

Juvenile States: A Genealogy of Race, Gender and Delinquency in U.S. Culture,
1899-1967

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Abstract

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This dissertation surveys the status of the juvenile delinquent in U.S. cultural production through a cross disciplinary investigation of sociology, psychology, literature and film. The cultural archive of this dissertation is organized around two important legal watersheds in juvenile justice. In 1899, the first juvenile court was established in Cook County, Illinois, and ushered a wave of juvenile justice reform in courts across the nation. The culmination of early Progressive era child savers' efforts, the installation of juvenile courts marked a significant shift in the court's formal role from neutral adjudicator to a paternal administrator. The Supreme Court decision, *In re Gault* (1967) marks the second watershed. Within normative legal accounts, this decision is seen as "restoring" the court's impartial treatment of the juvenile based on the determination that juvenile court procedure failed to protect the juvenile's right to due process. Across these legal watersheds, this dissertation offers a genealogy of juvenile delinquency discourse that interrogates the complex network of disciplinary knowledge (including law, psychology and sociology), which simultaneously clarified and obfuscated the causal features of

youth's supposed predisposition towards criminal behavior. I use a genealogical method, as theorized by Michel Foucault, to expose the limits, obfuscations, and contradictions of dominant narratives of juvenile delinquency in order to denaturalize the authority of disciplinary knowledge by examining juvenile delinquency discourse as an assembly of historical entanglements and political contestations that were critically imagined in aesthetic representations of juvenile delinquency. To this end, the chapters offer sustained readings of literary and cinematic representations of the juvenile delinquent to decenter the pathological determinacies of delinquent behavior deployed by the state and social sciences and to animate the juvenile delinquent as a constitutively porous figure that has reinforced a state technology of selective incorporation.

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Introduction

“Delinquency, controlled illegality, is an agent for the illegality of the dominant groups.” –Michel Foucault, *Discipline and Punish*

“There is something curious about this--curious and unaccountable. There must be two Americas: one that sets the captive free, and one that takes a once-captive's new freedom away from him, and picks a quarrel with him with nothing to found it on; then kills him to get his land.” –Mark Twain, “To the Person Sitting in Darkness”

Two young white boys stand barefoot, dressed in tattered clothes. The boy on the left leans to his right with his left foot casually turned out. Both hands comfortably rest at his sides through torn cuffless sleeves. His affectless yet piercing gaze is directed towards a person or object to the observer's left. His meeker counterpart stands to the right, his shoulders slightly tense. The shorter boy tucks his right thumb under a tangled suspender strap. His eyes are alert and his lips slightly parted.

This seemingly unremarkable photograph appears in Jacob Riis' *How the Other Half Lives* (1890), a photojournalistic account of life in New York City slums.¹ The photograph's caption “Didn't Live Nowhere” loosely ties to an anecdote Riis provides earlier: “a drunken father explains the matter [of orphans] in other cases, as in that of John and Willie, aged ten and eight, picked up by the police. They ‘didn't live nowhere,’ never went to school, could neither read nor write.”² By 1890, these boys would easily qualify as delinquents under the *1825 Act to*

¹ Jacob A. Riis and Luc Sante, *How the Other Half Lives: Studies Among the Tenements of New York* (New York: Penguin Books, 1997), 154.

² *Ibid.*, 150.

Incorporate the Society for Reformation of Juvenile Delinquents in the City of New York, which included vagrants as well as children who had been convicted of criminal offenses.³

I have so far been unable to find documented proof that the photograph is of John and Willie. But whether or not the photo is actually of the father's children or a stock photo that



conveniently represents who they might look like, the image underscores the transposability of the child's body

from a personal narrative of abandonment into a

generalized condition of juvenile depravity. The photo

denotes a process of abstraction that underscores how the delinquent child approximates depravity and ubiquity.⁴

Fittingly, the photograph's setting is particularly obscure;

the only indication of a spatial boundary is the horizon line

of the floor meeting a wall behind the two figures at calf-level. The boys' situation "nowhere,"

both in the image and in the father's narrative, contributes to the effect Riis, like other social

reformers involved in the 19th century child-saving movement, sought by focusing on the

wayward child. Their bodies disturb on multiple registers: while the children's tattered clothing

and bare feet bespeak the material violence of industrial development that strains social

resources for the poor, their physical soundness forebodes a nightmare of poor youth enduring

their impoverishment in growing numbers. The ostensible health of the boy on the left, who

³ Society for the Reformation of Juvenile Delinquents in the City of New York, *Third annual Report of the Managers of the Society for the Reformation of Juvenile Delinquents, in the City and State of New York*. (New-York: Mahlon Day, 1828), 59.

⁴ Significantly, this photograph is the sole image in Riis' social reformist text that does not attribute a specific location or an identity to the image. All of the other photograph titles provide some detail of the image's location (for example, "In Poverty Gap, West Twenty-Forth St. An English Coal-Heaver's Home) or sociological subject ("Typical Toughs" "A Growler Gang in Session").

associates with and presents a possible model for the shorter boy on the right, presents a striking impression of the child's vigor in poverty. The coupling of destitute youth and geographic ambiguity suggests what theorist Roland Barthes calls the "punctum" of the photograph, or the detail that pricks the viewer and emphasizes the blind spot or gap in the viewer's knowledge.⁵ Lacking geographical specificity, these boys remind the predominately urban bourgeois readership that these children could very well be *anywhere*, near their neighborhoods, in their city. The absence of local geographical referents has a double effect. First, the viewer is left to surmise the possible environmental abuses and familial neglect that could have produced these boys. Second, the children's bodies are accentuated and turned into social texts manifesting both the cause and effect of their condition. In other words, the abstraction of space focalizes the very particular materiality of the boy figures, thus producing a transferable image of depravity removed from its specific conditions of possibility. The startling gap between the specter of civilizational decay augured by their material poverty and the ideals of children's presumed innocence provides a point of entry for this dissertation.

According to the Oxford English Dictionary, the term "delinquent" can be traced to fifteenth century England: while criminal is "of a person or a group of people; guilty of a crime or a grave offence," delinquent is "of one who fails in duty or obligation, a defaulter; more generally, one guilty of an offence against the law, an offender." While "criminal" implies a

⁵ In *Camera Lucida*, Barthes describes the punctum as the detail that is counterthetical to the studium, which entail the manifest qualities of the image that provide us with a spatial and temporal foundation of the image: "The second element will break (or punctuate) the studium. This time is it not I who seek it out (as I invest the field of the studium with my sovereign consciousness), it is this element which rises from the scene, shoots out of it like an arrow, and pierces me. A Latin word exist to designate this wound, this prick, this mark made by a pointed instrument: the word suits me all the better in that it also refers to the notion of punctuation, and because the photographs I am speaking of are in effect punctuated, sometimes even speckled with these sensitive points; precisely these marks are so many points." Roland Barthes, *Camera Lucida: Reflections on Photography* (New York: Hill and Wang, 1981), 26-27.

proactive transgression of the law, “delinquent” connotes neglect or a failure to act, and has specific usage with insolvency. According to *Black’s Law Dictionary*, delinquency in the legal context is reserved for cases brought forth in civil, rather than criminal, courts. In contemporary legal discourse, delinquency has come to overlap with criminality; however “delinquent” is popularly used to describe juveniles who are implicated in criminal behavior that *would be* punishable if they were not of minor age. The etymological variances of “delinquency” not only attest to the instability of the term but also its ambiguous relationship to the law. Still, delinquency, by and large, is understood to indicate a threat or transgression of social norms.

Counter to a common sense that associates delinquency with anti-social, *unproductive* behavior, this dissertation interrogates the juvenile delinquent’s role in the *production* of social regulation, an observation that I draw from the work of Michel Foucault. In the final chapter of *Discipline and Punish*, Foucault argues that since the nineteenth century, the rhetoric against prisons as failing institutions belies their social *productivity*. Critiquing the perennial campaigns of prison reformists and abolitionists who bemoan incarceration’s failure at reducing crime and reforming criminals, Foucault challenges the empirical rubrics that use “crime rates,” “criminal rehabilitation,” or “social assimilation” to measure the effectiveness of the carceral system. He counters, “for the observation that prison fails to eliminate crime, one should perhaps substitute the hypothesis that prison has succeeded extremely well in producing delinquency, a specific type, a politically or economically less dangerous--and, on occasion, usable--form of illegality.”⁶ Foucault deftly recasts the ineffectiveness of the prison as precisely that which installs, proliferates and maintains social delinquency as a means to secure the reproduction of the carceral system. He clarifies delinquency as,

⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1995), 277.

an open illegality, irreducible at a certain level and secretly useful, at once refractory and docile; it isolates, outlines, brings out a form of illegality that seems to sum up symbolically all the others, but which makes it possible to leave in the shade those that one wishes to--or must--tolerate.⁷

In this formulation, delinquency discursively captures the liminal, non-normative social milieu, thereby reinforcing the rationality of the carceral system in targeting the delinquent figure as an object of state surveillance and rehabilitation. That is, delinquency is a social formation that “outlines” and “brings out” illegality, a process that clarifies delinquency’s instrumental relationship to the law. At the same time, this dispersed flexible illegality is also instrumental in occluding other forms of illegality that, to repeat, “one wishes to—or must—tolerate.” Thus, the heterogeneous deviancies that delinquency brackets also serve as a crucial discourse and practice of state reproduction. On the one hand, the legitimacy of the carceral state rests upon the illegalities that are yet-to-be recognized, deferred for future state incarceration. On the other hand, the production of delinquency as an object of knowledge requires new modes of surveillance and alternative strategies of intervention, and it impels profitable illegalities committed by state actors (i.e. abuses of by the police, politicians, physicians).

Foucault’s insight recognizes that delinquency is a field that purposely exceeds the legal domain. While laws that identify and manage delinquency lubricate dominant structures of social oppression, delinquency is particularly crucial to the maintenance of dominant political, economic and cultural norms. Moreover, he suggests that delinquency is the hegemonic discourse that necessitates and constitutes modern Western disciplinary structures. An example that elucidates Foucault’s observation is the regulation of sexuality and sexual knowledge during

⁷ Ibid.

the Counter-Reformation when sexuality served not only to identify social deviancy, but also to manage appropriate social reproduction. In particular sexual delinquency (epitomized by discursive figures including the homosexual, the precocious youth, and the female hysteric) rationalized the establishment of institutions such as the hospital and the asylum as extended sites of state governance.⁸

Following Foucault's incisive critique that the reproduction of the carceral state depends upon proliferative delinquency discourses, this dissertation traces one specific formation of delinquency, juvenile delinquency in the U.S. context. This project dwells at the intersection of juvenility and delinquency, a site which U.S. law and cultural production has actively and alternately ruffled and smoothed over the contradictions that have emerged in managing non-normative minors. A social formation that consolidated the racial and gendered norms of bourgeois childhood, juvenile delinquency discourse has contributed to the increased surveillance of undesirable bodies under the aegis of rehabilitation. Particularly in the context of 19th century U.S. post-colonial imperial power, juvenile delinquency was a racialized and gendered discourse in state legal architecture that grew in the 20th century to become a formalized area of study in the fields of sociology, anthropology and psychology alongside the legal formation of juvenile justice. It is through the work of these disciplines, or through the *disciplining* of the juvenile delinquent, that juvenile delinquency has become a naturalized subject of criminology. This dissertation explores how these discourses collectively produced a common sense about juvenile delinquency that permitted the state to experiment and hone its practices of liberal governance across lines of race, gender and class.

⁸ Michel Foucault, *The History of Sexuality, Vol. I*, trans. Robert Hurley (New York: Vintage Books. 1988).

Moving from the legal context (as it is supported by psychological and sociological discourses) to literary and cinematic contexts, I analyze how juvenile delinquency discourse has played a supplementary role as a convenient site “in-the-wings” to imagine and negotiate liberal state policies of the child as a racialized and gendered figure. In particular, the representations of juvenile delinquents that I explore demonstrate how juvenile delinquency sustains debates about the state’s responsibility over minors to adjudicate according positive law and smooth over the constitutive inequalities that are produced by and maintain a liberal capitalist system. Typically describing the misbehavior of youth as a corollary phenomenon of industrial modernization, dominant juvenile delinquency discourse identifies unsupervised exposure to city life, absent or abusive parenting, and abject poverty as the primary conditions producing juvenile misbehavior. However, an alternative narrative suggests that the juvenile delinquency is a reminder of the violence of capitalism as the dominant system of exploitative wealth accumulation and the legal contradictions of liberalism’s responsibility toward its minor citizens. At the center of this discourse, the juvenile delinquent emerges as both an improper object of modernity whose assumed innocence is irreparably marred and therefore must be disposed, and a crucial subject of modernity who must be reclaimed to sustain a robust citizenry.

This dissertation contributes to the relatively sparse scholarship on juvenile delinquency in literature and film. Michael Gordon’s *Juvenile Delinquency in the American Novel 1905-1965* (1971) is one of the earliest surveys of literary representations of the juvenile delinquent that interprets the juvenile delinquent’s presence in the “literary” archive as a direct reflection of major historical shifts in the U.S. such as global war, urban development and economic

depressions.⁹ Mark Thomas McGee and R.J. Robertson's *The J.D. Films: Juvenile Delinquency in the Movies* (1982) extends Gordon's sociological lens to U.S. cinema by symptomizing cinematic representations of the juvenile delinquent as either bad subjects, or bad subjects who are inherently good.¹⁰ Claudia Durst Johnson's *Youth Gangs in Literature* (2004) is an indexical sampling of canonical Anglo-American and multicultural literary texts that have represented youth criminality.¹¹ These readings of juvenile delinquency in literature and film tend to proceed from an assumption that cultural production simply reflects political and economic norms. In many ways, these investigations presume an internal consistency in representations of the juvenile delinquent in U.S. culture that naturalizes the juvenile delinquent as an index of social progress.

In contrast to these studies, richer analyses of juvenile delinquency that are attentive to the gender in addition to class have emerged in anthologies of critical children studies and cinema. Timothy Shary's "Bad Boys and Hollywood Hype" (2005) is a useful bibliographic essay that tracks the shifts between an increasingly younger cinematic audience and changes in the politics of representation of juvenile delinquent boys in Hollywood cinema. Although Shary's broad overview focuses on a specific gendered form of juvenile delinquency, it stops short of investigating the logics of the gender and reads the delinquent boy in cinema as a reflection of shifting cultural norms about male juvenile misconduct.¹² Rachel Devlin's essay "Female Juvenile Delinquency and the Problem of Sexual Authority in America in 1945-1965"

⁹ Michael Gordon, *Juvenile Delinquency in the American Novel, 1905-1965: A Study in the Sociology of Literature* (Bowling Green: Bowling Green University Popular Press, 1971).

¹⁰ Mark T. McGee and R J. Robertson, *The J.D. Films: Juvenile Delinquency in the Movies* (Jefferson: McFarland, 1982).

¹¹ Claudia D. Johnson, *Youth Gangs in Literature* (Westport: Greenwood Press, 2004).

¹² Timothy Shary, "Bad Boys and Hollywood Hype: Gendered Conflict in Juvenile Films," in *Where the Boys Are: Cinemas of Masculinity and Youth*, ed. Murray Pomerance and Frances K. Gateward (Detroit: Wayne State University Press, 2005), 21-40.

(1995) offers a more theorized account of the gendering function of juvenile delinquency discourse that focuses on the intersection of female juvenile delinquency and contemporary psychoanalytic discourse, which contributed to the pathologization of wayward females or girls.¹³ Devlin emphasizes how post-World War II anxieties about female juvenile delinquency were expressed in aesthetic representations of conflicted father-daughter relationships. With the rise of psychoanalytic discourses that theorized sexuality within the norms of bourgeoisie life, the figure of the female juvenile delinquent in the Cold War U.S. contributed to the sense that heteropatriarchal authority was eroding. While this dissertation shares in Devlin's approach to juvenile delinquency an understanding of its inherently interdisciplinary formation, it pursues a deeper investigation into the role of aesthetic representation in elaborating and unsettling the dominant sociological and psychological narratives of delinquency co-opted by the state.

To this end, this dissertation offers a genealogy of race, gender and juvenile delinquency in U.S. state and cultural politics from 1899-1967. My understanding of genealogy draws from another work of Foucault, his essay "Nietzsche, Genealogy, History," which argues against the writing of progressive history.¹⁴ Instead genealogy encourages an examination of a social formation that

does not pretend to go back in time to restore an unbroken continuity that operates

beyond the dispersion of oblivion; its task is not to demonstrate that the past

¹³ Rachel Devlin, "Female Juvenile Delinquency and the Problem of Sexual Authority in America, 1945-1965," in Sherrie Inness, ed., *Delinquents and Debutantes: Twentieth-century American Girls' Cultures*. (New York: New York University Press, 1998) 83-106.

¹⁴ In Michel Foucault and James D. Faubion, *Aesthetics, Method, and Epistemology* (New York: New Press), 1997.

actively exists in the present, that it continues to secretly animate the present,
having imposed a predetermined form on all its vicissitudes.¹⁵

Genealogy, in Foucault's estimation, understands that configurations of social power are perpetually shifting, finding new modalities to extend and to exercise control. While a monolithic history installs origins that presume "site[s] of truth," a genealogy maintains that the truths we attribute to "origins" are simply a bundle of human experiments, accidents, and victories; in other words, struggles over power that have "hardened into an inalterable form."¹⁶ Thus, genealogy is neither particularly interested in the discovery of foundations or roots, nor is it invested in the restoration of a grand narrative that filters away the "accidents, the minute deviations--or conversely the complete reversals--the errors, the false appraisals, and the faulty calculations."¹⁷ Instead, a genealogical history understands the inconsistencies, contradictions and "mistakes" of the past to constitute the formations of power that support the emergence of specific political regimes. What follows then is a genealogy of juvenile delinquency in U.S. culture that reads the juvenile delinquent as a nexus for the consolidation of white bourgeois state power through an uneven, discontinuous, and at times contradictory relationship to racial and gendered incorporation¹⁸.

¹⁵ Ibid., 374.

¹⁶ Ibid., 372-3.

¹⁷ Ibid.

¹⁸ The use of "incorporation" as a thematic in this dissertation shifts between strictly legal contexts as well as broader contexts, such as in the entrance of the individual into the body politic. Alan Trachtenberg uses "incorporation" to describe the "general process of change, the reorganization of perceptions as well as of enterprise and institutions" that contributed to the modernization of the U.S. in the last half of the nineteenth century. While incorporation draws from rise of corporations during this period, Trachtenberg looks to the ways that the ideology of the corporation was reflected and transmuted in culture. Alan Trachtenberg. *The Incorporation of America*. (New York: Hill and Wang, 1982), 3-4. Eva Cherniavsky uses incorporation to describe the binding of oneself to an interior core as the condition for freedom under modernity where mobility is essential. Cherniavsky's idea of "incorporated embodiment" offers a

Historical Parameters

While the emergence of “juvenile delinquency” as a distinct term can be traced back in a British context to the early nineteenth century, this dissertation limits the historical scope of its investigation to the period of 1889-1967.¹⁹ In 1899, the Illinois state courts installed the first juvenile court in the U.S., which produced an exception *to* and extension *of* the juridical apparatus. A watershed moment where conditions of vulnerability in a distinct population demanded a separate court procedure, juvenile court law was incorporated into the juridical apparatus through a paternalistic logic. Assuming the right of *parens patriae*, the courts took the role of therapeutic adjudicator and adopted separate procedures to address the juvenile delinquent. Initially positioning the courts as child advocates, juvenile court law absorbed the problematic variable of individual sentiment, which had been the only measure for court judges to determine punishment for minors in adult courts. The installation of the first juvenile court in Illinois had a profound effect as a majority of state courts throughout the U.S. adopted some form of a juvenile court system by the start of World War I.²⁰ This juridical transformation was also supported by the emergence of the disciplinary social sciences, specifically psychology and sociology, which had found academic institutional legitimacy by the 1890s.

provocative alternative to the interarticulation of race and capitalism that redefines raced subjectivity as “essentially lacking” an interior personhood, which protects it from capitalist exchange. Eva Cherniavsky. *Incorporations: Race, Nation, and the Body Politics of Capital*. (Minneapolis: University of Minnesota Press, 2006), xvii. In this dissertation, “incorporation” describes the seemingly banal process by which the State provides individuals and group political recognition and membership.

¹⁹ The Oxford English Dictionary notes, “1816 Rep. Soc. investigating Causes Increase in Juvenile Delinquency” as the earliest instance of “juvenile delinquency” in published discourse.

²⁰ The only states that had not enacted a juvenile court law by 1914 were Maine, Maryland, New York, Mississippi, New Mexico, West Virginia and Wyoming. Individual counties and cities in Maryland and New York had adopted some juvenile court laws prior to World War I.

