Female Juvenile Delinquency and the Problem of Sexual Authority in America, 1945-1965

Rachel Devlin*

> "Something about school always makes me want to say no. It's the authority there. I know, it represents Father to me."
>
> Anne, age 15, to her psychoanalyst[1]

In the week of October 29, 1951, the pictures of three white, middle-class teenage girls from a suburb outside of Boston appeared in *Time* and *Newsweek*. Both magazines showed the girls smiling broadly while holding up lingerie, clothing, and pearls for the cameras, a cigarette dangling from each of their gloved hands. The place was a New York City police station and the pictures were taken while the girls, aged fifteen, sixteen, and seventeen, were being arraigned for theft, running away, and "immorality." According to the magazines, the girls had stolen $18,000 from a safe in the house of a family they were baby-sitting for, jumped on a bus, and headed for New York. "Ravenous for excitement," one reporter tells us, they first "engaged in a surrealistic shopping spree" and afterward went to several night clubs, picking up men and dropping outrageous tips to doormen and taxicab drivers along the way.[2] Their plan had been to buy a car and drive to Mexico, but they were spotted outside their hotel by a detective carrying their description the next day. The girls

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* Rachel Devlin is a Ph.D. candidate in the Department of History at Yale University. She is currently finishing her dissertation, *"Their Father's Daughters": Female Adolescence and the Problem of Sexual Authority in Postwar America, 1945-1965.* The author would like to thank advisors Nancy F. Cott, Jean-Christophe Agnew, and Cynthia Russett for helpful comments on an earlier draft. The author would also like to thank Elizabeth Barnes, Athena Devlin, and Stephen Sollins for their thoughtful criticism, as well as Susie Schmeiser and the editorial board of the *Yale Journal of Law & the Humanities.*

1. John C. Coolidge, *Brother Identification in an Adolescent Girl*, 24 AM. J. ORTHOPSYCHIATRY 611, 630 (1954).
2. *Little Women*, TIME, Oct. 29, 1951, at 24, 24.

"seemed unconcerned about their plight,"[3] and told the photographers to take some "'real cheesecake pictures.'"[4] Both magazines ended their stories with what was called the "curtain line of the week": As the flashbulbs went off, one of the girls admonished reporters, "Don't tell my father I've been smoking. He'd kill me if he knew."[5]

One of the great contradictions of the postwar period was that the relationship between fathers and daughters appeared increasingly strained even as the era of "family togetherness" progressed. James Gilbert has shown how concern about juvenile delinquency during the 1950s reflected the widespread apprehension that new forms of youth culture—including aggressive music, the dominance of working class fashions, the interest in "souped-up" cars—threatened traditional, middle-class social values.[6] The female juvenile delinquent, however, posed a specific kind of challenge to America's postwar culture that has not been investigated by historians: She became a site for the expression of cultural anxiety about the authority of the family generally and of fathers specifically. In this Article, I argue that postwar depictions of female juvenile crime reflected and helped produce tensions concerning the appropriate nature of the relationship between fathers and adolescent daughters. This focus on father-daughter relationships held particular sway in a society where girlhood was increasingly marked by social and sexual precocity and where female juvenile crime was visibly on the rise.[7]

Searching for the causes of youthful behavior that seemed delinquent and destructive, many social commentators turned to psychoanalytic theories of adolescent development. After World War II, psychoanalysis enjoyed an unprecedented level of popularity in America, bringing ideas about Oedipal disturbance and the psychodynamics of adolescent hostility to bear on the study of juvenile crime.[8]

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3. *Three Smart Girls*, NEWSWEEK, Oct. 29, 1951, at 25, 26.

4. *Little Women*, *supra* note 2, at 24.

5. *Little Women*, *supra* note 2, at 24; *Three Smart Girls*, *supra* note 3, at 38. Both versions of the story reproduced this statement.

6. *See* JAMES GILBERT, A CYCLE OF OUTRAGE: AMERICA'S REACTION TO THE JUVENILE DELINQUENT IN THE 1950'S 15 (1986).

7. For an analysis of the ways in which gender roles were perceived to be converging in the 1950s, see NOT JUNE CLEAVER: WOMEN AND GENDER IN POSTWAR AMERICA, 1945-1965 (Joanne Meyerowitz ed., 1994). For accounts of the kinds of anxieties changes in gender roles produced, see WINI BRIENES, YOUNG, WHITE AND MISERABLE: GROWING UP FEMALE IN THE FIFTIES 25-46 (1992); Rickie Solinger, *The Smutty Side of Life: Picturing Babes as Icons of Gender Difference in the Early 1950's*, *in* LOOKING AT "LIFE" (Erika Doss ed., forthcoming 1997). On changes in conventions of dating and sexual codes of youth, see BETH BAILEY, FROM FRONT PORCH TO BACK SEAT: COURTSHIP IN TWENTIETH CENTURY AMERICA (1988).

8. *See* NATHAN G. HALE, JR., THE RISE AND CRISIS OF PSYCHOANALYSIS IN THE UNITED STATES: FREUD AND THE AMERICANS, 1917-1985, at 276-99 (1995).

Although psychoanalysis influenced perceptions of youthful misbehavior in general, its theories proved to be particularly useful for describing and coming to terms with female delinquency. Indeed, while sociologists and criminologists continued to do much of the research on male juvenile delinquency, female delinquency became almost the exclusive preserve of the psychoanalysts.[9] The psychoanalytic paradigm for understanding female misbehavior was especially attractive because it managed simultaneously to express anxieties about the social meaning of female delinquency, yet contain the meaning of that behavior safely within the matrix of the family—a feat accomplished at the very moment when teenage girls threatened to break free from the family in new ways. Explaining the cause of delinquency in terms of a psychologically inescapable familial event—most importantly the Oedipus complex—rearranged but essentially left intact the critical importance of fathers to girls' social and sexual prospects: it simply rested on a language of "psychosexual" development rather than custom. This discursive construction of adolescent behavior implied that female rebellion was less an act than an "acting-out" of anger directed at her father, less an autonomous form of expression than a reaction to her familial circumstances.

Female social and sexual defiance occupied a contested terrain, particularly within the context of the demands of what Robert Griswold has called "the new fatherhood," which began to emerge in the 1920s. At the turn of the century, according to Griswold, traditional ideas about the patriarchal father began to give way to a "new" ideal father, a figure who was described as being "imbued with a democratic, permissive, nurturing sensibility [that] could produce well-adjusted offspring."[10] Entrusted with new affective and psychological responsibilities, the American father, particularly the white, middle-class father, was instructed to be a friend rather than an authority figure, an equal member of the family rather than a patriarch. This model, however, which evolved in response to the changing needs and definition of the family with the onset of twentieth-century patterns of work and leisure, brought in its wake new and difficult problems, especially in the arena of social and sexual control. Thus a sense of confusion and anxiety about fathers,

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9. A 1965 survey of sociological literature on juvenile delinquency found that sociologists had minimized the incidence of female delinquency and ignored its role in American society generally. *See* Nancy Jo Barton, Disregarded Delinquency: A Study of Self-Reported Middle-Class Female Delinquency in a Suburb (1965) (unpublished Ph.D. dissertation, Indiana University). While there were few articles that dealt with female delinquency in the *American Journal of Sociology*, there were more articles specifically on female delinquency than on male delinquency between 1945 and 1965 in *The American Journal of Orthopsychiatry*.

10. ROBERT GRISWOLD, FATHERHOOD IN AMERICA: A HISTORY 186 (1993).

especially in relationship to girls, emerged in the postwar period as behavior seemed to drift further away from traditionally accepted norms. As one postwar pamphlet on juvenile delinquency put it: "[G]randma capitalized on her innocence. Mother cherished her virginity as a requisite for marrying well. Both were protected by their fathers . . . until they were safely married. Today's young men and women face the larger responsibility of defining their roles for themselves."[11] Psychoanalytic theories attributing most female behavior to Oedipal conflict both reflected these anxieties and attempted to solve them by emphasizing the critical role played by fathers in female adolescent development.[12]

Despite the fact that female delinquency received a great deal of attention from psychoanalysts, the female juvenile delinquent is a largely forgotten artifact of the postwar period. Taking their cue from Paul Goodman, who polemically declared in 1956, "our 'youth troubles' are 'boys' troubles,'" most chroniclers of the period describe female rebellion as only incipient in nature and largely hidden from view.[13] By neglecting psychoanalytic accounts of juvenile delinquency, scholars of the postwar period underestimate the significance of the female delinquent. General histories of juvenile delinquency have not considered the female delinquent as a separate (and different) category, and have enhanced the sense that juvenile crime was almost entirely male by limiting their discussion to the sociological perspective.[14] Similarly, Wini Brienes's account of white middle-class girlhood in the fifties looks exclusively at sociological sources when assessing the extent and importance of female delinquency, and hence concludes that when "defiance was . . . portrayed" young white women were "invisible."[15]

The contradictory responses of the media to female delinquency during the period, which alternately sensationalized and ignored the problem, have contributed to confusion about the extent of adolescent

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11. EVELYN MILLIS DUVALL, KEEPING UP WITH TEENAGERS 26 (National Council on Family Relations Public Affairs Pamphlet No. 127, 1947).

12. Rickie Solinger makes the same point about the role of parents in the etiology of single pregnancy; however, the ways in which the female juvenile delinquent was believed to reflect on fathers in particular stands in contrast to the way in which single pregnancy provoked a "disproportionate focus on 'bad mothers' as the source of pregnant daughters" during the postwar period. *See* RICKIE SOLINGER, WAKE UP LITTLE SUSIE: SINGLE PREGNANCY AND RACE BEFORE ROE V. WADE 93 (1992).

13. *See* PAUL GOODMAN, GROWING UP ABSURD: THE PROBLEMS OF YOUTH IN AN ORGANIZED SOCIETY 13 (1960); *see also* BRIENES, *supra* note 7, at 127 (citing Goodman in support of argument that girls did not rebel as overtly as did boys).

14. *See* GILBERT, *supra* note 6, at 127-42.

15. Brienes argues that a few slightly older girls rebelled in the 1950s by joining bohemian or beat subcultures. The dominant culture, however, according to Brienes, did not even think to consider that girls might be "bad." *See* BRIENES, *supra* note 7, at 127-66.

female misbehavior and the cultural role that it played. At the very moment when *Popular Science Monthly* was attempting to use ratios of male to female delinquency to begin an empirical investigation of "why girls are so good,"[16] other national magazines were agonizing over climbing female arrest rates and reporting ever more vicious crimes perpetrated by girls. Part I of this Article examines the extent of female crime between 1945 and 1965 and its interpretation by the mass media. Part II looks at the history of a court created specifically for girls between the ages of sixteen and twenty-one in New York City, informally known as "Girl's Term," as a case study. Debates about the appropriate use of such a court and the nature of the court's relationship to family life illustrate the kinds of problems female behavior presented to the legal community, while shifts in the language contained in case histories and other court documents after 1945 reflect the influence of psychoanalytic ideas on perceptions of female misbehavior. Part III provides a close analysis of psychoanalytic interpretations of the etiology of female adolescent pathology. I begin with an exploration of the notion of adolescent "Oedipal impasse" which came to dominate discussions of female "acting-out," and then consider the difficulties and contradictions that such theories contained within them. Part IV explores the influence of psychoanalysis on popular depictions of female juvenile delinquency; these popular representations exemplify the extent to which white, middle-class female rebellion came to be understood as inextricably linked to the psycho-sexual Oedipal process.

