

The Child in Criminology: Site of Intervention, Site of Control, Site of Blame

Ruth Alexandra Liston (University of Melbourne)

Introduction

Criminological theories on the causes of crime, both individual and structural, have significantly influenced the means by which the state defines and governs law-breakers. Of particular interest is the development of the juvenile delinquent as a site of criminological knowledge and penal control. The identity of the child in the eyes of the law has evolved from a position of relative equality with adults, to a special group marked out for intervention and control and, more recently, as a site of blame. There is a complex interaction between juvenile justice and criminological theory. While academic research and ideas have provided motivations for interventions with children, experience of those working in the field has in turn influenced theoretical understandings of crime.

This paper will examine the evolution of the relationship between theory and policy, focusing in particular on the child as a site of intervention. It will draw on original research on probation officers working in the Victorian Children's Court, Australia, from 1935 to 2005. The minutes of the early meetings of the Probation Officers' Association of Victoria (POAV) will be used to show how probation officers were concerned with, and influenced by, theories on the causes of crime. But while criminological theory has influenced criminal justice, social and welfare policy in the past – and

much of the penal structure in Western countries is based on early understandings of the causes of crime – recent developments which target children as a site of intervention are out of line with most theories as to the causes of crime (Cunneen & White 2007, p.85). The argument will be made that labelling perspectives, particularly around shaming and construction of delinquent identities, have been ignored by current governments, with particular focus on the United Kingdom. Finally, the writer will suggest that the ability of the practical application of theory to promote empowerment and social change in the political arena is limited, and that the application and use of theory in policy is strongly related to the willingness of those in power to harness it.

By no means does the paper offer a comprehensive history of probation practice or criminological theory, but it utilises the minutes of the early POAV meetings to highlight the continuity and, more importantly, differences in the ways in which early forays into juvenile justice differ from the way that youth crime is managed today. This writer's research has revealed the extent to which probation practice from the 1930s to the mid 1940s was concerned with theories about the causes of crime. To illustrate this point the paper will show how one criminological viewpoint, namely the labelling perspective, was influential in the establishment of a separate justice system for children and played a major role in the way that probation workers operated. The argument will then be made that labelling perspectives, particularly around shaming and construction of delinquent identities, have been ignored by current governments, using the example of 'naming and shaming' tactics employed in the UK.

The Child as Site of Intervention

Until the Industrial Revolution, the law dealt with children in much the same way as adults, and until the early nineteenth century children worked as adults. Although equal in the eyes of the law this was not always reflected in the punishment meted out to the young: age was, on occasion, a mitigating factor in sentencing (Seymour 1988, p.7). However, very young children were often treated brutally with the death penalty, physical punishment and transportation to Australia from the UK (Seymour 1988, p.8-9). Industrial developments led to concerns for children's working conditions and recognition of their special needs through employment controls and the establishment of borstals, reformatories and industrial schools by the private charitable sector (Leatherland 1987, p.113). This increased focus on the protection of children meant that they were sometimes placed in custody for non-criminal offences; vagrancy and destitution were reason enough for incarceration (Seymour 1988, p.9). Separate laws to deal specifically with children initially emerged to cope with the neglected and needy rather than to respond to cruel treatment at the hands of the criminal justice system (Seymour 1988). For example 230 children under fourteen were sentenced to imprisonment in Victoria, Australia in 1860 and 1861 – a large portion for vagrancy (Vic. V. & P.L.A., 1861-62, Vol.1. A19, cited in Seymour 1988, p. 9-19). By the end of the nineteenth and early twentieth century, separate laws and courts for juvenile offenders were being established in most Western democracies, including the USA, UK and Australia.

