

# Juvenile delinquency and correctional treatment in Britain

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**Abstract:** Japanese modernistic culture is influenced not a little from Britain. In looking at the Juvenile Law and the history of correctional treatment in Britain, understanding of today's juvenile delinquency and treatment deepen. Moreover, the background and issue of juvenile delinquency in Britain are also discussed. As a feature of the juvenile delinquency in Britain, the common field with Japan and the field peculiar to Britain became clear in each. It is common to the world that the juvenile delinquency has occurred from various problems of home, school, and community. In Britain, there are serious problems, such as a difference of economical wealth and poverty, and the breakup of a family. Moreover, the hierarchical society is characteristic for the background of the juvenile delinquency in Britain. The influence of a hierarchical society is making the difference of economical wealth and poverty expand. Furthermore, British multi-racial society is also the point where Japan is different. The juvenile treatment in Britain has been influenced by the policy of the time. It is important to develop the individual treatment which has grasped a juvenile delinquent's own characteristic enough and suited it. For the substantial individual treatment connected with a juvenile delinquent's feature, psychology and educational practice need to be unified.

**Key words:** juvenile delinquency, correctional treatment, Juvenile Law system, Britain

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## Introduction

When performing foreign comparison in observing the juvenile delinquency in current Japan, it is often compared with the United States. It will be a natural thing if it takes into consideration that the Japanese society as a whole is seriously influenced of the American society also politically and in culture. It is a fact that surely the environment, which surrounds Japanese youth, has especially been influenced of many in Japan after the war by the American society. Moreover, the evil of "the sick country United States" symbolized by abuse, addiction, medicine, violence, etc. have permeated steadily into Japanese society similarly. It can be said that they have cast the dark shadow over youth's culture and soul of Japan.

Thus, although there is not little significant in comparison with the United States, the influence of Europe has been received in the background of Japanese modernistic culture by one side since the end of Edo Shogunate. Though it is hard to appear on the surface, in the social class or conservative tradition, Japan is influenced especially from Britain. Nevertheless, in the field of the juvenile delinquency, there is little British research, and further research is expected.

Crimes and delinquencies are just social shadows, and are also the social phenomenon produced in the sacrifice of social economy and politics. Britain implemented economic policies, such as privatization and deregulation, around from the 1980s amid long-term economic depression, and has put power into economic rehabilitation, such as investment of an overseas company. An economic recovery came to be pointed out in 2000 and afterwards. On the other hand, the social situation that is common into today's Japanese society, such as expansion of the gap of wealth and poverty and change of real estate value, is also seen. Aggravation of such social life, so to speak, probably serves as a remote cause of a crime and a delinquency. Then it can guess easily that the above has greatly influenced the field of a juvenile delinquency. The author considers that looking at the present condition and the issue of a juvenile delinquency in Britain also pro-

vides a juvenile delinquency of Japan with a new viewpoint simultaneously.

## **Chapter 1 History of Juvenile Law System and correctional treatment in Britain and Wales**

### *History of a Juvenile Law system*

The United Kingdom of Great Britain and Northern Ireland consists of four areas of England, Wales, Scotland and Northern Ireland. Local administration systems also differ in each district, and are not the same. In Britain and Wales, since law application and an administrative organ are also united, the author mainly discusses the Juvenile Law system centering on these areas in this paper.

In the Juvenile Law system in Britain, the modernistic system has already started around the 16th century. There was "parens patriae" in Britain in the foundation. Court of Chancery protected the property and the right of an upper class, and controlled a popular welfare program. Therefore, the juvenile and the poverty layer had the strong idea of being under protection of a king. Simultaneously, there was the whole surface of justifying restriction of a life right on a title called protection. According to Wakefield and Hirschel (1996), this strengthens a king's power and brings an effect as a policy for managing people.

From the middle of the 18th century to the 19th century, private home came to carry out protection accommodation to the juvenile delinquent, and child protection was advanced by the private enterprise. A state subsidy is given to organization instead of a perfect volunteer of a private enterprise, and it was also able to make parents share expense. The court entrusted juvenile treatment to the private sector institution (Cavenagh, 1967). If a certain view is carried out, the commitment institution serving as a middle class's enterprise protect an upper class, and also have criticism that it was making the child which contributes to a state (Humphries, 1981). Youthful Offenders Act and The Reformatory Schools Acts were enacted in 1854, and juvenile delinquent's commitment institutions were

