

GANG AND DELINQUENCY

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ABSTRACT: The sociological approaches to Delinquency are more concerned with the effects of the social system or the environment on the development of the attitudes, group patterns of behavior and other social factors. They emphasize on the importance of the group rather than the individual on delinquent behavior. In this context it would be more accurate to say that the Gang is an important contributing factor facilitating the commission of crime greatly extending its spread and range. These gangs grow naturally during the adolescent years as spontaneous play groups but the problem arises in case of conflict with other groups or when the environment fails to fulfill the needs of the adolescents. Thus the gang behavior becomes a mode of adaptation to the environmental pressures and becomes a major contributing factor to delinquency. This paper analyses the role of Gang in the genesis of juvenile Delinquency.

KEY WORDS: Gang, Delinquency, Juvenile, Crime, Deviance.

At the first glance the definition of Crime seems to be deceptively simple, that is it is what Law declares to be illegal. Criminal Law is a body of specific rules and regulations regarding human conduct that have been established by political authority through Constitution, Legislative enactments, treaties and systems of common Law. Crime is defined legally as violation of criminal Law involving both an overt act or the omission of a duty required of the citizens and a culpable intent. Branham and Kutash (1949). The ways in which Crime and Deviance are conceptualized in Sociology are varied and cannot be treated as the only two possible categories for activities that lie outside the social consensus of being normal. This includes behavior that is actually subject to punishment by society depending on the circumstances in which it occurs. However, with the passage of time the social response to

activities often changes. For example, the social response to homosexuality has changed from legal censure to relative acceptance. We can thus make a distinction between consensus crimes and conflict crimes. Consensus crimes are those which are unacceptable and conflict crimes are those which are illegal but are not always viewed as such by the society.

SOCIOLOGY OF DEVIANCE

The concept of Deviance emerged as part of the scientific search for ways to control population; leading to the creation of new categories of people such as the 'insane' or the deviant. The development of the industrial society resulted in the increase in the number of people who were unemployed, sick or mentally unstable, and the rich sought to manage these problem groups by means of increased administration. Concepts such as homosexuality, prostitution and drug use, therefore did not refer to some absolute categories of abnormal behavior but were developed through scientific discourse, as societies developed new ways of dominating population. The concept of Deviance was therefore developed as part of the modernist approach, defining as inherently deviant those activities which ran counter to the societal consensus. By the 1970s hardly any sociologists employed the concept of deviance to define actions beyond the social consensus because such a consensus did not exist. From 1970s onwards sociologists increasingly turned to the concepts of crime and law rather than 'deviance'. Rather than scientific the concept had become ideological and therefore of little scientific use. In the post-modern world, the dominant majorities felt increasingly threatened by a society that is seemingly out of control where previously quiet minorities are now asserting their rights as full citizens; where immigration seems to be undermining the way of life and where traditional moral order is breaking down.

JUVENILE DELINQUENCY

Thinking and talking of Deviance we cannot afford to ignore the concept of Juvenile Delinquency. Not only in India but throughout the world no other problem has attracted much more deeper concern than juvenile

delinquency. Generations have passed but the dilemma of aberrant juvenile behavior persists. The term juvenile Delinquency is not as old as the phenomenon we recognize and know today but, rather children of this category were referred to as 'depraved', 'headstrong', 'wayward' or just 'waifs and strays. Clyde (1954). Perhaps the term was first used in 1823 when a group of New York educators and philanthropists formed a society for the prevention of juvenile delinquency and opened the first institution called the 'house of refuge'. The problem of juvenile delinquency in truth, is a perplexity that dips into every home at one time or the other. It has been a problem of great concern for the social reformers and social scientists of the modern advanced societies. The situation is more acute in the modern advanced countries but with the steady economic development and increasing urbanization it is becoming an acute problem even in the underdeveloped countries. Although Indian society is rural and traditional in character having old traditions and culture it is also facing problems of social maladjustments like the other countries. The problem of juvenile delinquency in India is not new but it has acquired the magnitude of a social problem only recently. The rapid pace of industrialization and urbanization are working against the intimate social atmosphere. In such a situation it is important to analyze the problem from a sociological point of view. The term Delinquency dates back to ancient Rome, when it referred to the 'neglect of duty' and 'abandonment of agreement'. Now the connotation of the terms has changed. When preceded by "juvenile", delinquent refers to a minor who has violated a federal, state or local law. Many behavior forms classified as normal and permissible for adults are deviant or delinquent for minors. The term delinquency is very frequently used in common man's vocabulary. The dictionary meaning of 'juvenile' is 'a young person' or a child and of delinquent is 'a failure in or omission of duty or fault or crime. Thus, juvenile delinquency indicates any failure in the omission of duty or fault or crime on the part of the child (Sarkar 1987). Likewise, 'Delinquent' according to oxford dictionary means an individual who fails in or leaves his duty or is a transgressor. So, a juvenile delinquent refers to an offender or a transgressor who is a child. Dictionary meaning of a juvenile is a young person. The word young may generally refer to a person who has attained