In her classic text on the origins of child welfare legislation in Victoria, Donella Jaggs (1986) focuses on the theme of social and

moral intervention with children through legislation. She argues that those involved in the Children's Courts thought of them as 'legally sanctioned clinics for moral irregularities rather than courts of law in the accepted sense' (Jaggs 1986, p.90). Seymour discusses the ways in which youths guilty of activities previously not considered criminal were brought before the courts for intervention, arguing that 'the result of these processes would be to create for the court system a new population of potential juvenile defendants' (Seymour 1988, p. 35). Under the practice of probation (in which young people were supervised under court order by upstanding (read: middle class, religious) members of the community,

The articulation of the motive of improving the functioning of the lower classes by moral training occurs in many of the reports of the early debates and developments. Probation was proposed as a legally sanctioned method for right thinking persons of one class to impose their values in the less well functioning members of another class (Leatherland 1987, p.117).

And so we see two factors at play here: the discovery of the child as a special site of intervention (what is in the 'child's best interest'); and the recognition of the potential of society and the criminal justice system to stigmatize the child. Concerns led to the establishment of a special court away from the potentially harmful effects of the adult system, but how did this concern with stigma play out for those actually working with the children?

Constructing and Protecting the Child

The idea of stigma is central to 'labelling perspectives' on crime. Labelling is an 'interactionist' perspective: theorists look at the effects that official and non-official reactions to crime can have on the

individual offender. They see the construction of crime as a social process, arguing that some actions are criminal because they are so labelled (White & Haines 2004). In his classic text about the construction of marijuana users as a criminal group, *Outsiders*, Howard Becker writes:

[...] Deviance is created by society [...] Social groups create deviance by making the rules whose infraction constitutes deviance and by applying those rules to particular persons and labelling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom the label has successfully been applied; deviant behaviour is behaviour that people so label (Becker 1963, p.9, cited in Cohen 2002, p.4).

A key notion is the idea that by naming an individual as criminal, either directly or indirectly, that person can adopt the role assigned to them; they can be stigmatized by their label. Furthermore, labelling an individual as deviant can lead to an amplification of, rather than a reduction in, deviant behaviour.

Although labelling is not recognised in the historiography of criminology as a cogent theory until the 1960s, it is clear that the avoidance of stigma was very influential in early probation and welfare practice. Preventing stigma was seen as especially important in relation to juvenile crime due to the perceived impressionability of children. As discussed, it is for this reason that a separate juvenile court was established in many Western countries. In Victorian Parliament there was much concern to avoid stigma in legislation. Mr Oldham, the Member for Boroondara, refrained from using words 'lunacy' and 'hygiene' in a debate on 'Delinquency and Mental Deficiency' that also called for voluntary admission of the mentally 'deficient' as a way to avoid the 'stigma' associated with

placement (Delinquency and Mental Deficiency Debate 21 July 1938, p.334-5). In addition, the Children's Court Magistrates Association campaigned to stop the use of the terms 'rogue' and 'vagabond' in Australian Children's Court (POAV 21 April 1939). That theories on crime and criminality were influential in probation practice before they became officially recognised as criminological theories supports David Garland's history of criminological theory pre-1935, in which he emphasises the place of 'scientific thinking about crime' in the 'social fabric' as opposed to great 'schools' of criminology (Garland 1988, p.161). In Victoria, the separation of child from adult came under the Children's Court Act (Vic) 1906 which also established the role of the Honorary Probation Officer, who was responsible for supervising juvenile offenders in the community. It is to the minutes of the meetings of the Probation Officers' Association of Victoria from 1935 to 1950 that this paper now turns, to explore the way in which the POAV constructed the child as delinquent while also protecting children from stigma at the hands of the law.

Much of the minutes are taken up with the day to day running of the organisation: from the (seemingly endless) debate over whether to have meetings during the day or night and concerns about low attendance, to subscriptions rates and the continuous redrafting of the association's constitution. However, on closer inspection, they are also a rich source of information about attitudes of the time towards the causes of juvenile crime, the relationship between voluntary organisations and the government, the role of women and religious organisations in delinquency prevention, and the telling way that the organisation reacted to potential new 'evils' in Australian society such as inappropriate films and magazines, sex

outside marriage and temptations to theft in a increasingly consumer-driven world.

