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DIVERGENT *CLOCKWORK ORANGES*: THE JUVENILE JUSTICE SYSTEMS OF THE UNITED STATES AND GREAT BRITAIN

ERIN M. SAMOLIS†

The book *A Clockwork Orange* centers on a fifteen-year-old boy named Alex. Alex's hobbies include spending time with his friends, listening to classical music, and orchestrating nightly sprees of robbery, rape, and assault. He also enjoys stealing cars, beating homeless men on the street, luring adolescent girls into his home to seduce them, and raping wives in front of their husbands. The root of this love of the macabre remains unknown, and Alex offers no explanations or excuses for his behavior. Indeed, it seems to be an intrinsic element of his character. Alex has gone through corrective schooling since age eleven, but these measures have thus far had no effect on his behavior. His post-corrective officer warns him, "[Y]ou watch out, little Alex, because next time, as you very well know, it's not going to be the corrective school anymore. Next time it's going to be the barry place and all my work ruined." But unsurprisingly, admonitions mean little to such a perpetual troublemaker.

The police do soon catch Alex on one of his escapades after he brutally attacks a woman in an effort to rob her home. While Alex is in police custody, the woman dies from her injuries. Alex is charged with murder and sentenced to fourteen years in a state prison alongside adults. After some time in prison, Alex recounts:

It had not been like edifying, indeed it had not, being in this ghazney hellhole and like human zoo for two years, being kicked and tolchocked by brutal bully warders and meeting vonny leering like criminals, some of them real perverts and ready to

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dribble all over a luscious young malechick like your storyteller.²

But even when incarcerated in these dirty and overcrowded conditions, Alex is not the least bit deterred from committing crime again. He dreams of returning to the outside world to continue down the criminal path and vows to be more careful in the future so as not to get caught. As Alex puts it, "They were giving another like chance, me having done murder and all, and it would not be like fair to get loveted again, after going to all this trouble."³

So when an opportunity arises for Alex to shorten his sentence and return more rapidly to his old way of life, he seizes it. Alex volunteers for a controversial new rehabilitative treatment called Ludovico’s Technique, a treatment pioneered by a group of politicians and doctors concerned with the rise in levels of violent crime. Alex is transferred to another facility where he begins a fortnight of therapy. During the course of this treatment, Alex is injected daily with an experimental serum and strapped to a viewing chair with his eyelids clamped open. He is forced to watch lengthy sessions of film depicting very brutal and sadistic material, material closely mirroring the violent acts Alex loves to commit.

At first, Alex thinks the movies are a wonderful treat because they are perfectly catered to his interests. However, with each subsequent viewing, Alex feels increasingly ill. Ludovico’s Technique causes him feelings of pain and nausea any time he witnesses or even contemplates violent or sexual acts. He is therefore physically unable to participate in any acts of violence or indecency. In this state, according to one of the doctors running the treatment, “He will be your true Christian . . . ready to turn the other cheek, ready to be crucified rather than crucify, sick to the very heart at the thought of even killing a fly.”⁴ Although some critics of the program revile the doctors for taking away Alex’s ability to choose his own course of action, proponents fire back that this treatment is the consequence of his initial choice to commit crime. The politicians involved are not concerned with motive or higher ethics. They are “concerned only with cutting down crime.”⁵

After leaving the doctors’ care, Alex is completely unable to reintegrate himself into society. His parents will not let him stay in their home, he is unemployed, and because his story has been widely publicized by the media, he becomes an easy target for violent attacks. When assaulted by a mob on one occasion and beaten by corrupt police officers on another, Alex cannot defend himself because of his physical aversion to violence. After one such occasion where he is left in a wounded and helpless state, a man comes to Alex’s aid. This man happens to be a popular political writer opposed to the current government and

². Id at 76.
³. Id at 98.
⁴. Id at 129.
⁵. Id at 126.
eager to use Alex's vulnerable position as a means to disparage the leaders who pioneered Ludovico's Technique. The sad culmination of this political struggle is Alex's attempted suicide. The media jumps on this distressing event and fuels public outrage at the political figures leading the so-called rehabilitative venture. To quell public indignation, the politicians order doctors to immediately de-condition Alex to remove all effects of the Ludovico's Technique from his system. Immediately after the de-conditioning, Alex's mind begins to fill with all the new acts of violence he wants to commit. He is overjoyed at the prospect of being able to return to his old way of life. Alex is not rehabilitated; he is no longer a "true Christian." But he has regained his ability to choose.

This is the end of the American version of the novel *A Clockwork Orange*, the version on which the Stanley Kubrick movie is based. American readers and viewers are left with a completely unreformed Alex, an Alex that takes pride in his cruel nightly escapades. The British version of the novel, however, does not end here. It continues with one final chapter in which Alex begins living a life of crime once again but soon finds that he no longer wants to continue down this path. He decides, based on what he has been through and on what his future might hold, that he wants to change his life for the better. His plans even grow to include finding a wife and having a son. He is eager to start this new way of life, saying, "I would have to start on that tomorrow, I kept thinking. That was something like new to do. That was something I would have to get started on, a new like chapter beginning." This Alex is very different from the American version of Alex. The final chapter of the book leaves the reader with a much more optimistic view of a person's, especially a young person's, ability to rehabilitate and reform.

Publishers in Great Britain were happy with this ending and bought the book in its entirety. Therefore, the European translations of the book all include the author's intended ending. However, when the author attempted to sell the book in America, no publisher would buy the full novel. The condition of its sale to a New York publisher in 1962 was its truncation to twenty chapters instead of twenty-one. According to Burgess, the publisher "believed that my twenty-first chapter was a sell-out . . . it was bland and it showed a Pelagian unwillingness to accept that a human being could be a model of unregenerable evil. The Americans, he said in effect, were tougher than the British and could face up to reality." The Americans obviously wanted no part of the ending being sold to British publishers. It was not until republication in 1986 that the final chapter was included in an American version.

These separate endings and publishing receptions seem to indicate diverging views on rehabilitation and juvenile justice on the whole. The more pessimistic American ending leaves the protagonist in a bloodthirsty state, overjoyed with

6. Id at 191.
7. Id at viii (introduction to the 1986 edition).
his renewed ability to harm others. The British ending indicates a more tolerant view that recognizes an individual's dynamic capacity to change. Using A Clockwork Orange as a springboard, I would like to discover if these varying social outlooks on juvenile justice and rehabilitation originate the structures of the respective juvenile justice systems and their effectiveness. My goal is to trace the historical developments of both the American and British juvenile justice systems and examine the practical dissimilarities that might explain differing social views and offender outcomes.