Although girls of all ethnicities and from virtually every background were perceived to be "juvenile delinquents" when they broke the law, most of the girls who came under the purview of the juvenile court and eventually found their way into state-funded clinics were working class. Because female juvenile delinquency was most often described in terms of the dynamics of familial relationship, however, it was generally represented as a problem that erupted regardless of class or racial identity. Indeed, black girls from Bedford-Stuyvesant, the daughters of Italian immigrants, and middle-class girls from the suburbs were often viewed as suffering from similar psychoanalytic problems in court documents and case histories. Class and racial distinctions in the interpretation of female delinquency surface in their most rigid and pervasive forms not in clinics, but in representations of delinquency by the mass media. This Article argues that popular portrayals played a significant role in associating psychoanalytic

16. Jhan & June Robbins, *Why Girls Are So Good*, POPULAR SCIENCE MONTHLY, Jan. 1958, at 158, 158-61.

explanations of juvenile delinquency exclusively with the white, middle-class family, thus rendering the notion of "Oedipal conflict" itself constitutive of class and racial identity.

The beginning and ending dates for this investigation encompass the years of the cold war, the period that historian Elaine Tyler May has called the era of "domestic containment."[17] The years between 1945 and 1965 were characterized by unprecedented levels of consumption, anxieties about the potential for nuclear destruction, and threats of communist subversion. Postwar culture harnessed the ideology of domesticity to the political ends of the cold war, and depicted a stable, emotionally fulfilling family as a bulwark against the dangers of the outside world. This era has been described as a time of apparent calm, when girls' discontent percolated just below the surface, only to explode with the political and social movements of the 1960s. After 1965, "teen culture" was superseded by the "counter culture" as baby boomers began to question the ideological perspectives of their parents. Reflecting these changes, theorists of juvenile delinquency in the late 1960s began to shift their attention from youth culture and the family to issues of poverty, drugs, and race; in 1966, New York City dismantled the juvenile court system and replaced it with the family court system.[18] Yet the boundaries that separate these two periods are not quite so rigid as they might appear. The staid familial containment of the 1950s was constantly in danger of collapsing under the weight of its contradictory imperatives and the ongoing rebellions these imperatives engendered: The emergence of the female juvenile delinquent was testimony to the profound difficulties that the ideal of cultural containment faced even at the height of its influence.

Finally, the consuming interest in the problem of the paternal relationship after World War II becomes more evident when examined in reference to the concerns that informed the approach to female delinquency from the turn of the century through the early 1940s. The first to draw real attention to female delinquents were Progressive reformers, who, alarmed at shifts in the social and sexual mores of working-class girls, set up what Mary Odem has called a vast and "elaborate network of legal codes and institutions designed to control the sexuality of young women and girls."[19] These

17. ELAINE TYLER MAY, HOMEWARD BOUND: AMERICAN FAMILIES IN THE COLD WAR ERA 3 (1988).

18. *See* GILBERT, *supra* note 6, at 128.

19. MARY ODEM, DELINQUENT DAUGHTERS: PROTECTING AND POLICING ADOLESCENT FEMALE SEXUALITY IN THE UNITED STATES, 1885-1920, at 1 (1995); *see also* RUTH M. ALEXANDER, THE 'GIRL PROBLEM': FEMALE SEXUAL DELINQUENCY IN NEW YORK, 1900-1930 (1995).

reformers—social workers, sociologists, and psychologists—made female delinquency virtually synonymous with sexual delinquency. According to Regina Kunzel, "[E]ven if a young woman's delinquency manifested itself in ways not overtly sexual, social workers believed that 'they are nearly always found associated with the instinctive urge.'"[20] Psychiatrists at the turn of the century contributed to the goals of the Progressive reformers by discovering the category of the "hypersexual female," a girl or woman whose overwhelming sexual desire rendered her psychopathic.[21] Thus the sexualization of female delinquency was produced by the clash between the imperatives of working-class girls and middle-class reformers, between an older set of assumptions about female chastity and newer conceptions of female sexual desire and expression. This sexualization was played out primarily in the urban environment of rapidly growing industrial cities, and was, at its most basic level, a contest between one social class and another, the prize consisting of the management of the social organization of gender. The concerns of the Progressive reformers combined with the growing research of sociologists to create a powerful perspective on juvenile delinquency, one that would dominate through the 1940s and remain thereafter. Sociologists emphasized the socio-economic position of the female delinquents and the structural make-up of their home, in general ascribing female misbehavior to the impact of "unwholesome" influences, especially the experience of the working-class neighborhood.[22]

The burgeoning interest in female delinquency during World War II and the 1950s, in effect a second wave of anxiety about the behavior of female adolescents, clearly illuminates a transformed social landscape and a different set of social preoccupations. The altered social milieu did not make the category of the female "sex delinquent" or its social uses disappear; instead, it complicated the legal formulation, social understanding, and popular representation of female delinquency. As the relationship between moral standards (conditioned, as they were, by the precepts of sexual liberalism), the imperatives of "youth culture," and the role of the family changed over the course of the 1950s and 1960s, the relationship between sex and delinquency, or sexual deviance and social deviance, changed in

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20. REGINA KUNZEL, FALLEN WOMEN, PROBLEM GIRLS: UNMARRIED MOTHERS AND THE PROFESSIONALIZATION OF SOCIAL WORK, 1890-1945, at 55 (1993); *see also* Pamela S. Haag, *In Search of "The Real Thing": Ideologies of Love, Modern Romance, and Women's Sexual Subjectivity in the United States, 1920-40*, 2 J. HIST. SEXUALITY 547, 558 (1992).

21. *See* Elizabeth Lunbeck, *"A New Generation of Women": Progressive Psychiatrists and the Hypersexual Female*, 13 FEMINIST STUD. 513, 513-39 (1987).

22. *See, e.g.*, Katherine Du Pre Lumpkin, *Parental Conditions of Wisconsin Girl Delinquents*, 38 AM. J. SOC. 232, 232-39 (1932).

tandem. Thus when courts, psychiatrists, and the popular press in this period reflected on the problem of female teenage rebellion, they worried less about biological urges and more about anger towards authority figures, less about heterosocial mores and more about the integrity of the family, social consensus, and, above all, psychological stability.

I. GIRLS, DELINQUENCY, AND THE NATIONAL MEDIA

According to the Children's Bureau, which collected and analyzed juvenile court statistics annually, overall juvenile delinquency rates increased markedly during the war, declined somewhat in the years immediately following, and then steadily increased each year thereafter beginning in the year 1949.[23] Whether or not the postwar increase in juvenile delinquency warranted the sense of crisis that it engendered is unclear. For example, in New York City the overall crime rate for children under sixteen was significantly lower in 1950 than it had been in 1907.[24] In contrast, however, the rate of *female* juvenile delinquency in New York City, in relation to the rate of male delinquency, increased each year over the course of the first half of the twentieth century. In the first decade of the Children's Court in New York, 1902 to 1912, the ratio of delinquent boys to girls was approximately 60:1; by 1932 it had dropped to 8:1.[25] Nationally, the Children's Bureau statistics revealed a less dramatic though similar pattern. Throughout the 1930s and early 1940s, the ratio of male to female delinquency remained approximately 6:1; after World War II, however, the ratio began to narrow. By 1949, girls represented one out of every four juvenile court cases, with the ratio continuing to move unevenly downward throughout the postwar period.[26]

The question of female arrest and detention rates was by its nature distinctly colored by shifts in the definition of crime, the extent of surveillance, and the means of enforcement, all of which differed according to the legal and social practices of every state. Thus a national average ratio of male to female delinquency of 4:1 included

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23. *See* CHILDREN'S BUREAU, U.S. DEP'T OF HEALTH, EDUC. & WELFARE, STATISTICAL SERIES NO. 8, JUVENILE COURT STATISTICS, 1946-1949 (1951) [hereinafter JUVENILE COURT STATISTICS, 1946-1949].

24. *See* GILBERT, *supra* note 6, at 68.

25. *See* J.B. Maller, *The Trend of Juvenile Delinquency in New York City*, 17 J. JUV. RES. 10, 10-18 (1933). The statistics for New York reflect, at least in part, the growth of a juvenile justice system prepared to handle adolescent girls. In Chicago, for example, where the juvenile justice system was older, the male to female delinquency ratios were less uneven at the turn of the century, and therefore underwent less change over time. *See* SOPHINISBA BRECKINRIDGE & EDITH ABBOTT, THE DELINQUENT CHILD AND THE HOME (1912).

26. *See* CHILDREN'S BUREAU, U. S. DEP'T OF HEALTH, EDUC. & WELFARE, STATISTICAL SERIES NO. 8, JUVENILE COURT STATISTICS (1927-65) [hereinafter JUVENILE COURT STATISTICS].

Oklahoma, where girls made up half of all juvenile arrests and Puerto Rico, where boys' cases outnumbered girls' by 19 to 1.[27] In general, the ratio was lower in the midwestern states and a bit higher in cities on the East and West Coast.[28] The overall shift in figures, however, was national in scope, and these statistics demonstrate at the very least that more girls were getting into trouble with the law in the postwar period than ever before. Even though the nature of female delinquency changed over the twenty-year period between 1945 and 1965, the bulk of female crimes were and continued to be status crimes of some sort rather than violations of the penal code; that is, they were acts considered to be criminal because of the age at which they were committed rather than the nature of the act itself. The number of girls arrested for larceny stayed between 13% and 15% of all crimes committed after the war, while "ungovernability"—running away, sex offenses, and truancy, for the most part in that order—comprised the dominant acts for which girls found themselves under the purview of the court.[29]

Sex offenses, which were categorized and treated separately from the crime of prostitution, proved to be the most slippery status crimes of all. Where pregnancy had not resulted and a girl was above sixteen, the legal requirements for charging her with a sex offense (sometimes called "immorality") were murky at best.[30] Most often such charges were brought by parents for filial insubordination, and included a constellation of acts which often fit under the rubric of "ungovernability": keeping late hours, associating with other delinquents, staying away overnight, or simply resisting the authority of parents.[31] However, it should be noted that sex offenses decreased dramatically over the course of the postwar era, reflecting the shift in sexual mores, especially in the realm of youthful sexual expression. In 1945, sex offenses accounted for 20% of all female juvenile court appear-

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27. *See* JUVENILE COURT STATISTICS, 1946-1949, *supra* note 23, at 4.

28. *See* CITIZENS ADVISORY COMM., REP. TO ATT'Y GEN. EDMUND G. BROWN, JUVENILE VIOLENCE IN CALIFORNIA (1958); *see also* JUVENILE COURT STATISTICS, 1946-1949, *supra* note 23.

29. The legal condition of "waywardness" or "ungovernability," as it was increasingly called in the 1950s, had its precedents in 18th- and 19th-century laws that were established to deal mostly with misbehaving servants and runaways. As those laws evolved, the legal emphasis was placed on the adjudication of a status rather than a conviction for an offense, and they were used most often as a way to classify girls as legally delinquent. *See* Dorris Clarke, *Treatment of the Delinquent Adolescent Girl: By Court, Or Administrative Tribunal?* 21 N.Y.U. L.Q. REV. 93, 96 (1946).