made. After entering in the 20th century, in Britain and Wales, the juvenile judicial system was established and full-scale development of juvenile administration of justice was seen (Nyquist, 1974, Radzinowicz and Hood, 1986). Juvenile court is established by formation of Children Act in 1908 and the special status of a "juvenile" came to be adopted. By this court, a protective judge will be carried out to a less than 14-year-old child and the juvenile from 14 years old to 16 years old. Wakefield and Hirschel (1996) has indicated that the purpose of this juvenile court is treating in protection and detaching 16 or less-year-old a child and a juvenile from an adult offender in administration of justice. Then, Children and Young Persons Act will be enacted in 1933, the instruction idea that a juvenile court always respects the best profits of a child and a juvenile is established, and protection and welfare policy came to be promoted further. Furthermore, the white paper of "The Child, the Family and the Young Offender" was released in 1965, and "Children in Trouble" was released in 1968. The foundation of law execution was hardened with these white papers, without systemic revision finishing with technical revision (Parsloe, 1978). Moreover, the instruction idea of its protection and welfare came to be strongly shown by enactment of The Children and Young Persons Act in 1969.

However, according to Yamaguchi (2005), this policy was criticized not only from the position of criminal administration of justice but also from the position of welfare. That is to say, from social workers, the specialist who can understand needs peculiar to a problem child thought that it should have been concerned with determination, and criticized the size of the authority of a punishment command of a justice of the peace. On the other hand, discretion is given to the welfare agency, and neither the police officer nor the justice of the peace could do social defense responsibility, but criticized that the peace could not be protected. It is premised ideal on the dichotomy of a welfare model and a judicial model. At the same time, it tries to aim at both compromise, and the problem of the dual structure of a welfare agency and a court cannot be solved. Therefore, the policy

failed, while it had been halfway. Raynor (1985) is also said that reliance that case-work pulled back an offender collapsed in the 1970s. The background has the political power shift to the Conservative Party from the Labour Party. The legislated law became partial execution and adjournment, and there was no conformity in respect of law revision and enforcement. In addition, while sufficient welfare policy has not been realized, there is a political situation of having caused confusion (Yanagimoto, 1991).

It entered in such confusion in the 1980s, and rapid structural reform (privatization, administrative reform, deregulation, etc.) was carried out by the Thatcher Government. Large quantities of jobless persons were taken out, the national economic discrepancy spread and the economical poverty layer expanded. The accommodation to detention centre increased with delay of a welfare policy and increase in delinquency. Caseworkers lost reliance to the treatment in society, and advanced institution accommodation (Thorp, 1980). Under these circumstances, the further strengthening of institution accommodation of a criminal juvenile was set forth. In the Children Act 1989, prosecution of a juvenile was accepted and abolition of a protection command was hammered out. Then, the juvenile court turned into the youth court by Criminal Justice Act in 1991. In addition, parents' responsibility would be emphasized, the report before judgment will be considered as important, and expansion of a probation command will be aimed at. Here, both the opinion of protection (or welfare) and strict detention punishment were realized. The juvenile court of Britain and Wales will retreat the character of welfare by the first half of the 1990s. Moreover, Sawanobori (1994) has suggested that "bipolarization" approaching a criminal court has become strong. This flow was specified by white paper "No More Excuses" in 1997. Furthermore, by "Crime and Disorder Act 1998", the idea of Restorative Justice is inherited and another way of strengthening punishment with one side to a juvenile crime is shown. From the former, the Juvenile Law system of Britain and Wales brought the feature of having both a judicial function and a welfare func-

tion. It can be said that the bipolarization has progressed much more.

Furthermore, after entering in the 21st century, "Anti-Social Behavior Act 2003" was enacted. It came to have the authority for a police officer to make a less than 16-year-old child go home after 9:00 p.m. Moreover, "Sexual Offences Act 2003" is enacted and the measure to sex crimes is advanced in the same year.

### *History of correctional treatment*

In Britain, the commitment institution has been traditionally thought as important about a juvenile delinquent's correctional treatment. Ely (1989) has pointed out about the reason that the school of all private dormitories is very common between the upper classes of Britain, and the ethics view of the British society is military. The Royal Philanthropic Society is building the institution (a house of refuge) which accommodates a juvenile from 12 years old to 19 years old who received detention punishment in 1806. Then, Industrial School and Reformatory School were built in 1854, and it dealt with the required children of protection, and the children who committed the crime in the institution. According to Morris and Giller (1987), these institutions were accommodated paying attention to not only the problem behavior of delinquency but a juvenile's character or their everyday life. Moreover, in the institution, order training was performed through labor, and the chief aim was placed by learning the custom of labor rather than having learned technique. Here, the prototype of today's vocational training is seen. The treatment in these institutions may be expressed by the word of being humanitarian. There were also Reformatory Schools charitably managed with religious love like Carpenter (1851). However, it was required that other institutions should have been conditions to some extent more unpleasant than a charged private boarding school. In other institutions, there were labor serious consideration, severe breeding, corporal punishment, etc. (Morris & Giller, 1987). If these situations are seen, all institutions will not necessarily be hard to be referred to as having been a living environment of rich love.