I. THE JUVENILE JUSTICE SYSTEM OF THE UNITED STATES

In the United States, juvenile offenders were treated as adults during most of the nineteenth century, even to the point of receiving the death penalty.8 Because no separate juvenile court existed, “all offenders were processed through the same criminal court system, were bound by the same substantive law . . . and were punished in similar fashion.”9 Until the late nineteenth century, the only way to mitigate harsh adult punishments for children was the infancy defense.10 Under this defense, common law recognized children under age seven as being unable to take responsibility for their acts, children over fourteen as adults with the necessary capacity to accept such responsibility, and for those between these ages a presumption of incapacity was fashioned.11 Only by showing that the child appreciated the wrongfulness of his conduct could the state rebut a presumed incapacity.12 Although the infancy defense attempted to allay rising social concerns for child welfare, an increased uneasiness with retributive punishment began clearing the way for an even more deep-seated transformation in the status of children under the law.13 The infancy defense largely fell into disuse by the late 1920s.14

Progressive reformists of the late nineteenth century shifted the social focus to poor living environments as the cause of juvenile delinquency.15 They proposed the institution of separate courts to cure juvenile offenders of the “ill of

10. See id at 510.
11. See id at 510-11.
12. See id at 511. See also Godfrey v State, 31 Ala 323, 327 (1858) (state must prove “malice in the execution of the act” to rebut presumption of incapacity).
13. See id at 512.
criminality cast upon [them] by circumstance." Children became recognized as developmentally different from adults and therefore more receptive to intervention. Juvenile courts, the first of which opened in 1899, served as the means of this intervention. Unlike their counterparts in adult criminal courts, juvenile court judges did not constrain the field of their authority merely to the adjudication and sentencing of criminal code violations. "Rather, the juvenile court used the occasion of an allegation of criminal behavior as an opportunity to impose upon the young offender a rehabilitative program designed to correct the socially deviant tendencies that caused the particular law violation." The goal of the juvenile system was to protect youthful offenders from the harsh punishments of the adult criminal system. Reformists believed that committing a child to an adult institution would result in the child "learning the art of the criminal enterprise," thus diminishing his chances of returning to society as a productive citizen. In essence, "children were no longer to be dealt with as criminals, but rather through the parens patriae power were to be treated as wards of the state, not fully responsible for their conduct and capable of being rehabilitated."

However, starting in the 1960s and picking up momentum, the focus began to shift away from rehabilitation to retribution in the juvenile justice system. In Kent v United States, the Supreme Court overturned a juvenile court ruling that waived jurisdiction over a sixteen-year-old charged with robbery and rape, sending him to adult court for trial. The Supreme Court held that juvenile waiver orders must be grounded in a hearing, that counsel must have access to the records and reports considered by the court, and that a statement of reasons must accompany the waiver order. In addition to imposing these procedural restrictions, the court also noted that the original purpose of the juvenile justice system, grounded on rehabilitation and treatment of youthful offenders, had not been truly achieved. This decision marked the beginning of a transformation of the juvenile court into a very different institution than the Progressive Era reformists imagined.

17. See Vincent Schiraldi and Steven A. Drizin, 100 Years of the Children's Court: Giving Kids the Chance to Make Better Choices, Corrections Today 24 (Dec 1999).
18. See id.
22. See Note, 18 Cardozo L Rev at 2109 (cited in note 16).
25. See id at 545.
26. See id at 560-61.
27. See id at 556.
In re Gault 28 also signifies a historic shift in the character of juvenile courts. 29 Gault, a fifteen-year-old boy already on probation for being in the company of another boy who had stolen a wallet, was taken into custody pursuant to a neighbor’s complaint that she had received lewd and offensive prank telephone calls. 30 Gault never received notice of the charges and was not afforded the right to counsel, confrontation, cross-examination of witnesses, or the privilege against self-incrimination. 31 The juvenile court committed him to a State Industrial School until the age of twenty-one. 32 The Supreme Court held that the essentials of due process, such as notice of charges, assistance of counsel, confrontation and cross-examination of witnesses, and the privilege against self-incrimination, were required in juvenile court adjudication. 33 The court also focused judicial attention on whether the child had committed the offense as a prerequisite to sentencing. 34 In essence, the decision effectively transferred the conventional focus of juvenile courts from welfare-guided dispositions to legal guilt and corresponding punishment. 35 Gault may have been a necessary reform for a system that had become too arbitrary, but instead of leading to constructive reforms, it led to the dismantling of the juvenile justice system and the galvanization of a liberal movement that cast minors as rights-bearing autonomous citizens, barely distinguishable from adults. 36

To some, extending procedural rights to juveniles might seem like a welcome advantage. But the juvenile justice system was structured to prevent administration of adult punishments to juveniles; giving adult procedural protections to juveniles may provide justification for those who want to give them adult punishments. Moreover, giving juveniles almost every safeguard enjoyed by adult criminal defendants brings juvenile court proceedings closer and closer to the formalistic adult criminal system. The promise of the juvenile system was “to divert youthful offenders from the rigors of the criminal justice system, both at adjudication and for disposition.” 37 Balancing the benefit of increased procedural protection against the benefit of more moderate sentencing is difficult. But because children are seen as less culpable for their actions and more amenable to intervention than adults, 38 it is reasonable to give juvenile judges more discre-

29. See Note, 18 Cardozo L Rev at 2109-10 (cited in note 16).
31. See id at 5-6.
32. See id at 6.
33. See generally id.
38. Schiraldi and Drizin, 100 Years of the Children’s Court at 24 (cited in note 17).
tion to tailor dispositions to individual needs in order to foster rehabilitation. After all, if a youth's transgression is really just a symptom of his "real" needs, then the ability to mold the judgment to the child's circumstances might be more valuable than the procedural limits on the judge. The juvenile justice system makes this tradeoff in the hope that a thoughtfully constructed sentence will assist the child more in the long run.

In re Winsp was the last in the series of watershed cases marking the end of the American justice system's concern for the rehabilitative ideal. Here the Supreme Court held that the "proof beyond a reasonable doubt" standard was controlling and constitutionally required in juvenile court adjudications. Commentators have suggested that a less strict standard might suffice were the true objectives of the juvenile justice system rehabilitation and treatment alone. If this suggestion is correct, In re Winsp shows that courts were beginning to recognize other objectives, such as the protection of the public at large and the desire to punish. In 1984, a California court recognized this shift: "The purposes of the juvenile process have become more punitive, its procedures formalistic, adversarial and public, and the consequences of conviction more harsh." Serious offenders are now more frequently waived to adult courts and mandatory minimum sentences are imposed more regularly on juveniles.

