tempted by troops.⁴¹ Deficient parenting in turn formed part of wider concerns about the impact of adults, be that adults who ran cinema clubs, those who neglected their children, or many others.

As juvenile delinquency was not seen by British politicians as an exclusively British phenomenon, they were interested in juvenile delinquency around the world.⁴² This interest

³⁸ Hansard HC vol. 444 col. 2359 (28 November 1947)

³⁹ See, for example: Hansard HL vol. 152 col. 1091 (3 December 1947); HL vol. 223 col. 994 (18 May 1960)

⁴⁰ See R. I. Morgan (1994) ‘The Introduction of Civil Legal Aid in England and Wales, 1914-1949’ *Twentieth Century British History* 5

⁴¹ Hansard HC vol. 415 col. 809 (2 November 1945)

⁴² This interest in comparative solutions in part arose from the opportunities afforded by the empire for social and medical research, and was driven by the drives towards greater international co-operation, namely the League of Nations, in the interwar period. The Howard League for Penal Reform, an influential pressure group with good links with the League of Nations, regularly published reports on crime in other countries – Western

took two specific forms. The first was a more comparative mood, in which politicians contrasted the behaviour of British youth and their parents with the perceived behaviour of the youth behind in Communist countries. If the US was described in terms of being a locus of moral turpitude, then the USSR was frequently referred to as a place in which children and young people were well-behaved, and where morals were far more rigorous than those of the United Kingdom: modernity and capitalism were to blame for youth crime. Pro-Soviet attitudes in the postwar period were complex. The Labour Party had an antipathetic relationship with the Communist Party of Great Britain, being opposed to any groups which sought to use revolutionary rather than parliamentary means of achieving socialism,⁴³ whilst the opposition of the Conservative Party was self-evident. On the other hand, the USSR had become a much-needed ally during the Second World War, if relations soured early on in peacetime. In the Commons, Willie Gallacher, Communist MP for West Fife, waggishly told the House that the major Home Office-convened 1949 conference on juvenile delinquency should be aware that ‘if they can get these young people interested in Communism they will keep them away from crime?’⁴⁴ Some ten years later, the Earl of Craven spoke of the horror of Communists at what he described as the pornographic qualities of the British press.⁴⁵ Some, like Kenneth Lindsay, saw Communist societies as having an in-built system of morality, in comparison with their Western, democratic counterparts:⁴⁶ a belief that was certainly more possible in the immediate aftermath of the war, before the Hungarian uprising. The idea that Communism had ‘values’ was in sharp contrast to the portrayal of Britain as a nation in which – in England, at least – ‘morals’ were in decline, an idea put forward by the Bishops in the House of Lords in response to the rising crime figures. As with the anxieties

and non-Western – with the launch of its *Howard Journal* in 1921. Additional impetus to the reform of juvenile law, particularly with regard to child welfare, came through the League of Nations Declaration of the Rights of the Child. See, for example, M. Fry et al (eds.) (1947) *Lawless Youth: A Challenge to the New Europe. A Policy for the Juvenile Courts prepared by the International Committee of the Howard League for Penal Reform 1942 - 1945* (London: George Allen and Unwin). Also, A. Logan (2012) ‘Policy transfer in an imperial context: Britain’s Colonial Penal Advisory Committees, 1937-1947’ (paper presented at the Modern British History seminar, Institute of Historical Research, University of London, 26 January). However, this desire by politicians to look outwards also spoke to anxieties about the declining power of the ‘British’ and the rising ‘American’ models to provide solutions in the postwar world.

⁴³ See, for example, A. Thorpe (2008) *The History of the British Labour Party*, (Basingstoke: Palgrave).

⁴⁴ Hansard HC vol. 461 col. 527 (10 February 1949).

⁴⁵ Hansard HL vol. 223 col. 994 (18 May 1960).

⁴⁶ Hansard HC vol. 415 .col. 829 (2 November 1945).

about ‘Americanization’, reality was not important. What was important in this variety of discourse was the sense that an idealised ‘Britain’ was slipping away as its empire was dismantled. Juvenile delinquency was one signal of this.