Borstal Training was established in 1908 in early the 20th century. Although Reformatory School is targeting the less than 17-year-old child, Borstal Training is an institution that accommodates the juvenile who committed the crime 16 or more years old at the age of less than 21. At the beginning, Borstal Training made the motto strict classification detention, exact order, hard work, systematic observation after release, etc. by Ruggles Brise. First step training of gymnastics or occupation and fundamental subject education were carried out there. It was the epoch-making that adopted the progressive treatment system to which class progresses by labor and good behavior. Then, the chief aim was put on becoming open treatment and planting self-control rather than military order by instruction of A. Paterson. It is characteristic to have taken in a small number of people treatment, and to have enriched housemaster. By this treatment method, children's self-control and sense of responsibility were trained (Yanagimoto, 1991). The prototype of a short-term treatment (open treatment) juvenile training school in Japan can be seen here.

By the Children and Young Persons Act in 1933, distinction of Industrial School and Reformatory School was lost. In addition, a less than 17-year-old child required protection and a criminal juvenile would be accommodated in approved school (for a maximum of three years). Then, in the 1970s, it dealt with the juvenile delinquent in many boarding schools. Although this institution was not the closing dormitory (detention institution) which requires a key, it was the "school" which respects discipline. This was also called "Community Homes with Education" and the individualistic and psychological approach was introduced. However, Ely (1989) says that it was not successful. What this school enters ethnic minority's children for a maximum of 40% was required for. Ely (1989) has pointed out as follows about the failure. One was forsaken by the children who always escape and try to go back home, and another was forsaken by the local self-governing body which is the fountainhead of financial support. 80% or more of the child sent to Community Homes caused the repetition of an offense within

two years. The budget that a self-governing body outlays swelled up. The amount is the same as the budget of an exclusive and high-class private school, or got more than it. As a result, most Community Homes was closed by the end of today. Moreover, Borstal Training that captured many spotlight in the 1930s was also abolished early in the 1980s.

On the other hand, the commitment institutions for the youths of those days are "detention centre" (less than three months) and "youth custody centre" (long period of time) introduced instead of Borstal. These institutions were operated by the program of very severe army order. Especially the detention centre was expected, as what is replaced with "whipping punishment", and the operation was widely different from education and a therapeutic procedure, and aimed at intimidation or deterrence action. Commitment disposal increased to the 1970s, and the welfare tendency by the new law in 1969 was not realized enough.

According to Ely (1989), in the investigation of the 1970s, even if many of British juvenile cause wrongdoing, the great portion of their wrongdoing is transient, and they stop wrongdoing themselves gradually. Simultaneously, in results of the investigation, it became clear not to have an effect for court judgment of a fine, custody, etc. to reduce the repetition of an offense. About the time of the final stage of the 1970s, Tutt (1979) described as follows. "While an adult convict's rate of detention was halved in the past 20 years, a juvenile's institution absorption rate is increasing by 3 times. Although a juvenile's rate of detention was 1/20 of an adult's rate in 1955, it changed to 1/2 by the end of today." Thus, increase of a juvenile's institution absorption rate is pointed out. It was actually increasing in 1980 to 5,800 persons that the commitment to detention centre was 1,800 persons in 1969 (Thorp, 1980). Furthermore, in the investigation of the 1980s, the juvenile court itself was indicated that it has only a negative effect. The juvenile of those days has caused many crimes after the appearance in court, before coming out to court. About the reason, Ely (1989) has suggested being connected with the influence of the identity feeling on juvenile or stigmati-



zation. It is the time out of which the meaning of a punishment had come deeply in the institution treatment of the 1980s, and then the increase tendency in the number of inmates continued. A personnel who were working in the commitment institution (Borstal) for training said that the consciousness of "having been set to gate keeper from the educator" was strong those days by having been made the mere punishment organization from the institution as an educational treatment organization (Yanagimoto, 1991).

The latest situation has a large change in a juvenile delinquent's treatment by Crime and Disorder Act in 1998. Youth Justice Board is organized. The early intervention in a juvenile delinquent, speeding up of a trial and the improvement of a criminal program are achieved there. Moreover, there are reprimands and warnings as disposal by the police. The first time is reprimands. The second time is warnings. The third time becomes to be prosecuted. Those who received warnings are entrusted to Youth Offending Teams (YOT). Moreover, new treatment of parenting orders (command of making a counseling lesson attend to a person in parental authority etc.), reparation orders (compensatory command to a victim or its community), action plan orders (command of an action plan as treatment in society for three months), detention and training orders (in a maximum of two years, the half of a period treatment with institution accommodation and the remaining half in society), etc. was introduced as a command by the court.