Studies of juvenile delinquency in the social sciences in the first half of the twentieth century proved especially influential as they investigated environmental factors, sought to identify abnormal psychological development, and contributed to individual and policy based interventions to suppress the ever rising tide of urban juvenile delinquency. In sociology, the breakdown of bourgeois values once cultivated through traditional family structures emerges as a thematic in claims about the source of aberrancy. Both the exigencies of the economy, which alternately demanded and expelled new forms of cheap and expendable labor and the war, which demanded fathers for military service and mothers for surplus labor to replace the depletion of male labor, fractured and reconfigured the hetero-patriarchal family and weakened normative cultural reproduction. As the institution of the family came to bear the brunt of responsibility for youth criminality, racial and gender logics of juvenile delinquency were implicitly produced in sociological research. As scholars such as Henry Yu and Roderick Ferguson have argued, sociological research trends in African American, as well as Native American and Latino American populations, were fixated on abnormal family forms to explain trends in ethnic ghettoization and welfare dependency.²¹ In the studies produced by the Chicago school of sociology from the 1910s up through the 1940s, juvenile delinquency became an implicit measure of social assimilation and progress. While low incidence of juvenile delinquency among Asian Americans were interpreted as the endurance of strong collective traditions and conservative values, higher rates among African Americans were often attributed to absent fathers, broken homes, and poor moral upbringing. Thus, in the historical narrative of disciplinary sociology, the problem of criminally inclined youth was intimately tied to race and

²¹ Roderick A. Ferguson, *Aberrations in Black: Toward a Queer of Color Critique*, (Minneapolis: University of Minnesota Press, 2004), And Henry Yu, *Thinking Orientals: Migration, Contact, and Exoticism in Modern America* (New York: Oxford University Press, 2001).

gender. The discursive construction of the juvenile delinquent as both individual and social effect (as emphasized by psychologists and sociologists respectively) during this period also proved a persuasive rational alternative to sentimentalized child-saving reformist practices.²²

1967 registers a different convergence of state and cultural transformations. The U.S. Supreme Court's decision *In re Gault* (1967), extended rights of due process (including the right to confront witnesses, the right to counsel, etc.) to juvenile delinquents.²³ While the extension of these rights sought to protect the constitutional rights of all citizens, the decision marks a transition from casting juvenile *delinquents* as rehabilitative subjects to juvenile *offenders*, whose lawlessness was solidified and therefore subject to judicial treatment as adults.²⁴ Influenced by the inroads made by the civil rights movement and the shifting attitudes of the Supreme Court in response to Cold War politics, the aftermath of *In re Gault* points to the contradiction that

²² Though the influential role of sociology and psychology in the adjudication of juvenile delinquents grew significantly in the first half of the twentieth century, the relationship between juvenile justice and the social sciences was established earlier. As Victoria Getis points out, the Cook County Juvenile Court provided social scientists access to delinquent youth's records in the service of reform. See Victoria Getis, *The Juvenile Court and the Progressives* (Urbana: University of Illinois Press, 2000), 22.

²³ "The petition sought the release of Gerald Francis Gault, appellants' 15-year-old son, who had been committed as a juvenile delinquent to the State Industrial School by the Juvenile Court of Gila County, Arizona. The Supreme Court of Arizona affirmed dismissal of the writ against various arguments, which included an attack upon the constitutionality of the Arizona Juvenile Code because of its alleged denial of procedural due process rights to juveniles charged with being "delinquents." *In re Gault*, 387 U.S. 1 (1967).

²⁴ Provocatively, the move towards legal liberalization for youth transacts with the integrationist discourses during the Cold War. 1967 also marks another project of U.S. Empire through military operations in Southeast Asia. As Christine Klein notes the dominant policy of subversive containment also required a properly hegemonic force, which demanded the integration of racial and national otherness. See Christine Klein. *Cold War Orientalism: Asian in the Middlebrow Imagination, 1945-1961*. (Berkeley: University of California Press, 2003). Two other markers of U.S. integrationist logics are the Immigration and Nationality Act of 1965, which ushered a greater number of migrants and family from Asian nation-states, and the 1967 UN Refugee Protocol which the U.S. acceded to, though it had not to been party to the original 1951 Convention. Reading integration across these three domains (international, transnational and national law), one might better understand shifts in juvenile delinquency as a response to U.S. liberal state concerns about preserving its stature in the global order.

emerges between the awarding of individual rights and the further exposure of marginal subjects to state violence. While the delinquent's association with youth culture once protected him or her from the metric of punishment accorded to adults, the juvenile offender could now be determined to hold full responsibility for his or her actions as a subject with individual rights.

Across these watersheds, the sedimentation and subsequent dissolution of the juvenile delinquent's exceptionality provocatively correspond with the rise of the U.S. state's biopolitics, which supported welfare policies during the first half of the twentieth century and the rise of neo-liberal governmentality. These political and economic shifts also correspond with U.S. transnational politics that engaged in imperial projects in Hawaii, Puerto Rico and the Philippines at the end of the nineteenth century and then in military operations in Southeast Asia during the 1960s. Thus, the problem of juvenile delinquency can be situated within and across two political trajectories: the first trajectory could be described as the nation's drive towards capitalist expansion through urban development within the U.S. and imperialism overseas. The second trajectory focuses on state projects that aggregate and manage abnormal and disorganizing features of civil society that are produced out of these expansions.

This dissertation uses these juridical watersheds to mark the historical parameters of a legal narrative of delinquency that initially produced the juvenile delinquent as an exceptional figure that required the state's solicitude for their rehabilitation, and then as a legal conundrum that required the state's neutrality to enforce their standardized procedural treatment. Around and in between these legal watersheds, which read in isolation may appear to provide temporal anchors for a progressive narrative of the state self-refining its relationship to the juvenile, I explore cultural production to unpack the more entangled contestations over juvenile delinquency. In my analysis of cultural representations of juvenile delinquency, I seek to clarify

the terms through which the juvenile delinquent is rendered legible as a social problem requiring state and social intervention and identify who is remaindered in that process. In tracking the juvenile delinquent in U.S. cultural production, this dissertation demonstrates how juvenile delinquency has constellated a powerful network of bourgeois reformist organizations and state legal apparatuses to instill disciplinary approaches to youth as future citizens at the same time it has served at different historical junctures as a technique to abolish youth who are perceived as unfit, undesirable, and non-incorporable to the nation.

To demonstrate how I proceed through my archive, I want to briefly return to Riis' photograph as it alludes to the constellation of 'traditions, institutions and formations' that contributed to juvenile delinquency discourse at the end of the nineteenth century in the urban North.²⁵ As a cultural intertext, the photograph evokes the network of state institutions, social organizations, and cultural forms that sought and incited social change. Contextually, this image appears in a canonical muckraking text that continues to influence investigative journalism, documentary media and literary naturalism. Discursively, the image participates in the complex circuits of power that drew attention from social reformist organizations including the Children's

²⁵ In "Traditions, Institutions and Formations," Raymond Williams describes how hegemonic processes occur through uneven and disparate flows of power in the shaping of culture. He offers traditions, institutions and formations as the definitive aspect of any cultural processes of incorporation. Under Williams' historical materialist frame, tradition is "an actively shaping force" that is 'the most powerful practical means of incorporation.' As an "intentionally selective version of a shaping past and a pre-shaped present," tradition depends upon institutions to disseminate, cultivate and enforce the boundaries that constitute an ideological tradition. Institutions play a central "though incomplete" role in processes of incorporation by "enforc[ing] selected meanings, values and activities." The production of tradition and institutions rests upon and is challenged by "formations," which Williams describes as "those effective movements and tendencies, in intellectual and artistic life, which have significant and sometimes decisive influence on the active development of a culture, and which have a variable and often oblique relation to formal institutions." Williams' heuristics for a historically materialist cultural study emphasizes culture as a production of material representations and ideologies rife with contradictions, which rupture, transform, and secure hegemony. Raymond Williams, *Marxism and Literature* (Oxford: Oxford University Press, 1977), 113-18.

Aid Society and the Society for the Prevention of Cruelty to Children, social critics such as Riis, private charities like the Five Points Mission, potential supporters in this case the bourgeois readers of *How the Other Half Lives*, and the law, which regulated the conditions of foster care and legally enforced the conditions of the children's homes.²⁶ Formally, the photograph visually captures, incorporates, and disperses the juvenile delinquent into the social consciousness of the white bourgeois public. While the material depravity of the photograph's subjects may focus perceiving juvenile delinquency primarily through the lens of class, caution is necessary to avoid a dangerous tendency in class-centered analytics to hegemonically neutralize race and gender discourses, especially when situated in the U.S. and the history of its constitution of liberal freedom through the institution of chattel slavery and genocide. Instead, the spectacle of aberrant white children points to the tradition of bourgeois childhood that installed juvenile delinquency reform as a racial project that identified white juvenile delinquents as the proper objects of rehabilitative care to be administered by both state and civil institutions (including prisons, reformatories, poorhouses, and houses of refuge).²⁷ This mediation provides a point of departure as I track the convergences of legal, sociological, psychological, literary and cinematic representations of the juvenile delinquent in the following chapters.

²⁶ In the final chapters "What Has Been Done" and "How the Case Stands" Riis summarizes the cooperative relationships between the government, the private organizations and charities and exemplary individuals could enact significantly progressive and enduring change (210-11).

²⁷ The concept derives from Michael Omi and Howard Winant who theorize racial projects as "*simultaneously an interpretation, representation or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines*. Racial projects connect what race means in a particular discursive practice and the ways in which both social structures and everyday experiences are racially organized, based on that meaning." (56 emphasis original)

Chapter one explores the interface between discourses of juvenile delinquency and abolition in order to understand how the latter discourse was instrumental in arguments for juvenile protections that reinforced propertied whiteness as a hallmark of U.S. citizenship. While the process of incorporating emancipated slaves post-Emancipation was deeply encumbered by prevailing racist ideology, campaigns for juvenile delinquency reform found less resistance since narratives of delinquent children typically focused on youths in inner city European immigrant neighborhoods during a period when ethnic European immigrants were increasingly viewed as suitable candidates for incorporation into a predominantly Anglo-Saxon white citizenry. Using the crucial intersection of slavery and juvenile delinquency as a point of entry, this chapter theorizes that post-Emancipation legal and social reformist discourse about juvenile delinquency set the foundation for a racist state project that allocated state resources to rehabilitating young white men in anticipation of their full participation as adult citizens while concomitantly inventing new legal strategies that assigned Black men to conditions of servitude.

Turning to the literary as an aesthetic expression of the *inter-articulation* between the figure of the slave and juvenile delinquent, this chapter explores Mark Twain's canonical juvenile novel, *The Adventures of Huckleberry Finn* (1885). An important contribution to debates about liberal ideals of freedom, I analyze the ways the novel imagines a contradictory space between the desires of the juvenile delinquent and those of the slave. By centering the role of juvenile delinquency in this debate, this chapter denaturalizes the self-evidentiary readings of Huck as a child whose hijinks are permitted as child's play and considers how his racial and gendered position as a juvenile delinquent in relation to an emancipated slave expresses an important shift in the constitution of U.S. citizenship. Namely, the novel suggests that the rise of the juvenile delinquent be read as a response to the threat of Black incorporation and that the

juvenile popularized by literary figures like Huck Finn, crucially tethered the ideals of freedom to white working class citizenship. Ultimately, I argue that *The Adventures of Huckleberry Finn* triangulates what is typically narrated as a struggle between Huck and the dominant social milieu by including Jim, his fugitive slave companion, [who I read as](#) a figure that conveys the state's institutional dispersion of slavery into a multivalent set of technologies of abjection to which whiteness remains ambivalently attached. In this reading, the novel ensconces the contradictions of the United States' politics of incorporation in a narrative of tenuous freedom by conjoining Huck's desires to liberate himself from the efforts of a rural Mississippi community to 'sivilize' him and Jim's ambitions to domesticate himself as a freeman.

Chapter Two interrogates the emergence of the juvenile delinquent as a threat to the future of U.S. citizenship and national ascendancy in the late 19th century. [Specifically it focuses](#) on the legal transformations that formalized the juvenile delinquent's legal subjectivity. The texts I analyze [pivot around](#) 1899, when the first juvenile court was established in Cook County, Illinois. The incorporation of the juvenile delinquent into a separate legal mechanism expanded state power [by establishing courts](#) that adopted an attitude of parental responsibility in responding to youthful misconduct. The court's individualistic approach belied the ways that the adjudication of juveniles was influenced by prevailing racialized and gendered assumptions about delinquency. Analyzing journalistic, legal and literary accounts of juvenile delinquency around this legal watershed, I argue that the juvenile delinquent became a screen for legal reformists and bourgeois social scientists to work through anxieties about an expanding immigrant base under the shadow of feminist struggles and economic expansion that centered on questions of incorporation. At the intersection of the rapid urbanization and imperial expansion of the U.S. and the politics of social representation in turn of the 20th century U.S. literary canon,

the juvenile delinquent emerged as a key figure that mediated the problems of incorporating surplus populations (such as ethnic white immigrants, migrant African Americans) and consolidating white citizenship.

While juvenile delinquents' temporal qualities as subjects-in-information tenuously positioned them on the borders of national belonging, this chapter explores the feminization of juvenile delinquency, which I read as a necessary discursive turn for Progressives like Jane Addams who sought to authorize the state's institutional discipline of specific populations and to distinguish between incorporable and unincorporable bodies. I trace the emergence of a specific population of juvenile delinquency, young girls who enter sex work, as a problematic of social incorporation. I analyze the work of Addams whose work at the Hull house sought to address a variety of social problems resulting from urbanization and immigration. While the work of vice commissions and sociologists had firm roots in researching the urban ecology of the city, specifically the working classes, Addams was concerned with cultivating a sympathetic audience among her bourgeois readership and in particular, bourgeois women who could effectively participate in political life. My analysis seeks to elucidate the ways that the Progressives' intervention into white slavery depended upon the construction of ethnic white immigrant girls as opportunities to assert white bourgeois women's political activism. As ethnic white immigrant girls are figured as threats white femininity in their premature and inappropriate engagement with public life and commerce, Addams' project demonstrates how the feminizing of juvenile delinquents was an instrumental conduit for domestic women's entrance into public life.

Although male figures of juvenile delinquency are consistently valorized in the popular literature of the period, I turn to examples of literature and film that fixate on the intersection of firmly established social differences (race, gender and class) and the decidedly unresolved

character formation of the juvenile rendered the delinquent a social threat. Specifically, this chapter argues that the social management of the juvenile relied upon techniques of feminization that transformed the juvenile delinquent from a figure of precocious agency to a figure of immoral dependency and dangerous recreation. I interpret Stephen Crane's *Maggie, Girl of the Street* (1893) as a narrative of how the management of juvenile delinquency in the urban center is starkly governed by gender regulations. I focus on the discipline of the urban lumpenproletarian boy whose delinquency is naturalized, and the extermination of the urban lumpenproletarian girl, whose delinquency is almost always tied to perverse sexuality and a condition for social expulsion. The distinctions between boy and girl delinquency express a permutation of juvenile delinquency discourse that consolidated gender norms and more importantly, the tools of social incorporation. To elaborate the queer positionality of non-bourgeois white girls, I conclude by turning to a 1905 silent film by Edwin Porter, *The Little Train Robbery*. I read the silent film as an alternative narrative to the contemporary discourse of white slavery that presumed young girl's vulnerability and the need to restore young women to domesticity. The young girl protagonist of the film offers a strong counter-figure to the wayward working class girl who is beguiled by the empty promises of city life. Instead the young cowgirl who leads the child bandits poses the problem of female delinquency as one about rejected domesticity and her perverse engagement with play.

Chapter Three delves into the contributions of Chicago School sociology during the 1930s and 40s to understandings of juvenile delinquency as a register of social incorporability. I discuss the work of Clifford Shaw and Henry McKay, who emphasized the correlation between social disorganization and urban juvenile delinquency rates. Their spatial analytic allowed for a conceptual flattening of city space, whereby crime and delinquency could be tracked

epidemiologically. Drawing from sociological work on the assimilability of Polish immigrants, Shaw and McKay attribute juvenile delinquency to conflicting values, or the presence of alternatives to the norms typically disciplined in the home, church and school. While historians have praised Shaw and McKay's benevolent efforts to call for more social services directed at inner city youth, I interpret their work as an inadvertent contribution to the systematic surveillance of race in the inner city emptied of historical retrospection. The surveillance of race through the spatial lens was especially instrumental to the mobilization of the state in establishing a combative approach to the problem of juvenile delinquency.

Reinserting temporality into the spatial analytic of the urban environment, I turn to Ann Petry's 1946 novel *The Street* and draw from Mikhail Bahktin's concept of the chronotope to analyze the inextricability of space and temporality in the novel's narration of the protagonist's familial disintegration, and specifically the incarceration of her son. Lutie's preoccupation with saving Bub from the clutches of state institutionalization emerges from her observations in the street and compulsory rehearsal of environmental determinism, which reinforce delinquency and social death as the horizon of possibility for Bub. While *The Street* partially affirms Chicago School sociologists' claims that social disorganization produces a disaggregating competition the values of the family and the public spaces of the street and market, I argue that the novel dramatizes how state sanctioned racially oppressive practices, such as racial segregation, define Lutie's pessimism and Bub's limited life chances. Lutie's obstinate pessimism is a trait acquired through years of failed aspirations resulting from the intersection of racial prejudice, heteropatriarchal violence and the feminization of labor with 1940s inner city segregation, social conditions which are difficult to perceive within a sociological analysis of inner city spatial politics. The central 'failure' in the narrative is Bub's social demise. Here, the novel attests to the

overdetermined category of the juvenile delinquent, who by the 1940s had been solidified as a figure of class struggle as Lutie's vantage point situates juvenile delinquency within the racial history of spatial management in New York City. Racialized spatial management in the 1940s entails the denial of African Americans access to suburban life, which Lutie believes would provide the ideal context for childrearing. Moreover, racialized spatial management entails the corralling of African Americans in specific urban neighborhoods, such as Harlem, where rents are especially over market value. *The Street's* account of these varied modes of spatial management together suggest an more insidious undercurrent to the state's administration of juvenile delinquency as an instrument of social disposability.

The final chapter delves into the influence of Cold War liberalism on the juvenile justice and the question of citizenship. I begin with an analysis of *In Re Gault*, a 1967 Supreme Court decision that recognized the legal rights of minors to due process as well as other legal protections. The decision was aligned with juridical trends of the period, most notably the inroads made by Civil Rights activists to gain the state's recognition and protection of equality for the racially marginalized citizenry. While the decision putatively resolves the court's ambivalence towards the legal status of the delinquent minor, I suggest that the legal watershed may be better understood as a legal expression of the social protections guarding whiteness in the midst of broader challenges to racial injustice. In other, words, *In re Gault* clarified how delinquent minors would benefit from legal protections though hegemonic incorporation of the white male minor as the vexed figure of liberal freedom while remaindering non-white delinquents to abject criminality. Though the legal position of the delinquent was clarified, the qualifications of delinquency remained disaggregated along racial and class lines.

Alongside legal efforts to standardize court procedures for minors, the juvenile delinquent was popularly figured in film and media, which reflected the racialized exclusion of minors of color from the category of ‘delinquent.’ This final chapter fixates on the themes of juvenile delinquency and colonial subjectivity that are brought together in theatrical contradiction in Jerome Robbins’ *West Side Story*, an interracial romantic tragedy that drew from rising news coverage of inner city juvenile gang fights and Chicano youth ‘riots’ in Los Angeles for its source material. Robbins’ production introduces the effects of the U.S. neocolonial project in Puerto Rico to the debates around the legal status of the juvenile as the U.S. seeks to wrest itself from the vestiges of colonial slavery in contemporary civil rights activism. As an unincorporated U.S. territory since the end of the Spanish American War in 1898, Puerto Rico has remained both subject to U.S. laws even as its citizenry are not given equal legal protection. While Puerto Rico’s complex political history is occluded in the plot of *West Side Story*, the production’s dramatic tensions rests upon the political alienation of the Puerto Rican Sharks and the interracial romance between the idealistic Tony and Maria, whose romance speaks to Cold War integrationist fantasies of racial transcendence. In my reading, the conflict between the Sharks and the Jets connects the interracial warfare of inner city youth to the specter of Puerto Rican racial formation in the U.S. and the failed romance of U.S. politics in Puerto Rico. Moreover, juvenile delinquency emerges in this tragic romance as an adopted condition of white urban working class youth and an unreadable condition of Puerto Rican migrant youth. Although liberal critics have typically interpreted the musical as a plea for racial tolerance, such interpretations do not account for the ways that the racialization of Puerto Rican youth as hyper sexualized and perpetually alien contrasts with the whiteness of the Polish American youth whose ethnic identity is primarily traced to the production notes and synopsis. In other words,

the lesson of tolerance defangs the critique of Cold War liberalism by the Sharks who are denied access to political power and instead naturalizes their differences as merely cultural. Against the contemporary calls for racial equality, the values of inclusion and tolerance in *West Side Story* rest upon a perspective of irresolvable social difference that epitomizes the political relationship between Puerto Rico and the U.S. In this interpretive frame, *West Side Story* challenges the promise of legal incorporation to resolve juvenile delinquency and instead, suggests that the legal incorporation of minorities relies upon the differentiated reproduction of the social and actual death among disposable racialized and gendered bodies.