The second use was more political than rhetorical. Not all politicians in the Houses of Commons and Lords were interested in using international comparisons for making rhetorical points. The creation of bodies like the League of Nations in the interwar period and the United Nations after the Second World War created new opportunities for more positive reflections on situations in other countries. Civil servants, politicians and academics alike participated in the Second United Nations Congress on Crime, held in London in 1960. The Congress involved over one thousand delegates, and took its theme of juvenile delinquency in response to the perceived role of increased affluence, consumption and cynicism of the young in prompting an international rise in juvenile crime, whilst also considering the opportunities for new approaches afforded through the U.N. Declaration of the Rights of the Child in 1959.⁴⁷ This prompted the *Daily Mirror* to draw comparisons between crime rates in the US, Sweden and London, whilst considering the growing problem of children and young people forming gangs in countries in the West, making a comparison between the Bodgies and Widgies of Australia with rioting juveniles in West Berlin and the Teddy Boys in Britain.⁴⁸ The press often ran articles on crime and particularly youth crime in other countries – often, but not exclusively the US and its gangs – so crime as a global phenomenon existed in the public imagination.⁴⁹

Juvenile delinquency in British colonies and British West Berlin caused disquiet. In the case of the colonies, MPs were concerned with the variations in and efficacy of approaches and treatments of juvenile delinquents across the Empire. There was a mismatch between attitudes and practices in the UK, and what happened in the empire, as each colony had its own legal system, which blended laws from the British legal systems with local

⁴⁷ United Nations Office on Drugs and Crime, *United Nations Congresses on Crime Prevention and Criminal Justice 1955-2010*. (Vienna: United Nations Information Service, 2010), http://www.un.org/en/conf/crimecongress2010/pdf/55years_ebook.pdf.

⁴⁸ T. Tullett (1960) ‘Teenage Hoodlums!’ *Daily Mirror* Tuesday 9 August, p.9.

⁴⁹ For example, (1954) ‘Murder for Fun’ *Daily Mirror* Friday 24 August, p.2.

practices.⁵⁰ Whilst it meant that there was no one overarching framework, it did allow for comparisons of practice within this British world.⁵¹ Although corporal punishment for young Britons was abolished through the Criminal Justice Act 1948, following the recommendations of the Cadogan Report of 1938, it persisted in the Colonies, who had separate administrations, even if they all came under the imperial umbrella. In 1946, Lord Faringdon raised a question in the House of Lords about the excessive use of flogging in the colonies. Faringdon referred to Havelock Ellis' finding that flogging brutalised the individual rather than deterring criminality, and spoke about how the persistence of corporal punishment led to the resented subjugation of the colonies.⁵² Yet there was little appetite for change, as Reginald Sorenson, the Labour MP for Leyton, persisted in raising questions on similar matters throughout the later 1950s, as calls for the reintroduction of corporal punishment returned in the wake of the Teddy Boy scare.⁵³ With decolonization gaining pace from the later 1950s, there was little impetus for serious British-led reform within the colonies, providing no answers as to whether British rule was a brutal and subjugating or a liberating influence, and in turn if the end of empire was the signal of a moral decline – or a process to be embraced.

Expertise and the juvenile delinquent

Who provided MPs and the Lords with the statistics, information and insight into the nature of juvenile crime on the ground, beyond their constituents? Until the 1950s, expertise in juvenile delinquency and possible solutions for it had resided with a group best described as 'amateur-experts'. These experts were 'amateur' in the sense that they lacked professional training in their areas of work, but were passionate about their cause and often had years of experience in voluntary social work: it did not mean that they were 'amateur' in a pejorative sense. Indeed, many of them were active in developing and shaping professional

⁵⁰ A.J. Stockwell (2006) 'Power, authority and freedom' in P.J. Marshall (ed) *Cambridge Illustrated History of the British Empire* (Cambridge: Cambridge University Press), p.168.

⁵¹ Logan, 'Policy transfer'.

⁵² Hansard HL vol. 141 col. 700-2 (4 June 1946).