By each institution, Youth Offender Institution (YOI) in which 15 or more years old a less than 21-year-old juvenile is accommodated has a various feature. Institution treatment of YOI is also influenced of criminal administration of justice and an educational welfare policy. Takamatsu (2000) conducted visit investigation of YOI Felltham indicated to be "rotten from the heart" by the accountant report of the Department of the Interior, and YOI Thorncross with high evaluation. He says that Felltham seems to be close to a prison rather than a juvenile institution, and the purpose of a correctional institution has become mere detention. Moreover, Felltham has bullying inside, the suicide has also come out,

and the problem of an institution has surfaced. On the other hand, YOI Thorncross is one of a few open institutions in Britain, and there is no fence. The special feature of this institution is the treatment program called High Intensity Training. The boot camp is taken in as training for daily living. Moreover, a failure of the program in the United States was made to precept, and a military atmosphere was thinned with this institution. Therefore, the staff of counselor or a social worker is enriched. Furthermore, it is distinctive to cooperate not only with the cordial treatment in an institution but with an external probation officer, a schoolteacher, a police officer, and a local community, to work on a juvenile's home or to take care of their employment. The effect is raised very much by such total care. The persons concerned correctional institution also have passion, saying, "It is now different although we were mere godown keepers before".

Moreover, according to the judicial white paper in 2002, 4,000 personnel participate in YOT of the treatment in society, and the program of criminal prevention and criminal reduction is carried out on the responsibility for Youth Justice Board (Yokoyama, 2006). Although the organs were scatteringly concerned with youth until now, it is distinctive that the clinical psychologist also joined the youth worker, the police officer, the probation officer, etc., constituted the team from YOT and in charge of juvenile treatment.

## Chapter 2 Present condition of juvenile delinquency

All the criminal number of cases in the latest Britain and Wales is as being shown in Fig. 1. As shown in the figure, the criminal number of cases was going up until the middle of the 1980s to the 1990s.

Especially in the field of a juvenile crime, the shocking case occurred in the suburbs of Liverpool in 1993. It is the Bulger Killers case. The 2-year-old boy went missing in the shopping center, and the dead body was found on the track

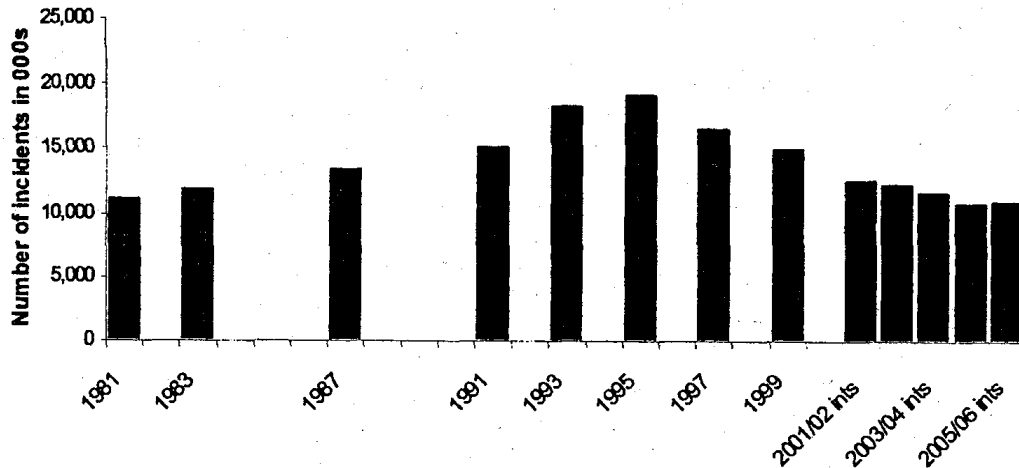


Fig.1 Trends in all crimes, 1981 to 2005/06 (Home Office Statistical Bulletin, 2006)

of several km beyond. Two 10-year-old boys were arrested from the picture of the camera for surveillance. The mass-communications report was overheated in this case, and movement that requires severe punishment of boys took place. It is the case, which caused criticism of the world and became a social problem about change (shortening) of their commitment period. The situation of the offenders was the following. The boys grew up in poverty. Their mother had alcohol dependence. And their father was missing. They lived on such a broken family. In addition, they had not carried out study to school at all with long absence. Although it regarded as the special case in the British society, it was also the case that symbolizes the juvenile crime of Britain borne by economical poverty and social exclusion.

According to the criminal statistics in 2000, 1/3 of offenders are less than 21 years old, and the peak of their crime is 18 years old. 1/4 of the juvenile from 11 to 16 years old has caused a certain crime. If we actually walk along a town, the young men who beg by sitting down on the underground passage in City of London, and the youths who abuse the medicine in the park will be conspicuous (Yamasaki, 2001).