Involvement in any form of work outside the house, and most contact by middle or upper class women with the poor, came through involvement with charitable organisations. This involvement in probation work as a charitable enterprise was a continuation of the long tradition of female voluntarism. Juvenile delinquency was seen primarily as merely a woman's issue and treated with a measure of disregard by the press and politicians of the day. When the Victorian newspaper *The Age* sent a representative to the POAV meetings, the reports would appear in the 'Women's Section' of that paper the following day. Details of a lecture on youth unemployment or the failure of corporal punishment to prevent delinquency would be placed alongside advertisements for cake shops and news of 'Last Night's Gay Functions' (*The Age* 1938).

Clear too from the makeup of the committee is the strong religious presence in the organisation in the 1930s. The religious imperative behind probation was also cemented in the legislation. Under the Children's Court Act (Vic) 1928, any police officer who brought children before the Children's Court for offences was ordered to notify a Probation Officer who was of the same *religious persuasion* as the child. The probation movement was founded in the moral ardour of individuals and based on Christian ideals of redemption; the work was an attempt to act upon the soul of an individual in order to rehabilitate him/her into society and avoid incarceration. It is clear from the minutes that the members saw themselves as moral crusaders, whose job it was to uphold the purity of children and to work to construct the 'right sort of child'. Through various campaigns they endeavoured to shield the eyes of

the innocent from those supposed evils that pervaded the streets, cinemas, shops, press and radio airwaves of Melbourne. For example, the membership was represented by a Miss Cassidy on the Children's Cinema Council (established by the National Women's League in 1930) (Warne 2000, p.193), which worked to 'safe-guard children from the effect of questionable films' (POAV 19 June 1936) through its campaigns to censor inappropriate screenings, establish a Federal Bureau of Film and to prevent the importation of projectors by questionable sources. The POAV also saw the benefits of harnessing the cinema as an educational tool. Those pictures deemed acceptable, such as *A Midsummer Night's Dream* (1935) starring James Cagney, Mickey Rooney and Olivia de Havilland, were shown to children around Melbourne in order to 'foster in children the love of the very best in films' (POAV 10 December 1937).

Rarely a month went by without the association finding some new evil on the streets of Melbourne. At a meeting on the 16th of April 1937,

Attention was drawn by a member to some pictures taken from film magazines which were on view in the windows of a tailoring establishment in the city. Three members were departed to inspect these pictures and Colonel Bray to write to the Secretary re same who was then to write or interview the proprietor of the establishment if in the opinion of those three members the pictures were undesirable (POAV 16 April 1937).

Col. Bray informed the Secretary that the pictures were 'lewd and suggestive while not legally indecent' (POAV 17 May 1937) and made endeavours 'to bring before the notice of the firm in question the undesirability of such pictures and the danger to the moral tone of the youths of our city' (POAV 17 May 1937). What these pictures may have contained we can only guess!

On another occasion, ‘the matter of children pilfering from stores and the amount of temptation offered was discussed’ (POAV 21 May 1940) and members of the association were dispatched to meet with the managers of Coles, Myers and Woolworths to ask for their co-operation to ‘lessen if not to remedy this evil’ (POAV 16 August 1940). The firms were reportedly ‘most anxious to assist in any way possible and were doing all in their power to preserve their good name’ (POAV 16 August 1940). However, when the managers agreed to consider any suggestions that the probation officers could make to help reduce petty thefts, the association realised that there really were no ways to prevent it: the modern methods of merchandising, which included the handling of goods by the public, would inevitably lead to more shoplifting. Unless the members could come up with a way to hold back the progress of modernity (and no doubt some wished that they could), they faced a rising tide of juvenile crime as more and more opportunities for deviant behaviour presented themselves in the form of literature, books, films, fun parlours and consumer luxuries.

The outbreak of the Second World War presented young people with opportunities to engage in delinquent behaviour of a very different kind. At a meeting in December 1940 ‘a long discussion took place among members relative to girls loitering in the vicinity of military camps and also congregating with soldiers, sailors and air men in and around the city’ (POAV 13 December 1940). Letters were dispatched to the National Council of Women and to the Chief Commissioner of Police asking him to exercise more supervision of these areas. This concern for the protection of young women’s honour was quite common at the time (and, it could be argued, still is today). While the solution to male delinquency was

often seen as lying in access to gainful employment and opportunities of self expression, for young girls the paternalistic response of calling for the police to physically prevent anything untoward was the most common.