⁵³ Hansard HC vol. 501 col. 462-3 (21 May 1952), HC vol. 554 col. 97-8 (20 June 1956).

organisations and university-based professional training and research.⁵⁴ ‘Amateur’ and ‘professional’ were sometimes conflated in the same way as ‘women’ and ‘men’, but, as Anne Logan has shown, this neat mapping did not always occur in reality.⁵⁵ Some of the male professionals had launched their careers with a period of voluntary social work in boys’ clubs at settlement houses.⁵⁶ Many of these amateur-experts came from privileged backgrounds, and, whilst they had empathetic feelings for the young, they were not *of* the communities they served. These individuals drew their authority and sense of legitimacy from their experience in social or pastoral work. A different category of amateur-expert was the senior cleric. Whilst the Archbishop of York and other senior clerics were professionals in terms of their theological roles, their commentary on juvenile delinquency arose from their anxieties about the disruptive impact of the Second World War on British morals, as will be seen. As Ryan has noted, many of these individuals were called upon through their work or connections with such groups as the Howard League to join Home Office advisory groups or to sit on the committees of Royal Commissions. The result was a very club-like, discreet form of policy making.⁵⁷ It did not include, however, many of those who were actively involved as professionals or paraprofessionals on the ground.⁵⁸ Whilst there was an interest in juvenile delinquency elsewhere, it did not follow that experts from other nations were invited to take part in these groups: expertise was ‘British’, or at least filtered through British eyes.

An example of this style of policy-making was the Central Conference on Juvenile Delinquency of 1949, which spawned a series of local conferences. The publication of the Criminal Statistics for 1947 and early figures for 1948 suggested that the apparent rise in

⁵⁴ Basil Henriques was chair of the National Association for Boys’ Clubs after 1925, whilst Eileen Younghusband, Pearl Jephcott and Josephine Macalister Brew straddled the worlds of social work and academia. See S. McCabe (2004) ‘Henriques, Sir Basil Lucas Quixano (1890-1961)’ in H.C.G. Matthew and B. Harrison (eds) *Oxford Dictionary of National Biography* (Oxford: Oxford University Press); K. Jones (1984) *Eileen Younghusband: A Biography* (London: Bedford Square); A. Turnbull (2004) ‘Jephcott, (Agnes) Pearl (1900-1980),’ in L. Goldman (ed) *Oxford Dictionary of National Biography* (Oxford: Oxford University Press).

⁵⁵ A. Logan (2010) ‘Women and the Provision of Criminal Justice Advice: Lessons from England and Wales, 1944-64’ *British Journal of Criminology* 50.

⁵⁶ V. Bailey (1987) *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (Oxford: Clarendon).

⁵⁷ M. Ryan (2003) *Penal Policy and Political Culture in England and Wales* (Winchester: Waterside Press), pp.17-21.

⁵⁸ Ryan, *Penal Policy*, pp.22-6.

crime during the war was not abating in peacetime. This prompted the Archbishop of York, Cyril Garbett, to instigate a debate on the matter in the House of Lords.⁵⁹ The debate led to the Central Conference, jointly run by the Home Office and the Education Department and bringing together representatives of the faiths, charities, schools, universities, social workers, local government, the police, educational psychologists and the film industry in March 1949.⁶⁰ All participants came from British-based organisations. The conference concluded that the root of juvenile delinquency lay ultimately in the home, in women working, inadequate family allowances and a lack of knowledge of mother craft; it also recommended greater investment in play and youth services, 'suitable' reading material for children and better trained staff in Sunday Schools; it also felt that juvenile courts were too informal and sentimental, that too many children were 'getting away' with single offences.⁶¹ The conference was a curious mix of recommendations that could be construed as penal welfarist, insofar as the general consensus pointed to supporting the family and using civil society as a means of prevention and cure; yet these were also framed within a more conservative, anti-modern discourse of restoring the family and the church as the points of control and discipline within the community.⁶² Whilst the conference looked to the home as the site where problems began for children and young people, the broader question of juvenile delinquency was not conceived of as a purely 'British' one. The war and cultural imports were external forces of exacerbation, the former through disrupting the rhythms of the home and the latter through the supposed power of films to encourage delinquent behaviour. 'Bad' films were not the exclusive preserve of Hollywood, if a sense of the film as a medium for spreading 'American' values remained it formed part of a more general unease about the potential of this relatively new form of entertainment, reflected in the Wheare Report of the following year.⁶³

⁵⁹ The National Archives (hereafter TNA) HO45/24406 Central Conference on Juvenile Delinquency. Letter A.W. Peterson to D.M. Nenk, 26 January 1949, with letter from James Chuter Ede (Home Secretary) to Alan Lascelles, Private Secretary to the King.

⁶⁰ TNA HO45/24406 Invitation list to Central Conference on Juvenile Delinquency 2 March 1949.

⁶¹ TNA HO45/24406 'Causes of Juvenile Delinquency: Mainly the Home Influence' *Education*, 11 March 1949, 450-1.