The aforementioned court decisions were not solely responsible for turning the retributive tide. Public demands also played a huge role in perpetuating the cycle of increasingly punitive juvenile proceedings. During the late 1960s and early 1970s, the public's fear of rising crime, along with research that seemed to indicate that rehabilitation efforts were ineffective, helped to shift the direction of the juvenile justice system toward a "tough on crime" model. The public soon began to demand stricter policies and punishments for juvenile delinquents. A strong desire to punish according to the seriousness of the offense replaced public confidence in treatment and rehabilitation. About half of the states rejected, at least in part, the juvenile court's individualized sentencing philosophy, emphasizing instead statutory policies of retribution or incapacitation and excluding youths charged with serious offenses from the juvenile court's

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41. See generally id.
42. See Walkover, 31 UCLA L Rev at 521 (cited in note 9).
44. See Feld, 75 Minn L Rev at 696 (cited in note 35).
Within the past decade, the “just deserts” model, emphasizing punishment according to the offense committed, has come to dominate sentencing.\(^4\)

Virtually every state now has a mechanism for prosecuting juveniles as adults.\(^5\) One such mechanism is the judicial waiver statute, which furnishes judges with the discretion to transfer a juvenile to adult criminal court after a hearing to establish whether the youth is receptive to treatment or a danger to public safety.\(^6\) "National evaluations of judicial waiver provide compelling evidence that it is arbitrary, capricious and discriminatory."\(^7\) Within single jurisdictions, courts have interpreted and applied the same law inconsistently.\(^8\) Factors such as the youth’s race or the location of the hearing may carry more weight than the nature of the crime.\(^9\) By relinquishing a small fraction of its caseload and portraying these juveniles as the most intractable and dangerous in the system, juvenile courts create symbolic scapegoats, appear to protect the public, and deflect more comprehensive criticisms.\(^10\)

Another mechanism for trying juveniles as adults is the offense exclusion statute. Legislative offense exclusion, by statutory definition, removes youths charged with particular offenses from juvenile court jurisdiction.\(^11\) They must be tried in adult courts where the seriousness of the offense controls the sentencing decision.\(^12\) The statutes entail value choices about the quality and quantity of crime that the state will tolerate before mandatory adult punishment.\(^13\) Offense exclusions provide yet another indicator of the shift to a more retributive sentencing philosophy and also suggest legislative uneasiness with the exercise of judicial discretion.\(^14\) Using certain offenses to curb or eliminate judicial discretion renounces rehabilitation, confines juvenile court jurisdiction, and “denies [juvenile courts] the opportunity even to try to treat certain youths.”\(^15\)

Waiver and offense exclusion statutes have greatly increased the number of juveniles within the adult system. The number of youths under eighteen housed

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50. See id at 488 (citing Donna Hamparian, et al, Youth in Adult Courts (Justice Dept 1982)).

51. See Feld, 75 Minn L Rev at 701 (cited in note 35).

52. See id at 703 (citing Donna Hamparian, et al, Youth in Adult Courts 104).


56. Feld, 75 Minn L Rev at 701 (cited in note 35).

57. Id. See, for example, Fla Stat Ann § 39.001 (2) (a) (West 1988 & Supp 2001).

58. Feld, 75 Minn L Rev at 706 (cited in note 35).


60. Feld, 75 Minn L Rev at 708 (cited in note 35).
in adult prisons, and often intermingled with adult criminals, increased from 3,400 in 1985 to 7,400 in 1997. Most states disperse young inmates in the general prison population and provide no separate programs for them. Juveniles in adult facilities seldom receive case management to ensure that counseling, health care, and education are integrated into their sentences. Integration into the general prison population proves very harmful to juvenile offenders since they are more vulnerable than adults are to sexual exploitation and physical brutalization; they are also more likely to commit suicide. Sexual assault is five times more likely and beatings by staff are twice as likely for juveniles housed in prisons as opposed to juvenile facilities. "The long-term consequences of incarcerating young offenders for lengthy periods of time under these conditions are clear—the release into society of an increasing number of dysfunctional middle-aged men and women and the expenditure of vast sums to protect the public from them." Society must recognize that the children it locks away today in adult facilities will one day reenter society, and the treatment they received during incarceration will greatly shape who they are and how they view the outside world.

One study matched by age, race, gender, current charges, and past criminal record 2,738 juveniles who had been prosecuted as adults with 2,738 who had stayed in the juvenile system. In the two years following release, 30 percent of the teenagers prosecuted in criminal court were rearrested as compared to 19 percent of those who had gone through the juvenile system. In addition, transferees to the adult system proved more likely to be arrested for more serious offenses. Another study reviewed fifty juvenile transfer cases and also concluded that recidivism rates are higher among juveniles transferred to adult criminal court. Is this because the juveniles sent to the adult system were correctly identified as being prone to commit future crime and therefore deserving of more serious punishment? This logic seems too convenient. It is more likely that passing juveniles into adult criminal court is counterproductive and increases crime in the long run. "There is a much greater risk of repeated offenses.

62. See id at 47.
64. See id at 9-10.
65. See id at 9.
69. See id.
70. See id.
from someone who has paid for a past crime by a period of incarceration than from someone who has helped to overcome whatever problems led to the criminal behavior." Sentencing a young child to a period of years in an adult prison practically guarantees that he will grow and mature in an atmosphere with no nurturing warmth, no positive role models, and no practical edification other than thorough instruction in the ways of corruption and violence. The transfer of juveniles to adult criminal court merely offers a tradeoff between short-term public safety benefits and long-term harms of increased recidivism.

Many academics have called for the abolition of the entire juvenile justice system, saying that all juvenile offenders should enter the adult system. In their view, a unified justice system is capable of recognizing the nuanced continuum of actors’ actual attributes “and accounting for it in devising appropriate and fair sanctions for any individual’s criminal law violations.” In a system that does not make it necessary to decide whether an individual is a child or an adult, more attention could be devoted to analyzing the individual characteristics of each actor, with age acting as a mitigating factor. As one scholar notes:

With fiscal constraints, budget deficits, and competition from other interest groups, there is little likelihood that treatment services for delinquents will expand. Coupling the emergence of punitive policies with our societal unwillingness to provide for the welfare of children in general, much less those who commit crimes, there is simply no reason to believe that the juvenile court can be rehabilitated.