On occasion, the members were forced to admit that their moral outrage was unfounded. From May to September 1945 the members were greatly concerned with the legalisation of Fun Parlours in Melbourne and their potential effect on the delinquent. The association pressured the Chief Secretary into asking for an investigation by the Chief Commissioner of Police, who reported that he had found the parlours to be quite well run. As no member had actually visited the fun parlours it was decided that the committee should form their own investigation. After such a visit, four members were 'obliged to admit that they had been unable to discover evidence of them being a bad influence or derogatory to moral welfare' and the minutes record that the members 'having found that Fun Parlours were not the menace they were formerly thought to be, it was decided that no further representation would be made to the government about the matter' (POAV 15 September 1944).

Many of these campaigns were motivated by a broader desire to control the activities of the young, rather than prevent crime itself. At one meeting Mr Meadows, a stipendiary probation officer, talked about prevention being better than cure and about the way in which some children were brought to his attention by parents just for being difficult rather than delinquent (POAV 19 April 1940), while on another occasion a Miss Mantach stressed the need for deserted and orphaned babies and children to be brought before the Children's Court (POAV 28 January 1942). Campaigns to order

neglected children come under auspices of the courts and for probation officers to be called up to deal with truants from schools were not strictly related to children who had committed offences, but rather situated in that wider category of delinquency prevention. Thus the probation officers continued on with the project, begun in the previous century, of identifying and constructing delinquent behaviour, while at the same time trying to prevent such behaviour.

The Probation Officers' Association did not solely rely on campaigns of censorship and control to prevent delinquency; the minutes also reveal that they worked to uphold the rights and protect the reputations of children who fell through the net. Over the course of the decade after 1935, the association fought for better communication with the police force so that their officers could attend at the Children's Court with a young offender when he/she appeared. Members worked hard to prevent actions on the part of agencies that might stigmatize a child, agitating to stop names of delinquent children being provided to headmasters, preventing police from taking statements from children under fourteen years of age unless accompanied by a guardian, and advising against interviewing a child at his or her school or place of employment for fear of stigmatization. This concern for the reputations of children also extended to their depiction in the press. In January 1945,

Representations were made to the Herald Newspaper that highly coloured reports of juvenile delinquency, and especially sensational headings, tended to make heroes of the perpetrators in the eye of the other boys, and in particular did harm in Institutions, from which many of these boys had absconded, and to which they were likely to return (POAV January 1945).

A reply came from the chairman of the *Herald*, Sir Keith Murdoch, expressing regret and promising to take the matter up with the editor. The glorification of youth crime *must* have been widely understood to have a negative impact.

It is clear from the minutes of 1935–1945 that the association was a conduit for new ideas on the causes and prevention of crime and the members were deeply concerned with this issue. Guest speakers were invited to deliver lectures on diverse topics such as how to be a better probation officer, the practice of children's courts overseas, the multifarious causes of juvenile delinquency, poverty, low levels of education, poor family situations, lack of opportunity, mental deficiency and even urban design. However, from the end of the Second World War the role of the organisation changed significantly as this period saw the first real change from voluntary, charitable organisations to a professional service, funded by government and subject to its policies on juvenile justice (Raynor & Vanstone 2002, p.8).

The Child as Site of Blame

The historiography of probation in Victoria illustrates the means by which a voluntary, independent service was subsumed to government interests and became part of the armoury of control. In the nineteenth century the reluctance of the state to engage in the business of welfare meant that when it did get involved it inherited an unwieldy system from charitable organisations that was 'neither more economical nor more humane than the English system it replaced' (Swain 2001, p.155). The establishment of the Children's Court in Victoria in 1906 began a century-long process that brought a pre-existing philanthropic activity 'under the aegis of the court

system' (McCallum 2004, p.111). The POAV was an independent organisation but by the end of the 1950s its work was closely supervised by government. An agreement to be funded with Crown coffers left the organisation subject to the whims of the various departments that dealt with juvenile justice. The decision of the POAV to accept government funding and its reconfiguration as an agency with official recognition by the state removed its ability to criticise government practice or protect the child in ways other than those prescribed.