⁶² See especially TNA HO45/24406 W. Murrie note to Secretary of State for meeting with Archbishop of York, 7 February 1949; Memo to Ross from W. Murrie 8 February 1949.

⁶³ Home Department, Scottish Office and Ministry of Education (1950) *Report of the Departmental Committee*

The stranglehold of the amateur-expert began to lessen in the postwar period. This was directly related to the growth in scope and confidence of social science research in universities and within the Civil Service itself. This 'scientific' approach to delineating social problems was reflected in the growing field of social science research which, by the 1930s, was increasingly the preserve of university-based researchers as opposed to privately-backed individuals such as Charles Booth or Seebohm Rowntree.⁶⁴ As McClintock and Avison note, the Criminal Justice Act 1948 enabled the government to spend money on commissioning research to be undertaken by university researchers, as well as private individuals and organisations, before the Home Office created its own Research Unit in 1957. Calls for further expansion of university social science research on behalf of the government resulted in R.A. Butler's proposal for an Institute of Criminology in the *Penal Practice in a Changing Society* White Paper of 1959: an organisation which would have the capacity to undertake a deeper testing of the relationship between modernisation and rising levels of juvenile delinquency.⁶⁵ This was, as Ryan notes, a direct challenge to the cosy world of the amateur-expert networks that had previously had the ear of government and marked a shift towards the use of professional research in developing policy.⁶⁶

In tandem with this, the demand for professionally trained social workers by the welfare state stimulated the growth of social research and teaching in universities.⁶⁷ Initiatives such as the creation of the National College for the Training of Youth Leaders in Leicester, founded as a result of the Albemarle Report of 1960, also fuelled this demand. There was a great deal of porosity between the practitioner/policy maker and the university, particularly by the 1960s. Many of those who had experience on the ground in youth and social work went on to do research in those fields as full-time university-based researchers, such as Peter Kuenstler, whilst others, like Peter Townsend and Brian Abel-Smith, used their

on Children and the Cinema Cmnd. 7945 (London: HMSO) paras 137-42.

⁶⁴ See M. Savage (2011) *Identities and Social Change in Britain since 1940: the Politics of Method* (Oxford: Oxford University Press).

⁶⁵ F.H. McClintock and N. Howard Avison (1968), *Crime in England and Wales* (London: Heinemann) p.2.

⁶⁶ Ryan, *Penal Policy*, pp.21-22.

⁶⁷ Savage, *Identities*.

political connections to gain traction in policy development.⁶⁸ There were strong networks in some cases between practitioners and the universities. Whilst these relationships were close, it did not follow that the academics were parochial in their reading. Many were influenced by research and practice in other countries, with the US being particularly influential, largely because of the association of the US with the supposed root causes of delinquency - the work of Thrasher, Cohen, Matza and others on youth street gangs informed much work in the UK.⁶⁹ Academics were mobile, travelling to conferences and congresses, working overseas and following publications from academics around the world.

Researching the juvenile delinquent

What of the field of research on children, young people and crime in this period? The first three examples covered here were undertaken by university-trained social scientists working outside the academy at the time of the study – a point which reflects much of the porosity of the boundaries with the practitioner worlds.

A.E. Morgan's *Young Citizen* was relatively dismissive of juvenile delinquency as resulting from anything other than having a lack of anything more productive to do. When indulging in the same bad behaviour, middle-class children were simply naughty; the children of the poor were delinquent. Morgan favoured an economic basis to juvenile delinquency, pointing to the high wages enjoyed by boys during the Second World War, and appetites whetted by consumerism.⁷⁰ The notion of relative affluence turning the working-class boy bad was not a new one, but it was given a fresh twist towards the end of the decade by Mark Abrams, author of *The Teenage Consumer* (1959). Abrams, a market researcher, pointed out that whilst both the interwar and postwar teenager had 'tipped up' most of their wages, the postwar working-class teenager had far more to spend in real terms, and they were creating a 'teenage market' around clothes, music and other consumer items, whilst their middle-class

⁶⁸ P. Kuenstler (2004) *Learning from Community: Oxford House in Bethnal Green, 1940-48* (London: Oxford House and the Settlements Social Action Research Group), P. Townsend (1996) 'Obituary: Professor Brian Abel-Smith' *Independent*, Tuesday 9 April, accessed 28 February 2012

<http://www.independent.co.uk/news/obituaries/obituary-professor-brian-abelsmith-1303950.html>.