30. For an in-depth discussion of the difficulty of legally classifying a girl as a sex offender, see PAUL TAPPAN, DELINQUENT GIRLS IN COURT (1947).

31. On the difficulty of legally classifying a juvenile as delinquent, see Sol Rubin, *The Legal Character of Juvenile Delinquency*, 261 ANNALS AM. ACAD. POL. & SOC. SCI 1, 1-8; Paul Tappan, *Children and Youth in the Criminal Court*, 261 ANNALS AM. ACAD. POL. & SOC. SCI 128, 128-36 (1949).

ances nationwide.[32] By 1957, sex offenses had dropped by half to 10%, and by 1965 they constituted only 7.4% of all cases. Further, other charges began to spread out in small percentages to areas formerly considered the exclusive province of boys: assault, aggravated assault, burglary, and possession/use of drugs and alcohol.[33]

Some sociologists and criminologists sounded a note of alarm about the shift in the nature of female crime and the shrinking male-to-female ratio, calling it "striking" that the number of cases continued to climb in relation to those involving boys.[34] But most sociologists simply ignored these shifts, employing the logic that because girls *only* made up one out of every four juvenile court cases, juvenile delinquency was in effect male.[35] The irony of this interpretation, however, was that any sociologist or criminologist worth his credentials knew that most girls who came to attention of social agencies, youth bureaus, and even the police were never referred to the juvenile court, no matter the infraction. In general, local police and social agencies had a variety of ways of "sheltering" girls from the judicial system in order to keep their misdeeds, as the saying went, "off the blotter."[36] For instance, a former chief policewoman from Philadelphia told the Subcommittee to Investigate Juvenile Delinquency that girls' cases were routinely "adjusted" rather than treated as arrests: Out of 3,077 girls who came to the attention of the local police, only 151 were actually arrested. Most cases were simply handled by policewomen who made "home visits" and worked with the girls' parents directly, rather than going through the justice system.[37] "Adjustment," to the police, meant handling a case informally or discreetly either to spare the girl the experience of going

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32. *See* HARRY SHULMAN, JUVENILE DELINQUENCY IN AMERICAN SOCIETY 70 (1961).

33. JUVENILE COURT STATISTICS, *supra* note 26, at 7 (1957); JUVENILE COURT STATISTICS, *supra* note 26, at 10 (1965). In New York State the trend was even more dramatic. According to the Juvenile Aid Bureau paper, the number of cases dealing with sex offenses, running away, and ungovernability had decreased by 16%, while stealing had increased by 8%. "In 1948," the paper reported, "the number of injury to persons cases involving girls was so small that they were included in the miscellaneous group designated as 'other', the total of which represented only 5 percent of the girls' delinquency cases, and in 1959, injury to persons cases, alone, represented 10 percent of the delinquencies of girls." *Delinquency Trends*, YOUTH SERVICE NEWS, July 1960, at 9, 9. Their source was the New York State Department of Corrections, 1959.

34. *See* MILTON L. BARRON, THE JUVENILE IN DELINQUENT SOCIETY 55 (1954); *see also* Maller, *supra* note 25, at 18. Harry Shulman also cites the decrease, (he claims a decrease from 7:1 at the turn of the century to 4.5:1 in 1958) with little analysis. *See* SHULMAN, *supra* note 32, at 69.

35. *See* JUVENILE COURT STATISTICS, *supra* note 26 (1955-1965).

36. Fred Murphy, *Delinquency Off the Record*, SOCIETY'S STAKE IN THE OFFENDER, 1946 Y.B. NAT'L PROBATION ASS'N 179, 184-85. The National Probation Association issued a yearly publication; the one for 1946 was entitled SOCIETY'S STAKE IN THE OFFENDER.

37. *Hearings Before the Senate Subcomm. to Investigate Juvenile Delinquency, Philadelphia*, 83d Cong. 35-36 (Apr. 14, 1954) (statement of Norma B. Carson, representing Juvenile Aid Bureau, Philadelphia, Pa.).

to court or to safeguard her reputation. In effect, girls' behavior was literally "adjusted" or changed in order to fit the normative fiction of what that behavior was supposed to look like and (statistically) reflect. In one police department, the resistance to charging girls officially was so great that a juvenile court judge had a girl come before him who had eleven separate police contacts before she was ever referred to the court. "In each instance she had been given a 'sermon' and released."[38] Other police departments handled the problem of female delinquency by classifying cases under different names. As one police officer testified before the Subcommittee, when a girl got into trouble in Louisiana the police often recorded the case under the category of "dependency and neglect," so that the behavior would "reflect on the parents" rather than the girl herself.[39]

The disparity between the actual number of girls who came to the attention of local agencies and the official national delinquency statistics, as well as the confused way in which information about female misbehavior was received and interpreted, indicates the extent to which the meaning of that behavior was problematic, uncertain, and dangerous within the cultural context of postwar America. On the one hand, the partial nature of the information law enforcement officials made available suggests that a significant portion of behavior remained hidden from view. On the other, the rise in female delinquency rates clearly reflected enhanced attention, in the form of attempts to control rigidly juvenile social and sexual behavior. Whatever the reality of the situation, it is clear that girls were engaging in behavior that they *knew* would be considered either delinquent or threatening—behavior that the community-at-large

38. Murphy, *supra* note 36, at 185.

39. *See Senate Subcomm. to Investigate Juvenile Delinquency*, S. 1578, 78th Cong. 31 (Feb. 25, 1944) (statement of Hon. Chris Barnette, Juvenile Court, Shreveport, La.). The police were not the only or even the most important contributors to what one sociologist called the "mirage" of juvenile delinquency statistics. Local child serving agencies played a critical role, primarily by using the procedure of referral to the juvenile court selectively. In a study conducted in Washington, D.C., a researcher looked at the records from all agencies that dealt with children—the Women's Bureau of the police department, Children's Services, the receiving home of the Board of Public Welfare, and the Department of Attendance of the Board of Education—and found that less than half the number of children who were actually registered for delinquent acts by these agencies were known to the juvenile court. The variation between the characteristics of children appearing before the juvenile court and all children registered for delinquency was striking. Children's agencies handled *five times* as many girls' cases without referral to the court as boys' cases, choosing instead to "undertake more complete management of situations with girls" without the help of the court system. The effect on the statistical picture of delinquency was that the ratio of girls' to boys' cases in the juvenile court reports was in fact only one-third as high as in the total registration: When all agencies reported all cases of alleged juvenile delinquency cases, the ratio of boys' to girls' cases in Washington, D.C. was about 2:1. *See* Barton, *supra* note 9, at 20; *see also* Edward E. Schwartz, *A Community Experiment in the Measurement of Juvenile Delinquency*, 1956 Y.B. NAT'L PROBATION ASS'N 157-81.

branded unacceptable or even deviant.[40] Hence the motley array of uses and repressions of official information about female juvenile delinquency rested upon both time-worn assumptions about female passivity and family-centered dependency, as well as "shocking" examples of blatant revolt, alienation, and disregard for the law. The result was a constant sense of public incredulity about the female delinquent, a perception that effectively distanced her behavior as strange, while simultaneously employing it as an occasion to reflect upon the particular problems of postwar American culture.

During the war, much attention focused on the girls who flocked to soldiers' camps, variously called "Victory Girls," "Khaki Wakies," and "Amateur Girls."[41] The accompanying rise in sexual delinquency set off a wave of alarm, encouraged in large part by the single-minded crusade for publicity initiated by the chief of the FBI, J. Edgar Hoover.[42] Yet when Hoover drew a general portrait of juvenile delinquency, he was equally emphatic about the concomitant rise in female crime (as opposed to promiscuity), and liked especially to employ stories about girls' misdeeds, thereby jolting his readers into the realization of children's capacity for lawlessness. "If the violence of boys is alarming, the increasing waywardness of teenage girls is tragic," he began in an article for *American Magazine* entitled "Wild Children." A girl named Jenny, he claimed, was the "apparent chief" of a gang of kids that stole a car and "set out on a wild trip to the Southwest," during which they "stole other cars, stole gasoline, slept in abandoned farms, [and] held up a liquor store."[43] Mary, another "ringleader" of a group of youngsters involved in ten burglaries, was remarkable for her ingenious methods of breaking into apartments: "She would . . . slip her light sweater under the door, push the inside key out so that it would fall on the sweater, draw the sweater (with key) out from under the door, and unlock the door."[44] These, among other stories, served to illustrate the alarming dimensions of the delinquency problem—the extent of societal disruption made palpable by the fact that girls in particular had somehow slipped beyond the bounds of control, their "wildness" signifying the breakdown of the boundaries of gender as much as of civil behavior.

After the war, reports of teenage female violence and gang activity began to punctuate accounts of the national juvenile crime wave,

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40. James Gilbert makes a similar argument about boys. *See* GILBERT, *supra* note 6, at x.

41. *See* JOHN D'EMILIO & ESTELLE FREEDMAN, INTIMATE MATTERS: A HISTORY OF SEXUALITY IN AMERICA 261 (1988).

42. J. Edgar Hoover, *Major Crime Wave Due*, N.Y. TIMES, Dec. 11, 1945, at 23; *see also* D'EMILIO & FREEDMAN, *supra* note 41, at 239-74.

43. J. Edgar Hoover, *Wild Children*, AM. MAG., July 1943, at 40, 40-41, 103-05.

44. *Id.* at 103.

enhancing the perception, first articulated by Hoover, of the potential for adolescent female criminality. A favored way of dramatizing the scope of the juvenile delinquency outbreak was simply to list events and scenarios, one after the other, without situating the discussion within any particular framework. One *Newsweek* report, under the heading "The Kids Grow Worse," contained postings of different events across the nation. At one location, "police noted with alarm that girls were imitating their boy friends, organizing gangs of their own—uniformed in tight blue jeans and leather jackets" while at another, there were "reports of a girl gang which overpowered other girls and cut off their hair."[45] A year earlier, *Newsweek* had also reported that, "[i]n Utah, a 14 year-old gun moll, after exchanging shots with policemen, complained: 'I hate cops; I wish I had got me one.'"[46] A similar list published in *Time* magazine included the announcement that a "student riot brimmed over into the streets in front of The Bronx's Walton High . . . a harried school official could think only of keeping the news from the press . . . . And this at a girls' school . . . where the situation is described by teachers and students as a 'powder keg' with girls arming themselves with knives."[47] The stories, embedded in sequential headlines from around the country, were rarely elaborated upon, and the lack of explication or contextual surrounding served to highlight the violent nature and irrationality of the crimes. Moreover, the situational disorientation and terse descriptions occluded class and racial distinctions, effectively implicating girls in general without actually classifying who was being described.