Stan Cohen (1985) writes that in the last few decades there has been a huge expansion of roles and organisations in the field of corrections. However, Cohen posits that increased strategies for intervening outside of criminal justice do not divert offenders; rather they increase the reach of the arm of the law by identifying and treating individuals who previously would have escaped its gaze. In their study of the rise of probation in the US and the way in which alternatives to prisons have become alternative sanctions, Holman & Brown come to similar conclusions, writing that 'clearly, the institutionalization and bureaucratization of alternatives expanded in their own right while simultaneously failing to quell the use of incarceration' (Holman & Brown 2004, p.115). And so, although probation began as an alternative to prison which grew from the 'missionary tradition' (Harris 1995, p.32), it became part of an armoury of control that expanded rapidly in the late twentieth century.

This loss of independence runs contrary to the views held by John Augustus, the 'Father of Probation', who had been proud of his role as an

independent volunteer, not an agent of any sect of society. The independence is important for the role and function which I carry out which cannot be reproduced in other organisations (Augustus 1852, cited in National Probation Officer Association 1939, p.36, cited in Leatherland 1987, p.109).

The POAV's minutes reflect the fact that the association was no longer able to concern itself with issues such as stigmatization; there was barely any discussion of the causes of delinquency or concern about individual cases in the minutes after the Second World War. Instead the committee spent much of its time managing the day-to-day operations of the voluntary probation service. Tierney sees the post-war period as one of 'optimism founded on notions of social planning', when criminologists and policymakers worked together to discover the causes of crime and treat criminals together (1996, p.63). However, the post-war project, as collaboration between criminologists and policy makers, did not leave room for questioning the labelling effects of crime by those involved in criminal justice. New theories of deviancy that looked at labelling and unequal power relations, while popular with criminologists, were ignored by policy makers (Cohen 1988, p.82).

A further blow for radical criminological theory was the emergence of widespread criticism of the rehabilitative ideal. The idealism of the welfare state was discredited by Robert Martinson's highly influential conclusion that 'nothing works' in correctional practice (Martison 1974). Martinson, a liberal, had formulated his theory in order to prompt a reduction in prisons. However, the idea was adopted by the conservative governments of Reagan in the US and Thatcher in the UK. The 'nothing works' mantra was used to support longer sentences, scrap rehabilitation programs, and even call

for capital punishment (Rose 2002). Funding was shifted away from rehabilitation into deterrence and primary crime prevention and this, in part, contributed to a rise in prison rates throughout the world. The shift to neo-liberal, economic forms of government since the 1970s has been well documented; in essence, the crisis that ensued from the perceived failure of traditional methods of crime control resulted in a shift from penal welfarism to neo-liberal, organised and market-driven forms of governance of crime (Rose & Miller 1992, Garland 1997). In particular, the state has encouraged the individual, the community and the private sector to take increased responsibility in terms of preventing crime. This has resulted in an accompanying lowering of expectations from the public; success is no longer seen as solving problems, but in managing and reaching other corporatist goals, such as cost effectiveness (Muncie 1999, p.148-153).

In the UK, while the Conservative Party were the first to adopt the 'tough on crime' stance, New Labour were too aware of the political necessity of law-and-order politics to shift gears away from punitive populism. A change of government in 1997 did not result in a change of policy. Cohen (1985) argues that the control of deviancy is no longer just the domain of the criminal justice system but something that permeates throughout society. The community, the family and the school have all become sites of control and normalisation of deviance (Brown 2004, p.206). Pat O'Malley (1996, p.29) cites the rediscovery of community, individual responsibility and the place of the victim as examples of this new 'refiguring of the social'. It is within this context that we can explore the emergence of new punitive measures of dealing with crime that remove the blame for decline in communities from government and place it firmly on the head of the individual, most likely the child. As part of this

‘refiguring of the social’, we have seen, in the UK in particular, a shift away from a discussion of the *why* of youth delinquency (Pitts 1992, p.142). State policy no longer seems to involve resolving the problem but in fact managing risk (Clarke & Newman 1997). As Tony Blair pronounced, we are no longer interested in ‘understanding the social causes of criminality... people have had enough of this part of the 1960’s consensus’ (Blair 2004, cited in Squires 2006, p.163).