⁶⁹ See, for example, D. Downes (1966) *The Delinquent Solution: A Study in Subcultural Theory* (London: Routledge and Kegan Paul).

⁷⁰ A. E. Morgan (1943) *The Young Citizen* (Harmondsworth: Penguin).

counterparts were still in school.⁷¹ Peter Willmott's *Adolescent Boys of East London* again focused on the role of this teenage consumer. Willmott also pointed to the importance of the kind of work that the young men went into in terms of shaping their world view and the extent of their aspirations. Willmott also fixated on the normality of thieving - and who to steal from - along with the importance of being able to stand one's ground in a fight. He also pointed out how few criminal families there were.⁷² These three studies all demonstrated a pre-occupation with the impact of the consumer society and consumption in the postwar period. Consumption was linked with the potential for a decline in morals and cultural standards, anxieties about a culture marked by the unthinking consumption of 'inferior' cultural products, a theme explored famously by Richard Hoggart in *The Uses of Literacy* (1957).⁷³

The theme of families who had failed to benefit from the welfare state became a major one in the course of the 1950s and 1960s, and pre-dated the famous 'rediscovery of poverty' by Peter Townsend and Brian Abel-Smith in 1965.⁷⁴ Researchers like Pearl Jephcott and John Barron Mays pointed to the ways in which some working class families were multiply deprived. In *Some Young People* (1954), her study of 'Northbury' in East London, Jephcott revealed that families had an overwhelmingly local basis to their work and leisure lives.⁷⁵ Mays came to similar conclusions in his study of Liverpool in the mid 1960s, again finding a localised world with limited ambitions. Mays also pointed to a world in which different family norms to those of the middle classes applied,⁷⁶ something also remarked upon earlier by Terence Morris in his 1957 work on the criminal ecology of Croydon in South London. Morris painted a picture of chaotic parent(s) and families ensconced in substandard housing, with most of these families living in areas on which the welfare state spent least.⁷⁷ In 1966, David Downes again pointed to this world of families living in slum conditions, of

⁷¹ Abrams, *Teenage Consumer*.

⁷² P. Willmott (1975) *Adolescent Boys of East London*, (Harmondsworth: Penguin).

⁷³ R. Hoggart (1957) *The Uses of Literacy: Aspects of working-class life* (London: Chatto and Windus).

⁷⁴ See B. Abel-Smith and P. Townsend (1965) *The poor and the poorest* (London: Bell).

⁷⁵ P. Jephcott (1954) *Some Young People* (London: George Allen and Unwin).

⁷⁶ J. B. Mays (1954) *Growing up in the City: A Study of Juvenile Delinquency in an Urban Neighbourhood* (Liverpool: Liverpool University Press).

⁷⁷ T. Morris (1957) *The Criminal Area: A Study in Social Ecology* (London: Routledge and Kegan Paul).

the importance of staying local.⁷⁸

The researchers here were not directly concerned with the impact of the welfare state upon these families, but rather with the backgrounds of 'delinquent youth'. In their various ways, these researchers were all looking for the causes of juvenile delinquency, and, like the members of the 1949 conference, turning their attentions to the home as the source of this. What was identified as problematic was a supposedly distinctive working class culture or subculture. For Downes in particular, this suggested that youth delinquency was a subculture shooting off from a parent working-class culture that sat at odds with middle class norms.⁷⁹ What the researchers did not overtly consider was how the poverty these families experienced was not a new phenomenon, but something which had existed *before* the welfare state. The welfare state had a limited impact upon such children, young people and their families. It may have improved some of their outcomes, particularly in health terms, but it did not in itself create new jobs or types of work for these families, or in any other way challenge what was an established local culture.

The Ingleby Report

The Ingleby Report of 1958 has been seen as the last hurrah of the penal welfarist regime, as it would inform policy throughout the 1960s and give shape to the only partially implemented Children and Young Persons Act of 1969.⁸⁰ The committee were set the task of looking at both criminal and civil matters relating to children and young people. They looked at the powers of the juvenile court and its workings, the institutions for young offenders, the prevention of cruelty and 'moral and physical' danger to the young, as well as the provision of child care by local authorities.⁸¹ Their evidence was drawn from a wide range of witnesses: police, child care and social workers, the teaching profession, leaders of local government, medics and psychologists, the legal profession, juvenile court staff and those involved in probation or running the secure estate for juveniles, as well as a range of

⁷⁸ Downes, *The Delinquent Solution*.