If the perception that girls were "imitating their boyfriends," or acting more like boys, surprised and bothered social commentators, it also reinforced the notion that the juvenile delinquency crisis reflected profound cultural disorientation. As the line between "highjinks" and delinquency—between adventurousness and crime—became increasingly thin, so too did the line between traditionally male and female anti-social behavior.[48] In 1958, James Farrell, the author of *Studs Lonigan*, a book that chronicled the adventures of a sometime juvenile delinquent during the 1910s and 1920s, wrote an article for *Coronet Magazine* that compared "the condition of youth today" to his own time. Farrell was predictably nostalgic: In his day boys fought with their fists and stayed mostly on

45. *The Kids Grow Worse*, NEWSWEEK, Dec. 6, 1954, at 26, 26.
46. *All Our Children*, NEWSWEEK, Nov. 9, 1953, at 28, 28.
47. *The New Three R's*, TIME, Mar. 15, 1954, at 68, 68-69. The *New York Daily News* had redefined the "Three R's" as "rowdyism, riot and revolt."
48. GILBERT, *supra* note 6, at 12.

the right side of the law. But for him the most profound and surprising difference between the two historical moments was the transformation in teenage girls. "Most of the girls in my old neighborhood were what we called 'good girls,' though a few were promiscuous. Most of the girls did not drink . . . but violence on the part of girls, or the formation of such things as girl gangs would have created a sensational shock."[49] Indeed, it is the unsettling sight of what he called "confused" girls, "half-children, half-adult,"[50] that he saw as the weakest link in American society, evidence of a civilization failing to live up to its own values. "The emotions and budding minds within their flowering bodies," he wrote, "are too choked for one to know with sure confidence whether or not they have the potentialities to take their place as mothers, wives and citizens in the America we want to build to a higher peak of freedom and civilization."[51] Farrell pointed to the sense of underlying psychological and social confusion by adding the following indiscriminate description: "[Q]uestioned by a judge as to why they did certain things, they repeatedly say: 'I don't know.'"[52] Farrell characterizes girls' confusion about their own behavior, which he interprets as a fact rather than a strategy with which to respond to a judge, as emblematic of postwar social dislocation or disorientation; the reference to the mutually defining trilogy of mother, wife, and citizen provided a backdrop of lost womanhood and, by association, social stability.

The impression that girls were becoming more "tough," "hardened," and "vicious," was widespread.[53] Moreover, several studies done during the period contributed to the aggregate sense of social disorientation and increasing violence by reporting that many middle class girls who never came to the attention of the authorities experimented with some form of delinquency during their adolescent years.

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49. James Farrell, *What Makes Them That Way?*, CORONET MAG., Jan. 1958, at 71, 73.
50. *Id.*
51. *Id.*
52. *Id.* at 77.
53. These kinds of statements were made throughout the Senate Hearings on Juvenile Delinquency. *See* KATHARINE SULLIVAN, GIRLS ON PAROLE 139 (1956).

The reality of girl gangs, the extent of their activities, and their interdependence with boys' gangs was contested on a number of levels: Many, if not most journalists, sociologists, and criminologists either dismissed the possibility of genuine female gang activity, or simply limited the discussion to a mention of "gang-girls," usually called "debs"—girlfriends of boys in boy gangs. In the early 1960s, a few sociologists, impressed by the extent and significance of female gang delinquency, attempted to perform some controlled scientific investigations into female gang behavior in working-class neighborhoods in Los Angeles and Boston. Such studies were rarely well funded, however, and remained outside of the dominant concerns of sociological inquiry. *See* RICHARD A. COWARD & LLOYD E. OHLIN, DELINQUENCY AND OPPORTUNITY (1960); Albert K. Cohen & James Short Jr., *Research in Delinquent Subcultures*, 14 J. SOC. ISSUES 36 (1958); Gertrud Samuels, *Tangled Problem of the Gang Girl*, N.Y. TIMES, July 10, 1960, § 6 (Magazine), at 13.

In 1945, Austin Porterfield asked a group of college students in Fort Worth, Texas to report what "delinquencies" they had committed while they were in high school (none of them had ever been officially charged as a juvenile delinquent). Women reported a rather surprising array of pranks and "acts of public annoyance," including "painting and flooding rooms" (18%), setting off fireworks in public buildings (9%), throwing "spitwads at others' displeasure" (30%), reckless driving (23%), trespassing (17%), and using abusive language (37%).[54] Articles like the one that appeared in the *Ladies Home Companion* with the title "Nice Girls Can be Delinquent" capitalized on the unfamiliarity and conceptual difficulty of middle-class females delinquency: "nice" no longer functioned as the obverse of working class. "This shockingly true story," the sub-title promised, "shows how young girls from good homes went terribly wrong."[55] The sense that middle class girls were increasingly likely to take part in behavior that had been not only male but more often working class contributed to the perception that delinquency resulted from psychological rather than social problems. As Martha Eliot, chief of the Children's Bureau put it: "Gradually we have seen that it is not the neighborhood alone that causes juvenile delinquency . . . [S]ome of the most serious acts of delinquent behavior have been committed by children from so-called good families and good neighborhoods."[56]

As female teenage rebellion began to be associated with psychological "confusion," the perception of anger at adults, and by extension, adult norms began to take center stage. Robert Lidner, commenting in *Time* magazine on a particularly violent crime committed by two teenage girls, claimed that "the brute fact of today is that our youth is no longer in rebellion, but in a condition of downright active and hostile mutiny."[57] Although Lidner, author of *Rebel Without a Cause*, tended toward the hyperbolic, his perception of the state of youth captured the general sentiment that juvenile delinquency was a product of "deep-lying emotional tensions and stresses" which, in some way, reflected ominously on the character of postwar society as a whole.[58] Within this context, the classic conflict between generations took on the quality of a war, and attributes that

54. AUSTIN L. PORTERFIELD, YOUTH IN TROUBLE: STUDIES IN DELINQUENCY AND DESPAIR 39-41 (1946). Original percentages included decimal figures. Figures listed have been rounded off to plus or minus .5%.

55. Murray Morgan, *Nice Girls Can Be Delinquent*, WOMAN'S HOME COMPANION, Apr. 1955, at 48, 48-64.

56. *Hearings Before the Subcomm. to Investigate Juvenile Delinquency, National, Federal, and Youth-Serving Agencies*, 83d Cong. (1954) (statement of Martha Eliot, Chief of the Children's Bureau).

57. Robert Lidner, *Rebels or Psychopaths?*, TIME, Dec. 6, 1954, at 64.

58. MAUD MERRILL, PROBLEMS OF CHILD DELINQUENCY 5 (1947).

were especially taboo during the conversion to a peacetime social economy during the 1950s, like restlessness and aggression, lay at the heart of fears about juvenile misbehavior, regardless of sex.[59] As concerns about anger, discontent, and aggression escalated, the interpretation and categorization of more traditional forms of female misbehavior, like sex offenses, began to be shaped by these more general anxieties. In the process promiscuity was integrated into a comprehensive framework premised on the perception of the fundamental role of hostility.

This view of female delinquency as a complicated brew of confusion and hostility, however, established a vexed relationship between girls and authority figures, particularly fathers. The difficulty of describing and coming to terms with female misbehavior stands in sharp contrast to the relative ease with which social commentators linked male juvenile delinquency to specific social and familial conditions. Sheldon and Eleanor Gluek conducted the most extensive and meticulous research on juvenile delinquency during the 1950s. They compared characteristics of delinquents and non-delinquents, including physical traits, home life, and personality type, reaching a composite picture of each through statistical difference. Boys who tended to become delinquent had "an exceptional need for change, excitement and risk," and were less inhibited by the desire to please adults. Parental attitudes of the delinquent boys were characterized primarily by lack of ambition, and secondarily by erratic discipline. Most mothers of delinquent boys, the Glueks found, were overly lax, while a considerable proportion of both parents swung "erratically from laxity to over strictness without apparent reason." The perception that boys needed to be handled more firmly and consistently was echoed by judges in adolescent courts who embraced the "back to the woodshed movement" and believed that middle-class fathers in particular allowed their sons too much "individualism."[60] Judge Samuel S. Leibowitz, Senior Judge of Brooklyn's Kings County Court issued this simple edict in *America Magazine* in 1955, "PUT FATHER BACK AT THE HEAD OF THE FAMILY."[61] A "permissive psychology," he complained, "where Johnny is rarely if ever disciplined have [sic]

59. In a comparison of delinquents and non-delinquents, the Glueks described non-delinquents as "submissive to both authority and society" while delinquents were "adventuresome." SHELDON & ELEANOR GLUEK, DELINQUENTS IN THE MAKING: PATHS TO PREVENTION 29-33 (1952). After the war, psychoanalysts became particularly interested in aggressive drives and the human potential for destruction. *See* HALE, *supra* note 8, at 233.

60. *All Our Children*, *supra* note 46, at 28.

61. *Put Father Back*, AMERICA, Mar. 15, 1958, at 682, 682.

resulted in the confused, rebellious, unhappy teenagers who flood our courts."[62]

Although not all authorities believed the problem of male juvenile delinquency could be solved so simply, popular accounts inevitably portrayed the causes and cures of female rebellion as subtle, difficult, and elusive. Although delinquents in general were considered to be "confused," the response that female delinquency demanded, the appropriate *authoritative* attitude it required, was never fully located and only partially explained. Hence both the phenomenon and its solution remained unfocused and unresolved—a source of ongoing consternation rather than a call to renewed standards of conduct. In a series on juvenile delinquency called *The Shame of the Cities*, *The Saturday Evening Post* told the story of a girl named Florence—a case study in the dire results of paternal restrictiveness. Florence's father demanded that she "be circumspect in her behavior in every way."[63] She "wasn't permitted to attend dances even when they were sponsored by the high school" and "had been forbidden to wear lipstick."[64] His authoritarian approach, the article explains, backfired when she eventually lashed out at him by realizing his worst fears. When the *Saturday Evening Post* caught up with her she was in a state training school for girls. "She had been sent there as an incorrigible after she ran away from home, got involved with several men and learned about beer joints and narcotic peddlers" the article reports, concluding that "heavy use of rod not only failed to keep Florence on the straight and narrow path but obviously had driven her away from it."[65] Hence the ills of repression, represented here by an antiquated notion of paternal duty, were obvious in the extremity of their result. Yet in describing paternal behavior through negative example, popular discourses on female juvenile delinquency failed to put forward definite solutions, and thus left open the question of appropriate paternal behavior. If traditional paternal authority was to be abandoned, what was to take its place? Beyond permissiveness, what was to define the substance of paternal involvement? Acting as a sort of hidden reference point, this question haunted the problem of female delinquency.