As a problem concerning the youth of the latest Britain, Roker (1999) has

pointed out the rise of the crime rate and the low age tendency. To be sure, although the number of crimes is decreasing from the second half of the 1990s, as for this, population dynamics has also influenced. Juvenile population is decreasing no less than 25% from 1970 to 1990, and it is concerned about reduction of youth work force: working population of Britain in 1995 and afterwards. Therefore, decrease of the number of crimes is followed on reduction of juvenile population, and the rate of a crime poses a problem rather. In addition, a girl's delinquency shows the low age tendency. Although the average of a boy's delinquency is 18 years old, the average of girl's delinquency become 15 years old. Furthermore, drugs, drinking, and smoking are increasing. In drinking and smoking, the youth of 1/3 becomes an addict by 16 years old. Especially drug abuses, such as unlawful drugs ("ecstasy", amphetamine, etc.), are seen in the ordinary way, and medicine contamination has spread during the youth.

Thus, as for the actual condition of a juvenile crime, 1995 or subsequent ones when the number of crimes decreased is still in a severe situation. Popular newspaper "The Daily Mail" of Britain is carrying out the continuation series of the special edition of a juvenile problem in 2002, and the juvenile delinquency serves as a social problem still now. Recently, the press reports of the following cases are carried out in Britain.

- Six boys from 14 to 16 years old raped two girls by turns.
- The brother (15 and 16 years old) murdered the immigration boy from Kenya of 10 years old.
- The 11-year-old boy murdered an immigration boy from Somalia of 15 years old.
- The brother (15 and 17 years old) committed the crimes (a pickpocket, a shoplifter, house destruction, etc.) of 138 affairs on the street, and repetition arrest was carried out.
- The 11-year-old girl broke the windowpane of a store by intentionally at midnight, and gave the police officer the crack. She was arrested by ob-

structuring the discharge of official duty.

These cases have arisen daily, and whenever a case occurs, they have enlivened many mass communications. It is the cruel incident by a low age child, which is paid attention to especially in the people and is easy to be impressive. A low age tendency is not appearing only in the assailant side of a juvenile crime, and the child of low age also suffers sex damage more often. Recently, the sexual temptation act to the child using the Internet has also occurred. The act which invites a child into a meeting for the purpose of sexual abuse, photography of a juvenile sexual picture, exposure of sexual organs, prostitution, human trafficking, etc. are the social problems. Although an adult allures in many cases, occasionally a tempter may be a juvenile. Moreover, the child who enters into such a trap with curiosity also has the problem of education and character, and the depth of the cause of a disease that the British society as environment that surrounds a child holds here is seen.

### **Chapter 3 Background and issue of juvenile delinquency**

There is a modern issue in the background of the juvenile delinquency in Britain, which is common in Japan. At the same time, the problem peculiar to Britain lies. If the juvenile crime of Britain is observed from Japan, it is classic, and economical poverty exists there as a big factor (Yokoyama, 2006). Marks (2002) who is Japanese with British nationality has pointed out that the hierarchical society remains to Britain as a difference between Britain and Japan. Unlike Japan, the British society is not equalizing. Therefore, many of broken families are an unemployment home all the time over 2 or 3 generations, and cannot go out of economical poverty.

At a home in Britain, unmarried parents with a child are increasing in number, and 1,500,000 children have become adopted. The rate of pregnancy of teen's girls is high, many children who are unwed mothers exist, and a divorce rate is

high in Europe. In addition, although coming out to society and working at the age of 16 is expected about employment in Britain, those who can actually find a job at the age are not filled to ten percent. The youth's unemployment problem is serious. Therefore, youth's homelessness have occurred in large quantities (Yamasaki, 2001). When not becoming the homeless, even after reaching employment age, it will stay at a home for a long time. Thus the dependence on parents increase, and independence of a youth and social participation are behind (Roker, 1999).

Now here, some issue can be indicate about the background of the juvenile delinquency of Britain. First, as issues of school education, secession from the school by studies depression, the bullying problem in a school, etc. are aggravating. Since especially Britain is a multi-ethnic nation, its race prejudice and discrimination are deep-rooted, and it complicates the problem. Roker (1999) also says that racial discrimination in a school is deep-rooted, and violence is occurring frequently among the students from whom a race differs, further, "bullying" problem in a school is also aggravated, and that 18% of students in the junior high school and 20% at the elementary school have received bullying. Department for Education, U.K. (1994) proposed the indicator for schools about the "bullying problem", and also after that, bullying is exterminated. About the issue of education, Little & Tomilinson (1993) has indicated that the education of Britain in the 1960s was wrapped in expectation called opportunity expansion, but it doubted in the 1970s, and the education was put under control of the central government in the 1980s. Although various reformations have been made for 30 years as for the secondary education in Britain, the result is regarded as questionable and the educational problem is not solved at all. On the contrary, Roker (1999) has suggested that introduction of a nationwide common test was done in reformation of an educational system, and the evil to which each school is compared and ranking of a school progresses was induced.