The Coda reflects on juvenile delinquency in the U.S. at the end of the twentieth century. With the exponential growth of prisons and the dismantling of the welfare state, the terms and conditions of juvenile delinquency post-Gault reflect significant shifts and new applications in state technologies of incorporation. I reflect on a collaborative documentary by Spencer Nakasako and Sokly Ny, *a.k.a. Don Bonus* (1995) and the ways the film expresses the violence of neoliberal cultural politics on Cambodian American refugee youth who are seen as both the beneficiaries of a therapeutic U.S. state project after U.S. incursions in Southeast Asia and the bearers of regressive immigration policies which use juvenile records to repatriate non-citizens.

Chapter One

Incorporating Innocence: Delinquent Adventures in Servitude and Freedom

Near the conclusion of Mark Twain's *Adventures of Huckleberry Finn*, Huck, his friend Tom Sawyer, and fugitive slave Jim come under fire by a group of farmers who are responding to a warning that a gang of cutthroats will attempt to steal Jim. When Tom is hit with a farmer's bullet as the three steal away to the river, he insists that his injury not disrupt their plans to escape on the storied raft that had transported Huck and Jim along the Mississippi. After Huck prods Jim for his opinion on the matter, he responds:

Well den, dis is de way it look to me, Huck. Ef it wuz *him* dat 'uz bein' sot free, en one er de boys wuz to git shot, would he say, 'Go on en save me, nemmine 'bout a doctor f'r to save dis one?' Is dat like mars Tom Sawyer? Would he say dat? You *bet* he wouldn't!

Well den --is *Jim* gwyne to say it? No, sah, -- I doan' budge a step out'n dis place, 'dout a *doctor*; not ef it's forty year!²⁸

Indirectly challenging Tom's wishes, Jim expresses a logic of mutual obligation: if Tom had been the one 'bein' sot free' and one of his associates had been shot, Jim claims that Tom would never insist on pursuing his own freedom above the life of someone who had risked his own life to secure it. If Tom would never prioritize his own interests over the life of a fellow accomplice, then how could Jim abandon him to pursue his own liberation? On the one hand, this passage attests to Jim's benevolence because he willingly forestalls his freedom to secure the life of a child. On the other hand, Jim's absolute confidence in Tom's allegiance emphasizes his naiveté since readers know that Tom had manufactured obstacles, unbeknownst to Jim, solely to

²⁸ Mark Twain, *Adventures of Huckleberry Finn*. (New York: W. W. Norton & Company, 1998), 279, emphasis original.

add dramatic flourish to their scheme.²⁹ Jim is also unaware of Tom hedonistic investment in Jim's "liberation": earlier Tom confides in Huck that their preparations have induced so much pleasure that he considers keeping Jim in captivity for the pleasure of his unborn progeny!³⁰ Any claims to Tom's altruistic motivations are firmly undermined when he later reveals that the deceased Miss Watson liberated Jim in her will. When his Aunt Polly asks him why he had withheld the knowledge, Tom responds incredulously, "Why, I wanted the adventure of it!"³¹ Ultimately, the odds of Jim's "bet" that Tom would never prioritize his own interests over the life of his comrades are quite poor considering the overwhelming evidence that his ambitions are not as noble as Jim may believe. Alternatively, perhaps Jim's naiveté is a feint to cast his resistance as compliance. To directly challenge Tom would risk an affront to the entrenched racial order, which demanded Jim's total obedience to whites' demands regardless of their age. By posing Tom's morality as a precedent, Jim can both challenge Tom's demand that they continue without him and demonstrate his own humanity by forestalling his freedom even "ef it's forty year!" Ultimately, Jim's declaration, "No, sah- I doan' budge a step," falls under the veiled logic of mutuality that renders his morality equivalent to Tom's.

This exchange demonstrates how Jim cannot rightly claim agency without privileging the white body. That is, Jim's humanity can only be qualified by privileging white supremacy if he

²⁹ Among the many invented "difficulties" Tom orchestrates, Tom commands Jim to write nonsense into tin pans with his blood, carve a coat of arms into his living quarters, and even insists he live with various pests, among other superfluous machinations. Tom has also contrived the fictitious warning to the farmers with the hopes that the locals will act upon the intrigue and unwittingly contribute the appropriately dramatic flourish in their plans to liberate Jim who has been sold to Tom's Aunt Sally and Uncle Silas. When Huck observes a group of armed farmers congregating at Aunt Sally's house, he realizes that their elaborate plan is unfolding more rapidly and with more deadly force than they are prepared to handle. As armed farmers prepare to intervene in a rumored theft of property, the two boys quickly retrieve Jim from the slave quarters and run for a nearby island.

³⁰ Twain, *Huckleberry Finn*, 256.

³¹ Ibid., 292.

wants to avoid incriminating himself. This point is extended by Huck's response to Jim's argument when he reflects, "I knowed he was white inside, and I reckoned he'd say what he did say – so it was all right, now, and I told Tom I was agoing for a doctor."³² Huck's relief that "it was all right now" rests upon his assertion that Jim was "white inside" which allows Huck to agree with his sound opinion since he "reckoned he'd say what he did say." Huck renders Jim's blackness an unfortunate façade that obscures an essential (white) humanity. That is, Jim's interiority is not only evidence of his inherent goodness and his rational soundness, but also his racial belonging, which secures Huck's confidence in him without betraying his racist ideology. Ultimately, my reading underscores how Jim's moral legibility rests not upon his will or intention but on the multiple elisions that prioritizes the well being of the delinquent boys including but not limited to Jim's self-denied pursuit for freedom and Huck's erasure of racial identity as well as the law's ignorance to Tom's actions and Huck's collaboration—a collaboration which would have been easily defined as "delinquent" behavior when the novel was published in 1884. Whether his statement is a feint or evidence of his naiveté, Jim's integrity is ultimately determined by Huck's white supremacist judgment, which simultaneously denies his racial difference and ignores the racial laws that have produced the very conditions of their contrived liberation. This chapter attempts to trace how the intersection of moral *and* racial enlightenment alludes to the relationship between discourses of juvenile delinquency and emancipation that serves as a crucial understory to this novel.

This chapter argues that juvenile delinquency, a late 19th century social formation centered on producing institutions to incorporate marginalized youth, was a racial project that built upon the discourse of Black emancipation through an ambivalent logic of disaffiliation. The

³² Ibid., 279.

first half of the chapter considers how juvenile delinquency effectively registered itself as a problem requiring legal remediation by articulating itself as a racial project that focused on the incorporation of the white boy, an ideal figure that could preserve the propertied relationship between whiteness and U.S. citizenship. Juvenile delinquency as a racial project was supported by privately run ‘rehabilitation’ programs for young white boys in the North and by laws in the Reconstruction South that conscripted Black children, who remained a valuable source of labor in a post-bellum Southern economy, to apprenticeships. After elaborating some of the legal and social reformist strategies that emerged around the U.S. Civil War, the second half of the chapter turns to one of the most celebrated and excoriated novels of the American canon, Mark Twain’s *The Adventures of Huckleberry Finn*, to explore how the novel mediates the contradictions of social incorporation in the U.S. by juxtaposing the local, community-based efforts of white child saving with the enforcement of institutionalized racial violence. In my reading of the novel, I focus on Huck’s relationship to Jim in order to demonstrate how the discipline of white male juvenile delinquency intersected with the punishment of the manumitted African American slave. These two modern figures emerge from a similar status as legal property of others (the natural father and the slave owner respectively) though they exercise vastly different conditions of personal freedom (one subject to discipline by surrogate models of family and the other, re-enslavement or worse, legally permitted lynching). By reading Huck’s moral development through his relationship with Jim, I want to suggest that the novel’s failure to satisfactorily resolve the question of freedom captures the dilemma central to juvenile delinquency in the U.S.: the discourse of emancipation for the child was structured through a logic of legal succession whereby African American emancipation is rendered simultaneously premature and requiring deferral. Thus, the novel narrativizes how contradictions imbedded in the politics of

incorporation for a post-Reconstruction U.S. displaced the promise of Black emancipation with the liberation of white youth. Before I return to Twain's novel to elaborate how it engages with juvenile delinquency as a problem of racial incorporation, I want to historically situate the ambivalent ties between juvenile delinquency and histories of chattel slavery in legal and social reformist discourse in the late 19th century.

Juvenile Delinquency as a Problematic of Incorporation

During the second half of the 19th century, debates about immigration and imperialism burgeoned in the U.S., a developing nation aspiring for economic, social, and political power comparable to Europe and Asia. These debates were fundamentally shaped by racial and gender discourses: theories of adaptation and natural selection emerging from Social Darwinism powerfully legitimated U.S. policies for imperial expansion into the continental West, the Philippines, Hawaii, Puerto Rico and Guam. More explicit theories of essential racial inferiority were deployed by anti-imperialists to contest the incorporation of colonized people, such as Cubans and Filipinos, who could 'degrade' the virility of the American race.³³ Gendered logics were also central to the importation of labor from China to accommodate the loss of slave labor after the Civil War.³⁴ Speculating that Chinese men were more respectful towards their superiors because of their aristocratic culture, one woman went so far to promote the importation of Chinese men as an ideal replacement for more obstinate Irish and African American female domestics.³⁵ When the influx of migrants from Eastern Europe and Asia contributed to labor

³³ Thomas Gossett, *Race: The History of an Idea* (Dallas: Southern Methodist University Press 1963), 310-338.

³⁴ See Moon-Ho Jung, *Coolies and Cane*. (Baltimore: Johns Hopkins University Press, 2006).

³⁵ Abby Sage Richardson, "A Plea for Chinese Labor by an American Housewife," *Scribner's* (New York: Scribner's and Sons, July 1871), 286-290. Arguing that that the administration of

competition, the anti-Chinese movement increasingly aligned the “heathen” and “passive” Chinese laborer with the slave, a stain in the liberal imaginary of the U.S. Placing the Chinese laborer on a discursive spectrum with slaves of African descent, race and gender discourses proved very versatile and at times, deadly, in efforts to manage the labor economy which depended on racialized and gendered labor to preserve white supremacy. Brutal mass violence against African American men and women, Asian laborers, and indigenous Americans are the clearest examples of social expulsion and extermination legitimated through racial logics on the second half of the 19th century. For example, the lynchings of Black men, which reached its height in 1892, were decisive extra-legal acts repelling incorporation, wresting both political and natural life from the bodies of belated citizens. While lynching was rooted in stereotypes of the hypersexual Black male whose predatory nature threatened the virginal properties of white womanhood, lynching was also instigated when Blacks dissented against whites, sought civil actions, or attempted to organize labor. The violence of incorporation also manifested in the transportation of young Native American youth to government sponsored boarding schools, which extended the U.S.’ imperialist attempts to disintegrate Native American tribal communities. As historian David Adams has deftly argued, the boarding schools’ primary aim to reeducate Native youth was a project of cultural genocide under the veil of normative white assimilation.³⁶ These broad examples from histories of labor migration, imperialism and racist nationalism, while disparate in scale and particular historical contingencies, together reflect a

citizenship was “simultaneously a ‘technology’ of racializing and gendering,” Lisa Lowe notes that “in conjunction with the relative absence of Chinese wives and family among immigrant ‘bachelor’ communities and because of the concentration of Chinese men in ‘feminized’ forms of work--such as laundry, restaurants, and other service-sector jobs--Chinese male immigrants could be said to occupy, before 1940, a ‘feminized’ position in relation to white male citizens.” Lisa Lowe, *Immigrant Acts* (Durham: Duke UP, 1996), 11-12.

³⁶ David Adams, *Education for Extinction* (Lawrence: University Press of Kansas, 1995).

core thematic of U.S. racial politics--the struggle over incorporation. My intention is not to conflate the incorporation of territories with peoples, or Asian immigrants with African Americans, but to mark 'incorporation' as a thematic of late 19th century U.S. politics and culture; the question of social incorporation persistently challenged the state processes that managed diverse surplus labor groups who were vital to the U.S. economy and body politic. These various state technologies of incorporation sought to define the assimilable against the perpetually alien, the common man from the deviant. Identifying these differences was integral to the racial project of American empire.

A discursive formation that refracted and at times deflected the racial and gendered dimensions of cultural, political, and economic life in the late 19th century, juvenile delinquency was a problematic animated by the thematic of incorporation. Here, my use of terms 'problematic' and 'thematic' is drawn explicitly from Partha Chatterjee's formulation: "The thematic refers to an epistemological as well as ethical system which provides a framework of elements and rules for establishing relations between elements; the problematic, on the other hand, consists of concrete statements about possibilities by reference to the thematic."³⁷ As the thematic describes the organization of knowledge that enables coherent readings of historical transformations, the problematic refers to the particular transformations that emerge from, reinforce and reproduce the dominant order to knowledge and open up the thematic to new iterations. Read as a problematic of incorporation, juvenile delinquency not only made possible the formation of state juvenile courts as therapeutic extensions of the legal apparatus in 1899 but also situated marginalized children within a larger racial project of nation building. As assimilatory organs, the juvenile courts canonized the management of delinquent youth,

³⁷ Partha Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse* (Minneapolis: University of Minnesota Press, 1993), 38.

effectively reproducing the child as an exceptional model for social and political incorporation. However, as legal and literary texts from decades before the 1899 legal watershed reveal, the incorporation of delinquent youth was informed by racial and gendered narratives that determined which minors would be prioritized as subjects of state rehabilitation.

Addressing Juvenile Delinquency as a Civilizing Project: The Analogy of Slavery

In his 1872 memoir *The Dangerous Classes of New York; and Twenty Years Work Among Them*, Charles Loring Brace, founder of the Children's Aid Society and the purported innovator of the orphan train program, departs from the expected introductory account of his own family or birth to instead begin with a panegyric to the Christian tradition of supporting the poor and dependent:

When one thinks what was the fate before [Christ] lived, throughout the civilized world, of for instance one large and pitiable class of human being--unfortunate children, destitute orphans, foundlings, the deformed and sickly, and the female children of the poor.; how almost universal, even under the highest pagan civilization. . .infanticide was . . .how even more common was the dreadful exposure of children who were physically imperfect . . .taken to be raised as slaves, others as prostitutes. . .we can easily understand . . .how vital the moral care of unfortunate children is to civilization.³⁸

Brace originates his own work not to his own familial or childhood experiences, but to the reformatory spirit of early Christianity, which transformed the Paganistic values that permitted the neglect of children in ancient Greece and Rome. Clearly articulating child saving to civilization building, he asserts that moral training for delinquent youth reflects upon an

³⁸ Charles Loring Brace, *The Dangerous Classes of New York And Twenty Years' Work Among Them*, (New York: Wynkoop & Hallenbeck Publishers, 1872),13.

advanced role of the state over social welfare as well as evidence of Christianity's political influence. In an early section, "The First Children's Asylum," he describes how various emperors established care for destitute children and actively institutionalized government protection of children from infanticide and slavery. Child saving, in Brace's estimation, was a Christian movement that crucially transformed human barbarism into civilization.

While his sweeping historical account characterizes the problems of infanticide and child enslavement as antiquated practices, their relevance to the social context of the memoir's time and place of publication was not coincidental. In particular, the use of word 'slavery' in a memoir published in the post-bellum U.S. could not but evoke the more contemporary institution of chattel slavery that had crucially founded and structured the political economy and thoroughly suffused everyday life in the U.S. since the 17th century. The enslavement of 600,000 African born people and the reproduction of over 4 million U.S. born enslaved people from the 17th century up to the end of the Civil War in 1865 had irrevocably shaped American values, persistently raising questions about the contradictions of U.S. liberal democracy. Brace was most likely acutely aware of the contemporary relevance of situating his own child saving practices in a legacy of anti-slavery work since he had been a vocal opponent of chattel slavery and his wife and father-in-law were recognized abolitionists in their own right. When the fugitive slave law passed in 1850, Brace immediately criticized it as "one of the most abominable instruments ever made."³⁹ He travelled through various Southern states in the midst of the Civil War as a correspondent for the *New York Times* and *The Independent*, a Congregational weekly with a strong anti-slavery stance. Indeed, Brace was probably well aware of the complex responses that associating the Children's Aid Society and other children's asylums with contemporary anti-

³⁹ Ibid., 102.

slavery work would provoke. Moreover, Christianity's coexistence with and co-optation of chattel slavery in the U.S. was a tricky contradiction that Brace avoided through his genealogy of child saving as a transformational practice that effectively ushered civilization out of premodernity. Ultimately, his reference to child slavery in Ancient Hellenic society carefully distances the relationship between the treatment of neglected children and their susceptibility to abuse without explicitly disavowing the work of child saving from comparisons to 'the peculiar institution' in the U.S.⁴⁰

Social reformists' resistance to using anti-slavery rhetoric in juvenile delinquency discourse may be clarified by the deep ambivalences regarding the placement of the white child in an analogous relation to the black slave. As David Roediger explains in *Wages of Whiteness*, white slavery was deployed by the 1830's Workingmen's Party to intentionally draw connections between capitalism, namely the slavery of wages, and chattel slavery. This connection proved untenable during the Civil War as comparisons to the conditions of enslaved Blacks dramatically attenuated laborer's claims about oppressive working conditions and rights to organize. The white slavery metaphor also raised contradictions within and across regional political groups; how could Northern laborers who supported abolition forge ties with Southern laborers who were sharply disinclined to identify as slaves, since "to be a slave, even a white slave, was to be associated with degradation?"⁴¹ Even some abolitionist voices countered that white working class labor's metaphor unfairly conflated the conditions of dependence (chattel slaves) with

⁴⁰ Just two years before Brace's memoirs were published, the U.S. Census had been released to vehement criticism: although infant mortality rates had decreased, national population growth rates were reportedly lower than in previous census reports and organizers were accused of under-numeration. Such anxieties about national reproduction further supported child saving campaigns, especially if child saving entailed disciplining wayward white children to become socially responsible adult citizens.

⁴¹ David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991), 85.

wageworkers who could not be “sold.” Ultimately, the use of the white slavery metaphor to make class based claims that appealed to Republican ideals could not avoid the volatility of intersecting with the nation’s racial history of enslavement. This discursive history provides some clarity about the limits of racial juxtaposition for white social reformists and why the emergence and establishment of juvenile delinquency as a social problem soon after Reconstruction required treading a fine line between the incorporation of emancipated slaves with anxieties about the neglected and deviant (white) child.

Even if pro-slavery readers were deterred by Brace’s progressive politics, the social reforms enacted by child savers, including Brace, ultimately posed little to no threat to white supremacy since the primary beneficiaries of child saving campaigns were ethnic white children. Essentially, Brace’s solution to urban child delinquency was two pronged: for the mid-nineteenth century urban delinquent in a rapidly industrializing nation, Brace offered local services provided by The Children’s Aid Society and a program of outplacement whereby interested rural families would provide effective discipline in agrarian life for wayward youth. The ‘orphan train’ program, which ran from 1854 to 1929, is estimated to have transported roughly 250,000 children from an inner city environment in the North to rural settings around the country, including in-state adoptions in rural New England. Racial privilege in child saving was evident in the various programs Brace devised to address urban juvenile delinquency: the overwhelming majority of these children were white. As historian William Soraile recounts, neglected and orphaned Black children in New York were often referred to the Colored Orphan Asylum, which struggled to meet the needs of its rather small contingent of youth.⁴²

⁴² William Soraile, *Angels of Mercy: White Women and the History of New York’s Colored Orphan Asylum* (New York: Fordham UP, 2011).

Brace's introduction provides a glimpse into the ways mid- to late-19th century U.S. juvenile delinquency was produced in ambivalent relationship to the prospect of African American emancipation. Despite the ideological ties between juvenile delinquency reformists and abolitionist work, Brace's work demonstrates how allusions to contemporary slavery were foreclosed in delinquency discourse, which approached delinquency as a challenge for white supremacy requiring social intervention. In other words, evading child saving's potential as a cross racial project, early social reformers addressing juvenile delinquency reinforced a common sense that juvenile delinquency was a problem of white youth.

Although the development of juvenile delinquency discourse from the mid-1850s up and through the turn of the 19th century (when the first juvenile courts were established) coincided with post-war Reconstruction and African American emancipation, explicit intersections between the two areas of U.S. legal transformations are sparse. The 1870 decision *People v. Turner* is a compelling exception: this case centered on Daniel O'Connell, a 14 year old male from Illinois who was committed to a reform school after being deemed a destitute. William Butler, the lawyer representing O'Connell's father argued that O'Connell was in fact imprisoned under "involuntary servitude" since he could be held indefinitely as he worked as a tobacconist at the reform school.⁴³ Historian David Tanenhaus attributes the court's decision to the argument posed by Turner: in a post-Emancipation U.S., after the 13th and 14th amendments judged that involuntary servitude was unconstitutional and that African American men had the right to vote, the child, let alone a "white" child, should share the right to due process.⁴⁴ The justices agreed and O'Connell was released to his father. While the Turner decision reinforced patriarchal right

⁴⁴David S. Tanenhaus. "Between Dependency and Liberty: The Conundrum of Children's Rights in the Gilded Age." *Law and History Review* 23 (2005): para. 14.

of the natural father, it did so by implying that the courts had denied a proper succession of rights when it failed to prioritize the white child as a focus of right-bearing discourses which had previously been articulated to the emancipated African American male with the extension of voting rights. This case also suggests how allusions to the enslavement of white children readily moved the courts to avoid implications that juvenile detention was a form of state servitude when the defense underscored how white children, in particular, required state protection over and above the emancipated African American.