his adulthood. But almost all societies in the world consider the non-adults as juveniles. This is to say that juvenile delinquency basically refers to offences committed by individuals who are under certain ages as specified by the law of the land. Though the age varies from society to society yet a majority of the Nations fix the age 'eighteen years approximately'. Thus, the concept of 'juvenile' embraces both children and adolescents. A Delinquent child may be defined as 'wayward', 'incorrigible', or 'habitually disobedient' child. Thus, running away from school, truancy, visiting places where liquor is used, indulging in sexual promiscuity, associating with deviants smoking cigarettes are all juvenile offences. The nature and extent of juvenile acts varies from society to society.

In India juvenile delinquency is something different in nature in comparison to other societies. For example, vandalism is treated as an expression of a juvenile offence. For example, there are youngsters who are employed in the house as servants who depart secretly with valuables. According to Hussain (1967) "vandalism, theft, pilfering, street hawking and black marketing are the sources of juvenile delinquency in India". Thus, the range of inclusion regarding juvenile delinquency varies considerably from culture to culture.

REVIEW OF LITERATURE

Due to the complex nature of the phenomenon of Delinquency no single theory exists that can explain all crime and Delinquency nor can any single cause of delinquency be specifically determined and applied to all the cases. It is because of this complex and varied nature of the phenomenon we need to understand a variety of explanations and schools of thought in relation to it. There are two prominent schools of thought namely, the Classical and the Positive school of Thought. Both the schools of thought differ in the way, they perceive the offender or the delinquent. The classical school of thought developed by Cesare Beccaria, an Italian conceived of man as a free agent, pursuing hedonistic aims and able to rationally decide on all the most courses of action (Void, 1968). As the offender was viewed as being rational, the pleasure pain principle was invoked as the major method of dealing with him. The pleasure pain principle proposed that if

the punishment for the particular act produced negative consequences that were more severe than the pleasure derived from committing the act, the potential offender would be discouraged from being deviant. The offender was presumed to be rational enough to choose the right way since his behavior was supposedly guided by the desire to seek pleasure and avoid pain.

The positive school of thought (Ferri positive school of Criminology;1968) was founded by Cesare Lombroso, emphasizes on the delinquent's personal and background characteristics rather than his rational thought process and "free will". The positive school rejected the classical school's belief that man exercises reason, is capable of choice and free will and that the offender is no different from the non-offender (Matza, 1964). The school believed that man's behavior reflects his biological, psychological, sociological, cultural and physical environment. Lombroso basically emphasized on the biological differences of the delinquents. Thus, the positive school of thought relied heavily on "biological determinism" (Haskell and Yablonsky). On the basis of these two schools of thought the theories relating to delinquency can be divided into three categories 1) Biological, 2) Psychological, 3) Sociological

Ernest Hooton in 1930s extensively studied Lombroso's principles and developed biological typologies. Sheldon extended Lombroso's and Hooton's concept and incorporated psychological factors. In order to overcome the weaknesses of the biological explanations, psychological explanations have been provided. Whereas the biologists emphasize on physical characteristics, the psychologists take a more specific approach and consider the individual and his motivational patterns in an attempt to describe delinquency. The Sociological explanations of Delinquency are concerned with the effects of the social system or the environment on the development of the attitudes, group patterns of behavior and other social factors. They emphasize on the importance of the group rather than the individual in fostering delinquent behavior.