II. PSYCHOANALYSIS AND THE LAW: GIRL'S TERM

The history of a juvenile court created specifically for wayward girls

62. *Id.*
63. Richard Clendenen & Herbert W. Beaser, *The Shame of America*, SAT. EVE. POST, Jan. 8, 1955, at 17, 18.
64. *Id.*
65. *Id.*

in New York City just after the war illustrates some of the ways in which definitions of female delinquency were transformed during this period. The Wayward Minor Court came to be known informally as "Girl's Term" after 1945, following the jurisdictional and legal expansion of the court's activities, most importantly the addition of two amendments to the Wayward Minor Act of 1925, under which the court operated.[66] Girl's Term was (and remained) an "experimental" tribunal for teenage girls.[67] The court developed out of what was once a juvenile subsection of the Women's Night Court, a court that dealt primarily with prostitution; in 1936, the court began meeting one day a week "to establish a new technique for handling wayward minors."[68] The court grew steadily, and in 1944, partly in response to the problem of the "bobby socks girls," was established as a special Wayward Minor Court.[69] The Wayward Minor Statute defined any person between the ages of sixteen and twenty-one who was addicted to drugs, associated with "dissolute persons," was a prostitute, or was "willfully disobedient to the reasonable and lawful commands of parent" as legally "wayward." The subdivisions added to the statute in 1945 designated that anyone who "deserts his or her home" or so deports "himself or herself as to willfully injure or endanger the morals or health of himself or herself or others" was a wayward minor.[70] Girl's Term was designed to be a social court, or a socio-legal tribunal—that is, a court that used the most up-to-date psychiatric methods to diagnose and rehabilitate who were described in 1955 as "the sexually promiscuous girls, the runaway, the undisciplined, defiant youngster, the neglected girl."[71] Girls were brought in by their parents in 98 percent of the cases, and the sitting magistrate decided the case based on interviews with the girls, her relatives, and the attendant social worker, when available. As a social court it was meant only to serve this narrow function, and girls who committed any other criminal act appeared in other courts.[72]

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66. For the history and philosophy of the Girl's Term Court, see BERNARD C. FISHER, JUSTICE FOR YOUTH: THE COURTS FOR WAYWARD YOUTH IN NEW YORK CITY (1955); ANNA M. KROSS, CITY MAGISTRATES' COURTS, PROCEDURES FOR DEALING WITH WAYWARD MINORS IN NEW YORK CITY (1936); PROBATION BUREAU, JUSTICE FOR THE WAYWARD MINOR GIRL IN THE CITY MAGISTRATES' COURTS: FACTS AND FIGURES FOR 1939 (1941); PATRICK J. SHELLY, THE WAYWARD MINORS' COURT: AN EVALUATIVE REVIEW OF PROCEDURES AND PURPOSES, 1936-1941 (1942); TAPPAN, *supra* note 30.

67. *See* TAPPAN, *supra* note 30, at 1.

68. *Id.* at 42.

69. *See id.* at 126.

70. FISHER, *supra* note 66, at 137 (citing Youthful Offender Act, Title VII-A & VII-B, ch. 868 (1923), *amended by* Laws of 1925, ch. 389).

71. *Id.* at 21.

72. *See id.* at 21.

The very impulse to separate this "specialized" court from other courts serving female adolescents suggests both that female status crimes had assumed a more distinct identity, and that the dominant interpretation of female disobedience was, in a sense, split between two paradigms of understanding the female juvenile delinquent. Reflecting this difficulty, the court became the subject of an ongoing legal debate almost from its inception. Tellingly, both sides thought the purposes of the court too vague, its actual functioning uneven and its mission outmoded, if not anachronistic. Dorris Clarke, on one side of the debate, argued that "in light of present-day conditions and problems, the Wayward Minor Act of 1925, even with the amendments of 1945, is as inadequate as would be a Model T Ford in a B-29 age."[73] Pointing to "behavior problems engendered by the present complex social organization," Clarke complained that the court was inadequate to its task, leaving parents and social agencies with little recourse in dealing with the "incorrigibility, disobedience, [and] revolt against parental control" that threatened to overtake them.[74] Clarke believed that the court needed more power and resources to intervene before girls became truly criminal, at the moment when they were primarily a discipline problem to their parents. She cited several "typical" cases, all involving filial insubordination: These included parents who did not like their daughter's friends or boyfriend, the hours that she kept, or the way that she treated them. Significantly, although mothers brought their daughters to court more often, when they did, the problem was still often conceived as one of paternal control.[75] In one case a mother and father sought court assistance "because of the anti-Semitic tendencies of their sixteen-year old daughter."[76] The girl's mother was Catholic, her father Jewish. For months the girl had refused to live at home, preferring to stay with an "anti-Semitic cousin," and exhibiting a hatred for her father. "Will the Court force her to change her attitude and force her to return home?" Clarke asks rhetorically. "She is 'willfully disobedient,' why isn't she a wayward minor?"[77]

On the other side of the debate was, among others, Paul Tappan, who criticized the range and scope of the court's discretion, maintaining that the court behaved, in effect, like a social agency empowered with the custodial and correctional powers of a criminal court. Adjudication, Tappan complained, was based on the hazy

73. Clarke, *supra* note 29, at 99.
74. *Id.* at 100.
75. As Paul Tappan put it, the courts had become substitutes for "normal projections of father, home and domestic discipline." TAPPAN, *supra* note 30, at 122.
76. Clarke, *supra* note 29, at 103.
77. *Id.*

conception of the "total personality," or in some instances a course of potentially worrisome conduct, rather than any specific criminal act. This ambiguity resulted in the violation of girls' rights and the rules of due process.[78] Preceding its legal problems, however, was the fact that the premise of a "morals court," as he called it, belied the informal social and sexual customs of the day, punishing some for what was practiced by many. "What," he queries, "do we mean by 'moral depravity' in this day of conflicting ethical codes?"[79] Citing several studies of adolescent sexual behavior that indicated a "large and increasing" amount of premarital experimentation, even (or perhaps especially) by middle-class girls, he claimed to be suspicious of a court that specialized in punishing girls for immorality. "In practical effect the result may be to subject to punishment merely those individuals among the sexually active who are so inept in their expression as to be 'trapped' by parent, police officer, or nature."[80]

Questions of equal difficulty plagued the assessment of incorrigibility, that "in an era of increasing emancipation of youth, to what standard of obedience should the daughter be held? In other words, what are parents' 'reasonable and lawful commands' today?"[81] The answer, as defined by the Wayward Minor Statute, was essentially irrelevant, because obedience and depravity were defined conjunctively. Yet the question remained, and from the point of view of most observers, the court made for a frustrating and unsettling picture: righteous, socially conservative male magistrates, furious parents, defiant daughters, and one of the highest known remand rates of any court in existence at the time.[82] In 1955, two thirds of the girls who were "convicted" in Girl's Term were sentenced to some kind of rehabilitation program or reformatory institution, while one-third were placed on probation. In contrast, more than four-fifths of the adolescent boys adjudged to be youthful offenders who committed felony offenses were placed on probation and only one-thirtieth were sent to reformatories.[83]

Dramatizing how difficult it was to isolate "bad" from typical behavior in postwar America, Tappan added yet another question to his list: "[W]herein does the 'bad bad girl' of the court or training

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78. *See generally* TAPPAN, *supra* note 30.

79. *Id.* at 123.

80. *Id.* On changing sexual mores, Tappan cites Willard Waller, who discusses the "moral confusion" of the era. *Id.* at 34-36. (citing WILLARD WALLER, THE FAMILY: A DYNAMIC INTERPRETATION 35 (1938)).

81. *Id.* at 36.

82. Tappan describes all of the sitting magistrates for the year 1946: Most were strict, at times retaliatory, and religiously motivated. *See* TAPPAN, *supra* note 30, at 161-64.

83. *See* FISHER, *supra* note 66, at 27-29. Statistics in 1946 were similar; *see* TAPPAN, *supra* note 30, at 153.

school differ from the 'good bad girl' who is spared judicial attention?"[84] That the assertion could be made points to how complex and coded the concept had become. Was the primary difference between typical female teenage behavior and certain forms of delinquency a matter of a court-decreed label? Or was it, as Tappan has suggested, not a matter of behavior but of public representation?[85] If so, what were the actual criteria for labeling a girl delinquent, and who, in the end, had the power to label her as such? Harry Shulman, the author of *Juvenile Delinquency in American Society*, an exhaustive study of the problem, made a similar point in 1961, albeit from a different point of view. As he put it:

> [T]he modern high school girl who drinks a cocktail at a dance (but who prefers a Coke), who smokes cigarettes, who rebuilds her face from eyebrows to chin, who wears less to the beach than many a tribal matron, who necks or pets according to local custom . . . does not regard herself as a delinquent, is not regarded by her friends as one and is not regarded by her family as having "gone to the dogs."[86]

Like Tappan, Shulman easily asserted the contradiction that what is normal is deviant, saying that "juvenile delinquency is not to be found so much in the deviations from what is conventional, but in the breakdowns in social status and self-image that accompany" those deviations. The juvenile delinquent, he continued, was someone who rejected her parents or who had been "rejected by them" and in the process had become "the reject of conventional society"; "nowhere," he concluded, "is this more clearly seen than in the situation of the delinquent girl."[87] The emphasis on rejection—originating either from daughter or parents—and the resulting problem of "self image" constituted the critical difference in perspective between Tappan's observation of the imprecision of the meaning of female delinquency in 1947 and Shulman's reiteration of the problem almost fifteen years later. In the intervening decade, a combination of observations and fears about the meaning and content of female anti-social behavior emgerged and gained near universal credibility due to the influence of psychoanalytic discourse in the field of juvenile justice—especially, though not exclusively, female juvenile justice.

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84. TAPPAN, *supra* note 30, at 1.

85. Pamela Haag has argued persuasively that the acceptability of modern female sexual expression depended largely on how well a girl narrated her sexual experiences. *See* Pamela S. Haag, *In Search of "The Real Thing": Ideologies of Love, Modern Romance, and Women's Sexual Subjectivity in the United States, 1920-1940*, 2 J. HIST. SEXUALITY 547 (1992).

86. SHULMAN, *supra* note 32, at 486-87.

87. *Id.* at 487.

Although many people had advocated the use of psychiatric clinics in juvenile courts prior to World War II, very few courts actually employed them for anything except diagnostic purposes until the late 1940s; their founding, in many instances, was in direct response to the difficulty involved in interpreting and disposing of female juvenile delinquency cases.[88] Hence the growth of psychoanalysis within the court system happened in a particularly gendered way. Proponents of the use of psychology or psychotherapy for the interpretation and rehabilitation of male juvenile crime often had to contend with accusations of "coddling" and "soft pedaling" in addition to a general discomfort with the incomprehensible jargon of psychoanalysis.[89] Many complained that the use of the social sciences in the courtroom, with regard to boys, compromised the adjudication of guilt or innocence, thereby infringing upon the rights of parents, children, and especially the community at large.[90] With girls, however, the most apparently natural form of intervention consisted of psychological case histories and treatment. The public dimensions of the punishment of crime were almost completely absent in relation to female delinquency. Girls committed what were considered "private" crimes of a personal nature, and thus the public's ability fully to comprehend the nature of her rehabilitation did not seem necessary.

When psychological treatment clinics were officially established as an arm of the juvenile courts, their introduction and use were therefore most often overtly connected to certain types of female crimes.[91] For instance, in Massachusetts all girls who ran away were sent to the court clinic as a matter of procedure, while in New York

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88. The first child guidance clinic was set up in connection with the Chicago Juvenile Court in 1908 by Dr. William Healy. In Boston, the Judge Baker Guidance Center had been providing psychiatric diagnoses and services to the juvenile court since 1917. Such clinics, which were on the forefront of psychoanalytic treatment, were, however, the exception. On the Judge Baker Guidance Center, see LINDA GORDON, HEROES OF THEIR OWN LIVES: THE POLITICS AND HISTORY OF FAMILY VIOLENCE, BOSTON 1880-1960 (1988). On the demand for clinics in New York, see KROSS, *supra* note 66; *see also* PAUL BLANSHARD & EDWIN J. LUKAS, PROBATION AND PSYCHIATRIC CARE FOR ADOLESCENT OFFENDERS IN NEW YORK CITY (1942). In 1947, Tappan argued that "prolonged case work and psychological and/or psychiatric treatment" were the answer to the problem of female delinquency, as opposed to the "patently absurd" method of judicial adjudication. *See* TAPPAN, *supra* note 30, at 102.