Such explicit reference to the legacy of U.S. chattel slavery in the juvenile delinquency discourse is uncommon. I would argue that the scarcity of comparisons between juvenile delinquency and the politics of African American emancipation in Northern social reformist campaigns suggests how juvenile delinquency reform was inherently a problematic of white incorporation that relied upon an ambivalent affiliation with African American emancipation. Ultimately, juvenile delinquency reform rested on an aspirational narrative, which articulated U.S. ascendancy to the effective redirection of white youth who appeared to be on a path towards lawlessness. Tensions arising from U.S. imperial projects, both domestic and abroad, added to the complexity of incorporation as a national dilemma and provided an important context to stage the exigency of juvenile delinquency reform for white youth.

Post emancipation legal discourse in the U.S. South reveals an important alternative narrative to juvenile delinquency as problematic of incorporation. While the institution of chattel slavery in the U.S. had been formally dismantled by 1872, the afterlife of slavery found strong sustenance from state legislation that enforced alternative forms of indentured servitude. In particular, the Black Codes, passed by various Southern states, effectively criminalized Black people's perceived 'idleness.' The Mississippi Black Codes, passed in 1866, were the first of the

Southern states and present a compelling installation of delinquency in the body of Reconstruction legislation. Divided into four sections, the series of laws progress from “Civil Rights of Freedmen” to “Apprentice Law” to “Vagrancy Law” and concludes with “Penal Laws.”⁴⁵ The succession of these laws from rights to punishment provides a narrative of the Southern states’ comprehensive approach to manage and redirect emancipated blacks to alternative forms of servitude and incarceration. The euphemistically titled “Civil Rights of Freedmen” begins with a section that simultaneously recognizes the rights to property and civil court action of freedmen and limits them to rent or lease space in “incorporated cities and towns” which excludes the unincorporated territories that dominated Southern states such as Mississippi. The subsequent sections enact further constrictions against freedmen’s movement and labor. For example, the final section criminalizes any competition for freedmen’s labor, declaring the assistance and/or employment of any freedman who is contracted labor for anyone else, a misdemeanor offense, thereby denying the possibility of black laborers’ entrance into free market exchange. The next law, “Apprentice Law” is especially pertinent to understanding the development of juvenile delinquency discourse as a discourse of white emancipation. The law challenges suggestions that the relative absence of non-white minors in state institutional records reflect an exclusion of black and brown children from delinquency. Rather, as the apprentice laws reflect, the history of their institutionalization must be understood through a state sanctioned system of indentured servitude.

The first section of the Mississippi Apprentice Law orders county officials to take any delinquent Black youth, including freedmen and mulattoes, under the age of eighteen as place them under the apprenticeship of any “competent and suitable person.” Although the law does

⁴⁵ *Laws of the State of Mississippi*, 1865-1866.

not explicitly employ the language of delinquency, the conditions that warrant apprenticeship replicate juvenile dependency and delinquency discourse of the time: orphans and those “whose parent or parents have not the means of who refuse to provide for and support said minors” were included. The latter qualification is especially pertinent to Black minors because the economic means of survival for emancipated Black adults were minimally improved after the war; the living conditions for many Black minors could easily warrant apprenticeship.⁴⁶ The linkages between apprenticeship and slavery are underscored in section two, which orders, “the said master or mistress to execute bond and security, payable to the State of Mississippi” and section four, which states that masters and mistresses had the right to pursue and capture any apprentice who attempts to leave without their consent. The bond and security effectively secured the property relationship between the minor as an object of the court and charge of the master. Moreover, rebellious apprentices could be jailed until the courts determined if their desertion was justified. As historian Geoff Ward observes, “white owners used their exclusive influence in Maryland courts to arrange for enslaved children to become their apprentices until the age of legal majority (sixteen years), extending de facto bondage well into the post emancipation period.”⁴⁷ Thus the apprentice law lubricated an agile system of juvenile servitude by effectively producing delinquency to guarantee black bodies as a free labor source for white owners. In this alternative narrative, juvenile delinquency in the U.S. South is expressed not as a social problem manifested from the demands of industrial capitalism, but a strategic discourse to maintain a highly exploitable racialized labor cohort. Along with the vagrancy laws and the penal laws, the apprentice law of the Black Codes guaranteed the continued subjugation of Southern Black

⁴⁶ W.E.B. Du Bois, *Black Reconstruction in America* (New York: Free Press, 1998).

⁴⁷ Geoff Ward, *Black Child Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012), 63.

communities under white supremacy. As Ward notes, ‘delinquency’ was not a term popularly used to legitimate formal state intervention for Southern whites since reformatory institutions were not established until the end of the nineteenth century.⁴⁸ For black youth in the antebellum South, the system of chattel slavery, in addition to jails and prisons, already functioned as one, if not *the*, consummate institution for punishment. The Black Codes demonstrate how in the post-bellum U.S., white supremacy maintained a melancholic attachment to chattel slavery through the law as an effort to sustain antebellum white Southern culture.⁴⁹ Put differently, the laws’ rhetoric of state protection functioned as a thin veil for new mechanisms of social death for Blacks. Thus, the apprentice laws expressed the contradictory cultural logics of incorporation that at once attended to the state’s paternal responsibility to newly emancipated citizens and reproduced the conditions of chattel slavery to protect white property interests. In other words, the law functioned as a tactic of culture to incorporate emancipated Blacks and simultaneously consolidate white supremacy.

⁴⁸ Ibid., 62.

⁴⁹ Here, my use of Freud’s concept of melancholia differs significantly from its application by ethnic studies scholars such as David Eng, Shinhee Han, and Jose Esteban Munoz, who suggest that the perpetual exclusion of people of color in the U.S. from idealized white citizenship constitutes the estrangement of non-white people from the nation. Instead, I apply melancholia not as condition of U.S. racial formations, but as a pathology of the continued complicit investment of white supremacy in the social and biological death of non-white non-normative people. This application of melancholia is influenced by the work of education scholar, Sabina Vaught, who argues that melancholia describes “an institutional attachment to the objects of oppression as an ongoing unresolved grief around locking up children as a mechanism of whiteness as property.” See David Eng, *Racial Castration: Managing Masculinity in Asian America* (Durham: Duke Up, 2001); David Eng and Shinhee Han, “Dialogue on Racial Melancholia” in *Loss: The Politics of Mourning*, ed. Eng and Kazanjian (Berkeley: University of California Press, 2003); Jose Esteban Munoz, *Disidentifications: Queers of Color and the Performance of Politics* (Minneapolis: University of Minnesota Press, 1999); Sabina Vaught, *Racism, Public Schooling, and the Entrenchment of White Supremacy: A Critical Race Ethnography* (New York: SUNY Press, 2011).

While juvenile rehabilitation in the white Northern Progressives' imagination included the proper discipline of white male youth through skilled apprenticeship and white female youth through domestic training (the latter of which I will elaborate in the next chapter), juvenile delinquency in non-white youth was framed as a condition of their racial inferiority, rather than an unfortunate consequence of neglect and profligate influence, which required a pre-emptive response of punishment. In his important revisionist history of child saving, Ward provides a critical account of some of the broader exclusionary practices implicit in juvenile justice reform. Clarifying the complexity of antebellum and post-bellum U.S. regional politics in shaping the targets of juvenile justice, Ward's project focuses on the black boys and girls who are largely absent from the records of juvenile reformatories during the Progressive era. White progressives in the North established houses of refuge that initially excluded Black boys and girls and organized campaigns for juvenile justice reform in the courts that benefited white children. Meanwhile, white conservatives in the South focused on developing a legal architecture that would continue to control the juvenile Black population without any pretense of rehabilitation. Ward's study demonstrates that both the northern and southern politics of juvenile justice were effective technologies of social exclusion. "By branding black children as the progeny of an inferior and marginal constituency," Ward argues, "white supremacist ideology imposed a dominant racial logic on child welfare ideals and institutions, rationalizing outright refusals and limited institutional investments in black citizen-building initiatives."⁵⁰ Drawing on the important work of social historian Anthony Platt who was the first to critique child saving as a white racial project, Ward summates, "race based distinction was, thus, sewn into the original fabric of twentieth-century juvenile justice systems, its seam being defined by the stark, if

⁵⁰ Ward, *Black Child Savers*, 44.

unstable, divide between progressive child-welfare ideals and evolving structures of American apartheid.”⁵¹

I argue that to understand the racial discrepancies in programs addressing juvenile delinquency, the alternative narrative of juvenile delinquency suggested in the Black Codes and elided in the dominant histories of juvenile justice must be read in conjunction with the rehabilitative ideals that were promoted by such proto-Progressives such as Charles Loring Brace, whose solutions to juvenile delinquency ironically included the discipline of white urban delinquents through agrarian living. Read together, these seemingly disparate approaches to juvenile delinquency in the years immediately before and after the Civil War demonstrate a structural contradiction in juvenile delinquency discourse that simultaneously deployed the child as the central figure of white emancipation discourse and segregated non-white youth to alternative forms of subjugation. The divergent legal deployments of juvenile delinquency both reflect the instrumentalization of the law to express the racial contradictions of U.S. social incorporation.

Huckleberry Finn and Jim: Delinquent Adventures in Servitude and Freedom

Mark Twain’s *Adventures of Huckleberry Finn* is a canonical U.S. novel that centers juvenile delinquency in the U.S. as a problematic of incorporation.⁵² The novel overwrites the racial contradictions that emerge in the major characters’ pursuits of freedom by situating the child as the ideal *subject* of moral development in inextricable relation to the slave as the ideal *object* of his moral exercise. As provocative arguments continue to generate around the novel’s relevancy to contemporary U.S. culture and politics, more enduring claims take the novel’s

⁵¹ Ibid., 45.

⁵² Hereafter, I will refer to the novel as *Huckleberry Finn*.

themes of liberal individualism and responsibility that emerge through its hero's negotiations with the institutions of slavery as expressions of a distinctly American moral character. Other contemporary critics have astutely noted that this canonical text's durativity is rooted more in its confounding logic, its ambivalences towards racial violence, and the questionable morality of its young upstart protagonist.⁵³ In these readings, *Huckleberry Finn* offers more to American cultural discourse by the novel's silences than its assertions about the conditions for freedom. As David L. Smith concludes, "indeed, the novel suggests that real individual freedom in this land of the free cannot be found."⁵⁴ Alternatively, Toni Morrison appreciates the novel's limitations more explicitly as openings: "much of the novel's genius lies in its quiescence, the silences that pervade it and give it a porous quality that is by turns brooding and soothing. It lies in the approaches to and exits from action. . .the moments when nothing is said when scenes and incidents swell the heart unbearable precisely because unarticulated."⁵⁵ Both Smith and Morrison raise compelling ways to reframe the positivist narrative that shifts the focus from Huck's moral decision making and the politics of Jim's representation to the limits and impossibilities of language to express the abandonment that condition both Huck and Jim's flight. The disenchantment with individual liberty that these critics tease out of the novel is extended by Stacey Margolis, who argues that the rise of tort law in late 19th century U.S. legal 'orders' emphasizes how the moral economy of the novel is shaped by an increasing attention to "negligence." She contends that Twain understands the limits of sentimentality (at the level of the individual) in remedying social inequality because the focus on the individual diverts

⁵³ Stacey Margolis, "Huckleberry Finn: or, Consequences," *PMLA* 116 (2001): 329-343.

⁵⁴ David L. Smith, "Huck, Jim, and American Racial Discourse." In *Satire or Evasion? Black Perspectives on "Huckleberry Finn,"* ed. James S. Leonard, Thomas A. Tenney and Thadious M. Davis (Durham: Duke University Press, 1992), 103-20.

⁵⁵ Toni Morrison, "Introduction," *Adventures of Huckleberry Finn* (New York: Oxford University Press, 1996), xxxi-xli.

attention from the structural changes that are necessary to dismantle institutional racism. Thus, Twain “ultimately envisions a form of collective or corporate responsibility for systematic harm that has nothing to do with individual experience.”⁵⁶ While Margolis’ argument is a historically sensitive and astute reading of the politics of legal responsibility in the novel, my reading pressures the historicity of this re-imagining as a racial problematic of juvenile delinquency.

To foreground a closer analysis of Huck and Jim’s relationship, I want to turn to a diatribe about individual rights delivered early in the novel by Huck’s father, Pap Finn. After the Widow and Judge Thatcher secure appeals that further thwart Pap’s claims to Huck and his money, Pap excoriates the government and the law for intervening in his natural rights:

Call this a govment! Why, just look at it and see what it’s like. Here’s the law a-standing ready to take a man’s son away from him- a man’s own son, which he has had all the trouble and all the anxiety and all the expense of raising. Yes, just as that man has got that son raised at last, and ready to go to work and begin to do suthin’ for *him* and give him a rest, the law up and goes for him. And they call *that* govment!⁵⁷

Pap speaks of his patriarchal right over Huck whose labor power, he asserts, belongs to him. Arguing that “a man can’t get his rights in a govment like this [*sic*],” Pap decries the injustice delivered by a state that intervenes into his family, a sphere of natural law, and “take[s] a man’s son away from him.” While the critical edge of his invective is undermined by Pap’s drunken state as well as his abusive treatment of his son, he does not speak complete nonsense. As is Mark Twain’s signature to attribute critical knowledge in those characterized as fools, Pap’s

⁵⁶ Margolis, “Consequences,” 340.

⁵⁷ Twain, *Huckleberry Finn*, 39.

claim articulate Black emancipation and juvenile delinquency reform as central dilemmas to the preservation of white propertied citizenship.⁵⁸

Following the natural law of patriarchal right, Pap's argument draws from an ideological bedrock of liberal governance: the state's legitimacy is founded on a commitment to the protect the private property of the individual. Thus, Pap assumes that as his progeny, Huck is an investment of which he has been filched any returns. The state has denied Pap the potential for Huck to "do suthin' for *him* and give him a rest." However, Pap's argument is weakened by his history of negligence which, contrary to his claims, has spared him "the trouble and all the anxiety and all the expense of raising" Huck. Since Huck has been qualified a delinquent, Pap's argument loses traction: while Huck is fundamentally his "private property," Pap's abandonment necessitates a transfer of guardianship of his private property to more responsible members of civil society who can properly discipline him for future incorporation.

The continuation of Pap's diatribe unfolds a broad narrative that ties the status of the child to that of the emancipated African American. His outrage is redirected from the laws that increasingly attribute the child as an individual with basic natural rights to the civil liberties being conferred on Black men in the North. Based on hearsay that a free mulatto professor from the North had not only the right to vote but also legal protection from being sold back into slavery, Pap refuses the equation of emancipated political status with the possession/attribution of civil rights. Although a free man, the professor's racial status trumps any rationale for his suffrage. Pap complains, "they call that a govment that can't sell a free nigger till he's been in the State six months. Here's a govment that calls itself a govment, and lets on to be a govment and thinks it is a govment, and yet's got to set stock still for six whole months before it can take

⁵⁸ For example, Twain's *Puddn'head Wilson*, *Adventures of Tom Sawyer*, and short story "Hadleysburg Corrupted" all feature fools as central characters.

ahold of a prowling, thieving, infernal, white-shirted free nigger. . .”⁵⁹ This breach of white supremacy leads Pap to the conclusion that the government is a farce. While calling, pretending, and thinking itself to be a government, the government is beholden to the laws it has established, challenging Pap’s belief in the individual’s sovereignty as the law. Misunderstanding the structures of liberal governance that, in fact, make *law* sovereign, his comments reflect a fringe libertarian belief in the state as an unwelcome mediator of his participation in the slave market. Furthermore, Pap’s critique plays with the definition of “free” in base economic terms as simply a qualifier that makes the African American an available object of labor waiting to be put back into circulation. Unable to read the African American and his child as bodies possessing natural liberty, let alone civil liberty (such as the right to vote), Pap’s monologue emphasizes how both African American emancipation and the court’s protection of his child have infringed on his propertied whiteness and suggests how the state’s intervention of behalf of delinquent children and the emancipated slave pose as direct threats to white supremacy and individual freedom. Bemoaning the State’s abuse of his rights while rejecting social responsibility, Pap earns little sympathy from Huck when Jim finally reveals that he discovered Pap’s corpse early in their evasion. In fact, Huck takes news of his father’s death as an opportunity to continue tramping. The revelation of Pap’s demise at the conclusion of the novel reminds us of the racial dilemma at the center of U.S. politics of incorporation which his final diatribe had highlighted: if the foundation of U.S. liberal democracy was founded on adult white male privilege, how can the demands of social incorporation to expand property rights to others sustain white supremacy?

⁵⁹ Twain, *Huckleberry Finn*, 40.

Huckleberry Finn as an Exceptional Figure of the Great White Hope

In his 1885 laudatory review of *Huckleberry Finn*, Brander Matthews claims, “Huck Finn is a genuine boy; he is neither a girl in boy’s clothes like so many modern heroes of juvenile fiction, nor is he a ‘little man,’ a full grown man cut down; he is a boy, just a boy, only a boy.”⁶⁰ Matthews’ observation exemplifies the critical praise of *Huckleberry Finn*’s persuasive representation of childhood. As contemporary literary critic Stephen Mintz elaborates, Twain’s convincing portrayal of Huck anchors the novel’s status as a “remarkably malleable emblem of childhood” and a perennial point of return for a nationalist fantasy of irrepressible juvenile liberation.⁶¹ However, as “just a boy, only a boy,” Huck’s moral malleability and capacity for liberation could only be assumed because the intersection of his racial privilege and his status as a child. In *The Case of Peter Pan*, Jacqueline Rose asserts that, in children’s fiction, “the glorification of the child . . . suggests not only a refusal to acknowledge difficulties and contradictions in relation to childhood; it implies that we *use* the image of the child to deny those same difficulties in relation to ourselves.”⁶² Emptied of particularity, the child is a privileged screen that resolves historical and systemic contradictions endemic to social structures defined by adults and their institutions. While celebratory readings of *Huckleberry Finn* (such as those offered by Lionel Trilling and T.S. Eliot, among others) may be complicit in reading Huck as a diversionary fantasy and quintessential American hero, centering Huck’s delinquency complicates the logic of the child as a liberatory object of adult desire.⁶³ Specifically, reading

⁶⁰ Brander Matthews, “Review: *Adventures of Huckleberry Finn*,” *Saturday Review* (1885), 153.

⁶¹ Stephen Mintz, *Huck’s Raft: A History of American Childhood*, (Cambridge: Harvard University Press), 5.

⁶² Jacqueline Rose, *The Case of Peter Pan: or, The Impossibility of Children’s Fiction*, (London: Macmillan, 1984), 8.

⁶³ See Lionel Trilling *The Liberal Imagination*, T.S. Eliot “Introduction to *The Adventures of Huckleberry Finn*” and H.L. Mencken’s *Mark Twain’s Americanism*.

Huck as a juvenile delinquent during a period of state sanctioned slavery animates a larger question about how the delinquent child functions as opportune material to work out the vexing contradictions of race and freedom. Instead of reading the novel, in the words of one scholar, as being as much “about the need for a nation to mature as it is about a boy’s need to mature,” my reading suggests that Huck’s moral conundrums demonstrate how racist ideology permeated, organized and naturalized 19th century juvenile delinquency discourse as a crisis of whiteness.⁶⁴

Huckleberry Finn’s very name alludes to the intersection of juvenile delinquency and American racial politics. His family name “Finn” is an Anglicization of Fionn, a central mythological figure to Irish liberation movements of the late 19th century. Thus we can trace Finn’s representational heritage to the Irish immigrants, who dominated the rough and tumble crowd of northern industrial cities and were excluded from the dominant category of whiteness. Irish American youth also constituted a significant number of indentured servants through the Civil War and were referred to as “Irish slaves.”⁶⁵ His family name is also a typical boy’s name, etymologically related to “fair” or “white” in Gaelic. “Huckleberry” alludes to a fruit native to the U.S. and at the same time carries a more derogatory nuance: a person of little or no consequence. Thus, his name, which combines a reference to a heroic anti-colonialist liberator with a minor figure of little “consequence,” evokes a complex irony: as a juvenile delinquent native to or born from American culture, Huckleberry Finn is not only the major figure of the novel; he has, as Twain hoped, become a major figure in the U.S. literary canon.

Scholars such as Shelley Fisher Fishkin have gone so far to attribute Huck’s exceptional status in the literary canon to Twain’s use of a Black voice. In *Was Huck Black?*, Fishkin

⁶⁴ Roberta Seelinger Trites, *Twain, Alcott, and the Birth of the Adolescent Reform Novel* (Iowa City: University of Iowa Press, 2007), 42.