⁷⁹ Downes, *The Delinquent Solution*.

⁸⁰ Home Office (1960) *Report of the Committee on Children and Young Persons* Cmnd. 1191 (London: HMSO).

⁸¹ Home Office, *Report of the Committee on Children and Young Persons*, p.ii.

charities, including the National Marriage Guidance Council, the NSPCC, the Family Welfare Association and the Moral Guidance Council. A radical experiment presented written evidence: the Shoreditch Project, which aimed to share information and integrate services for needy families in East London. A University of Birmingham study group also gave evidence, as did Margaret Simey, whose career straddled the boundaries of academic research, local government and juvenile justice.⁸² The committee sought out expertise as widely as possible, if they did not look beyond Britain for it. It did not engage with any of the children and young people who may have used these services directly: their voices were ‘translated’ by the professionals who spoke for them.

The main claim for the ‘welfarist’ agenda of the Ingleby Report was its recommendation for the age of criminal responsibility to be raised from eight to twelve years of age, essentially decriminalising the young. However, in its place would be a fairly invasive procedure for denoting all children under twelve who committed offences as being ‘in need of protection or discipline’.⁸³ This would not be a matter of simply letting children off, but rather introducing more in the way of surveillance over longer periods of time – and making parents responsible for their children’s behaviour. It also located responsibility for juvenile crime not with cultural factors but specifically within a deviant family environment.⁸⁴ Otherwise, the Ingleby Report suggested no real changes to the system, but it would be a mistake to see it as being primarily concerned with a ‘cuddly’ decriminalisation of the criminal young. The Committee displayed a real sympathy for the poor and the struggling, wanting greater powers for local government to intervene in family life. It pointed not to a rehabilitative ideal with its proposal to raise the age of criminal responsibility, but rather to a *preventative* one. This is an important distinction: rehabilitation speaks to the restoration of behaviour within social norms, whilst prevention is the eradication of non-normal behaviour in the first place. Rehabilitation was certainly part of the Ingleby recommendations, but prevention pointed to a longer-term agenda of eradicating the causes of crime through

⁸² R. Clarke (2004) ‘Margaret Simey’ *Guardian* 29 July accessed 28 February 2012, <http://www.guardian.co.uk/news/2004/jul/29/guardianobituaries.politics>

⁸³ Home Office, *Report of the Committee on Children and Young Persons*, p.32.

⁸⁴ Home Office, *Report of the Committee on Children and Young Persons*, p.5-6.

changing the nature of especially working-class family life. It did not engage with the deeper structural issues that sociological researchers were at least beginning to identify, such as the localised nature of life in working class communities and its impacts on aspirations and behaviour, and thus with the potential of more complex causes for juvenile delinquency other than Western modernity.

Conclusion

A welfarist approach to juvenile delinquency was certainly evident in post-war Britain, but it does not follow that it was an uncontested paradigm. Throughout the period in question, concerns were expressed that the system was too kind or ineffectual, that the welfare state and affluence were softening up or even criminalising the young: the processes of modernisation had caused these problems, and modern approaches were failing to deal with them adequately. These concerns tied into broader issues about economic relations with other countries – the United States, and thus evidence of Britain’s diminished role in the world – as well as a sense that the Communist political system offered a moral framework that was increasingly lacking in the West. Whilst those who raised these points in parliament or in the press were frequently checked by others, this was nonetheless a regularly occurring debate, a reality in itself. The location of expertise was shifting, from an ‘amateur-expert’ group to academics and university- or college-trained professionals who worked within the framework of the welfare state and whose philosophies were part of a social ‘science moment’, a desire to explore modernity and its relationships with social problems. This faith in expertise finds resonance in Garland’s analysis, to a point. There was less faith in penal welfarism as a solution, but rather as a mechanism for finding possible solutions in a world that appeared to be shifting dramatically to contemporaries. Contemporaries did not see juvenile delinquency as being a specifically British problem, as they often saw it as being caused by external forces, such as Americanisation – if the expertise consulted by policy makers was ‘British’. No matter how global its reach, juvenile delinquency was seen as ultimately having its roots within the home, and specifically within the ways that modernity had disrupted older traditions.