89. *See* BLANSHARD & LUKAS, *supra* note 88, at 60; *see also* JUVENILE COURT OF CONNECTICUT, ANNUAL REPORT 5 (1947); JUVENILE COURT OF CONNECTICUT, ANNUAL REPORT 6 (1955).

90. *See* JUVENILE COURT OF CONNECTICUT, ANNUAL REPORT 4 (1949).

91. In Connecticut, proponents of a court clinic argued for it on the evidence of a case in which two girls, during the course of a quarrel in the school locker room, stabbed each other with pen knives. In this case one of the girls was belatedly discovered to be psychotic. The girl's "true nature" had gone undetected until a court psychiatrist stepped in to diagnose and then treat the girl. The need for a psychiatric interpretation of the stabbing was, in this case, as in many others, clearly connected to an inability to reconcile such a crime with the gender of its perpetrator. *See* JUVENILE COURT OF CONNECTICUT, ANNUAL REPORT 7 (1955).

City court clinics were established exclusively for female referrals.[92] Juvenile court clinics were originally established in New York City in 1948 with a grant from the New York City Youth Board. However, clinic service in the adolescent courts throughout the city was terminated almost immediately in favor of concentrating service in the Girl's Term court, where the kinds of cases reviewed were "treated more effectively in a psychiatric clinic."[93] Thus the authority of psychiatry, with its ability to diagnose hidden, "underlying" disturbances, was enhanced in direct relation to the problem of delinquency generally, but as a state-sponsored institution, in relationship to female delinquency specifically.[94] This mutually beneficial relationship between psychiatry and the law made a major impact on the way in which female delinquency was ultimately portrayed and interpreted. Following the introduction of the court clinic, the female delinquent practically disappeared from the pages of the *American Journal of Sociology*, making her appearance instead in many of the articles on delinquency in publications like the *American Journal of Orthopsychiatry*.

With the introduction of the court clinic and the influence of psychoanalysis generally, the case histories of girls brought to the attention of Girl's Term changed markedly. A comparison of case histories recorded before and after the introduction of the psychoanalytic clinic illustrates this point. In the late 1930s and early 1940s, court officials often described girls who came before them as having either "behavior disorders" or "behavior difficulties," rarely elaborating further. In exceptional cases a descriptive comment followed: "H. is literally about as impertinent a youngster as we have ever handled in this court." But in most cases the court was simply interested in a girl's predicament, listing her physical condition, whereabouts at the time of the trial, and any other circumstances relative to the case, especially pregnancy and evidence of any sexually transmitted diseases.[95] The case histories from the postwar period,

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92. In Framingham, Massachusetts, females who came before the court for running away were "usually" sent to the court clinic for treatment. *See* Ames Robey, *The Runaway Girl, in* FAMILY DYNAMICS AND FEMALE SEXUAL DELINQUENCY 127, 128 (Otto Pollak ed., 1969). The articles collected in this book were originally presented at the Seminar on Family Counseling for Sexual Behavior Problems of Adolescent Girls, conducted from January 1963 to June 1965. *See also* Ames Robey, *The Runaway Girl: A Reaction to Family Stress*, 34 AM. J. ORTHOPSYCHIATRY 762, 762-67 (1964).

93. NEW YORK CITY YOUTH BOARD, MONOGRAPH NO. 3, REACHING ADOLESCENTS THROUGH A COURT CLINIC 32 (1955) [hereinafter REACHING ADOLESCENTS].

94. Psychoanalytic books on the causes of juvenile delinquency proliferated. One of the most important and influential was SEARCHLIGHTS ON DELINQUENCY (K.R. Eissler ed., 1949).

95. In a review of cases between 1936 and 1941, 12 of the 26 cases reported either evidence of a sexually transmitted disease or pregnancy. In cases reviewed after 1945, such conditions were not listed. NEW YORK CITY, THE WAYWARD MINOR'S COURT: AN EVALUATIVE REVIEW

in contrast, became almost wholly preoccupied with the girl's emotional complexion, particularly as it related to her social and sexual adjustment. Hence the words most often employed in case histories after 1945 were psychologically descriptive in nature: Girls tended to be "infantile," "withdrawn," "violent reactors," "angry," "moody," and "unresponsive."[96]

In sum, the girl whose manner in 1939 was described as "fresh, impudent, disrespectful, lazy or otherwise beyond control" had, by 1955, metamorphosed into a girl whose emotional makeup was "defensive, hostile, provocative and challenging," often with a few "violent temper tantrums" thrown into the mix.[97] This is not to say that the *same* behavior merited wholly different diagnoses during the two historical periods, but rather that the social meaning of delinquency underwent a transformation. "Freshness" and "impudence" represented an affront to a system of manners, with connotations of shamelessness, immodesty, rudeness, or audacity. The descriptions of defensiveness, temper tantrums, and hostility in the case histories of the 1950s were perceived to be demonstrations of blatant ill will, belligerence, even rage—informed by aggressive drives and, to a lesser extent, the potential for violence. The distinction is important insofar as it speaks to the particular ways in which demonstrations of antisocial behavior were perceived as threatening after World War II, and the extent to which female *discontent*, especially within the context of the family, became particularly noticeable, if not central, to the definition of delinquency itself. From this psychoanalytic point of view, all female misbehavior became symptomatic of aggression and revolt. This conception of female delinquency no longer focused on girls' perceived disdain for authority, but concentrated instead on the feelings of fear and antagonism that were supposedly born out of a state of psychic confusion about self in relation to authority figures.

Aggression, revolt, and "reactivity" were perceived in several different ways, but almost always in relationship to an underlying insecurity. As one court psychiatrist put it, "whether we think of aggression as a fundamental human drive or as a reaction to deprivation, it must be agreed that the aggression in the form of antisocial

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OF PROCEDURES AND PURPOSES, 1936-1941 (1941) [hereinafter WAYWARD MINOR'S COURT].

96. I have drawn these case histories from: NEW YORK CITY YOUTH BOARD, PATTERN FOR PREVENTION, (1955); NEW YORK CITY YOUTH BOARD, MONOGRAPH NO. 5, REACHING THE UNREACHED FAMILY: A STUDY OF SERVICE TO FAMILIES AND CHILDREN (1957); REACHING ADOLESCENTS, *supra* note 93; NEW YORK CITY YOUTH BOARD, POLICE AND CHILDREN: A STUDY OF THE JUVENILE AID BUREAU (1951); NEW YORK YOUTH BOARD NEWS, 1957-1959.

97. *Compare* WAYWARD MINOR'S COURT, *supra* note 95, at 21, *with* REACHING ADOLESCENTS, *supra* note 93, at 55.

behavior is reactive."[98] A typical case reviewed in the 1950s by Girl's Term involved Jerry, who had been brought in by her father for staying out late and drinking.[99] Jerry's father was much preoccupied with his new girlfriend, and thus, according to the psychiatric interviews, "Jerry expressed considerable feeling around what she saw as her father's rejection of his role as father."[100] In response to this situation, according to the diagnosis, Jerry was "threatened seriously by adolescence and her repression of sexual content was prominent . . . [with] evident confusion in her psychosexual identification."[101] The most striking aspect of this analysis was that it involved the perception of a *repression* of sexuality, as opposed to illicit indulgence, the fact of which originally constituted the legal grounds (especially in the Wayward Minor Act) for the intervention of the court in the first place. The fear here was not that Jerry was on the path to immorality, but that her disturbed relationship with her father was blocking the road to sexual maturity.

III. PSYCHOANALYSIS AND THE "WAYWARD GIRL"

The crux of the postwar psychoanalytic understanding of female child and adolescent development, as construed by prominent psychoanalysts like Helene Deutsch, her disciple Peter Blos, Phyllis Greenacre, and others, was the defining nature of the Oedipus complex.[102] Successful navigation of the adolescent (as opposed to the infantile) Oedipal stage, often called the "second edition of the Oedipus complex," dictated whether or not a girl accepted her feminine nature—a nature that was described as passive, masochistic, and, most significantly, erotic.[103] Hence girls who did not achieve these qualities usually suffered, in the eyes of these psychoanalysts, from a form of Oedipal disturbance which resulted in regression to a pre-Oedipal, infantile relationship with their mothers.[104] Insofar as

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98. S. Harvard Kaufman, *Aggression in the Girl Delinquent*, 15 AM. J. ORTHOPSYCHIATRY 167, 167 (1945); *see also* Oscar B. Markey, *A Study of Aggressive Sex Misbehavior in Adolescents Brought to Juvenile Court*, 20 AM. J. ORTHOPSYCHIATRY 719, 719-31 (1950).

99. *See* REACHING ADOLESCENTS, *supra* note 93, at 36.

100. *Id.*

101. *Id.*

102. *See* 1 HELENE DEUTSCH, THE PSYCHOLOGY OF WOMEN (1944); PHYLLIS GREENACRE, TRAUMA, GROWTH, AND PERSONALITY (1953); PETER BLOS, ON ADOLESCENCE: A PSYCHOANALYTIC INTERPRETATION (1962); *see also* Elisabeth R. Geleerd, *Some Aspects of Ego Vicissitudes in Adolescence*, 9 J. PSYCHOANALYTIC ASS'N AM. 268 (1961); Irene Josselyn, *The Ego in Adolescence*, 24 AM. J. ORTHOPSYCHIATRY 223, 223-37 (1954); Leo A. Spiegel, *A Review of the Contributions to a Psychoanalytic Theory of Adolescence*, 6 THE PSYCHOANALYTIC STUDY OF THE CHILD 375 (1951). I explore this issue at length in Chapter 1 of the dissertation of which this Article is a chapter.

103. Deutsch talks the most about women's erotic nature. *See* DEUTSCH, *supra* note 102.

104. Regression is often associated with homosexuality in psychoanalytic case histories, and hence also with delinquency. I discuss the issue of homosexuality and its relationship to the

passivity, femininity, and the erotic were understood as mutually determinative, the failure of one implied the failure of the other; this understanding rendered an aggressive personality and the suppression of mature sexuality synonymous. Casting the meaning of "acting-out" behavior within the constellation of the Oedipal family dynamic, particularly as it related to the father's role in female development, was not, however, the foregone conclusion of the psychiatric explanation of delinquency. Rather, the Oedipal explanation was the particular conclusion of the postwar psychiatric analysis of the American family. Contemporary psychiatrists, working out of court clinics, hospitals, and to a limited extent in private practice, observed what they often described as a peculiarly American family constellation disabled by psychoses resulting from Oedipal disturbance. Oedipal problems differed in their manifestation, yet nonetheless shared one compelling concern: a sense of disappointment in the American father, born primarily out of a perception of his passivity and renunciation of emotional involvement within the family.[105] Paternal failure, often described as incapacity, was evinced by the sense or fact of his absence: Emotional distance, literal neglect, or cruelty in the form of the removal of love and affection, were experienced inevitably by his daughter as indifference.