⁶⁵ Roediger. *Wages of Whiteness*, 146.

proposes that critics of the novel have missed the centrality of the Black vernacular tradition in the construction of his characters. Fishkin bases her claim on a factual detail; specifically, Twain had impressionable encounters with black individuals, and one child in particular, that are accounted for in his personal papers. Arguing that the source material for Twain's canonical novel is anchored in a Black voice, Fishkin asserts that Twain "helped open American literature to the multicultural polyphony that is its birthright and special strength."⁶⁶ For Fishkin, the use of a lovable, rebellious boy as the embodiment of a Black voice in post-bellum U.S. literature anchors the novel's singularity and demonstrates how African American traditions have been effectively incorporated, albeit unrecognized, in the American literary canon. However, Fishkin's argument implicitly erodes the critique of the racial dictatorship of antebellum U.S. that many critics have drawn from the novel. As James Kincaid aptly points out "if one registers Huck as black in any literal way, much of the powerful moral and social irony of the story disappears."⁶⁷ Rather than insist on preserving the irony of the narrative, my reading insists that the materiality of Huck's privilege as a white boy cannot be bracketed from the conditions of white supremacy that filter the possibilities of a "Black voice." If, as Fishkin suggests, the character of Huck is, in base terms, a black voice contained in a young white male body that has arguably been made a central literary character in the American cultural imagination, Twain's genius might be more appropriately interpreted through the success of seamlessly incorporating black vernacular in a white boy's speech. However, even this revision would fail to address how the Black voice that Fishkin argues provides the foundation for Huck's "authenticity" is interpreted through Twain's own privileged position.

⁶⁶ Shelley Fisher Fishkin, *Was Huck Black?: Mark Twain and African-American Voices* (New York: Oxford University Press, 1993), 5.

⁶⁷ James Kincaid, "Voices on the Mississippi" *New York Times* (New York, NY), May 23, 1993.

Momentarily focusing on the question of authenticity and racialized representation, I want to clarify my doubts about Twain's incorporation of a Black voice, especially in a text that is firmly rooted in the American literary canon. In *Disturbing the Peace*, Bryan Wagner suggests that a critical suspicion is necessary in analyzing claims of Black authenticity. In his study of the production, recuperation, and preservation of a Black vernacular tradition in blues recordings, he argues that the work of blues archivists contributed to a qualitative prescription of Black vocal authenticity. In Wagner's analysis, those credited with preserving recordings of treasured Blues singers and their songs produced and reinforced particular sets of expectations that framed Black expression's legibility. That is, "the authenticity that these collectors thought they had found was nothing more than the residue from personification, the trace left by the outlawed speaker whose humanity is continually staked on its invisibility in political society."⁶⁸ Thus, the production of a Black musical tradition was predicated on the contradictory position of the singer as both informant and outlaw, or in other words, simultaneously within and outside the law. Furthermore, Wagner argues that late 19th century and 20th century archivists of Black culture operated under the shadow of police power, which conditioned the appropriate grammar to render a Black tradition legible. These claims help delineate the limits to Fishkin's celebration of Twain's use of southern Black vernacular as evidence of *Huckleberry Finn*'s proto-multiculturalist aesthetic and reflection of America's "polyphony." Wagner's argument suggests that evidence of a Black voice in Twain's writing is always already conditioned by the social alienation, legal exclusion and policing of the very voice that Fishkin claims is represented. In turn, Fishkin's argument relies upon a disembodied Black voice, a paradox in the context of U.S.

⁶⁸ Bryan Wagner, *Disturbing the Peace: Black Culture and the Police Power after Slavery*, (Cambridge, Mass: Harvard University Press, 2009), 51.

racial logics, and suggests how *Huckleberry Finn* participates in a historical fantasy of white supremacy rather than a polyphonic celebration of racial integration.

Drawing from Wagner's reminder of the racial politics at work in the production of "authentic" Blackness, my reading deliberately moves away from questions of mixed racial possibilities in Huck's speech to a critical analysis of the novel's reconsolidation of whiteness at the intersection of Huck's white juvenile status (which legitimates his struggles with discipline) and Jim's fugitive status (which provokes Huck's moral dilemma). My argument rests partially on the claim that Huck's vacillating attitudes towards social responsibility are normalized as an exercise of moral development afforded by his juvenile status. In sharp contrast, Jim represents the constraints of Black resistance, which according to the norms of a U.S. racial dictatorship is a fundamentally contradictory exercise for Blacks who are synonymously criminal when not enslaved. While Huck's moral development depends on coming to terms with his responsibilities towards others, especially Jim, the novel ultimately demonstrates how the language of humanity is filtered through the lens of white privilege, a fundamentally anti-Black positionality.

For example, Twain repeatedly articulates Huck's moral development to his negotiation of his individual liberation and social responsibility, a negotiation that is impossible for the racialized characters who are excluded from legitimate participation in civil society and whose exercise of individual liberty synonymously threatens propertied whiteness. As Hsuan L. Hsu states in an essay on the role of vagrancy in *Huckleberry Finn*, "Huck embodies a negative freedom from a culture oriented toward business gain, 'pioneer' settler colonialism, and territorially bound labor."⁶⁹ While Huck's negative freedom, or natural liberty, has been (mis)interpreted by many critics as evidence of Huck's quintessentially American spirit, Hsu is

⁶⁹ Hsuan L. Hsu, "Vagrancy and Comparative racialization in *Huckleberry Finn* and 'Three Vagabonds of Trinidad,'" *American Literature*. 81 (2009).

quick to point out that the spatial mobility that Huck enjoys was criminalized for many people of color in the historical setting of the novel. He clarifies, “the romanticized figure of the independent white tramp could be sustained only through processes of racialization that selectively precipitated, criminalized and contained the mobility of nonwhites. Southern Black codes had effectively criminalized ‘idleness,’ Native Americans were forcibly removed from their lands onto reservations and Asian American laborers were threatened and forced out of towns by violent mobs.”⁷⁰ As Hsu explains, the white tramp’s freedom is constituted through the various racialized figures that are denied social legibility. While Hsu offers crucial insight into the comparative racialization at work through the figure of the tramp, his analysis stops short of addressing the intersection of race and age, which permits Huck’s moral ambiguity. Namely, Huck’s desire to “light out” and evade social responsibility is couched as normatively juvenile resistance to bourgeois social norms. His age and race affords him the space to work through the contradictions of liberal society without bearing the full responsibility of legal obedience. Thus, Huck’s whiteness and youth become the ideal prerequisites to negotiate the logics of U.S. liberal incorporation, which require citizens to participate in structures of racial dominance in exchange for state supported opportunities of individual enterprise such as ventures into the romanticized frontier, a geopolitical project committed to the erasure of racial violence in order to construct spaces of “natural” freedom.

Before Huck “light[s] out for the Territory” at the conclusion of the novel, his privileged mobility is evident in his interactions with the various communities along the Mississippi. Initially, he attracts little suspicion and circulates with impunity, a testimony to the power of adult assumptions of his innocence. In particular, the intersection of his age and race afford him

⁷⁰ Ibid.

the privilege to concoct dubious narratives to explain his independent travels and his companion Jim as his slave. When Huck and Jim retreat to an island early in the novel, Huck ventures to the nearby town dressed as a girl to investigate what stories are circulating about Jim, his father and himself. One woman, Mrs. Judith Loftus, who believes Huck is a girl looking for a relative in town, welcomes him into her house and tells him about his murder, his father's claim that Jim is the killer, and his father's subsequent disappearance. Although popular opinion suggests that the father is responsible for Huck's death, Loftus informs Huck that the three hundred dollar bounty for the fugitive slave/suspected murderer continues to motivate people to search for Jim. Meanwhile, the two hundred dollar bounty for Huck's father has not motivated a search, which reflects the disparate economic and cultural values of recovering a fugitive racialized object of property and an indigent white pariah. The woman eventually comes to suspect Huck's ploy and asks him for his real identity. Despite Huck's protestations she tries to assuage his hesitation:

I ain't going to hurt you, and I ain't going to tell on you, nuther . . . You see, you're a runaway 'prentice – that's all. It ain't anything. There ain't any harm in it. You've been treated bad and you made up your mind to cut. Bless you child. I wouldn't tell on you.⁷¹

Loftus' assumption that Huck is a fugitive apprentice is undergirded by assumptions of his innocence. Her insistence that there "ain't any harm" in his subterfuge is based on her presumption that his disguise is proof of his desperation and the abuse he has suffered. In sharp contrast, she has no doubt of Jim's guilt and asserts "they'll get the nigger pretty soon, now, and maybe they can scare [a confession] out of him."⁷² Jim's guilt is self-evident regardless of counterevidence that Huck's father most likely trumped up the accusations against him. Loftus' perspective demonstrates how Huck's presumed innocence is constitutive of his age and race

⁷¹ Twain, *Huckleberry Finn*, 70.

⁷² *Ibid.*, 68.

while Jim's guilt is qualified by his race. Although Loftus's inability to juxtapose Huck's rational escape from an abusive apprenticeship with Jim's desire to escape from bondage delineates the racial common sense of proslavery 19th century U.S. culture, I want to suggest that from the intersection of Huck's privilege and Jim's bondage unfolds a narrative about how the incorporation of white juvenile delinquents would rest upon the perpetually deferred liberation of the emancipated slave.

Huck's Delinquent Career in Self-Liberation

Ostensibly, the companionship of Huck and Jim is borne from a shared desire for liberty from their respective oppressions. However, critical differences emerge when we consider how the intersection of race and age determine the broader social responses to their respective evasions. While Jim and Huck's social positions reflect their respective liminality to the law, they are by no means "equally" marginal. An object of the law and therefore excluded from the legal discourse of rights, Jim's illicit exercise of personal liberty implicates the irresponsibility of rights bearing individuals, including Huck. However, Huck is excused from legal responsibility by dint of his juvenility. While he proves his humanity through his maternal care for Huck, Jim serves as an ideal object to Huck's organic development of social responsibility. As a white juvenile, Huck provides a fantasized marginalized standpoint that does not risk criminal intent in negotiating Jim's right to liberty and maintains white masculinity as the horizon for normative citizenship.

Huck's delinquency is characterized not as explicitly illegal activity but as a pathological attitude towards discipline and restraint that invites reform. His incorrigibility is partially attributed to his impoverished upbringing, which provides a recognizable narrative of

delinquency. The novel begins with Huck's accounting for his failed reform despite Widow Douglas' attempt to "sivilize" him after his father's abandonment. Domesticating Huck with proper clothes that make him "sweat and sweat, and feel all cramped up" and disciplining his day-to-day life with regular meals, prayers and lessons, the Widow Douglas efforts have little immediate effect.⁷³ Huck bears the domestic rigidity of the Douglas household by stealing away to participate in Tom Sawyer's band of robbers. His domestic compromise is disrupted when Huck's father returns to claim his son. Learning that Huck had acquired some money with Tom, Pap Finn physically abuses him in attempts to gain legal access to the money. Judge Thatcher (who manages Huck's assets) and the Widow Douglas appeal to the courts to gain guardianship of Huck. Although, the new judge, unfamiliar with Pap's reputation, initially refuses to intervene between a man and his child, Pap soon ends up back in court for drunkenness and public disturbance and subsequently loses the judge's favor when he returns to drinking the same day he vows to reform himself. Pap then kidnaps Huck, holding him captive in a remote cabin, subjecting him to regular thrashings as he pursues other avenues to gain legal authority over his son's money, which include the diatribe discussed earlier. Eventually Huck escapes from the grips of his abusive father when he finds an abandoned canoe. Rather than return to the town where the Widow and Judge would likely advocate for him, he decides to tramp on his own. Huck's rejection of both his legally appointed guardian and his biological father reflects a juvenile resistance to extremes of disciplinary violence--the former model directed at the soul, the latter, at the body--that responds to the failure of the law to adequately protect him from childhood abuse. In the end, his delinquency is a product of both a weak family form and an impotent legal apparatus for juveniles.

⁷³ Twain, *Huckleberry Finn*, 1.

Unlike Huck's rebellion to discipline, Jim's resistance to racial dictatorship immediately turns his body into contraband. Unlike the details of Huck's daily life under reform, the details of Jim's life under Miss Watson's command can only be inferred. Even Jim's general description that she "pecks on [him] all de time, en treats me pooty rough," is tempered by the condition that "she alwuz said she wouldn' sell me down to Orleans."⁷⁴ Bearing the oppressive violence of everyday life, Jim is compelled to escape only when he overhears Watson speculating that she could get eight hundred dollars for Jim if she sold him further South. Although Jim's escape from bondage is rationalized as a response to Miss Watson's reneging on a verbal commitment, little explanation is needed for Miss Watson's own speculation. Miss Watson's racist logics understand Huck as the subject in need of reform despite his own resistance and Jim as property for perpetual sale despite his desire for domestic security. Still, the end of the novel defangs the cruelty of Miss Watson's speculation when Tom reveals that she had emancipated Jim in her will.⁷⁵ The revelation dulls critiques of racial terror that reinforced white supremacy by turning Miss Watson into a posthumous Samaritan. Moreover, Tom's admission bases Jim's decision on a misunderstanding, thus rendering it an unnecessary response that evacuates much of the spirit of resistance in his escape. Jim's resistance becomes not only unnecessary, but also premature or over-reactive. Such characterizations contribute to the racist ideology that rationalized Black enslavement, their disqualification from citizenship, and their subsequent criminalization post-emancipation.

Jim's desire for freedom is seemingly contradictory to his characterization as the irrational, infantile and servile companion to a juvenile Huck. Geoff Ward explains that "White supremacist ideology [of the 19th century] essentially negated the claims of black youths to

⁷⁴ Ibid., 55.

⁷⁵ Ibid., 292.

enlightened social control by defining them as a strange species of rigid or inflexible human clay, a categorically incorrigible group, more suited to neglect and exploitation than to attempts at normalization and civic integration.”⁷⁶ While Jim is not physiologically a child, his character reinforces the racist developmental logics that roundly deny the capacity of Black adults to develop intellectually beyond childhood. For example, Huck describes how Jim’s penchant for the supernatural renders him, “most ruined, for a servant, because he got so stuck up on account of having seen the devil and been rode by witches.”⁷⁷ Although Jim’s supernatural experiences are renowned among the other slaves in the region, they effectively depreciate his “suitability” as a slave because he has acquired an inflated sense of himself.⁷⁸ Jim is also known for his fortunetelling, which entails making broad stroke claims that would hardly qualify as supernatural ability. Furthermore, the large cat hairball, an accumulation of biological detritus that is unpredictably expelled, functions as his crystal ball and suggests the hodgepodge quality of his predictions. Jim’s rationality is further undercut by his attempts to acquire capital: when he speculates in stock, he literally translates the practice into purchasing livestock. His gross deficiencies as an economic actor are not only exemplified by his poor experiments in capitalist enterprise but also his simplistic understanding of the racial logics of property. Soon after he escapes, Jim deliberates on his own monetary wealth (based on Miss Watson’s speculation). He boasts, “yes-en I’s rich now, come to look at it. I owns mysef, en I’s wuth eight hund’d dollars. I wish I had de money, I wouldn’ want no mo’.”⁷⁹ The fallacy of Jim’s assertions is three fold: first, he can never recoup his full monetary worth because he cannot claim property in himself

⁷⁶ Ward, *Black Child Savers*, 41.

⁷⁷ Twain, *Huckleberry Finn*, 19.

⁷⁸ It is important, perhaps, to note that Tom and Huck had tricked him into thinking he had a supernatural encounter.

⁷⁹ Twain, *Huckleberry Finn*, 58.

under the racial dictatorship of the South.⁸⁰ Second, even if he could be sold, he would be selling himself into bondage, which would nullify his self-ownership. Third, as a fugitive, Jim does not legally own himself until he reaches a free state and even then, his freedom is not completely secure against the possibility of capture by slave hunters in the North. So even a claim to be figuratively “rich” is rather thin. Jim’s blindness to the illegitimacy of his claim to self-ownership evince his irrationality at the same time it stresses the racialized contradictions that structure U.S. freedoms under a slave economy. Ultimately, Jim’s irrationality and ignorance render him unsuited for propertied freedom.

These characteristics set up Huck’s utter shock to Jim’s post-emancipation ambitions in Chapter Sixteen and represents how the work of rationality is consolidated as a proper feature of whiteness. After they have been separated and reunited, Huck and Jim continue down the Mississippi in search of the town Cairo in Illinois, a free state. Huck experiences a crisis of conscience when Jim candidly shares his ambitions to “Sav[e] up money and never spend a single cent” so he can buy the freedom of his wife and children. Jim’s assertion that “if their master wouldn’t sell them, [he and his wife would] get an Ab’litionist to go and steal them” infuriates Huck:

It most froze me to hear such talk. He wouldn’t ever dared to talk such talk in his life before. Just see what a difference it made in him the minute he judged he was about free. It was according to the old saying, “give a nigger an inch and he’ll take an ell.” Thinks I, this is what comes of my not thinking. Here was this nigger, which I had as good as helped to run away, coming right out flat-footed and saying he would steal his children—

⁸⁰ I use “Racial dictatorship” to describe the exclusion of non-white people from political power through their institutional and legal exclusion during the period of chattel slavery after the theorization of Michael Omi and Howard Winant. See their *Racial Formation in the United States* (New York: Routledge, 1994).

children that belonged to a man I didn't even know; a man that hadn't ever done me no harm.⁸¹

Condensing the political stakes of Emancipation to white supremacy, Huck is immobilized, or “frozen” by Jim’s confidence and the prospect of his freedom. Huck fixates on his responsibility for the potential loss of an anonymous slave owner’s property rather than the viability of Jim’s disciplined plan of action. The em dash that ties “steal[ing] his children” to “children that belonged to man I didn’t even know,” marks the ideological disconnect that forecloses Jim’s natural rights as a father and husband to the slave owner’s legal rights over Jim’s children. As the dash denotes the severance of Jim natural claim to his children, it points to an aporia in logics of property under racial dictatorship, which cannot fathom that the sale of Jim’s children is a form of theft in itself. Huck’s complete allegiance to “a man that hadn’t ever done me no harm” fails to consider how Jim shares that man’s qualities because Jim’s enslavement disqualifies his manhood. Even Jim’s noble ambitions, which include a protestant ethic of diligent, sacrificial labor to strive for a normative family form, are negligible to Huck who is ignorant if not explicitly resistant to the values of economic discipline. Instead, Jim’s claims threaten the cultural norms of propertied whiteness since “freedom” for Blacks would no longer render necessary the ingratiating deference that chattel slavery demanded. Moreover, Jim’s plans describe a future without Huck that transforms the maternal labor that assured Huck’s racial supremacy into a paternal claim over his family.

Huck’s internal conflict in this passage demonstrates how any potential for moral development comes from taking responsibility for Jim’s fugitive status: “I begun to get it through my head that he was most *free* -and who was to blame for it? Why, *me*. I couldn’t get that out of

⁸¹ Twain, *Huckleberry Finn*, 110.

my conscience, no how nor no way.”⁸² Huck’s “crisis of conscience” centers on a provocative assertion that Jim’s freedom is inextricably tied to Huck’s permission, which not only centers his own agency (whether or not to turn Jim in) but also attests to the post-Emancipation legacy of white supremacy. Claiming responsibility for Jim’s freedom and assuming Jim’s indebtedness, Huck sees himself as the agent of Jim’s freedom. Thus, he cannot shake the larger cultural norms that demand he intervene in the transgression of property laws. Unable to recognize the racial contradictions of property, Huck resolves his dilemma through a self-interested rationality. After he resorts to a naturalized developmental logic, explaining that “a body that don’t get *started* right when he’s little, ain’t got no show,” he reasons: “what’s the use of learning to do right, when it’s troublesome to do right and ain’t no trouble to do wrong, and the wages is just the same?”⁸³ His new plan of action is to pursue a sentimental pragmatism: since turning Jim in wouldn’t necessarily make him feel better, he decides to “do whichever comes handiest at the time.”⁸⁴

This passage exemplifies how Huck’s moral deliberations bespeak the dilemma of social incorporation under the specter of Black freedom. On the one hand, Huck asserts a hegemonic definition of property, which demonstrates his allegiance to normative property rights that would certainly ease his future incorporation as a white male adult into liberal society. Moreover, his attitude towards Jim as a subject without property rights underscores his social identification with propertied whiteness. On the other hand, Huck’s sentimentality obliges him to protect Jim, who praises his companion’s integrity. In the end, Huck retreats into an ethics of self-interest through a logic of delinquency that displaces his sentimental attachment to Jim with a relativist

⁸² Ibid., 111.

⁸³ Ibid., 113.

⁸⁴ Ibid.

pragmatism. In other words, Huck shirks social responsibility by naturalizing his delinquency as a *proper* condition (i.e. a result of a poor upbringing) and then ties his delinquency to a pragmatism that unwittingly tolerates Black emancipation so long as it “handiest” or practical at the moment to his own survival. Thus Jim’s freedom is not a consequence of an emergent abolitionist consciousness but a contingent and tenuous condition that is inextricable from Huck’s own vulnerability. In short, Huck’s personal security determines the viability of Jim’s emancipation.