Short of abandoning the entire juvenile justice system, other theorists call for abolishing the rehabilitative paradigm, averring that no available evidence supports the supposition that treatment can significantly alter or improve the behavior of delinquents. They believe that maintaining a treatment goal “in the expectation of therapeutic advancement sacrifices the interim generations of youth to the abuses of unproved, or worse, disproved scientific and sociological experimentation.” What the legislature terms “treatment” might just be a Pollyannish view of the judicial process. In this model, the juvenile system would continue to be separate but would be based on objectives such as incapacitation.

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74. See Howell, 18 L & Pol at 50-51 (cited in note 71).
75. Ainsworth, 36 BC L Rev at 949 (cited in note 19).
76. See id.
77. Feld, 75 Minn L Rev at 723 (cited in note 35).
78. See Note, 18 Cardozo L Rev at 2144 (cited in note 16) (citations omitted). See also Feld, 75 Minn L Rev at 703 (cited in note 35).
80. See id at 2144.
and retribution. No real effort would be made to rehabilitate the lost-cause delinquents.

Some rehabilitationists argue that if enough resources are spent on alternative programs, the American public might see some positive results. Boot camps and wilderness challenges are just a few examples of programs that emphasize internal discipline, self-reliance, teamwork, and individual accomplishment. Such programs vary greatly from state to state and some currently focus only on serious, violent, and chronic offenders. Intensive supervision programs, which provide enhanced probationary monitoring of juvenile offenders, have also been used instead of incarceration for non-violent juveniles. Other schemes such as the Florida Environmental Institute’s Last Chance Ranch and the U.S. Department of Justice’s Violent Juvenile Offender Program combine various elements of treatment alternatives. Juveniles who have been transferred to and sentenced in the adult criminal court may voluntarily elect to participate in the Last Chance Ranch program, which provides residential care for a usual period of eighteen months supplemented by six months of closely monitored aftercare. The program “provides discipline, strict supervision, intensive academic education, and physical labor to fill community needs,” and boasts a recidivism rate of only 33 percent. The United States Department of Justice offers another approach to combating recidivism through the Violent Juvenile Offender Programs it has organized in Boston, Detroit, Memphis, and Newark. After a period of confinement in a secure facility, youths are placed in transitional housing where they receive additional treatment and their activities are closely monitored. The final stage is reuniting the youths with their families or guardian upon release. Unique programs such as these and other smaller community-based programs successfully blend rehabilitation and punishment to reduce recidivism. However, these programs are still few and far between, and with no nationwide

82. See Roberts, 39 Jrw & Fam Ct J at 4 (cited in note 81).
84. See Note, 33 Am Crim L Rev at 1321-22 (cited in note 15), citing What Can We Do About Violence: A Bill Moyers Special (PBS television broadcast, Jan 9, 1995).
86. See Guide for Implementing at 155 (cited in note 85).
87. See id.
88. See id.
89. See Anna Rankin Mahoney, “Man, I'm Already Dead”: Serious Juvenile Offenders in Context, 5 Notre Dame J Ethics & Pub Pol 443, 460 (1991) (systemic alternatives and small facility networks have been implemented in Massachusetts, Utah, Missouri, and Pennsylvania).
90. See Note, 33 Am Crim L Rev at 1324 (cited in note 15) (small facility networks maintaining rehabilitation and deterrence as their primary focus while still incorporating the punitive element of curtailing juveniles’ freedom enjoy the greatest success in lowering recidivism rates).
commitment to incarceration alternatives, it is doubtful that the public’s fear of increased crime will be assuaged or its desire for retribution satisfied.

Obviously, scholars have long debated the juvenile justice system’s failings and needed reforms, but with all of the changes that have occurred in the last fifty years, and even in the last ten years, is it academic discourse that shapes the system? In reality, transformations in sentencing, state statutes, and justice goals derive much of their stimulation and energy from mass media and the public. In a system that metes out sanctions erratically, frequently leading to over-deterrence and disproportionate sentences, the public uproar, not statistical reality, drives present reform.91 Dramatized media reporting labeling juveniles as superpredators is extreme and even hysterical.92 Although “less than one-half of 1 percent of all American kids were arrested for violent crimes [in 1998], the majority of times that kids are portrayed on the evening news are in connection with violence.”93 A single scandalous incident can shift the entire juvenile justice system into a drastically more retaliatory mode, regardless of whether that incident truly mirrors juvenile crime trends.94 Due to the abundance of “demagogic clamor and public disinformation, the courts too often get blamed for adverse social conditions over which they have very little control.”95 Moreover, despite research evidencing that none of the tough legislative measures are successful in preventing crime or decreasing recidivism, policymakers persist in enacting them.96 Rather than educating constituents about the complex nature of youth crime and the juvenile justice system’s limited ability to reduce it, “politicians propose simplistic get-tough policies and pander to people’s fears.”97 The American juvenile justice system is therefore left in a state of perpetual limbo. It rests on an unsound mixture of rehabilitation, punishment, illusory due process, vagueness, and unpredictable outcomes.98 Hopefully in the future policymakers will change their response to societal panic and no longer adopt a doomed strategy.99 Ideally, “the conduct of the violent few should not govern policies as to the role of the courts in the 21st century.”100

91. See Note, 33 Am Crim L Rev at 1311 (cited in note 15).
93. Schiraldi and Drizin, 100 Years of the Children’s Court at 26 (cited in note 17).
98. See id.
II. THE JUVENILE JUSTICE SYSTEM OF GREAT BRITAIN

Great Britain’s juvenile justice system began in the same manner as that of the United States, with no separate juvenile facilities. British courts tried and sentenced children as adults, regardless of the offense committed. The first effort to make a distinction between juveniles and adults in the criminal system was the Youthful Offenders Act of 1854, which created reformatory schools to confine certain juvenile offenders after conviction. The Act, however, did not provide for a separate system by which to punish all juvenile offenders, and most still served time in adult prisons. “Rather than reforming the child, imprisonment in these adult institutions actually increased the possibility that the child would violate the law again upon release.”

Decades later, the Children’s Act of 1908 was passed in response to the growing assertion that the criminal justice system should treat children differently than adults. This Act instituted juvenile courts throughout England, Wales, Scotland and Ireland, giving them jurisdiction over all offenses (excluding murder) committed by youths between seven and sixteen years of age. The intention of the legislature was to make the juvenile court an agency of “rescue and reform as well as punishment.” The Act was based on the idea that “juveniles were in some way less responsible for their actions than adults and so should be shielded from the full range of legal penalties.” Moreover, reformers reasoned that juveniles integrated into adult facilities were likely to be contaminated by the adult offenders.