New measures such as Parenting Orders, and the notorious Anti-Social Behaviour Orders (ASBOs), focus in particular on controlling youth crime. In England and Wales, local councils have gone as far as to put up posters with photos of young offenders who have received ASBOs (BBC 2004). This is a policy that is embraced by the government. A Home Office (2005) paper entitled ‘Guidance on Publicising Anti-Social Behaviour Orders’ encouraged local authorities to ‘name and shame’ through various media, those in their community who had received an ASBO. Not only can this have a disintegrative shaming effect, with bad behaviour in children becoming a self-fulfilling prophecy (Day, Howells & Rickwood 2004, p.3), but the reverse can occur: an ASBO can go from being a badge of shame to a badge of honour. Chronic offenders can aspire to having an ASBO due to a lack of an attachment to community or developed social conscience. As Baron & Kennedy found, ‘perceptions of sanctions may differ depending upon one’s position in the social structure’ (Baron & Kennedy 1998, p.30, cited in McGuire 2002). Children without any respect afforded to them by, and therefore no respect for, local council or their community may find that all-important respect from their peers if they act up sufficiently to get an ASBO. This is a major concern for

criminologists. According to a recent study, almost one in three young people saw an ASBO as a 'badge of honour' as opposed to one of shame (Booth 2006).

Young people have come to be portrayed as the cause, rather than the victims, of crime. Sheila Brown (1998) argues that a 'total' moral panic surrounding children and childhood emerged in the late 1990s after a number of high profile incidents including the murder of toddler Jamie Bulger by two ten-year-olds in England in 1993. Adolescents have come to be conveyed as deviant and dangerous by mass media in Western countries (Omaji 2003). As a result, in the UK, the USA and Australia, stricter laws with relation to juvenile crime have recently come into force (Grisso 1996; Muncie 2004).

In England and Wales, as in all Australian states, the statutory minimum age of criminal responsibility is 10 years. However, while it remains in Australia for children up to 14, the principle of *doli incapax* was abolished in England and Wales in 1998 (Crime and Disorder Act, 1998). *Doli incapax* is a standard, extant since the 14th century, that afforded children age 10 to 13 the presumption of being incapable of criminal intent unless the prosecution could prove that this was not the case (Urbas 2000). The abolition of this principle in England and Wales now means that a ten-year-old can be regarded as criminally responsible (Urbas 2000). This has opened the door for a number of new criminal justice interventions into the lives of children. In Australia, while the principle of *doli incapax* remains, it is reasonable to presume that it will come up for review within the foreseeable future (Urbas 2000).

Conclusions

With the implementation of policies such as those outlined above, criminological theories around deviancy amplification that appeared obvious to the early juvenile justice practitioners have been ignored out of hand by government. Theoretical understandings of the causes of crime are only useful if they are in line with political goals. As one parliamentary committee has stated,

We are concerned that the involvement of the criminal justice agencies while a child is still in primary school inevitably invites a criminal label — both in terms of those who deal with the child and the child's own self-image — which is not easily shaken off (Parliamentary Joint Committee on Human Rights 2003).