Huck’s retreat into an ethics of convenience is significantly transformed in the more critically discussed “crisis of conscience” in Chapter Thirty-One. Huck deliberates on whether or not to expose Jim’s location to Miss Watson after a pair of frauds, the Duke and the Dauphin, has unlawfully sold him. Deeply unsettled after hearing about the fate of his companion, who after all their cooperation with the scoundrels has simply been made “a slave again [for] all his life,” Huck decides to write Miss Watson a letter. After all, “it would be a thousand times better for Jim to be a slave at home where his family was, as long as he’d *got* to be a slave.”⁸⁵ It is unclear if by “family” Huck is referring to his mistress or specifically, his wife and children. Although it is significant that Huck is concerned about Jim’s emotional ties to family, which had previously little influence in Huck’s judgment of Jim’s freedom dreams, Huck immediately assumes what would be better for this companion. Huck’s emphasis on “got” suggests that if Jim had no option but to return to slavery, returning to Miss Watson may be the lesser of two poor choices. However, Huck is ultimately discouraged by the three fold consequence of informing Miss Watson of Jim’s location: Jim’s return may reinforce Miss Watson’s plan to sell him “down the river.” But even if she did not sell him, he would be held under her spite and made miserable

⁸⁵ Ibid., 221.

anyways. Finally, and returning to a question of responsibility, Huck bemoans the loss of his own reputation: “it would get all around, that Huck Finn helped a nigger to get his freedom; and if I was to ever see anybody from that town again, I’d be ready to get down and lick his boots for shame.” Huck’s fears are further complicated by self-criticism that he is “a person [who] does a low-down thing, and then he don’t want to take no consequences for it.”⁸⁶ He is deeply aware of the irresponsibility of his character, which interestingly compounds his internal dilemma. Ultimately, his memories of “[Jim] standing my watch on top of his’n, stead of calling me . . . and see him how glad he was when I come back out of the fog . . . would always call me honey, and pet me and do everything he could think of for me” convince Huck that he is Jim’s best friend and best ally in his escape from slavery.⁸⁷ After reflecting on Jim’s affections and gratitude, he tears up the letter and declares, “all right, then, I’ll *go* to hell.”⁸⁸

While this scene has been interpreted as a testament to the power of sympathy in shaping a young person’s abolitionist act, I am particularly interested in the ways that Huck resolves his ethical dilemma by committing to delinquency. The scene presents a crisis in white supremacist norms that compel Huck turn in Jim to secure his rightful place. Since restoring Jim to Miss Watson may not protect him from further recrimination, Huck realizes that fugitive law clearly cannot rescue Jim from the vulnerabilities constitutive of enslavement. Moreover, ethical compliance may also tarnish Huck’s reputation as an abolitionist sympathizer. The gravity of this possibility deeply impresses Huck, which underscores how, despite his history of delinquency, he understands that he remains a member of white society. Thus, Huck’s deliberations reveal the limits of fugitive slave laws in saturating cultural norms because the illegality of the fugitive

⁸⁶ Ibid., 222.

⁸⁷ Ibid., 220.

⁸⁸ Ibid., 223, emphasis original.

slave cannot be adjudicated through the slave who is an object of the law; instead the law incriminates whites for assisting in any subversive attempts to emancipate Blacks. Evading the personal consequences of “returning” Jim to Miss Watson, Huck shirks social responsibility as an act of self-preservation, a decision that is buttressed by normative assumptions about children’s egoism. Put simply, he can understandably disavow social responsibility as it jeopardizes his reputation among his peers. In the end, Huck’s perceived self-sacrifice, a decisive embrace of his delinquent status, overwrites his self-preserving motive and registers his moral advancement.

As the novel traces how the juvenile’s relationship to antebellum Southern society negotiates responsibility to his adult white peers, Huck’s standpoint is valued for his skepticism regarding the viability of Southern white supremacist Christian culture, which at once exercises racial superiority and demands selfless commitment to others. Early in the novel, Miss Watson promotes civic responsibility (by way of Christian morality) over personal liberty, instructing Huck that “[he] must help other people, and do everything I could for other people, and look out for them all the time, and never think about myself.”⁸⁹ Unable to “see [any] advantage about it—except for the other people,” Huck recognizes how an idealist notion of civic responsibility that is incommensurate with personal liberty removes the critical element of self-interest that motivates civic membership. This attitude remains relatively undisturbed throughout the novel up to the conclusion when he decides to head west to explore the frontier. Instead, Huck solidifies his qualification for social incorporation by dint of his propertied self-interest, which remains inextricable from Jim’s legal and cultural enslavement under white supremacy.

⁸⁹ Ibid., 23.

Ultimately, *Huckleberry Finn* imagines the white male juvenile delinquent as the conservator of white male freedom because of his fundamental *ir*responsibility for the freedom of the Black slave. That is, as a child, the normative expectations for his social responsibility generally forgive his moral transgressions as a product of natural self-interest. Thus, his decision to “lit out,” which ascribes to the myth of the frontier as a space of freedom, restores the figure of the delinquent white boy who is unfettered by the demands of institutional discipline as the idealistic model for U.S. freedom. His incorporation into the national body remains a crucial horizon for the reproduction of white supremacy and simultaneously poses his delinquency as a problem for social management. In contrast, personal freedom for Jim requires white permission, which undergirds the perpetual deferral of his liberation. The ethical dilemma around Jim’s freedom that confounds Huck is finally resolved through the legal circumstance (Miss Watson’s will), the advocacy of white authorities (the Doctor who protects Jim from lynching) and the confession of a delinquent boy (Tom Sawyer’s admission). While this clarifies the uneven relationship of power between Huck and Jim, it also expresses the importance of their difference in age and race to support their future incorporability. The novel concludes with Jim back where he started and with no indication that he will pursue his original plans. Instead he implies his satisfaction with his situation: “I knowed jis’ ‘s well ‘at I ‘us gwineter be rich agin as I’s a stannin’ heah dis minute!”⁹⁰ In fact, Jim asserts that he’s always known that he would regain his wealth (self-ownership) upon his return to present location. However, a return to the antebellum South, even as an emancipated slave, suggests that Jim’s “freedom” is conditional and vulnerable. Unlike Huck, whose delinquency renders his body most eligible for U.S. expansion,

⁹⁰ Ibid., 295.

the enslaved body remains domesticated, recognizable only through a white filter that sustains its freedom as an impossible desire.

Chapter Two

From Street Girls to Cowgirls: Progressive Era Juvenile Delinquency and Gender Regulation

Juvenile delinquency secured its status as a threat to the U.S by the end of the 19th century when social reformers successfully pressured the state to make legal interventions that would protect juvenile offenders from the influence of hardened adult criminals in the penal system. The installation of the first juvenile court on July 1, 1899 in Cook County, Illinois, established an exceptional legal procedure for children under sixteen. The act that established the special court for dependent, neglected and delinquent children in highly populated counties (over half a million residents) would hear petitions made by “any reputable person. . .having knowledge of a child in his county who appears to be either neglected, dependent or delinquent.”⁹¹ The act forbid the incarceration of juveniles who were twelve years or younger with adult convicts and formally established a network of probation officers and commissioners who would oversee the placement of dependent, neglected and delinquent children in reformatories, charity organizations and private homes.⁹² The methodologies and practices of the juvenile court were founded upon the policy of *parens patriae* whereby the courts assumed wardenship over children when their parents failed to protect them. The final section of the act concludes, “the care, custody and discipline of any child shall approximate as nearly as may be that which should be given by its parents. . .”⁹³ Despite this judicial transformation that removed minors from normative judicial procedure, dominant assumptions about juvenile delinquency remained fraught with inconsistencies: both social reformers and legal authorities were unclear

⁹¹ *Illinois Juvenile Court Act* (1899), sec. 4.

⁹² *Ibid.*, sec. 11, 12, 13.

⁹³ *Ibid.*, sec. 21.

whether juvenile delinquents were admirable examples of human resilience or worrisome harbingers of barbarism. Some believed that these children were products of their environment while others believed they were inherently wayward. They were also ambivalent about including both children who were criminally inclined and destitute in a social category typically understood to refer to minors who had committed an offense that would be considered a crime if they were adults. As discussed in the previous chapter, some of these ambivalences were organized through racist ideology about child development, which anticipated profoundly different horizons of rehabilitation for non-white juveniles. These racialized double standards were also complicated by gender, which not only influenced how juvenile court officials discriminated between girl and boy delinquents but also fundamentally informed the state's intervention in the legal management of youth. Building upon the previous chapter's claim that the emergence of juvenile delinquency idealized the white boy as the proper subject of emancipation at the expense of Black emancipation, this chapter considers how the metaphor of white slavery, which focused on the moral degradation of white women, supported juvenile justice as a project of social incorporation for bourgeois whiteness and the expulsion of racialized sexual perversity.

The chapter begins with a discussion of the legal contradictions produced by the courts through explicitly gendered legislation to trace how gender difference informed juvenile delinquency discourse in the Progressive Era. After investigating the deployment of white slavery narratives by Progressive Era reformist Jane Addams, the second half of the chapter offers a comparative analysis of literary and cinematic representations of female juvenile delinquency from the Progressive Era to clarify how the obscenity of white female delinquency contributed to the limits and possibilities of juvenile delinquency reform as an incorporative technologies for citizenship. I specifically focus on Stephen Crane's 1893 novella *Maggie, A*

Girl of the Street to explore its depiction of female delinquency-in-information at the intersection of gendered class norms that strove to preserve white supremacy. Extending and complicating Progressive Era representations of female delinquency as an alignment of economic, racial and gendered abjection, I conclude with a reading of Edwin Porter's 1903 short film, *Little Train Robbery*, which disrupts the norms of female juvenile delinquency and presents a limit to the disciplinary function of Progressive Era reform.

The legal canon on juvenile delinquency cases up to the 1899 watershed reflects how some of the legal ambivalence regarding the legal relationship between the State and the juvenile delinquent was resolved by addressing the latter figure as a gendered subject. The earliest case of a state's assertion of *parens patraie*, *Ex parte Crouse* (1838) was a Pennsylvania case brought forth by a father's claim that his daughter's containment in a House of Refuge as a result of her mother's incorrigibility was unconstitutional. The courts ultimately decided in favor of the House officials, rebuffing the father's attempt to reclaim his daughter by finding that they had taken on the role of the girl's parents and the House was a space of rehabilitation not punishment.⁹⁴ The next significant court decision regarding juvenile legal status is not until the 1870 case of *People v. Turner*, which I discussed in the previous chapter. And although the decision tentatively recognized the rights of the white male juvenile, the decision would not hold precedent twelve years later. This landmark case would be soon overshadowed by two important Illinois state court decisions in 1882, the *Petition of Alexander Ferrier* and *The County of McLean v. Laura B. Humphreys*. Both decisions reasserted and clarified the court's position of *parens patriae*. The first case involved a nine-year-old white female, Winifred Breen, who was described as a chronic vagrant frequently picked up by police. After courts declared her a

⁹⁴ *Ex parte Crouse*. Penn. (1838).

dependent and committed her to an industrial school for girls, her court-appointed attorney filed an appeal using *People v. Turner* as precedent.⁹⁵ In the latter case, Laura Humphreys, the manager of an industrial school in Evanston, Ill, was reimbursed for expenses incurred after transporting a seven-year-old African American female, Mary E. Stoner, who was deemed dependent by the courts and in need of reform. McLean County representatives, who had lost the case, presented appeals questioning the constitutionality of the courts decision based on *People v. Turner* and also argued that the state could not dispense payment to private corporations that were sectarian, according to the constitutional separation of the church and state.⁹⁶ Opinions for both cases denied claims that committing these young girls to industrial schools was unconstitutional. Both clarified that the 1879 Illinois Act to Aid Industrial Schools for Girls did not violate the child's civil liberties or her personal liberty. They asserted that the industrial schools were, in fact, schools and not prisons and therefore the constraints of personal liberty were within a reasonable disciplinary structure that was essential to "proper education." Reinforcing *parens patriae*, they argued that the exigencies of child vagrancy, which demanded the responsible intervention of the state, superseded any claims by the children's parents since their parental roles were de facto relinquished to state power; both opinions cite the provision from the Act, which pertains to

every female infant who begs and receives alms while actually selling, or pretending to sell, any article in public, or who frequents any street, or alley, or other place from the purpose of begging or receiving alms; or who, having no permanent place of abode, proper parental care or guardianship or sufficient means of subsistence; or who, for any other cause, is a wanderer through the streets and alleys, and in other public places; or

⁹⁵ *Petition of Alexander Ferrier*. 103 Ill. 367 (1882).

⁹⁶ *The County of McLean v. Laura B. Humphreys*. 104 Ill. 379 (1882).

who lives with or frequents the company of, or consorts with, reputed thieves, or other vicious persons; or who is found in a house of ill-fame, or in a poor house.⁹⁷

This definition of female delinquency is critical to understanding how gendered logics scaffolded delinquency as a problem for state intervention towards the end of the 19th century, and in particular crystallized assumptions of sexual perversion for delinquent girls. The delinquency of the “female infant” was an umbrella for an expansive range of social relations: from begging to receiving alms, from wandering to frequenting public spaces, from living with to consorting with irreputable persons--the delinquent female is socially interactive but improperly so. Precociously engaging in the market economy and conspicuous in public space, the female delinquent was delinquent because she was *obscene* in a fragmented sense of the word: her non-normativity (denoted by the prefix “ob-”) is produced in direct relation to the “scene” or a place where “an action is carried on and people play their parts as in a drama.” Thus, the legal narrative of female delinquency drew significantly from the female child’s aberrant preoccupation in public spaces, like the street. Her obscenity was grounded in the threat she posed to bourgeois heteropatriarchal norms that asserted domestic space as the proper domain to cultivate female propriety. This clause cited in the court’s decision reflects how the young girls’ inappropriate engagement with the public, in particular, effectively articulated the wayward child to the State as a dependent, in general.

The 1882 female delinquency cases articulate a consolidation of legal power to the naturalization of female delinquency as a condition of public circulation.⁹⁸ This consolidation was founded on a feminization of delinquency that also reinforced the privatized management of girls. The seemingly contradictory consolidation of state power through privatization is

⁹⁷ Qtd. in *Humphreys*.

⁹⁸ David Tanenhaus, *Juvenile Justice in the Making* (Oxford: Oxford UP, 2004), 20.

embedded in the legal architecture of early juvenile reform which reinforced the work of private organizations at the same time juvenile reformists sought more explicit intervention by the state in advocating for juveniles. For example, the Act to Aid Industrial Schools for Girls, cited in both cases, reinforced the state's partnership with sectarian reform schools, which accepted neglected girls committed by the state in exchange for public subsidies. This act was spearheaded by Judge Harvey Hurd, who would eventually work with white women Progressive activists Lucy Flowers and Julia Lathrop to draft a bill calling for the formation of a juvenile court. The final version of the bill that eventually installed the Juvenile Court exempted the power of industrial training schools from the jurisdiction of the juvenile courts, a concession to significant pushback against earlier drafts of the bill from the industrial schools lobby. Thus, the watershed of the juvenile court was established through a crucial compromise: the state would formalize a specialized procedure for juvenile offenders in the name of public interest but limit the reach of this specialized procedure for industrial schools in the name of private institutional interest.

The collaboration of state power and private institutions of reform bespeaks one of the constitutive contradictions of liberal politics centered on property rights in the U.S. In particular, *parens patraie*, which connotes the partial legal position of the courts in relation to the legal minor, reflects the hegemonic incorporation of familial values to reinforce heteropatriarchal privilege. As the following discussion seeks to elaborate, progressive era juvenile justice reformers supported a multimodal approach to delinquency that, on the surface, sought to restore the female juvenile in the home. The investment in the domestication of the female delinquent belies a more troublesome undercurrent to their social reformist agenda: as I suggest, the approach to the "girl problem" in the burgeoning urban centers of the U.S. was incidentally a

project of extermination that produced a diverse body of legal enforcement figures, including probation officers, protective officers, social workers, and reform school officials who extended the state's control over young women's bodies.

The Girl Problem in Early Twentieth Century U.S. Social Reformist Discourse

As the 1882 dependency cases reflect, female delinquency included a range of conditions from petty criminal activity to conditions of dependency, such as parental neglect. While the 1879 Industrial Schools Act had offered some strategies for managing female juvenile delinquency, social reformists also launched campaigns to raise the age of sexual consent in order to prevent girls from entering prostitution, an institution that threatened white racial purity.⁹⁹ Age of consent debates garnered strong public interest as the mobility of women and young girls in industrialized urban centers increased. The distance, or lack thereof, between commercial centers to residential neighborhoods, 'prematurely' exposed children to decidedly adult spaces such as the factory, the saloon, and the burlesque theater. By 1885, the age of consent in most states was ten or twelve (seven in Delaware) and reformists sought to raise it to sixteen or eighteen. At first, appeals to change the age-of-consent were dismissed by legislators who ironically feared that women would use the law to their advantage to blackmail men, an interesting argument for the ways it presumed women's agency as it simultaneously reinforced ideas of their immoral proclivities. Other legislators dispensed more explicitly racist vitriol, claiming that the universality of an age of consent law would place white women on the same scale as African American women whose innate and aggressive sexual promiscuity could

⁹⁹ Mary Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995), 15-16.

unfairly lead to the incrimination and incarceration of “upstanding white men.”¹⁰⁰ In response to racist claims against African American women, reformists voiced little protest, insisting the threat to white female purity was their primary concern.¹⁰¹ As eugenics discourses expanded and the presence of social reformists grew in southern states that had initially posed strong opposition, age-of-consent legislation succeeded during the 1890s while juvenile court legislation was also gaining support.

The success of these appeals to the state demonstrate how young white women became figures of state interest by securing ties between white supremacy and national reproduction. In contrast, non-white women were not seen as beneficiaries of these legal protections. For example, the Page Law of 1875, which prohibited the immigration of Asian women from entering the U.S. under suspicion of prostitution, legally codified the exclusion of Asiatic women and therefore narrowed the age-of-consent campaigns’ focus to white women. This law was established less to prevent the growth of prostitution in the states and more to continue the state’s management of racialized bodies who were deemed perpetual aliens and carriers of infectious disease. While the law explicitly applied to “Oriental” women suspected to be contract laborers, prostitutes, or criminals, several scholars assert that the distinction between prostitutes and wives was purposely ambiguous.¹⁰² While the age of consent campaigns enabled the state to wield greater police power over white women’s sexuality, immigration laws such as the Page Act worked to eject undesirable bodies with legalities that assumed racialized and gendered

¹⁰⁰ Ibid., 33.

¹⁰¹ Ibid.

¹⁰² See Eithne Lubheid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002) and Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995).

delinquency.¹⁰³ Together, they supported the state's focus on the management of white working class women's sexuality. Beginning in 1900, city governments began organizing vice commissions to identify and propose solutions to urban delinquency in general and prostitution and sexual aberrancy in particular. Vice commissions became important branches of state governance, both policing social spaces and producing statistical knowledge by inspecting movie theaters and dance halls to determine if they encouraged "immoral" behavior. Typically, their reports confirmed presumptions that such spaces were social laboratories for young men and women to commingle and engage in "premature" sex. When it came to disciplining the unsanctioned sexuality of youths, state juvenile courts handled "statutory rape" cases with explicitly gendered discrimination.

As historians Steven Schlossman and Stephanie Wallach argued in their pathbreaking article "The Crime of Precocious Sexuality: Female Juvenile Delinquency in the Progressive Era," gender discrimination was both pervasive and unremarkable in juvenile justice.¹⁰⁴ As their archival research in court records revealed, female juvenile delinquents during the Progressive Era were dealt with more punitively and in greater number than their male counterparts. Schlossman and Wallach infer two reasons why this discrepancy has not been studied. First, female delinquents predominantly committed "less flagrant violations of legal codes" which attracted less attention since there were no explicit "victims" of their crimes especially if they were brought into juvenile courts for immoral transgressions.¹⁰⁵ As Victoria Getis notes in her study of the juvenile courts in Cook County, Illinois, "immorality" was not listed in court reports

¹⁰³ In the case of *Gonzalez v. Williams* (1904), Isabel Gonzalez was detained at Ellis Island because she was pregnant and unmarried. She was denied entry in to the U.S. based on the commissioner's claim that she would become a public charge.

¹⁰⁴ Steven Schlossman and Stephanie Wallach, "The Crime of Precocious Sexuality: Female Juvenile Delinquency in the Progressive Era," *Harvard Educational Review* 48 (1978): 65-94.