Great Britain’s rehabilitative scheme expanded with the Children and Young Persons Act of 1933. This Act formally placed a duty on the juvenile courts to give first priority to the welfare of the juvenile. Therefore, courts could only punish when punishment served the offender’s best interests, not for any re-

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103. See Note, 28 Vand J Transnatl L at 300, citing Terrill, World Criminal Justice Systems at 78 (cited in note 101).
104. See id.
105. Id.
106. See id.
108. See Note, 28 Vand J Transnatl L at 300, citing Terrill, World Criminal Justice Systems at 78 (cited in note 101).
110. Id.
111. See id.
112. Children and Young Persons Act of 1933, 23 Geo 5 c 12 (Eng).
113. Id.
tributive purpose.\textsuperscript{114} However, the Act did stipulate that juveniles charged with the offenses of murder, manslaughter, or wounding with the intent to do grievous bodily harm were to be tried in the separate Crown Court (a court for adult offenders).\textsuperscript{115} According to Section 53 of the Act, if a child is convicted of one of these crimes and no other punishment is suitable, the offender can be detained but not punished by death.\textsuperscript{116} This Section was enacted to protect society from the small number of dangerous juveniles while providing a more humane solution than the death penalty.\textsuperscript{117} Although some speculated that the courts used this Section to meet society's need to punish,\textsuperscript{118} punishment under Section 53 was very rare in practice because it was only meted out for certain crimes and when no other punishment was suitable.\textsuperscript{119}

Still more rehabilitative efforts were made with the Children and Young Persons Act of 1963.\textsuperscript{120} Parliament raised the age of criminal responsibility to ten and held that under this age a child was \textit{doli incapax}, completely exempt from any and all criminal responsibility.\textsuperscript{121} For children between the ages of ten and fourteen, prosecutors were faced with a heightened burden of proof on the issue of capacity.\textsuperscript{122} To overcome the rebuttable presumption that these children were incapable of committing crime, prosecutors had to show that the child committed the criminal act with "mischievous discretion," the ability to differentiate right and wrong.\textsuperscript{123} The 1963 Act illustrates a continued emphasis on the differences between adult and child offenders. At this time in the 1960s, when American courts had already begun formalizing the juvenile process and focusing on the seriousness of the crime as the determinative factor in punishment, British courts still concentrated on the juvenile offender's best interests.

The next proposed reforms to the British juvenile system did not take root. In 1965 Parliament rejected a proposal to abolish the juvenile justice system and replace it with "a family counsel composed of social workers and others selected for their understanding and experience with juveniles."\textsuperscript{124} This reorganization would have emphasized treatment above all else and made juvenile proceedings seem more like informal group counseling sessions. Another reform was the Children and Young Persons Act of 1969, which was supposed to be the rebirth

\begin{footnotes}
\item[116] Children and Young Persons Act § 53(2) (cited in note 112).
\item[117] Id at § 53(1).
\item[118] See Godsland and Fielding, 24 How J Crim Just at 284-87 (cited in note 115).
\item[119] See Note, 28 Vand J Transnatl L at 313 (cited in note 101).
\item[120] Children and Young Persons Act of 1963, c 37 (Eng).
\item[122] See Note, 28 Vand J Transnatl L at 309 (cited in note 101).
\item[123] See id, citing Smith and Hogan, \textit{Criminal Law} at 189 (cited in note 121).
\end{footnotes}
Based on the assumptions that "juvenile delinquency was primarily caused by inadequate parents, defective family relationships and social deprivation," the Act proposed that criminal proceedings only be brought against children as a last resort. The intent was to erase the line separating depraved children from consciously offending children and to substitute treatment for punishment. However, these provisions currently do not influence the British juvenile justice system since the Act does not contain a commencement date.

Progressing into the 1990s, when the demand in the United States for retributive punishments continued to soar, the Criminal Justice Act of 1991 took the British juvenile justice system in a somewhat new direction. The Act brings seventeen year olds into the juvenile system, abolishes all custodial sentences for offenders fourteen or younger, and officially changes the name of the juvenile court to the Youth Court. Parliament viewed these changes and the new name as more representative of the purposes of the juvenile court. In addition, the Act states that custodial sentences can only be imposed if any of the following criteria are satisfied:

1. the offense is serious enough that only a custodial sentence is justified;
2. the offense is of a violent or sexual nature and the court determines that a custodial sentence is necessary to protect the public from danger; or
3. an offender refuses to serve a previously ordered community sentence.

Seriousness of crimes is not defined, leaving a great deal of discretion with judges to interpret the Act's provisions and to consider all mitigating factors. Therefore, like Section 53 of the 1933 Act, very few offenders end up facing extremely harsh punishments under this provision because the court system on the whole is required to protect troubled youth before sentencing them. Courts are prohibited from lengthening sentences for retributive purposes. Parliament's intent in passing this provision was to reduce the tendency of the courts to use custodial sentences as a sanction and to encourage the utilization

125. Caroline Ball, Young Offenders and the Youth Court, 1992 Crim L Rev 277, 279.
127. See Note, 28 Vand J Transnat L at 315 (cited in note 101).
131. See id.
134. See id at 322.
136. See Note, 28 Vand J Transnat L at 319 (cited in note 101).
of noncustodial sentences. Imposition of noncustodial sentences forces society and parents to take more responsibility for the development and discipline of their children.

Both the police and the courts possess a large degree of discretion in today's British system. For example, even if police have sufficient evidence to convict a juvenile in court, they can spend weeks looking into the offender's background, interviewing his family, getting records from social service and educational departments, and interviewing the juvenile. In fact, since the overwhelming majority of British juvenile delinquents are not repeat offenders, a police warning is often the most successful way of precluding future crime. On the court level, a common disposition is a supervision order where various conditions can be imposed, such as requirements to live in a certain place, to abide by a curfew, or to participate in specified activities for up to ninety days. The goal is to introduce the juvenile to a different environment where he can develop new personal relationships and interests. Juveniles can also be sent to attendance centers where they must go for a certain number of hours every few weeks to participate in varied constructive activities. In addition, first time offenders pleading guilty to charges can draw up a type of contract with a youth panel, specifying the manner in which reparation will be made to the victim as well as any other requirements such as participating in counseling sessions, community service projects, or educational arrangements. But despite a relaxed rehabilitative approach to most youth offenders, the court retains the power to isolate the few serious repeat delinquents. For example, the Criminal Justice and Public Order Bill enables the court to impose longer sentences on persistent offenders aged twelve to fourteen, enlarges the category of serious offenses for which children may receive extended periods of detention, and doubles the maximum period of detention for young offenders aged fifteen to seventeen from twelve months to twenty-four months. Clearly then, authorities in Great Britain have several avenues to explore when it comes to sentencing a juvenile, but the most recent get tough measures have been aimed only at persistent offenders and those who commit serious violent or sexual crimes.