But governments have continued to implement policies that stigmatise young children. That social engagement based on theoretical ideals about crime has been and can be useful in formulating criminal policy is self-evident, but in the current political climate, theories of causation have been ignored in favour of penal populism. Theory and practice began as happy companions in the recognition of the child as a special locus in law, bickered over ways to perform that intervention and, more recently, have fallen out over the latter's configuration of the child as a political scapegoat. For criminologists, 'the discipline has been tied up to the administrative and ideological constraints imposed upon it by its political paymasters' (Tierney 1996, p.134) and we have seen the silencing of radical criminological theories under the weight of populist punitiveness, law and order campaigns, right-wing punitive solutions and government strategy based more on target setting and the management of offenders. As Hayward & Young argue,

The crime control industry has, therefore, come to exert a hegemonic influence upon academic criminology. The 'wars' against crime, drugs, terrorism, and now 'anti-social behaviour' demands facts, numbers, quantitative incomes and outcomes—it does *not* demand debates as to the very nature of these battles (Hayward & Young, p. 261-262).

For the early probation officers, complicit as they were in the formulation of the child as a site of intervention, this would have been a disappointing result. They were fascinated with the causes of crime and real solutions to help ameliorate juvenile delinquency. They were also instinctively aware of the negative effects of the stigmatization of young people. Reinvigorating governments with that same fascination may be the heavy and possibly unachievable burden of today's criminology academics and practitioners, but the broader responsibility for accepting alternative discourses on crime from central government rests on everyone's shoulders.

Bibliography

- BBC. 2004 (7 October). Teen name-and-shame laws 'fair'. *BBC News Online*. <http://news.bbc.co.uk/1/hi/uk/3724148.stm> (12 March 2008)
- Becker, Howard S. 1963. *Outsiders: Studies in the sociology of deviance*. New York: Free Press.
- Blair, Anthony. 2004. *A new consensus on law and order*. Speech at the Launch of the Home Office and Criminal Justice System Strategic Plans, 19 July.
- Booth, Robert. 2006 (30 July). Asbos treated as badge of honour. *The Sunday Times Online*. <http://www.timesonline.co.uk/tol/news/uk/article694639.ece> (11 March 2008)

- Brown, Alison P. 2004. Anti-social behaviour, crime control and social control. *Howard Journal of Criminal Justice* 43(2). 203-211.
- Brown, Sheila. 1998. *Understanding youth and crime: Listening to youth?* Buckingham: Open University Press.
- Children's Court Act (Vic) 1906*. Melbourne: Hansard.
- Children's Court Act (Vic) 1928*. Melbourne: Hansard.
- Clarke, John. & Janet Newman. 1997. *The managerial state: Power, politics and ideology in the remaking of social welfare*. Sage Publications: London.
- Cohen, Stanley. 1985. *Visions of social control*. Cambridge: Polity Press.
- Cohen, Stanley. 1988. *Against criminology*. New Brunswick: Transaction Books.
- Cohen, Stanley. 2002. *Folk devils and moral panics*. 3rd edn. London and New York: Routledge.
- Crime and Disorder Act (UK) 1998*. London: HMSO.
- Cunneen, Chris & Rob White. 2007. *Juvenile justice: Youth and crime in Australia*. Melbourne: Oxford University Press.
- Day, Andrew, Kevin Howells & Debra Rickwood. 2004. *Current trends in the rehabilitation of juvenile offenders: Trends and issues in crime and criminal justice no. 284* [Online]. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tandi2/tandi284.html> (11 June 2006).
- Delinquency and Mental Deficiency Debate. 21 July 1938. *Victorian Parliamentary Debates* Melbourne: Hansard.
- Garland, David. 1988. British criminology before 1935. *British Journal of Criminology* 28(2). 147-163.
- Garland, David. 1997. 'Governmentality' and the problem of crime: Foucault, criminology, sociology. *Theoretical Criminology* 1(2). 173-214.