¹⁰⁵ *Ibid.*, 67.

for boys and in majority, girls were brought in for immorality and incorrigibility while boys were typically brought in for crimes against property such as, larceny, burglary and robbery.¹⁰⁶ In fact, the capaciousness of “immorality” and “incorrigibility” as categories of misconduct widened the jurisdiction of the juvenile courts: young women could be detained for disobedience or failing to turn over wages to parents, staying out without permission or having sex. The latter range of transgressions was both most common and most vigilantly addressed. In her study of the juvenile court records in Alameda and Los Angeles, California, Mary Odem determines that eighty percent of young women were brought in for moral offenses while less than five percent of young men faced such charges.¹⁰⁷ Furthermore female juvenile delinquents were more likely to be sent off to a reformatory rather than have a probation officer assigned to them because, as Schlossman and Wallach explain:

[by] usurping the ultimate adult prerogative--sexual intercourse--female delinquents forfeited their right to be regarded merely as innocent, curious children. . .Female delinquents thereby subverted family government and had to be removed from their natural homes for the protection of neighborhood youth.¹⁰⁸

The suggestion that the female delinquents lost their natural claim to innocence and childhood by sexually perverse behavior is complicated by race. As Robin Bernstein has demonstrated, “innocence” and “curiosity” were qualifications disciplined by ideals of bourgeois white childhood.¹⁰⁹ A clarification to both Odem as well as Schlossman and Wallach’s studies is Anne Meis Knupfer observation that African American girls in Chicago were often returned to their

¹⁰⁶ Victoria Getis, *The Juvenile Court and the Progressives* (Urbana: University of Illinois Press, 2000), 130.

¹⁰⁷ Odem, *Delinquent Daughters*, 155.

¹⁰⁸ Schlossman and Wallach, “Precocious Sexuality,” 84.

¹⁰⁹ Robin Bernstein, *Racial Innocence: Performing American Childhood from Slavery to Civil Rights* (New York: NYU Press, 2012).

homes. Knupfer notes that in addition to a dearth of African American probation officers, many reformatories gave preference to white immigrant girls and the general consensus among reformatories was that racial segregation was necessary.¹¹⁰ Offering more explicit detail into the kinds of state discipline that faced white delinquent girls, Odem observes that “nearly half of the girls charged with delinquency were removed from their homes and placed in institutions or private homes to work as domestics” and that even in cases where boys were identified and brought into court with the girls, the boys were given stern lectures while girls would be placed in detention and sent to juvenile confinement. In addition to detailed interrogations into their sexual relations, girls were subject to pelvic examinations to determine if they were sexually active or had venereal diseases. Such examinations became routine with the recommendation from women officials.¹¹¹

As objects of medical, sociological, and criminal knowledge, white female juvenile delinquents during the Progressive Era were figures of information rather than communication. Their bodies were examined to determine the individual girl’s morality, intelligence and temperament. In *Discipline and Punish*, Foucault explains the technological importance of the examination, which “surrounded by all its documentary techniques, makes each individual a ‘case’: a case, which at once constitutes an object for a branch of knowledge and a hold for a branch of power.”¹¹² The examination produces the document, the administrative material that both ensures the validity and identity of the object it examines; the examination of the female

¹¹⁰ Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency and America’s First Juvenile Court* (London: Routledge, 2001), 90.

¹¹¹ Odem. *Delinquent Daughters*, 144-5.

¹¹² Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1995), 191.

juvenile delinquent was a ritual of power that ensured the expansion of state power over the white girl.

The proliferation of documentation including records of juvenile court proceedings, medical records, and case files of urban vice commissions intersected cultural production in seemingly counteractive yet ultimately complementary ways. Jane Addams, an icon of U.S. social reform, attempted to meld her experiences as an urban social reformer and her access to the numerous documents produced by juvenile delinquency discourse in a series of narratives that centered on the vulnerabilities of urban working class poor children and girls in particular. Addams' work offers an example of Progressive era cultural production that focused on the urgency of female child saving to stave off the moral deterioration of the nation. The articulation of gendered perversion to a moral threat is uniquely applied to ethnic white immigrant girls who are vulnerable to urban diversions and under the pressures of capitalist exploitation. Addams' approach to the prostitution of young girls expresses how Progressive gender reform emerged from a project intent on exterminating working class white female juvenile delinquency.

Progressivist Response to Juvenile delinquency & White Slavery: Jane Addams and the Racialized Management of Urban Working-Class Girls

Jane Addams is arguably one of the most significant figures of Northern Progressive Era reform. Co-founding Hull House with her life partner Ellen Gates Starr seven years after the 1882 dependency cases, Addams would devote her life to child saving through a philanthropic program of bourgeois cultural education. An attempt to explicate the causes and potential solutions to juvenile delinquency, Addams' 1909 treatise *The Spirit of Youth and the City Streets* begins, "nothing is more certain than that each generation longs for a reassurance as to the value

and charm of life, and is secretly afraid lest it lose its sense of the youth of the earth.”¹¹³ The youth, in her estimation, not only remind people of their own regenerative possibilities, instantiating their own species being, but also serve as important source of pleasure. She continues, “one generation after another has depended upon its young to equip it with gaiety and enthusiasm, to persuade it that living is a pleasure, until men everywhere have anxiously provided channels through which this wine of life might flow, and be preserved for their delight.”¹¹⁴ Youth serve as a repository of affect including ‘gaiety’ ‘enthusiasm’ ‘pleasure’ and ‘delight’ that counters the struggles and disappointments of adult quotidian life. Expressing what many other white bourgeois reformists would corroborate, Addams argues that urban industrialization has wrested youth from their crucial roles as dependents who counterbalance the trials and tragedies of adulthood. Capitalism has instead violently assigned them to decidedly adult capacities as premature industrial laborers. After industrial development, “for the first time they are being prized more for their labor power than their innocence, their tender beauty, their ephemeral gaiety. Society cares more for the products they manufacture than for their immemorial ability to reaffirm the charm of their existence.”¹¹⁵ Importantly, Addams does not prescribe an effort to recuperate the youth to its pre-industrial occupation: play. Instead, she contends that the organization of labor mutually supports the organization of play in the form of “high” culture. She claims:

When all the young people working in factories shall come to use their facilities intelligently, and as a matter of course to be interested in what they do, then our

¹¹³ Jane Addams, *The Spirit of Youth and the City Streets* (New York: The Macmillan Company, 1909), 3.

¹¹⁴ *Ibid.*, 4.

¹¹⁵ *Ibid.*, 5.

manufactured products may at least meet the demands of a cultivated nation, because they will be produced by cultivated workmen.¹¹⁶

In other words, Addams argues that disciplined creativity or play can be cultivated in youth through the promotion of classical reading, music and theater, in order to encourage a greater facility with the tools of labor they will have to manipulate as adults and perhaps more importantly to advance the continual progress of American civilization. Here, Addams' critique of the tumultuous incorporation of youth into the laboring masses understands industrialization as an inevitable historical phenomenon. Yet, without the spiritual and emotional *bourgeois* cultivation of the imaginative child, she portends the subjugation of youth to capitalist machinery and social vice. Furthermore, Addams warns that the improper channeling of desire (i.e. premature or promiscuous sex) impedes the development of greater society: "in failing to diffuse and utilize this fundamental instinct of sex through the imagination, we not only inadvertently foster vice and enervation, but we throw away one of the most precious implements for ministering to life's highest needs."¹¹⁷ If precocious sexual desire is not redirected towards cultural production, Addams suggests that the intellectual capacity of the citizenry is at stake. Although the "we" implies a broad group of adults capable of administering social discipline, Addams' target for social discipline, which would narrowly focus on impoverished urban women and girls in practice, also implicates the work of her bourgeois readership as bearing the greatest responsibility in the reproduction of citizenship. In other words, the loss of innocent youth to the sex trade was not explicitly a loss to the youth themselves, but a shared loss with her bourgeois readership. In clarifying her case, Addams would turn to the unsettling metaphor for sex trafficking, white slavery.

¹¹⁶ Ibid., 128.

¹¹⁷ Ibid, 29.

Although the “white slavery” metaphor quickly lost traction in critiques of free white labor during the mid nineteenth century, it was reinvigorated at the turn of the twentieth century when newspapers in England, France and Belgium began publishing public interest stories about the sexual exploitation of young female prostitutes. The social problem posed by white slavery opportunely coincided with the emergence of Progressivism, which called upon the state to protect its citizenry from the violence of a rapidly expanding industrial economy. The turn of the century also brought the rise of public health as an extension of state operations, which contributed to the critiques of prostitution in an epidemiologic frame. When the vice commission of Chicago investigating the “social evil” of urban prostitution published their findings in the 1911 study “The Social Evil in Chicago,” it declared white slavery as a graver threat to American vitality than chattel slavery. It advised that:

the Social Evil be repressed proportionately as the American people grow in righteousness and in the knowledge of this curse, which is more blasting than any plague or epidemic; more terrible than any black slavery that ever existed in this or any other country; more degenerating to the morals and ideals of the nation than all other agencies against decency com-ined [sic].¹¹⁸

A curse and plague, prostitution was a disease that threatened the morality of American character and the vitality of the American population. White slave traffic was not only officially a moral issue, it also demanded government intervention in the form of repression. Arguably, the white slavery metaphor was less controversial when applied to white female sexual exploitation because the conditions of dependency, which were hotly debated in the context of white (male)

¹¹⁸ *The Social evil in Chicago; a study of existing conditions with recommendations by the Vice commission of Chicago: a municipal body appointed by the mayor and the City council of the city of Chicago, and submitted as its report to the mayor and City council of Chicago.* Vice Commission of the city of Chicago, 1911.

wage laborers, were constitutive to the status of women. And although white slavery has been broadly defined as the coercive recruitment of young men and women, regardless of race, into sex work, the examples used in various anti-white slavery literature which Addams reproduced undoubtedly contributed to a gendered and racialized characterization of prostitutes as young, white, and female.¹¹⁹

Originally published in serial form in the muckracking *McClure's Magazine* shortly after the vice commission's report, Addams' *A New Conscience and An Ancient Evil* drew from her personal experiences as the Director of Hull House, as well as from documentation from government organizations, to argue for the urgency of staving off the threat of white slavery. Addams' account and recommendations for addressing this "ancient evil" constitute an important document that reflects the dominant cultural mode of containment and eradication of working class female sexuality as a mode of preserving bourgeois humanity.

Addams begins by introducing the problem of "white slavery" through an analogy: she writes that "social evil," which "designates[s] the sexual commerce permitted to exist in every large city, usually in a segregated district, wherein the chasity of women is bought and sold" is the "twin of slavery."¹²⁰ Aside from a general reference to economic arguments that posit slave labor and "social evil" as an impediment to free labor and national wealth, Addams avoids delving into the intersections between these systems of bodily traffic. As indicated earlier, such comparisons were fraught with ambivalences around class and racial identity. She focuses

¹¹⁹ Importantly, in white slavery narratives, perpetrators were often foreign born. White slavery was also used in yellow peril discourse to warn of seductive quality of opium dens, and the predator nature of Chinese men. See Gina Marchetti, *Romance and the "Yellow Peril": Race, Sex, and Discursive Strategies in Hollywood Fiction* (Berkeley: University of California Press, 1993).

¹²⁰ Jane Addams, *A New Conscience and an Ancient Evil* (New York: The Macmillan Company, 1912), 9.

instead on the comparative mobilization of “reformers, lecturers and writers” who successfully transformed the social conscience to abolish slavery and those associations who worked towards the eradication of commercialized vice such as prostitution. Implicit in her prescription for social change is the transformation of affect into a “value”:

[One] of the most obvious resources at our command. . .is the overwhelming pity and sense of protection which the recent revelations in the white slave traffic have aroused for the thousands of young girls, many of them still children, who are yearly sacrificed to the “sins of the people.” All of this emotion ought to be made of value, for quite as a state of emotion is invariably the organic preparation for action, so it is certainly true that no profound spiritual transformation can take place without it. . . .Sympathetic knowledge is the only way of approach to any human problem, and the line of least resistance into the jungle of human wretchedness must always be through that region which is most thoroughly explored, not only by the information of the statistician, but by sympathetic understanding.¹²¹

This passage reinforces the affective resource provided by the child: the “pity” and “sense of protection” that can be provoked in the reader ought to be harnessed to cultivate an affective relationship between the Progressive leaning readership and the prostitute (girl). The affective relations presume the agency of the former over the latter, thereby impelling the intervention of a concerned citizenry. The foundation for social change lies in the incitement of active citizens to cultivate their passionate attachment to the prostitute through a natural or “organic” response to abandoned and “sacrificed” children. Although she holds on to the “statistician” as a voice of rational authority, Addams argues that affective knowledge is a crucial supplement to liberal

¹²¹ Ibid., 11.

citizenship if it is to enact social change within the rational functions of the state. Here she marks the inadequacy of the current state, whose exercise of police power reveals the limits of law enforcement as a remedy for organized vice (especially since the police themselves have co-opted it, finding ways to sustain/manage vice through graft). The counter-knowledge Addams provides takes on the form of anecdotes, which typically repeat a melodramatic formula of adult exploitation of innocent youth: a young unsuspecting girl from a difficult socioeconomic background is forced by circumstances out of her control (family financial need, illness, immigrant status, parental neglect) to transact in sex work. Often, two other actors, a conniving man who either ushers the woman into sex work as a customer or middle man and the Juvenile Protective Association stand in as victimizer and savior, respectively.

In many ways, Addams' anecdotes reproduce the melodrama (staged in cheap theaters and vaudeville shows) that she argues also renders young women susceptible to recruitment into sex work. However, she retools the dramatic form to provoke broader social intervention. In a proper moral universe, the innocent girl would be able to mature and experience high culture before participating in the social world as an adult. Instead, in Addams' narration, pernicious men who are bent on profit prey on young girls and coerce them into sexual servitude. By providing counter-knowledge of the conditions many of the girls negotiate, Addams seeks to compel social outrage acute enough to abolish the trade. However, her language when describing white slavery's "victims" and the industry's "sacrifice" suggest that once they are initiated, they are socially irrecoverable.

The depth of the social evil that afflicts these young girls is underscored by the melodramatic form Addams deploys to narrativize white slavery on an international scale. This form summons the intervention of her bourgeois readership to restore an honorable and

distinctively “American” moral order.¹²² Addams emphasizes the international scope of the problem with her first anecdote of Marie, a French girl from the countryside, who is forced to work because of her father’s indigence. Sent to Paris to find domestic work, she is recruited to join an acting troupe on their American tour. After various changes in management, she ends up working in a brothel. She survives typhoid fever and Paret, the man responsible for pimping her, is eventually extradited from another state prison for similar charges and convicted in Chicago. Meanwhile, she has restored some respectability by marriage, but clandestinely prostitutes herself for supplementary income. Implicitly, Marie’s age “not yet twenty years old” does not afford her a fresh restart to moral propriety. Her dissolution is entrenched. On several fronts, Marie’s story functions as a template for the rest of *A New Conscience and An Ancient Evil*. Like the other anecdotes of girls whose entrance into prostitution is facilitated by migrating to the U.S., Marie is forced to find work due to her poverty, which leads her to toil in the drudgery of domestic labor-- one of two most common occupations that purportedly lead young women into sex work. Marie, like many of the other examples Addams’ recounts, is naively duped into sex work by a man who recruits the girl to join an acting troupe with promises of material luxury or excitement that strongly contrast her mundane routines. Once in the U.S., Marie, now an “imported girl” finds herself in debt to a pimp, who has paid for her transport. Ultimately, and perhaps most important for Addams’ argument, the girl is forever warped, once her “shameful experiences. . .[have] finally become registered in every fibre of her being until the forced demoralization has become genuine.”¹²³ Marie’s national origins and rural background invite the American bourgeois reader’s sympathy for her moral tragedy. Her origins in France avoid the racialized assumptions that might compel arguments for more immigration restrictions since

¹²² Addams., 153.

¹²³ Ibid., 20-21.

U.S.-French relations were generally friendly and France's political and cultural history was still valorized in American bourgeois society. Moreover Marie's story supports Addams' claim that the white slave is primarily a figure of (im)migration: "first in value to the white slave commerce is the girl imported from abroad who from the nature of the case is most completely in the power of the trader."¹²⁴ In general, the cases of immigrant girls throughout *An Ancient Evil* focus on European girls (from France, Sweden, Poland and Bohemia) who are victimized by patriarchal violence. The vulnerability of non-English speaking girls, in particular, present ripe opportunities for "white slave traders" who effectively and swiftly demoralize the young girl so that she "testifies that she is in it of her own free will, [which] puts herself beyond the protection of the law."¹²⁵ Here Addams underscores how young women's mobility into and within urban centers ushers their moral downfall, entrapped by manipulating pimps who keep them from legal advocacy.¹²⁶ However, Addams also implies that the girls are morally degraded so that they claim responsibility of their "own free will" in their sex work, foreclosing the court's assumption of their innocence.

¹²⁴ Ibid., 18.

¹²⁵ Ibid., 21.

¹²⁶ Anxieties about the importation of social vice were shared by several of Addams' colleagues. For example, William P. Dillingham, a Republican senator from Vermont who chaired the Immigration Commission from 1907-1911, spearheaded the publication of "Immigration and Crime" to encourage the restriction of immigration from specific countries. Interestingly, the commission's report begins by admitting that empirical evidence fails to tie adult immigrants to crime. In fact, "statistics . . . indicate that immigrants are less prone to commit crime than are native Americans." However, the report quickly clarifies that juvenile delinquency statistics as more indicative of the correlation between immigration and crime than statistics of adult immigrant criminality. That "American-born children of immigrants exceed the children of natives in relative amount of crime" is tempered by assertions that the delinquency is a "product of the city" and that immigrants are concentrated in Northern cities, which affects the appearance of higher rates of delinquency than if immigrant populations were more evenly distributed through the U.S.

Like the case of Marie, the “moralistic drama” in all of Addams’ anecdotes is instigated by migration and economic mobility. In the case of white slavery, the new world is both literally the U.S. and the city for immigrant girls and rural girls, respectively. Specifically, Addams posits the economic “freedom” that urban based wage work promises as the primary force ushering young women into sex work. She recounts the story of a young Midwesterner who moves to Chicago and finds work as a department store worker, the other common pre-occupation for these young women. There she falls prey to the logics of conspicuous consumption and disreputable men “because she is of the first generation of girls which has stood alone in the midst of trade, she is clinging and timid, and yet the only person, man or woman, in this commercial atmosphere who speaks to her of the care and protection which she craves, is seeking to betray her.”¹²⁷ Over the course of Addams’ anecdotes about European immigrant girls and factory girls from the countryside, the delinquent white girl emerges as the central figure of white slavery whose lack of sophistication renders her powerless against the pull of commercialized prostitution. She concludes in the first section that the recent investigations reveal how “the bulk of the entire traffic is conducted with the youth of the community, and that the social evil ancient though it may be, must be renewed in our generation through its younger member. The knowledge of the youth of its victims doubtless in a measure accounts from the new sense of compunction which fills the community.”¹²⁸ The issue of white slavery lies not with the sex trade itself (since its persistence over time seems insuperable) but with its intersection with youth, which threatens the vitality of an American future. Therefore, it is precisely the youth of the sex workers that provokes the guilt and shame of the educated Progressive-minded classes who can perhaps eradicate the trade altogether.

¹²⁷ Addams, *An Ancient Evil*, 66.

¹²⁸ *Ibid.*, 52.

Addams' melodramatic narratives are later explicitly bolstered by eugenics discourse that connect sex work to racial deterioration:

What this new science makes clear to the public that those diseases which are a direct outcome of the social evil are clearly responsible for the race deterioration, effective indignation may at last be aroused. . . against the ghastly fact that the survivors among those afflicted children infect their contemporaries and hand on the evil heritage to another generation.¹²⁹

This passage makes clear that the social evil of the sex trade is not limited to the working classes. The "diseases," which include sexually transmitted diseases in addition to moral afflictions, are carried by the survivors who may "infect" their contemporaries. A direct threat to the bourgeoisie, the girl prostitute is a problem not only in her moral influence but also in her biological survival. Here, Addams' final argument to incite the political action of her readership relies on a more disturbing suggestion that in order to save proper bourgeois femininity, white working class sexual perversity must be exterminated.

The final scene of this section is wrought with melodramatic pathos. Addams visits a home for "semi-delinquent" girls (i.e. girls who have had premature sex) where a doll rests upon each of their "little white beds." She bemoans how the girls are "still young enough to love and cherish this supreme toy of childhood" and rather than deliver a lecture to "the inmates" Addams instead plays dolls with the girls. Casting the girls as "little victims," Addams' description reduces the complexity of the young girls' lives to a tragic muddling of their simple innocence. The dolls are relics that evidence their innocent natures but also represent the appropriate passiveness and dependence that the girls themselves should emulate until they have reached

¹²⁹ Ibid., 131.

maturity. In this way, the girls attitude towards the dolls come condense the bourgeois desire of adults to contain the girls' domestic ambitions.