137. See id at 322.
142. See id.
143. See id at 81.
Great Britain’s Home Office has recently issued statements explaining that the new principal aim of the youth justice system is to prevent offenses from occurring. According to the Office, “allowing young people to drift into a life of crime undermines their welfare and denies them the opportunity to develop into full contributing members of society.” Therefore, current goals include quicker determinations of guilt or innocence, a more open system commanding public confidence, and processes focusing on the character of offending behavior and how to remedy it. For example, parents of convicted young offenders can receive Parenting Orders that require attendance at counseling for up to three months and possibly other requirements, such as seeing that their child gets to school every day. Parenting sessions attempt to enhance communication skills, boundary setting, and positive discipline methods. In this manner, the offender’s home environment can be improved and parents are forced to start accepting responsibility for their children’s behavior. The Chairman of the Youth Justice Board notes:

Some parents just have not thought that they need to change the way they treat their children and this Order will enable them to give their parental responsibilities a lot more thought. These courses have been proven to work effectively and parents have noticed a real difference in how they can relate to their children and shape their behavior.

Detention and Training Orders have also been instituted, allowing an offender to spend one half of his sentence in custody and the other half under community supervision. These Orders are imposed only when custody is the sole option and contain provisions for modifying the custodial element based on the offender’s progress or lack thereof. Therefore, juveniles who really want to change and make progress can do so, and their advances can be rewarded with shortened sentences. This system ensures continual monitoring of the offender’s behavior and a completely individualized sentence that is neither an over nor an underdeterrent.

The new system also focuses on filling in the gaps that criminality leaves

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11, 1994).
148. Id.
149. See id.
150. See Youth Justice Board, Parents To Be Forced To Take Responsibility For Their Children (June 1, 2000), available at http://www.youth-justice-board.gov.uk/view_pr.cfm?PRID=51 (“Parents”).
151. See id.
152. See id.
153. See id.
155. See id.
behind in terms of victims and the offenders themselves. Reparation orders may be issued to offenders, which might involve writing letters of apology, apologizing to the victim in person, or repairing criminal damage. Vocational and educational training is also available to remedy the disadvantages of child offenders. For example, assistance will be given to help children achieve in primary schools through literacy and mathematics programs. It is hoped that by providing opportunities for jobs, training, and leisure, fewer children will resort to crime to make up for their lack of material resources or for "disadvantages of their marginal social position." Instead of being a lost cause with no skills to fall back on after leaving custody, a juvenile offender in Great Britain is provided with some means to avoid being a repeat player in the system. After all, it must be true that society as a whole will be better off with as many productive members as possible and with as many open minds as possible who are ready to take part in the healing process. In one author's words, "in Europe we still take the view that these are our children. We brought them up. I don't see that in the United States where youth justice, mental health and child welfare are about other people's children."

A number of current reforms concentrate on those children most at risk of becoming involved in crime. Thirty-seven Youth Inclusion Programs are being established by the Youth Justice Board in some of the most highly deprived areas in England and Wales. These programs will give high-risk children ages thirteen to sixteen "access to after-school clubs, sports, and the arts, as well as education and training, mentoring, and addiction support." The aim is to work with children before they become entangled in a life of crime, thereby cutting down on juvenile offenses. The Youth Justice Board's Chairman avers:

The new system for changing behaviour, involving victims, better parenting, speeding up youth justice and constructive custody are now coming on stream . . . Even if there is a surge in some forms of youth crime we now have structures and systems to respond. We should give the trained professionals a chance to demonstrate the success of the new system. We must avoid being panicked into glib solutions, like locking up more children, that do little to tackle the causes of crime.

This statement seems to illustrate that in Great Britain proper rehabilitative solutions are more important than moral panic. Instead of public outcry and mass

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157. See id.
158. See id.
160. Interview by Emily Buss with Michael Little (Sept 7, 2000) (on file with author).
162. Id.
163. See id.
media hype, modifications in child justice should be made with the long-term best interests of both the child and society in mind.

**III. THE TWO SYSTEMS AT WORK**

Two modern day cases, *V v United Kingdom*\(^{165}\) and *In re Abraham*,\(^{166}\) further illustrate the differences between the juvenile justice systems of the United States and Great Britain. *V v United Kingdom* involved the trial of two ten-year-old boys, Jon Venables and Robert Thompson, who kidnapped two-year-old James Bulger from a shopping mall in 1993.\(^{167}\) Venables and Thompson led Bulger to a secluded area over two miles away from the shopping center where they stomped on him and kicked him, then bludgeoned him to death with bricks and an iron bar.\(^{168}\) After murdering Bulger, the two boys attempted to conceal their crime by placing the body across railroad tracks, hoping a train would hit it.\(^{169}\) Venables and Thompson were the youngest persons to face a murder trial in Great Britain in the twentieth century.\(^{170}\)

In light of the ages of all the children involved and the gruesome nature of the crime, the trial attracted unparalleled national publicity.\(^{171}\) The British public and media expressed shock and sadness but also concern for the defendants, wondering what could have engendered such violent behavior. The media was quick to point out that both boys came from broken homes, had alcoholic mothers, and exhibited behavioral problems at school.\(^{172}\) Evidence showed that in the home of one of the boys there had been over four hundred videos in the few preceding years, sixty-four of which contained violence or soft pornographic material.\(^{173}\) Politicians were soon demanding a ban on horror videos and the Anglican Bishop of Liverpool was calling for a recommitment to marriage.\(^{174}\) According to one author, “[i]f their crime becomes an excuse for the vindictiveness by all and sundry . . . the evil will grow and spread. Our only hope of limiting the damage is to keep trying to understand what happened.”\(^{175}\)

The Crown Court sentenced Venables and Thompson under Section 53 of

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165. *Venables & Thompson HL*, 3 All ER 97 (Eng HL 1997).
166. 599 NW 2d 736 (Mich Ct App 1999).
167. See generally *Venables & Thompson HL*, 3 All ER 97 (Eng HL 1997).
168. See id.
169. See id.
174. See id.
the Children and Young Persons Act of 1933 to be detained at Her Majesty's pleasure. Amid a whirlwind of media hype and public sympathy for the Bulger family, the Secretary of State imposed a fifteen-year tariff on Venables and Thompson, meaning that they would serve a minimum of fifteen years of the indefinite sentence. The House of Lords subsequently overturned the decision of the Secretary of State, ruling that the Secretary had to remain neutral from public pressures and could not impose a tariff that did not take into account the progress and development of a detained child. This decision was made not only for the boys' welfare, but because the House of Lords felt that the public had an interest in ensuring what had been achieved in the boys' upbringing was not wasted. Therefore, Venables and Thompson will be detained until age eighteen when a special three-person panel, which must include a judge and a psychiatrist, will decide whether the offenders no longer pose a danger to the public and whether they have shown appropriate remorse for the crime.