A good example of the ideas that informed the psychoanalytic discourse on female delinquency in case histories like those from Girl's Term is evident in an article by Peter Blos which appeared in *The Psychoanalytic Study of the Child* in 1957. Blos claimed that he was "struck by the difference" in the degree of neurosis found in the female delinquent of that period as compared to the 1920s, when he worked with August Aichorn on the problem.[106] He observed that, more recently, girls had become "fixated" at a pre-Oedipal level, unable to progress through and then surmount the adolescent Oedipal stage to become a sexually mature young adult. "It is my impression," he said, "that this type of delinquent did not only experience an Oedipal defeat at the hands of a—literally or figuratively—distant, cruel or absent father, but, in addition, she also has witnessed her mother's dissatisfaction with her husband; both mother and daughter share their disappointment."[107] Shared disappointments, however,

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Oedipal in Chapter 1 of my dissertation. *See, e.g.*, Ruth S. Eissler, *Riots: Observation in a Home for Delinquent Girls*, 4 PSYCHOANALYTIC STUDY OF THE CHILD 449 (1949).

105. Generalizations about the Oedipal problems created by the typical personality of the American father are evident in Grete L. Bibring, M.D., *On the "Passing of the Oedipus Complex" in a Matriarchal Setting*, *in* DRIVES, AFFECTS AND BEHAVIOR: ESSAYS IN HONOR OF MARIE BONAPARTE 278, 278-84 (Rudolph M. Lowenstein ed., 1953).

106. *See* Peter Blos, Ph.D., *Preoedipal Factors in the Etiology of Female Delinquency*, 12 THE PSYCHOANALYTIC STUDY OF THE CHILD 229, 229-49 (1957).

107. *Id.* at 237.

contributed not to commiseration but to competition between mother and daughter, and indeed such girls often believed "that if only they could be in their mother's place the father would show his true self, namely be transfigured by their love into the man of their oedipal wishes."[108] Blos charted two types of possible "acting out" behaviors in reaction to paternal "disappointment," which, as a pair, formed the psychological foundation for a whole spectrum of female delinquencies. The first scenario was one in which the failure of the father to fulfill his daughter's expectations, highly romanticized or erotic in nature, impelled the girl to search for some kind of partner who served "to surmount in fantasy [her] oedipal [sic] impasse." Blos termed this behavior "pseudoheterosexuality," and included within its reach precocious sexuality and promiscuity. The alternative scenario was one in which the daughter, suffering from the "painful rejection" by her father, assumed "the masculine role" by identifying with him as opposed to her mother. She thereby remained in a pre-Oedipal relationship with the mother and failed to progress into the Oedipal situation with the father. The most prevalent form of delinquency arising from this scenario was stealing, an act considered to be aggressive and "masculine" in nature. In this schema, then, antisocial behavior in all its guises was linked to a single adolescent Oedipal moment: In the first case, the girl circumvented the Oedipal phase by maintaining a "pseudo" or "illusory oedipal situation" through the substitution of one or many men for the Oedipal father; in the second, the girl fled the Oedipal relationship by denying its existence and retreating to a pre-Oedipal relationship with her mother, unthreatened by the specter of heterosexual desire.

The psychoanalytic description of "Oedipal impasse" was, in its account of paternal failure, rife with assumptions about the nature of the father-daughter relationship. Although a father might play various roles in his daughter's life, his presence was depicted as *critical* insofar as he validated and encouraged her sexual development; hence his failings in relationship to his daughter were erotic by definition. One clinical vignette, in which a girl was found "hobnobbing with questionable characters" and "running off to teen-age clubs and bars," described the culpable father as "blind" to his daughter's "pretty face" and unresponsive to "the girl's charm and beauty."[109] In other cases fathers were described as rigid, fault-finding, detached, and suspicious of their daughters' sexual activities. Linking these cases was the implicit assumption that this type of paternal failure was particularly

108. *Id.* at 247.

109. Nathan W. Ackerman, *Sexual Delinquency Among Middle-Class Girls*, *in* FAMILY DYNAMICS AND FEMALE SEXUAL DELINQUENCY, *supra* note 92, at 45, 46.

pathogenic to female social and sexual development. The causal relationship between paternal neglect and female delinquency demanded, as it was described in these case histories, not a father who was simply present (literally or emotionally), but one who clearly recognized his daughter's sexual maturation, her developing "charm" and "beauty," and incorporated these developments into his response to her. The nature of that recognition, how the recognition itself would be manifested, was never made clear—its absence simply loomed over the delinquent girl and informed her discontent. Thus the delinquent daughter was simultaneously a testimony to the father's failure and a call for his (specifically masculine) intervention. The responsibility of that relationship lay in its claim to shore up both positive gender identity and appropriate heterosexual behavior. The techniques of that relationship, however, were meant to be emotional rather than authoritative in nature, erotic rather than punitive.

Erotic recognition, as it was prescribed by psychoanalytic discourse during the period, was an unstable and precarious concept, full of potential dangers, pitfalls, and missteps. Psychoanalysts were thus quick to define unhealthy forms of erotic father-daughter relationships. For instance, when describing cases where fathers were all too aware of their daughters' charm and beauty, psychoanlysts prescribed a form of erotic recognition in contradistinction to "seductiveness," however difficult it might be to locate the exact nature of that difference.[110] In a culture invested above all in the attainment of mature heterosexuality, however, the danger of overt paternal desire lay not in the threat of incestuous attachment, but in the uncanny similarity between the overly attentive and the father who was immune to his daughter's adolescent sexual transformation. That is, a father's failure to cope with his own sexual impulses towards his maturing daughter incited a jealous attitude towards a daughter's boyfriends, which in turn caused the father to be restrictive about dating and antagonistic towards any sign of his daughter's sexual maturity.

A good example of such an analysis involved a case referred to the Judge Baker Guidance Center in Boston. Anne, the daughter of an Italian immigrant who worked in a factory, had been referred to the clinic for stealing lipstick on several occasions. At the time of the incidents, her father, according to the psychiatrist's analysis, "had been expressing his negative feeling with increasing intensity . . . [and] there was constant evidence of an underlying seductive attitude."[111]

110. *See* Coolidge, *supra* note 1, at 612.
111. *Id.*

The father's "negativity" about Anne manifested itself in his constant criticisms, suspiciousness about dating, and the demand that she abstain from feminine adornment: "[H]e demands that Anne . . . wear tailored, unfrilly clothes, and scorns lipstick and fingernail polish."[112] The psychiatrist found this rigidity significant, and reported that "when Anne's classmates began wearing lipstick, it took a great deal of courage on her part and much arguing before he accepted her wish to wear it."[113] Thus the diagnosis did not conclude that the father's "seductive attitude" was pathological, but rather that his refusal to allow Anne to progress at a rate commensurate with her classmates had, as in Jerry's case, arrested her heterosexual development, resulting in "ambivalency in her sexual identification."[114] Gender confusion presented itself in the simultaneous tendency to dress boyishly ("Anne appears in slacks, her brother's jacket, and men's socks, size 11"), and to steal cosmetics (a sign of her desire to be feminine).[115]

A diagnosis of paternal seductiveness, or an overly eroticized father-daughter relationship, comprised the dominant psychoanalytic understanding of the etiology of running away. Flight in the face of sexual tension was one part of the equation, "severe acting out" in reaction to paternal restrictiveness the other. A psychoanalyst working for a court clinic in Massachusetts explained the typical scenario as one in which a father "projects his own sexual feelings onto the girl and accuses her of sexual misbehavior, thereby justifying his extreme restrictiveness. The girl, angry and rebellious, flouts her father's authority and . . . attempts to solve her Oedipal conflicts by seeking outside objects."[116] Because of the father's accusations, the girl feels "worthless" and dates "inappropriate" boys (often a code word for black or working-class); as the tension between father and daughter escalates, the girl sees "no alternative to impulsive running away."[117] Contained within this narrative of the female runaway is a critique of paternal seductiveness—with a twist. For even as these cases acknowledged and condemned overt paternal desire, they simultaneously reinforced the importance of certain erotic (as opposed to sexual) components of the father-daughter relationship by censuring fathers not for producing sexual tension within the household, but rather for being incapable of negotiating the sexual tension that recognition of their daughters' sexual identity invariably created. The father failed

112. *Id.*
113. *Id.* at 616.
114. *Id.*
115. *Id.*
116. Robey, *supra* note 92, at 765.
117. *Id.*

his daughter in this scenario first by his inability to be an appropriate Oedipal figure, and second, by inhibiting her socially-sanctioned leap into the realm of dating (a corollary to the first). In this analysis, overt sexual tension was deemed pathological in large part because it contained within it the father's wish and ability to thwart his teenage daughter's psychosexual development.

Concerns about the attainment of heterosexual maturity and the role that fathers should play in sanctioning and encouraging their teenage daughters' sexual identity all coalesced around a unanimous condemnation of paternal restrictiveness, which usually involved the acceptance of symbolic signs of sexual maturity like the use of lipstick. In every scenario—whether a popular narrative about the dangers of too much discipline or a psychoanalytic case history describing the etiology of psychosexual ambivalence, the prerogatives were the same: the successful attainment of an appropriate sexual identity through what I will call paternal "erotic accommodation." Erotic accommodation presumably existed somewhere in the middle of a continuum that had paternal desire on one end and paternal rejection on the other. The appropriate space in the middle would allow for, or accommodate, a self-assured sexual identity for adolescent girls that conformed to the highly sexualized world of teen culture. Within this context, fathers needed to realize that their authority lay not in their ability to lay down the law, but in the strength of their emotional and psychological hold over their daughters: that the genesis of paternal power was Oedipal rather than patriarchal in nature. While this relationship implied an erotic content, however, neither popular nor psychoanalytic discourses found a way to come to terms with that eroticism.

Finally, the healthy father-daughter Oedipal relationship as it was portrayed by psychoanalytic case histories was not only constitutive of healthy heterosexuality, it eclipsed all other relationships in the scope and weight of its significance. Indeed, the provenance of even "sexual" acting out was not considered to be sexual desire itself but, as many psychoanalysts saw it, revenge against one or both parents brought about because of an "Oedipal impasse." Promiscuity, then, was merely "part of a deeper and broader pattern of revolt against authority."[118] In fact, many girls charged with promiscuity were believed to be frigid. "A teenage girl of this type," according to the prominent psychoanalyst Nathan Ackerman, "is not yet awakened sexually . . . [she] carries a secret prejudice against sex . . . and does

118. Ackerman, *supra* note 109, at 45-50.

not enjoy the experience."[119] Frigidity was linked to revenge not only against fathers but, in some cases, all men. In Peter Blos's description of "pseudoheterosexuality" in response to Oedipal disappointment, he claimed that a girl who indulged in such a "display" had "no relationship to nor interest in her sexual partner, in fact her hostility to the male is severe."[120] Similarly, in a discussion that reflected the general influence of psychoanalysis, a criminologist claimed in 1962 that female sexual misbehavior reflected "hatred of the male" based on a "reaction formation" in response to girls' experiences with their fathers. Delinquent girls, he explained, hated men because their father had "deserted the mother in some cases and in others because the girl may have noticed cruelty, abuse, and weakness in the father when he did live in the family unit."[121] These analyses were an attempt to understand female sexuality, and perhaps to comprehend its expression within a broader social and familial context. The effect of such explanations, however, was to encase female sexuality so thoroughly within the psychodynamics of the family that the very notion of autonomous female sexual expression became moot. The teenage girl in the postwar period was granted the possibility of a certain amount of sexual expression, yet denuded of a sexual self separate from the Oedipal; every aspect of her sexual self reflected and exposed the power and inescapabiltiy of her first and prior relationship to her father.