Thus, in the British society, the problem is spreading in homes, the schools,

and communities for all. Especially, the hierarchical society of Britain has expanded the gap of economical wealth and poverty. At a home, there is a crisis of breakup family and deficit home in economical poverty, and further, the lack of home training and the social discrimination by a low income are large problems. In a school, there are many problems, such as "decline of the motivation for learning by low scholastic attainments", "association with delinquent peers by school breakaway", and "bullying and violence which are caused from the background of the difference of wealth and poverty, or racial discrimination". Furthermore, in the community, the youth calculated from hierarchical discrimination or economic society has hung about in the underground center, the park, and the specific area. Then, a bad group is made up spontaneously and has become at the hotbed of drug abuse. It is difficult to produce the home life and social life which were stabilized from the economical poverty by unemployment or unstable employment, and family environment and social life environment tend to lapse into a vicious circle, while it has not improved.

Also in Japan, in the time until around the 1970s over the 1st and 2nd peaks of the delinquency from the postwar period, economical poverty was in the background, and a deficit home, the badness of local environment, etc. were the frequent occurrence factors of delinquency. However, in Japan, middle-class consciousness spread from subsequent economic growth, and it became mass society. From the 1980s to the 1990s, delinquency is also popularized, and then expansion (the 3rd peak of delinquency) of the first minor delinquency came to be seen. Although mass communications report that the recent situations are "increase and the cruel tendency" of delinquency, in fact, delinquency is decreasing generally and the murder case is not increasing (Horio, 2001). Although a shocking juvenile delinquency, which cuts off a child's head has happened surely even in Japan, mass communications only take up some special case, and do not tend to take up the commonplace juvenile delinquency. Rather, the writer thinks it important to discuss the case seen frequently ordinarily, in order to understand the

real condition of a juvenile delinquency in detail. A juvenile delinquency of Japan can be clearly seen by studying the case, for example, the bodily injury of the motorcycle gang boy who held an inferiority complex and alienation (Horio, 2003), the theft case of a boy with strong vanity (Horio, 2005) and problem behavior such as night play of the girl who was "a good child" (Horio, 2005). In current Japan, although the delinquency from which poverty is a background exists in part, it is a small number very much and it is called classic delinquency.

However, in Britain, such a factor is continuing also in modern society. Britain has been distressed with the long-term economic depression called the "English disease" after the 1960s. It is considered to lie heavily for the background of delinquency. Moreover, rapid reformation of the organization for economic reconstruction was carried out by the Thatcher Government in the 1980s. Economical growth of financial industry was seen centering in big cities, such as London. Nevertheless, it has also affected a criminal expansion that many jobless persons occurred at once, and expansion of wealth and poverty progressed.

By degrees, the 1990s came, it took the place of the Labour Party Administration, conversion of a market principle was enforced out, and it progressed to "The Third Way". From the latter half of the 1990s, Britain became the prosperity after an interval of 100 years. It came to put power also into the modern times culture policy called Cool Britannia in culture, and advance in society of a young man progressed. At the point of view, while it will enter in the 21st century and a social situation changes gradually, the new time of Britain may start. However, optimistic view is impossible about a criminal situation. Although the number of crimes is decreasing, the situation is not different from the level of 25 years ago. About the rate of criminal generating, it is still high. The vicious juvenile crime also continues as discribed already. Under the traditional hierarchical society of Britain, the social bottom has the absolute gap of wealth and poverty, and the poverty and discrimination in multi-racial society. Therefore, classic delinquency is occurred fixed and continues.



We should take notice of not only the economic policy but also the offender treatment. If an economic policy changes, a correctional treatment changes in a similar way. About juvenile treatment in Britain, it is distinctive to be advanced by the cooperation of many different specialists in the society treatment and the institution treatment in recent years. In some YOI, the staff of counselor or a social worker has been substantial. Moreover, a youth worker and a clinical psychologist join, and the team is composed also of YOT. The practical and theoretical pile of such new activity continues to become important.