Even though the sentence was adjusted, the European Court of Human Rights still found that the application of the full rigors of an adult, public trial deprived the defendants of the opportunity to participate effectively in the determination of the criminal charges against them. The Court suggested that a modified juvenile procedure be used, which would take into account a defendant's age, level of maturity, and intellectual and emotional capacities. While this decision does not overturn the conviction of Venables and Thompson, it does mean that changes might soon be made in how juveniles are tried throughout Europe. European nations will have to reexamine their trial procedures to establish whether, according to the new standards, they allow child offenders full participation in trials. If not, their procedures must be changed, even if it means treating certain child offenders in a manner substantially different than adults.

In re Abraham involved the trial of eleven-year-old Nathaniel Abraham for the fatal shooting of one victim and the nonfatal shooting of another. Abraham "broke into a house and stole a .22 caliber rifle, practiced shooting at bal-

177. See V v United Kingdom, 30 Eur Ct HR Rep 121, 135 (1999).
178. See id at 137.
180. See id.
181. See V v United Kingdom, 30 Eur HR Rep at 137.
182. See id at 179.
185. See id. No such procedural changes are noted.
186. See generally In re Abraham, 599 NW2d 736 (Mich Ct App 1999).
loons and streetlights, and stated an intention to shoot gang members who had been bothering him.\(^\text{187}\) The day after the incident, Abraham was heard boasting about the shooting.\(^\text{188}\) He was charged with “one count of first-degree premeditated murder, one count of assault with intent to commit murder, and two counts of possession of a firearm during the commission of a felony.”\(^\text{189}\) After a probable cause hearing the trial court permitted Abraham to be tried in an adult court, where the jury subsequently found him guilty of second-degree murder.\(^\text{190}\) The court then exercised its discretion to sentence Abraham according to the juvenile sentencing guidelines rather than the adult guidelines.\(^\text{191}\) This sentence, which called for incarceration until the age of twenty-one, might have been the harsher route to take since the adult guidelines only call for a sentence of six to fifteen years.\(^\text{192}\)

Instead of expressing concern about Abraham’s family life or his mental capacity,\(^\text{193}\) the American public was outraged at the leniency of his sentence. In reference to prosecuting Abraham as an adult, one Michigan citizen suggested, “If youngsters are old enough to load the gun and shoot someone they are old enough to pay the price.”\(^\text{194}\) Another individual opined that “the verdict was inappropriate . . . [he] should have been convicted of first-degree murder and executed.”\(^\text{195}\) One man felt that the verdict “should not be any different because of his age. Instead of second-degree murder, Abraham deserved to be guilty of first-degree murder.”\(^\text{196}\) Such statements clearly illustrate the ever-present American need for retribution, even when the defendant is eleven years old. As evidenced by other cases involving young murder defendants,\(^\text{197}\) if Abraham were just a few years older, his incarceration probably would have been for a much longer period.

These two cases illustrate once again the emphasis the United States places on retribution and punishment versus the importance of treatment and reform in Great Britain. Venables and Thompson committed a heinous crime at a very young age, but the emotions of the public were not complete fury and rage against the two. Surely, some anger and sadness were present, but one of the

\(^{187}\) Id.
\(^{188}\) See id.
\(^{189}\) Id.
\(^{190}\) See Comment, 16 Conn J Intl L at 136 (cited in note 171).
\(^{191}\) See id.
\(^{192}\) See id.
\(^{193}\) See In re Abraham, 597 NW 2d at 836. Psychological reports indicate that Abraham had the intellect of a six to eight-year-old child with an IQ of seventy-eight.
\(^{194}\) Ben Woodall, Letter, Detroit News A12 (Nov 18, 1999).
\(^{195}\) Mike Halligan, Letter, Detroit News A12 (Nov 18, 1999).
\(^{197}\) See Louisiana v Wilkerson, 704 So 2d 1 (La App 1997) (fourteen-year-old defendant sentenced to seventeen years of hard labor for his second-degree murder conviction). See also Naovaratb v State, 779 P2d 944 (Nev 1989) (thirteen year old sentenced to life imprisonment with possibility of parole for his first degree murder conviction).
most prominent sentiments was concern for youths who have emotional and mental difficulties as well as disadvantaged home situations. The public and media did not push for a toughening of the juvenile justice system. The goal of the system was still to concentrate on rehabilitation. The United States, on the other hand, seemed to be leaning even further away from the rehabilitative ideal. Even though Abraham was tried as an adult, the public was infuriated when he was not convicted of a more serious crime or sentenced for a longer period. Despite the similarities of the offenders, the outcomes of these trials and the reactions of the public could not have been more different.

IV. ALEX’S FATE IN THE UNITED STATES AND GREAT BRITAIN

Although both the American and British juvenile justice systems grew from the same underlying premises, they have proceeded down divergent paths. To demonstrate the practical differences between these systems, as well as the changes that have occurred in both over time, I would like to look at the conviction and sentencing of a juvenile like Alex in the United States and in Great Britain in 1962 (when A Clockwork Orange was first published) and today. The juvenile justice system in the United States in 1962 had not yet undergone the revolutions of Kent, Gault, and Winship, so the informal role of the courts was to a certain degree still intact. However, theorists had already begun arguing that nothing works to rehabilitate, so Alex might have faced a court willing to incorporate more punishment than rehabilitation. This retributive element would mean meting out justice according to the crime committed, not according to the needs of the individual, and might have been used to allay any public fear of rising juvenile crime. Alex would most likely have been sentenced to incarceration for the remainder of his minority or for a time to be determined by the presiding judge. He probably would not have been tried in an adult court because the demand for juvenile waiver was not yet pressing. In all likelihood, Alex would also not have been sentenced to death since the get tough policies on crime had not yet reached today’s level of moral panic.