- Goldson, Barry. 2002. *Tough justice: Responding to children in trouble*. London: The Children's Society.
- Grisso, Thomas. 1996. Society's retributive response to juvenile violence: A developmental perspective. *Law and Human Behaviour* 20. 229-247.
- Harris, Robert. 1995. Probation round the world: Origins and development. In Koichi Hamai, Renaud Ville, Robert Harris, Mike Hough & Ugljesa Zvekic (eds.), *Probation Round the World. A Comparative Study*. London: Routledge.
- Hayward, Keith J. & Jock Young. 2004. Cultural criminology: Some notes on the script. *Theoretical Criminology* 8(3). 259-273.
- Holman, Barry R. & Robert A. Brown. 2004. Beyond Bricks, Bars, and Barbed Wire: The Genesis and Proliferation of Alternatives to Incarceration in the United States. In Colin Sumner (ed.), *The Blackwell Companion to Criminology*, 196-210. Oxford: Blackwell.
- Home Affairs Select Committee. 2005. *Guidance on publicising Anti-Social Behaviour Orders*. London: Anti-Social Behaviour Unit.
- Jaggs, Donella. 1986. *Neglected and criminal: Foundations of child welfare legislation in Victoria*. Melbourne: Phillip Institute of Technology.
- Leatherland, John. 1987. *Juvenile probation in Victoria: An exploratory study of policy considerations and practical situations*. University of Melbourne: Master of Social Work thesis.
- Martinson, Robert. 1974. What works? Questions and answers about prison reform. *The Public Interest* 10. 22-54.
- McCallum, David. 2004. Law and norm: Justice administration and the human sciences in early juvenile justice in Victoria. *Newcastle Law Review* 7(2). 62-71.
- McGuire, James. 2002. Criminal sanctions versus psychologically-based interventions with offenders: A comparative empirical analysis. *Psychology, Crime & Law* 8. 183-208.

- Minutes of the meetings of the Probation Officers Association of Victoria (POAV). 1935-2005. Unpublished.
- Muncie, John. 1999. Institutionalized intolerance: Youth justice and the 1998 Crime and Disorder Act. *Critical Social Policy* 19(2). 147-175.
- Muncie, John. 2004. *Youth & Crime*. London: Sage.
- O'Malley, Pat. 1996. Post-social criminologies: Some implications of current political trends for criminological theory and practice. *Current Issues in Criminal Justice* 8(1). 26-39.
- Omaji, Paul Omojo. 2003. *Responding to youth crime: Towards radical criminal justice partnerships*. NSW: Hawkins Press.
- Parliamentary Joint Committee on Human Rights. 2003. The government's response to the committee's tenth report of session 2002-03 on the UN Convention on the Rights of the Child. *Eighteenth Report of Session 2002-03* [Online]. London: HMSO. <http://www.publications.parliament.uk/pa/jt200203/jtselect/jtrights/187/187.pdf> (17 November 2003).
- Pitts, John. 1992. The end of an era. *Howard Journal of Criminal Justice* 31. 133-149.
- Raynor, Peter & Maurice Vanstone. 2002. *Understanding community penalties: Probation, policy and social change*. Buckingham: Open University Press.
- Rose, David. 2002 (5 May). Evolution of Britain's jail revolution. *The Observer*. <http://www.guardian.co.uk/politics/2002/may/05/ukcrime.prisonsandprobation1> (9 March 2008)
- Rose, Nick & Peter Miller. 1992. Political power beyond the State: Problematics of government. *British Journal of Sociology* 43(2). 172-205.
- Seymour, John. 1988. *Dealing with young offenders*. Sydney: The Law Book Company Limited.
- Squires, Peter. 2006. New Labour and the politics of antisocial behaviour. *Critical Social Policy* 26 (1). 144-168.

- Swain, Shurlee. 2001. Women and philanthropy in colonial and post-colonial Australia. In Kathleen D. McCarthy (ed.), *Women, philanthropy and civil society*, 153-168. Bloomington: Indiana University Press.
- Tierney, John. 1996. *Criminology: theory and context*. Hemel Hempstead: Prentice Hall/Harvester Wheatsheaf.
- The Age*. 1938 (10 June). Last night's gay functions.
- Urbas, Gregor. 2000. The age of criminal responsibility. *Trends and issues in crime and criminal justice* [Online] 181. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tandi/ti181.pdf> (11 June 2006).
- Warne, Ellen Mary. 2000. *The mother's anxious future: Australian Christian women's organisations meet the modern world, 1890s-1930s*. University of Melbourne: PhD thesis.
- White, Rob & Fiona Haines. 2004. *Crime and criminology* 3rd edn. Melbourne: Oxford University Press.