GANG THEORIES

At about the same time Merton was presenting his views on deviant behavior, Fredrick Thrasher was exploring the subject of group delinquency. Thrasher's (1936) study is not advanced as a thesis that a Gang is a cause of crime, it would be more accurate to say that a Gang is an important contributing factor facilitating the commission of crime greatly extending its spread and range. (Thrasher 1936). Thrasher felt that gangs originate naturally during the adolescent years from spontaneous play groups. The major factor that transforms a play group into a gang is conflict with the other groups. As a result of the conflict, it becomes beneficial for the members who have similar interests to bond together in the form of a gang to protect their rights and to satisfy their needs which their environment cannot. Thrasher studied the local community to determine what influence it has on gang behavior. He found that the environment is permissive, lacks control and facilitates gang activity. (Quoted in Trajanowicz). He found that the environment is supportive of illegal gang behavior. According to Thrasher local politics also contributes to gang behavior as political pull was often the only way that rewards can be obtained. Specially because of the extreme poverty conditions that existed at the time of the study. Thus, Thrasher like Durkheim and Merton, described how the environment can be conducive to delinquency. Thus, Durkheim's example of suicide as the reaction to the strain produced by the environment, as well as Merton's description of alternatives available to strain can be correlated with Thrasher's discussion of gang behavior as a mode of adaptation to environmental pressure.

Following the same line, i.e., group delinquency with an emphasis on 'gang', a study was conducted by Lesley (1992) on Age, Social Contact and Street Gang Membership. In third generation research on street gangs, it has been hypothesized that an increase in post adolescent street gang membership is linked to deteriorating city economic conditions. To test this hypothesis age and socio-economic status (SES) of street gang members were investigated using field interviews with 435 nonrandomly selected active street gang members in southern California. The results revealed that gang membership peaked at the age of 16-17 years showing only a slight trend towards increasing age levels. Similarly, Mauger (1995) also studied 'Gangs'. His

study is an attempt to understand the relation between European gangs and unemployment. The study revealed that the people belonging to the lower class have no assets except their labor to offer to the market. If they get employed in the market delinquency rate is likely to go down. In other words, there is an inverse relationship between employment and delinquency. On the other hand, if there is unemployment and more specifically a decline in the manual labor jobs, then they are more likely to get involved in delinquent activities such as the underworld, social crime and social alienation.

Gangs continue to effect American communities and is the main concern for many socio- economically depressed neighborhoods (Hagedorn, 2005; Lane.2002). Communities in which criminal activities are common tend to establish criminal behavior as acceptable. Tolerance for gang activities varies by community (Curry and Spergel, 1988; Horowitz,1987).

Boys and girls seldom commit delinquencies alone. They usually engage in such activities in association with others. The strong influence exerted by the gang leads to group activities. As Thrasher has pointed out, the undirected gang demoralizes its members. The demoralizing process may begin with the boys entrance into the gang or even earlier, and it continues progressively as the boy grows older. The boy may start as a truant, then commit minor delinquencies, followed by more serious offences and reckless daredevil activities and if the process is not checked, he develops into a seasoned gangster or a professional criminal. His training may be interrupted by periodic institutionalization, but upon release he returns to the old gang and there is repetition of delinquency.

The gang life tends to invite truancy and to facilitate delinquency. In the 1313 gangs studied by Thrasher (1927 and 1936), 652 probably had demoralizing influence, 609 may or may not have had such influence, and only 52 had no demoralizing influence; of the 652 whose influence was demoralizing 530 were reported definitely as delinquent gangs. But Thrasher did not advance the thesis that the gang is the direct 'cause' of crime. Rather it is more accurate to say that the gang is an important

contributing factor that facilitates the commission of offences and greatly extends its spread and range.

Chambers (1946) who studied gangs in New York, thinks that the significance of gang conflict is deeper than mere juvenile delinquency. He suggests that gangs are symptoms of deep-seated social and economic disturbances brought about by unemployment, slums and racial discrimination. In the Indian context, a study by Mohan and Nalwa (1992) stated that given the importance of peers in adolescence most delinquency is committed in pairs or groups. Thus, initially what started as a playgroup become much organized formal set up. The reason for such a choice is that the membership of the gang is to provide them with economic security and for fulfilling their basic needs as some of them might be coming from very poor families.

Thus, the gang emerged as the adolescents could accomplish more by joining together than separately.

Thus, summarising the relation of gangs and companionship to delinquency, it should be noted that gangs and the intimate friends exert the most powerful influence on boys and girls. The factors underlying ganging are exceedingly complex. As Thrasher (1936) has ably put it, "such underlying conditions as inadequate family life, poverty, deteriorated neighbourhood, ineffective religion, education and recreation must be considered together as situation complex which forms the matrix of gang development". One cannot adequately control the situation without dealing with all the factors, for they are closely interwoven. Thus, along with other factors gang also occupy a very important place in understanding delinquent behaviour.

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