As a fifteen year old who had committed murder, Alex would face the harshest environment possible in the United States today. The major retributive reformation of American juvenile courts has taken root, and rehabilitation is no longer the main goal of the system. If Alex found himself in a state with a discretionary waiver statute, a judge might deem that the seriousness of the offense requires the punishment of either life imprisonment in an adult facility or the

198. See generally Greer, Love, Not Hate (cited in note 175) ("To reveal the boys' identities, to describe their families and pass summary judgment on them too, [is] to compound the evil. Only if we can make the imaginative leap to know what it is like to be an inattentive, unmotivated boy sagging off from school, ... collecting abuse and insult from people close and distant, immobilised in futile, self-destructive postures, will we overcome by love the evil that has suddenly blossomed in the midst of our rational, humane society.").
death penalty. Alternatively, if the state had a statutory offense exclusion for murder, Alex would be automatically transferred (without the exercise of judicial discretion) to adult court jurisdiction and subject to adult penalties. In a state with a statute proscribing mandatory minimum sentences for certain crimes, Alex could be mechanically sentenced to a period of incarceration set by the legislature, without reference to any mitigating circumstances. Alex remaining within the juvenile justice system is the least likely scenario. Although within juvenile jurisdiction he would surely be incarcerated for the rest of his minority, this situation would do little to assuage the public’s desire for retribution.

In the British 1962 system, Alex would fall under Section 53 of the Children and Young Persons Act of 1933. If no other punishment were justified, he would be incarcerated for an indeterminate amount of time but would not face the death penalty. However, since the rehabilitative purpose drove the British system and Section 53 justifies indefinite imprisonment only if no other punishment is suitable, Alex probably would have received a less severe punishment. The court might have looked in depth at his family situation and social circumstances and decided that a different punishment better suited Alex’s needs. At this time, adjudication was more about the needs of the juvenile than the crime committed and the court was still under the duty to place the welfare of the child above all else. So although the charges would probably not be set aside, Alex might instead be incarcerated for a shorter period or be granted probation under the court’s supervision.

In Great Britain today, where the goal of the juvenile justice system is to prevent repeat offenses, the court would want to get to the source of Alex’s criminal behavior. Under the Criminal Justice Act of 1991, the court may only impose a custodial sentence if the offense is serious enough, with the term “serious” being open to the court’s interpretation. A tough court might hold that murder, no matter what the circumstances, justifies a custodial sentence because of its seriousness or because the public needs to be protected. He could therefore be tried in the Crown Court for murder, but the trial procedures would have to be modified to allow for his full participation, as called for by the European Court of Human Rights. If sentenced to detention at Her Majesty’s
pleasure, Alex would remain incarcerated until age eighteen, at which time his progress would be evaluated to see if he had adequately rehabilitated himself.208 A more moderate court might agree that Alex should complete a custodial sentence but allow the time to be spent in a local accommodation close to Alex’s family. Still a more lenient court placing heavier weight on mitigating factors might opt for a Detention and Training Order where Alex would be incarcerated for half of his sentence and would spend the other half under community supervision.209 Any court would almost certainly also order reparation to be made in the form of an oral or written apology to the victim’s family.210 In addition to these sentences, or perhaps as a condition of probation, Alex’s family could be required to attend counseling sessions to aid in any family problems that might have added to his criminal behavior.211

The different publishing receptions of *A Clockwork Orange* clearly indicate a divergence in public views regarding juvenile justice and the rehabilitation of juvenile offenders. Using the novel as a springboard, my goal has been to trace the historical developments of both the American and British juvenile justice systems and to examine the practical differences between them. Comparing the two systems shows a variety of similarities such as the initial need to treat juveniles differently than adults and to guard the welfare of the child. However, the disparities in the two systems are somewhat striking. Over the past few decades, the United States has cracked down on juvenile offenders due to fear of rising juvenile violence and the seemingly urgent need to protect society. The rehabilitative purpose has been almost completely erased by the retributive model, and a child facing adult court adjudication is a common occurrence. Viewing juvenile justice today, the truncated ending of *A Clockwork Orange* is not at all surprising. A juvenile pushed through the adult courts will not learn to correct his behavior. He will instead be ready to commit more crime when he is free and become a repeat player in the system.

Great Britain has maintained rehabilitation as a major foundation of its juvenile justice system, and any steps toward punitive measures have been taken only against narrow groups of persistent and violent offenders. The constraint still remains on courts to mete out justice for the needs of individuals, not for the retributive desires of the public. The current aim of preventing repeat offenses offers youths greater opportunities to reenter society as more productive citizens and to remedy the behavior that brought them to juvenile courts in the first place. Alexes in Great Britain undoubtedly have to be accountable for their actions and realize that immediate consequences exist for their wrongdoings, but they also have more opportunities to develop vocational skills and community

210. See id.
ties that will help them lead law-abiding lives. The ending of the British novel embodies the idea that people, especially young people, can pay the price for their wrongs, learn from their mistakes, and move on.

**V. CONCLUSION**

Children all over the world face similar problems and temptations, albeit in different cultures. Living in Chicago is definitely different than living in London, but perhaps the differences we see in children are not about time zones, climates, or accents. Perhaps the real difference lies in the way that a particular country's system treats children after they make mistakes. Will the child be thrown away as a lost cause or will he be placed in an environment where he can get to the root of his problems and learn to change his behavior? Surely there is no easy answer to the question of what rehabilitative measures and what punitive measures must be mixed to create the most beneficial juvenile justice system. Yet, by comparing the different systems, perhaps policymakers can find what their own system lacks.

The United States should learn from the British example that rehabilitation still has a place in today's juvenile justice system. Certainly punishment should still be incorporated since juveniles must learn that consequences exist for their crimes. However, making retribution the lodestar is detrimental. Children are physically at risk in adult prisons and children released from incarceration have no educational or vocational skills to utilize. I believe that more resources on a national scale should be devoted to community-based and intensive supervision programs that blend rehabilitation and discipline to reduce recidivism rates. Educational and vocational training should play the most prominent role in any sentencing program so that the juvenile has skills to lead a crime-free lifestyle and earn an honest living when he completes his sentence. Individual and family counseling sessions should also be a part of juvenile sentencing so that any emotional or relational problems can be addressed rather than ignored. After all, as the British have already discovered, maintaining a society with as many productive citizens as possible is the best policy. If the United States could loosen its hold on retribution, give rehabilitation enough time and resources to play a role in the juvenile system once again, I think the benefits to each individual child's welfare as well as society's welfare would be worthwhile. Perhaps then some of the optimism concerning Alex's ability to reform can be brought from one continent to the other.