Especially the writer considers that the following thing is important about correctional treatment. In correctional treatment, it is paying attention to individual treatment. It is important to expand the individual treatment suitable for it, grasping a juvenile delinquent's characteristic enough. In addition, it should be sometimes verified the treatment effect at mid-term, and should be reconsidered change of a treatment plan according to the result. Also in a Japanese juvenile training school, although the individual treatment plan is formed, the individual characteristic was often forgotten away in the living guidance of whole instruction, or vocational training, and it has finished with the only paper individual plan. On the desk plan, it is nonsense. It is necessary to turn the characteristic plan, which matched the individual to practice. Moreover, although examination of the new effective treatment program of criminal classification is progressing recently, it is important for not only finishing with a practice report but also verification of the treatment effect and theoretical construction. In spite of having so far performed practice for a long time, in Reformatory School and Borstal, these institutions have disappeared today. The request of a time situation is one factor, but another factor is that verification of the treatment effect and theoretical construction are becoming neglectful. For these verification and theory establishments, formation of new knowledge is needed with collaboration and cooperation with psychology and educational practice.

## Chapter 4 Future Prospect

It can be said that change of the Juvenile Law system in Britain is not the current of the mere times but the result of a political policy. Crime and Disorder Act 1998 was the special feature of the criminal judicial reform, which the new government of Labour Party performs. However, according to Fionda (1999), old and new various principles and ideology exist in the policy. Therefore, he is criticizing that the policy is ideologically ambiguous and irresolute, and that it has failed politically.

If expectable at future, a new trial is advanced to the treatment in institution and in society, and a certain amount of decrease in the criminal number of cases is shown. Of course, juvenile population is decreasing, in addition, it is closely connected with not only the effect by the new law but the economic policy or the social situation that the number of crimes is decreasing. When it looks at about juvenile treatment, whether it regards as bipolarization of a criminal justice function and a welfare function or it regards as the measure of new Restorative justice have the room of a future discussion.

Anyway, the Juvenile Law and juvenile treatment in Britain are continuing conflict between justice and welfare, and probably, the auther may say that it is the history in which these induce inconsistency or have aimed at reconciliation. In addition, there is also a way of looking of the product of the change of power of the Conservative Party and the Labour Party, and the assurance will not exist whether the Labour Party maintains political power over a long period of time from now on. Moreover, when the Conservative Party came into power, a policy will also change and the field of juvenile treatment will cause confusion as if the eye of a cat changed. Political parties other than the Conservative Party and the Labour Party may be born in Britain in the future. The auther wishes that party interests do not trifle with people but that the voice which desires the happiness and the peace for juvenile and people becomes large.

As long as the hierarchical society continues in Britain, the social discrimination may be exterminated. The influence which advances maintenance and strengthening of social organization, and the voice that searches for the people's safety and peace always induce confrontation and expansion of inconsistency. When exposed to the maximum of inconsistency, a new perspective may spread. It will be important to look over not a standpoint destructive merely only but forming the organization of creative and productive society.

Thus, as for a social crime (especially juvenile crime), it comes in sight that the phenomenon caused from inconsistency of social organization. Various social inconsistencies, such as a hierarchical society, economical poverty, and a social policy, appear in the form of social weakest portion, that is to say, juvenile crime. Considering the future of a juvenile crime is also thinking of future society.

### **At the last**

The auther has considered the juvenile delinquency in the social organization in Britain. Only neither the United States nor Britain is necessarily getting sick. It may be a social inevitable phenomenon in a sense that a crime occurs.

I consider that the common side to Japan and the side peculiar to Britain became clear in each as a characteristic of the juvenile delinquency. It is common to the world that the juvenile delinquency has occurred from various problems of a home, a school, and a community. Especially, the difference of economical wealth and poverty and the breakup of a family are serious problems in Britain. The same conditions also as the juvenile delinquency of current Japan are partially continued like the problem of a classic delinquent in Japan. At the point, the problem of a juvenile delinquency will be in sight by gazing at a home, a school, and the whole community.

The characteristic in the background of the juvenile delinquency in Britain is a hierarchical society. Although the Imperial Family, former nobility, and old samu-

rai antecedents remain also in Japan, it does not remain as a formal institutional class today. In that respect, the influence of British traditional society remains deeply. The difference of economical wealth and poverty is fixed or expanded under the influence of a hierarchical society, and an economical difficult family covers two or three generations, and is in the state where it cannot escape from an indigence life. Moreover, British multi-racial society is also the point where Japan is different. In Japan, although the Ainu race and the Korean race are also living, the aspect of British multi-racial society differs from Japan. In the specific area in which a small number of race of Britain lives, the rate of criminal generating is high and it has also become induces social discrimination further.