IV. PSYCHOANALYSIS AND POPULAR CULTURE

The influence of the psychoanalytic paradigm for understanding female delinquency can hardly be overstated. Its reach crossed professional and institutional boundaries, affecting the interpretation and treatment of girls across race and class, and serving to define "girlhood" in a way that superseded other forms of classification. Yet despite their general currency, psychoanalytic explanations of female rebellion were deployed, in their popular guise, as a vocabulary with which to construct and comment upon the white, middle-class suburban family at mid-century. As both popular articles and a wide range of films on juvenile delinquency began to take their cue from psychoanalytic theories of adolescent development, those theories became constitutive of the white, middle-class, father-daughter relationship. Psychoanalytic accounts increasingly provided a way to evoke and flesh out the characteristics of middle-class identity, despite

119. *Id.* at 48.
120. Blos, *supra* note 106, at 238.
121. Gordon H. Barker, *Comparison of the Delinquencies of Boys and Girls*, 53 J. CRIM. L., CRIMINOLOGY & POLICE SCI. 472 (1962).

the fact that most of the girls who came before the courts and upon whom most case histories were based were working-class. Hence the ways in which theories of female juvenile delinquency were deployed by the media reflect assumptions—perhaps desires—about the nature of middle-class family life and its particular relationship to psychoanalytic concerns.

This middle class psychoanalytic portrait was achieved mostly through the use of contrast and elision. Sidney Poitier became the iconic black male "juvenile delinquent" in *Blackboard Jungle*,[122] although his character owed much more to ideas about the nature of racial struggle in the 1950s than to theories of adolescence.[123] But the black female delinquent was rarely portrayed at all, either in film or in the popular press.[124] Moreover, while white working-class female juvenile delinquents did appear in print and in film, they occupied different contexts than did middle-class girls. Much of that difference was construed in terms of the father-daughter relationship. Although *Rebel Without a Cause*[125] and *The Wild One*[126] were the most famous, a whole host of low-budget, quick releases attempting to capitalize on the public interest in juvenile delinquency appeared in the 1950s, a surprising number of which were about female juvenile delinquents. *Teenage Devil Dolls*, *Naked Youth*, *Girl's Town*, *Teenage Crime Wave*, *Hot Car Girl*, *Reform School Girl*, *Teenage Doll,* and *So Young So Bad*, to name just a few, were all about girl "J.D.'s."[127] Although some of the titles and promotional shots made these films look like transparent attempts to display teenage girls in provocative sweaters, in fact, most of them were simply tales about girls who somehow got caught up in the wrong crowd, were disillusioned, bored,

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122. BLACKBOARD JUNGLE (Metro-Goldwyn-Mayer 1955).

123. Black delinquency, both male and female, tended to be linked either to the existence of racial prejudice or to activity in the civil rights movement in the South. *See* Walter Chivers, *The Negro Delinquent*, Y.B. NAT'L PROBATION ASS'N 46-59 (1942); Hans von Hentig, *The Criminality of Colored Women*, U. COL. STUD.: STUD. IN SOC. SCI. 231 (1946); Joseph S. Himes, *Negro Teen-Age Culture*, ANNALS AM. ACAD. POL. & SOC. SCI. 338 (1961). Alternatively, in the sociological imagination, black female delinquency was linked to the problem of the "matriarchal family." *See* E. FRANKLIN FRAZIER, THE NEGRO FAMILY IN THE UNITED STATES 89-102 (1948); SHULMAN, *supra* note 32, at 480-81. On this question, see also ROBIN KELLEY, RACE REBELS: CULTURE, POLITICS AND THE BLACK WORKING CLASS (1994).

124. Douglas Sirk's IMITATION OF LIFE (Universal 1959) is an important exception; the movie was not, however, specifically about juvenile delinquency. Significantly, the silence about the black female delinquent occurred when she comprised one of the fastest growing groups of juvenile delinquents during the period. In San Francisco, for instance, black female juvenile delinquents went from making up 5% of the total female cases adjudicated in 1943, to comprising 27% of all cases in 1954; in Connecticut black female cases jumped from 17% in 1944 to 26% of total female cases in 1960.

125. REBEL WITHOUT A CAUSE (Warner's 1955).

126. THE WILD ONE (Columbia 1955).

127. For discussion on many of these films, see MARK THOMAS MCGEE & R.J. ROBERTSON, THE J.D. FILMS: JUVENILE DELINQUENCY IN THE MOVIES (1982). I would like to thank Mark McGee for helping me to locate some of the hard-to-find movies.

or unhappy. Like the boys in delinquency films, many of these girls saw themselves as betrayed by the adult world: as "Silver" the tough reform school girl said to the school matron, "[Y]ou created such a great world. Too bad we don't appreciate it."[128] Yet the picture of female adolescent defiance that was projected on screen was divided along class lines by the juxtaposition, among other things, of the type of family life that characterized each class. When working-class girls appeared in these films, their fathers were *invariably* absent (at times through death or divorce, at others they simply did not appear); when middle-class girls were delinquents, their fathers were present, but weak, ineffectual, or somehow disappointing to their daughters. The plots associated with middle- and working-class female rebellion in film were inflexible on this point; and though paternal absence was or could be obliquely associated with Oedipal disturbance, it was only between middle-class girls and their fathers that the Oedipal struggle was dramatized.

Rebel Without a Cause provided perhaps the most blunt description of the female "Oedipal impasse," and it, together with *The Wild One* (both released in 1955), comprised the most commercially successful depictions of paternal failure as it was understood and described by the psychoanalytic community. Indeed, both *Rebel Without a Cause* and *The Wild One* had almost as much to do with restless girls and their relationships with their fathers as they did with male anti-heroes. Each used different aspects of the psychoanalytic discourse of Oedipal desire, but, for the most part, both chose to concentrate on the danger of disappointment and rejection. Simply put, the father in *Rebel Without a Cause* was a caricature of the father who could not accommodate his daughter's potential sexual maturity, while the father in *The Wild One* was stereotypically weak and passive and therefore Oedipally disappointing. Both movies pointed to the potential for female rebellion in the instance of failed fatherhood, and did so in such a way that the meaning of paternal failure and female revolt lay exclusively within the economy of Oedipal relations. Each example animated the film in such a way and to such an extent that the tragedies that ensued in both appeared, psychoanalytically speaking, inevitable.

Similarly, Betty Friedan, one of the most perceptive observers of the white-middle class family, gave a name to the problem of middle-class female delinquency in a piece she wrote in 1958 for *Coronet Magazine*: sexual retaliation.[129] Her finger firmly on the pulse of

128. GIRL'S TOWN (Metro-Goldwyn-Mayer 1959).
129. Betty Friedan, *Teenage Girl in Trouble*, CORONET, Mar. 1958, at 163, 163-68.

1950s female discontent, Friedan's description of a typical teenager's "acting out" in Westchester County, New York, is a full-fledged rendering of the crisis of "Oedipal impasse." Friedan tells the story of Phyllis, who was brought to the Youth Consultation Service by her distraught mother for "going steady with six boys in the last six months," a sign her parents read as the beginning of real trouble.[130] Through Phyllis's encounter with the therapist, followed and recorded by Friedan, we are told that Phyllis's sexual behavior "was not really sexual," but rather anger directed at her parents because of her "discouragement about her own worth."[131] Such girls, the psychotherapist explained to Friedan, "didn't have 'a good sure feeling about being a girl.'"[132] In this case, the father was a busy man who never seemed to have any time for his daughter: "[N]o matter what I wear . . . my father doesn't look up from his papers," Phyllis complained. Phyllis's direct demand that her father look at her invoked, in a quite literal way, the psychoanalytic assumption that the appropriate paternal role involved an appreciation of a daughter's physical development. Extrapolating from Phyllis's feeling of paternal rejection, Friedan explained how the girl began to feel as if no boy would ever want her, and thus learned to hold "her body in a certain way" in a desperate attempt to elicit male attention.[133] At the end of Phyllis's treatment her father was called in for an appointment, and the diagnosis presented to him. "The realization," Friedan writes, "that if Phyllis had more affection from her father, she wouldn't be so hungry for boys' kisses now, appalled him."[134] Friedan's purpose was to bring attention to the importance of paternal involvement in girls' upbringing, to underscore the ways in which middle-class girls, like their mothers, were undervalued or ignored. However, the concepts available to Friedan for understanding the paternal relationship were those offered by psychoanalysis and translated in the everyday services of psychotherapy. Although Friedan did not use the term "Oedipal impasse," the specific demands of the Oedipal relationship were nevertheless invoked through the narrative link between Phyllis's sexual confidence, her gender identity, and her father's reflection that he needed to show "softness for his daughter."[135] That "softness" is, in the family that Friedan described, a

130. *Id.* at 163.
131. *Id.*
132. *Id.* at 164-66.
133. *Id.* at 166.
134. *Id.* at 167.
135. *Id.* at 168. Elizabeth Lunbeck delineates the importance of psychiatry's reach into "everyday" concerns in ELIZABETH LUNBECK, THE PSYCHIATRIC PERSUASION: KNOWLEDGE, GENDER, AND POWER IN MODERN AMERICA (1994).

paternal form of erotic acknowledgment and heterosexual accommodation.

Probably the most suggestive and difficult father-daughter encounter portrayed in popular culture occurs in *Rebel Without a Cause*: Judy, arrayed in a strikingly suggestive sweater, is rebuffed by her father while attempting to kiss him. Trying simultaneously to fend her off and establish his authority, he nevertheless exposes his own quandary with the self-defeating response, "You're getting too old for that, kiddo."[136] When Judy tries to kiss him again, he actually slaps her. "Don't worry dear, it's just her age," observes her mother as Judy runs out of the room crying.[137] Her little brother, shooting his toy gun, quips, "Yeah, the atomic age!"[138]—an age, in both senses of the word, that makes this father-daughter scene explosively difficult to navigate. No answer is given to the ambiguities in this scene. The indeterminacy of Judy's problem with her father is only enhanced by the relative clarity of Jim's struggle with his. Jim has one demand of his father: that he stand up to his shrewish wife, that he behave like a man. The movie ends with the famous scene at the planetarium in which Jim's father, inauspiciuosly arrayed in a bathrobe and slippers, promises to be as "strong" as Jim needs him to be. Gathered around are Plato's black caretaker and the perceptive police detective from the first night at the juvenile detention center. Missing are Judy's parents. What, one is left to wonder, would Judy's father offer her?

The popular suggestions and silences about female rebellion contributed to a perspective on the father-daughter relationship that was circumscribed by the difficult imperatives of the Oedipus complex. The Oedipal relationship became, in effect, the tie that bound father and daughter ever more closely together during a historical moment when the authority of fathers was threatened by the apparent social and sexual sophistication of teenagers and ideology of familial egalitarianism. Yet the effect of popular representations of Oedipal conflict, I would argue, did not so much resolve the problem of the father-daughter relationship as render its eroticism manifest, however difficult and disruptive that eroticism was to the postwar, middle-class American family. In the process, a girl's rebellion became tied not to an angry, but nevertheless autonomous self, but rather to a self-defining relationship with her father. The adolescent girl could clearly rebel from dominant, middle-class norms—but the constant invocation of the etiology of Oedipal disturbance linked the nature

136. REBEL WITHOUT A CAUSE, *supra* note 125.
137. *Id.*
138. *Id.*

and meaning of that rebellion inextricably to her father, and thus brought her, full circle, back home.