Observing British society becomes the material with which we consider the present and future condition of Japan as "Tazan no ishi (object lesson)." It is an important subject whether a social situation is grasped and the corresponding policy is suitable. Although it is hard to think in Japan that legislation and a policy are changed each time a political power party takes the place like Britain, it becomes conversely the material, which considers that politics and a life of people are connected closely. In considering a juvenile delinquency and juvenile treatment, there is a tendency that desires severe punishment even in Japan recently, but a standpoint that is beneficial to juvenile is very important, taking care that a temporary trend does not pass. Moreover, it is also important to consider the juvenile treatment, which suited a new time. Then, for the substantial individual treatment connected with a juvenile delinquent's feature, psychology and educational practice need to be unified, and the pile of future concrete research is required for.

## References

- Carpenter, M. (1851). *Reformatory Schools for the Children of Perishing and Dangerous Classes and for Juvenile Offenders.*
- Cavenagh, W. E. (1967). *Juvenile Courts, - the Child and the Law.* Pelican

- Department for Education, U.K. (1994). *BULLYING: Don't Suffer in Silence*. Crown copyright. HMSO
- Ely, P. (1989). Social Welfare in Britain. *Hokkai-Gakuen University the journal of economics*. 36(4),45-56.
- Fionda, J. (1999). *New Labour, Old Hat : Youth Justice and the Crime and Disorder Act 1998*. Criminal Law Review
- Home Office Statistical Bulletin (2006). *Crime in England and Wales 2005/06*. national STATISTICS
- Horio, Yoshihiro. (2001). Tendency and Analysis of Today's Juvenile Delinquency: The mass-communications reports of juvenile delinquency and "increase and cruel tendency" criticism. *Bulletin of Department of Childhood Education Aichi Prefectural University*, (35), 75-86. (in Japanese)
- Horio, Yoshihiro. (2003). Psychological clinic support in judicial welfare. Kobayashi, Y., & Sugimoto, T., (Eds.) *The psychology for welfare*, Hoiku-syuppan-sya, pp 174-179. (in Japanese)
- Horio, Yoshihiro. (2005). Juvenile Classification Home. Inui, Y., et al. (Eds.) *Psychological Clinic Handbook*, Sogen-sya, pp 319-325. (in Japanese)
- Humphries, S. (1981). *Hooligans or Rebels? : An Oral History of Working-Class Childhood and Youth 1889-1939*. Basil Blackwell Ltd.
- Little, V. & Tomlinson, J. (1993). Education: Thirty Years of Change: For Better or for Worse. *Children & Society*. 7(2).
- Marks, T. (2002). Juvenile delinquent problem in Britain. *Kinrosya Fukushi (Worker welfare)*, (68), 42-45. (in Japanese, translated by the author of this article)
- Morris, A & Giller, H. (1987). *Understanding Juvenile Justice*.
- No more excuses (1997). : *a new approach to tackling youth Crime in England and Wales*, Cm.3809, H. M. S. O.
- Nyquist, O.(1974) Juvenile Justice. *Cambridge Studies in Criminology*, Vol. VII, 115-129.
- Parsloe, P. (1978). *Juvenile Justice in Britain and the United States*. R & K
- Radzinowicz, L. and Hood, R. (1986). Juvenile Offender. *A History of English Criminal Law*. Vol. 5,133.
- Raynor, P. (1985). *Social Work, Justice and Control*. Blackwell
- Roker, D. (1999). Youth problems in Britain. *Network: Nenpo, (Annual-report)*, University of Tokyo, (1), 29-32. (in Japanese, translated by the author of this article)
- Sawanobori, T. (1994). *Guide to the Juvenile Law*. Yuhikaku, (in Japanese, translated by the author of this article)
- Takamatsu, S. (2000). Trend of the juvenile crime in U.S. and Britain. *Hanzai to hikou (Crime and delinquency)*, (126), 206-221. (in Japanese, translated by the author of this article)
- Thorp (1980). *Out of Care : the Community Support of Juvenile Offenders*. Allen & Unwin.
- Tutt, N. (1979). A Decade of Policy. *British Journal of Criminology*. 21(4), 254.
- Wakefield, W., & Hirschel, J. D. (1996). England. *International Handbook on Juvenile Justice*. Donald J. Shoemaker.

Yamaguchi, S. (2005). *Judicial welfare theory [enlarged ed.]*. Minerva Shobo, (in Japanese, translated by the author of this article)

Yamazaki (2001). The youth situation in Britain and measure of delinquency prevention. *Keisū kenkyū, (Case research)*, 2001(2), 133-137. (in Japanese, translated by the author of this article)

Yanagimoto, M. (1991). Changes of the Juvenile Law system in Britain: Conflict of a judicial model and a welfare model. *Hanzai to Hikou, (Crime and delinquency)*, (89) 2-62. (in Japanese, translated by the author of this article)

Yokoyama, K. (2006). Youth problems observed by the British statute law. *Seishonen Mondai, (Youth problems)*, 53(3), 28-31. (in Japanese, translated by the author of this article)