In *The Melodramatic Imagination*, Peter Brooks concludes that, “melodrama offers us heroic confrontation, purgation, purification, recognition. But its recognition is essentially of the integers in combat and the need to choose sides. . . Melodrama cannot figure the birth of a new society--the role of comedy--but only the old society reformed.”¹³⁰ If Brooks is correct, then melodramatic form's foundational dependence on a binary of good and evil and resolution by a restoration of that binary ultimately prevents a radical transformation of the social order. Brooks theorization of the melodramatic form suggests that Addams' melodramatic narrative of white slavery delimits the call for social action and the emergence of a “new conscience.” As the narratives imply a binary path to bourgeois salvation or social death, I would argue that Addams offers less of a choice to save young sex workers than a call to her white female bourgeois readership to see anti-white slavery campaigns as a means to bolster their own enfranchisement. As Margit Stange points out, Addams' Progressivist feminist ideology called for more public exposure for women (rather than a retreat to the domestic sphere) in the form of “social housekeeping,” or, the expansion of women's “womanly duties” beyond the private home into the political and social sphere. Stange claims that, for Addams, white slavery demonstrates the universal and indistinguishable “fungibility” of the female body, which effectively marks the prostitute woman as the figure of exchange against whom the “virtuous” working woman's value is determined.¹³¹ In other words, Addams' call for expanded entitlements for women rests upon a

¹³⁰ Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama, and the Mode of Excess* (New Haven: Yale University Press, 1976), 205.

¹³¹ Margit Stange, *Personal Property: Wives, White Slaves, and the Market in Women* (Baltimore: The Johns Hopkins University Press, 1998), 135.

comparison of the economic values of the women in white slavery to women in more virtuous wage work. Thus, entitlements are based not on women's exchange value as workers, but on the eradication of undesirable female bodies to protect those at risk of moral degradation.

Paradoxically, the expansion of the female body's universality through the market logics of white slavery renders the prostitute as the measure against which the value of women who remain in the domestic sphere as wives and mothers is determined. In turn, the obscenity of the white female prostitute bolsters the exchange value of the housewife, which becomes the basis for female economic and social entitlement.¹³² In Stange's argument, the commodification of women becomes the grounds for transforming the public sphere in order to incorporate a "new public sphere woman."¹³³

My argument pushes Stange's conclusions regarding Addams' anecdotes about the entrapment of young naïve white girls in sex trafficking one step further. Not only did the anecdotes call upon the activism of Progressive supporters in the early 20th century, they also express Progressive Era feminism's investment in the extermination of white working class sexual deviancy. Addams' reflections demonstrate how the institutional accretion of bourgeois power establishes the figure of white slavery as a social form whose presence is relatively fixed. Not only is the white female prostitute a fixture of urban exploitation, she is also a stain on civilization that must be stamped out.

In contrast to Addams' depiction of white girls' prostitution as a pathology of urban enticement and entrapment, Stephen Crane's *Maggie, A Girl of the Streets* (1893) offers an alternative perspective, framing the formation of white slavery as an intersectional experience at the center of class, race and gender formations. Representing the production of female

¹³² Ibid., 136.

¹³³ Ibid., 137.

delinquency “in solution,” *Maggie* reflects how female delinquency emerges from gendered processes of class socialization to become a powerful tool for the incorporation and abandonment of certain members of the urban white working class. Here, I read the novella, a canonical example of literary naturalism, as an articulation of a “structure of feeling”—a concept theorized by Raymond Williams, who claimed that some artistic works capture a “quality of social experience” that have yet to be formalized, valued or systematized by a structuring ideology.¹³⁴ While Addams’ treatise reflects how the female juvenile delinquent had become an object of knowledge at the intersection of disciplinary formations, Crane’s novella understands female sexual delinquency not as a product of adult manipulation but a confluence of racialized class and gender norms that effectively determine the survival of a young impoverished girl.

Written and self-published when Crane was a young journalist and aspiring novelist, *Maggie* describes the lives of two juvenile delinquent siblings raised in the Bowery section of New York City. I contend that the novella demonstrates how gendered norms produced delinquency as a condition necessary for the urban survival of young working class men while while concomitantly producing it as a condition that ensures the social downfall for young women. In producing two starkly different categories of juvenile delinquency through the axis of gender, *Maggie* also reveals how the invention of juvenile perversity refracted racial and gendered limits to liberal inclusion: if the U.S. sustained its exceptionalist narrative as a “nation of immigrants” while seeking a robust American cultural identity, racial and gender norms would be critical rubrics for identifying who would contribute to this racial project. Here, the female juvenile delinquent emerges as a generative index of this project that joins the temporality of the juvenile, a citizen-subject-in-formation whose future cannot be known, and the morality of

¹³⁴ Raymond Williams, *Marxism and Literature*, (Oxford: Oxford UP, 1977).

delinquency, a characteristic of degeneracy that has been essentialized, racialized and gendered through its various iterations (temporally fixed and enduring across time).

This section teases out how figures like Maggie anticipated the interarticulation of juvenile delinquency discourse with contemporaneous debates around migrant bodies and bourgeois white femininity. As juvenile delinquency discourse at the beginning of the 20th century became further entwined with social science research, it developed an ancillary discourse that focused on immigrant girl's sexuality. The concern for urban immigrant girls centered on their entrance into sex work, and more broadly, urban vice. Social scientists and Progressive reformers like Jane Addams were key actors in constructing the female juvenile delinquent as an object of specialized knowledge that would be instrumental in consolidating white bourgeois female subjectivity.

In the first copies of *Maggie, A Girl of the Streets* that were sent to his supporters, Stephen Crane wrote the following inscription:

It is inevitable that you will be greatly shocked by the book but continue please with all possible courage to the end. For it tries to show that environment is a tremendous thing in the world and frequently shapes lives regardless. If one proved that theory one makes room in Heaven for all sorts of souls, notably an occasional street girl, who are not confidently expected to be there by many excellent people.¹³⁵

With this entreaty, Crane articulates core features of literary naturalism: the environment as the primary object of social critique and the substantial consideration of marginalized people

¹³⁵ Stephen Crane, *Stephen Crane: Letters*, ed. R.W. Stallman and Lillian Gilkes (New York: NYU Press, 1960), 14.

typically excluded by the dominant.¹³⁶ To these goals, Crane aspires for the salvation, or at least for the inclusion in an unearthly realm, of the morally bankrupt. In turn, the individual is rendered powerless, while social consciousness has the potential for reform. Notably, the novella that has been canonized as *Maggie, Girl of the Streets* was originally titled the more anonymous, yet emphatically gendered *Girl of the Streets*. Crane later revised the title into an appositive form, adding the diminutive name to particularize the narrative's protagonist. However, throughout the narrative, Crane's uses "the girl" and "Maggie" interchangeably, ambiguating the identity of her character. His vacillation with language plays with literary processes of abstraction by using a particular street girl's story as representative of all street girls even while underscoring the individual.

Beginning with a violent introduction, the novel first describes Maggie's brother Jimmie singlehandedly fighting off a pack of street urchins. In contrast to the violent drama of the young boys who "ran to and fro, dodging, hurling stones and swearing in barbaric trebles," Crane describes the backdrop of adult spectators:

From a window of an apartment house that uprose from amid squat ignorant stables there leaned a curious woman. Some laborers, unloading a scow at a dock at the river, paused for a moment and regarded the fight. The engineer of a passive tugboat hung lazily over a

¹³⁶ I draw this understanding of naturalism from Colleen Lye's claim that "on the one hand, the literature of naturalism is attracted to representing the socially unrepresented. On the other hand naturalism's indifference toward character distinctions reflects a preoccupation with difference at the level of the typical rather than the individual." She later synthesizes critiques by Georg Lukacs, and Lee Mitchell, Mark Seltzer to claim, "naturalism more relentlessly interrogates the autonomy of the subject, devising characters who behave more like animals or machines than human beings." See *America's Asia: Racial Form and American Literature, 1893-1945* (Princeton: Princeton University Press, 2005), 8, 86.

railing and watched. Over on the island a worm of yellow convicts came from the shadow of a gray ominous building and crawled slowly along the river bank.¹³⁷

This audience of a domestic worker, who peers curiously, and wage laborers who momentarily “regarded” and “hung lazily,” see the brutal fight as a diversion from their monotonous workday. Emerging from the “gray ominous building” suggestive of a prison, the criminal is reduced to one segment of a lowly spineless animal. These figures not only reflect an apathy towards the fight, but also anticipate the future of these boys as the unemployed, criminalized poor working class.

The brutality of the boys’ warfare and the allusions to their social stagnation in the city imply a biological determinism that regenerates depravity among the poor. This theme evokes the conclusions of Cesare Lombroso, the founder of criminal anthropology in the 1880s who is often considered the first to apply methods of biosocial science to the study of crime. Lombroso argued in his 1876 text *L’Uomo Delinquente (The Criminal Man)* that criminal behavior was a product of atavism, a manifestation of savage behavior.¹³⁸ While Lombroso’s text was not translated into English until 1911, his research was described in a book review of another influential criminologist’s work, Havelock Ellis’ *The Criminal* (1890).¹³⁹ Ellis marks criminality a result of stunted development, stating, “the criminal is an individual who, to some extent

¹³⁷ Stephen Crane, *Maggie, A Girl of the Streets* (New York: Penguin Group. 1991), 2.

¹³⁸ Drawing from his study of prison inmates in Italy, Lombroso claimed that physiological defects correlated with criminal tendencies. But importantly, he taxonomized criminals by their occasional and habitual behaviors. He would not publish work that distinguished criminality between genders until 1895. See Cesare Lombroso, *Criminal Man*, trans. Mary Gibson and Nicole Hahn Rafter (Durham: Duke University Press, 2006) and Lombroso, *Criminal Woman: The Prostitute, and the Normal Woman*, trans. Guglielmo Ferrero, Nicole Hahn Rafter, and Mary Gibson (Durham: Duke University Press, 2004).

¹³⁹ In the New York Times review for *The Criminal* published on Aug 3rd, 1891, the writer concludes that “Some attention has been paid to the teeth of criminals and Lambroso [*sic*] is of the opinion that there is a tendency to an exaggeration of the canines. If this were the case, it might be the case of atavism, or a return to the platyrhine apes.”

remains a child his life long- a child of larger growth and with greater capacity for evil. This is part of the atavism of criminals.”¹⁴⁰ The melding of the child and the criminal in Ellis’ formulation of deviancy helped sharpen the focus of social reformers on the juvenile delinquent as a social threat precisely because s/he is the prototype of the adult criminal.

Though Crane does not provide much physiological description of his character Maggie, the purported protagonist of the novel does not emerge until the second chapter. Like her brother, she is introduced in turmoil, “dragg[ing] a red bawling infant along the crowded ways.”¹⁴¹ Already burdened by her young brother, she becomes the target of her brother’s frustrations when he delivers to her a number of blows before their father intervenes. Soon after the group returns to their tenement apartment, they confront the alcoholic matriarch who “threw herself upon Jimmie. . . grasping the urchin by the neck and shoulder she shook him until he rattled.”¹⁴² The domestic violence proliferates as the father storms out after a “lurid altercation” with the mother, who soon after turns on Maggie when she breaks a plate. The incessant brutality throughout the first two chapters produce a chaotic and terrifying familial drama punctuated by “howls and curses, groans and shrieks--a confused chorus as if a battle were raging.”¹⁴³ Although both parents contribute to the domestic turmoil, the novella ascribes to a gendered dysfunction of the familial order. In particular, the mother is consistently the instigator of familial violence. The father even implores her to, “let the damned kid alone for a minute. . . Yer allus poundin’ im. . . Don’t be allus poundin’ a kid.”¹⁴⁴ Expressing some sense of parental nurturing, the father later turns to drinking at the bar to escape from the violence of the home. He announces to bar

¹⁴⁰ Havelock Ellis, *The Criminal* (New York: Scribner and Welford, 1890), 214.

¹⁴¹ Crane, *Maggie*, 6.

¹⁴² *Ibid.*, 7.

¹⁴³ *Ibid.*, 13.

¹⁴⁴ *Ibid.*, 8.

patrons, “my home reg’lar livin’ hell! Why do I come an’ drin’ whisk’ here thish way? ‘Cause home reg’lar livin’ hell!”¹⁴⁵ Even in his brutality, the father can at least offer a rational explanation for his delinquent behavior. In contrast, the mother is depravity incarnate. When she is not physically attacking her family with her “massive shoulders” and “immense hands,” she begs on Fifth Avenue, “her legs under her and crouched immovable and hideous, like a idol.” Her monstrous embodiment is only tempered by a hypocritical ability to “don, at will, an expression of virtue.”¹⁴⁶ Unlike the father’s self-professed inclination to drink, Maggie’s mother is a drunk without explicit cause. The reasons for her emotional instability is no less clarified by her “shedding tears and crooning miserably” or “chanting in a mournful voice.”¹⁴⁷ Though the mother is clearly suffering, Crane offers no insight into her struggles beyond the family’s poverty. In this way, the novella underscores an irresolvable maternal ineptitude as the source of failed domesticity.

The gendered portrayal of the family dysfunction carries over to the children’s individual development in the street. With his infant brother dead, Jimmie becomes “a young man of leather,” loafing on the streets “dreaming blood-red dreams at the passing of pretty women.” Imagining a lascivious career, Jimmie soon learns the pleasure of money and, as the earlier image predicted, becomes a truck driver. This position affords him moments of power where he could determine the flow of traffic by “resolv[ing] never to move out of the way of anything” or “storming at [foot passengers] from his throne.”¹⁴⁸ Already having “a fair record” with the police, Jimmie has settled into regular occupation that places him firmly and expectedly in constant struggle between the police and fellow civilians.

¹⁴⁵ Ibid., 11.

¹⁴⁶ Ibid., 10.

¹⁴⁷ Ibid., 11.

¹⁴⁸ Ibid., 15.

In contrast, Maggie has “blossomed in a mud puddle,” an exceptional figure cut against the depredations of the slum. She too has entered the wage labor force, though unlike her brother she has been automated, “perched on the stool . . . at her machine all day, turning out collars with a name which might have been noted for its irrelevancy to anything connected with collars.”¹⁴⁹ Here, Maggie’s labor is extracted maximally by the technologies of mass production. The alienation constitutive of capitalist labor abstraction is extended through the non-correspondence between the collars and their “name which might be noted for its irrelevancy.” Maggie soon recognizes that the workshop only promises a future of aggrieved regrets, no better than her current position where she is beholden to the sweatshop owner whose “pocketbook deprived [the women] of the power of retort.”¹⁵⁰ Her infatuation with Pete, her brother’s friend and a dandy, offers Maggie an avenue for escape and amusement from the exhaustive demand for repetitive labor and subordination under industrial capitalism. Taking Maggie to her first vaudeville show, Pete observes her cheeks “blushing with excitement” and her eyes “glistening” as she “drew deep breaths of pleasure.” A sharp difference from previous descriptions of her wan face, timid hesitation and nervous fear of her family, Maggie’s body is transformed by mass cultural consumption. However, Maggie’s access to these amusements rests upon her submission to Pete, a man she believes is worldly and “must be accustomed to very great things.” Feeling “little and new,” Maggie’s “heart warmed as she reflected upon his condescension.”¹⁵¹

Whereas Jimmie’s experiences as a laborer of the street harden his misanthropic outlook, Maggie becomes entranced by the “transcendental realism,” a euphemism for sentimental narratives that pervaded theatrical entertainment. These plays with caricatured heroes and

¹⁴⁹ Ibid., 20.

¹⁵⁰ Ibid., 33.

¹⁵¹ Ibid., 29.

villains fulfilled an experiential lack in the audience: “joy was always within, and they, like the actor inevitably without. Viewing it, they hugged themselves in ecstatic pity of their real or imagined condition.”¹⁵² The collective suffering instigated by the shared identification with exclusion “without joy, also serves to produce a sense of belonging or collectivity.” In her first vaudeville, she observes a singer who “described a vision of Britain annihilated by America, and Ireland bursting her bonds . . . Instantly a great cheer swelled from the throats of this assemblage of the masses, most of them of foreign birth.”¹⁵³ The nationalist pride that theatrically combines with anti-colonialist sentiment align the Irish with the liberatory promise of American belonging. Moved by these melodramas that “made her think,” Maggie increasingly holds out the possibility that “the culture and refinement she had seen imitated. . . could be acquired by a girl who lived in a tenement house and worked in a shirt factory.”¹⁵⁴ Thus entertainment supplies Maggie with an endless performance of social inclusion that is an alternative to the labor force. In his reassessment of Crane’s oeuvre through the lens of mass culture and amusement, Bill Brown reminds us that leisure was not simply the inversion of labor, but rather that “recreation appears as a means of socializing –of Americanizing--the European immigrant.”¹⁵⁵ Maggie’s consumption of mass entertainment participates and inculcates the pervasive liberal narrative of social incorporation that was animated through identifications with sentimental romance. But rather than read this passage as Maggie’s indoctrination in the cultural values of liberal ideology, David Huntsperger suggests that this passage leaves open the possibility that Maggie does not necessarily fall for the ruse of the theater, but rather, “realizes that the performance may have

¹⁵² Ibid., 35.

¹⁵³ Ibid., 31.

¹⁵⁴ Ibid., 36.

¹⁵⁵ Bill Brown. *The Material Unconscious: American Amusement, Stephen Crane & the Economies of Play* (Cambridge: Harvard UP, 1996).

been grotesque,” pushing against the dominant assumptions of Maggie’s gullibility.¹⁵⁶ Despite the ambiguity of her critical awareness, Maggie clearly fails to benefit from any exercise of her critical sense.

While both Maggie’s and Jimmie’s bodies become immersed in the life of urban mass culture, Maggie’s desire to free herself from her home ultimately leads to her demise. Though she is inspired by the romance to imagine new possibilities outside of Rum Alley, she fails to recognize--or chooses to resist--the moral norms that must be preserved in order to pursue her social ambitions. When her mother presents her with an ultimatum, demanding that she choose between Pete or her tenement home, Maggie is understandably compelled to leave her family. Crane’s characterizations of the mother appear to make Maggie’s decision not about choice, but about a fundamental negligence that has conditioned her family life. Crane writes, “the woman on the floor cursed. Jimmie was intent upon his bruised forearms. The girl cast a glance about the room filled with a chaotic mass of debris, and at the writhing body of the mother. . .Maggie went.”¹⁵⁷ With Jimmie tending to his own wounds and Mrs. Johnson prostrate and “writhing,” the disordered room repels Maggie, offering no semblance of domestic stability.

Unfortunately, Pete’s companionship fails to provide any promising opportunities. Instead, Maggie succumbs to a different order of dependency tinged with grave immorality. Returning to a “pale” demeanor, Maggie’s “eyes had been plucked of all look of self-reliance. . .lean[ing] with a dependent air on her companion.”¹⁵⁸ While her experiences in the factory and in the performance halls helped her begin “to think” and develop her own critical faculties, her ambition has devolved into a pathetic servility to a con. Expectedly, Pete is soon drawn away by

¹⁵⁶ David Huntsperger, “Populist Crane: A Reconsideration of Melodrama in *Maggie*,” *Texas Studies in Literature and Language* 53 (2011): 294-319.

¹⁵⁷ Crane, 41.

¹⁵⁸ *Ibid.*, 52.

an old acquaintance, his female counterpart whose relationship with a businessman proved less advantageous. Abandoned, Maggie attempts to return home only lead to a tenement drama for her mother and neighbors, who watch enraptured by the families' "expressed horror of contamination."¹⁵⁹ After she vainly tries to reconcile with Pete, Maggie must roam the streets. She soon learns the dangers of "freedom": "if she walked with such apparent aimlessness, some men looked at her with calculating eyes" and when she approached a seemingly good-natured gentleman, "he made a convulsive movement and saved his respectability by a vigorous side step."¹⁶⁰ As "a girl of the painted cohorts of the city," Maggie must appear directed though not self-driven, beholden to a schedule and not free to engage in leisurely conversation. Although prostitution without a pimp could be interpreted as a kind of independence since Maggie sells her labor on her time and receives direct payment from anonymous men who will buy her services, the gender dynamics of the market maintain her subordination to the consumer market of johns who both enable and threaten her survival.¹⁶¹ The vulnerability that structures her dependency exposes the deadly contingencies of juvenile sex workers. Her moral dissipation is literalized by the narrative voice, which no longer describes her by name: "she went into the blackness of the final block. The shutters of the tall buildings were closed like grim lips...the varied sounds of life, made joyous by distance and seeming unapproachableness, came faintly and died away to silence."¹⁶² This dark yet ambiguous ending for Maggie relays the effects of her social abandonment to her social abstraction. The series of abandonment by her mother, her brother (who initially fought Pete to try and salvage her meager reputation), Pete and her neighbors culminate in her death with a tone of resolute finality like the shutters "closed like grim lips."

¹⁵⁹ Ibid., 67.

¹⁶⁰ Ibid., 71.

¹⁶¹ Ibid., 72.

¹⁶² Ibid., 75.

Tellingly, her brother, who has been disciplined by the workday and learns to discriminate between battles worth pursuing and resigning from, is left to identify her body.

In the classical bildungsroman, the protagonist-in-form reaches maturity by resolving his desires and relationship with the world by retreating into the family form, most commonly through marriage.¹⁶³ Maggie, entranced by Bowery society, cannot claim ties to domesticity that could maintain her moral propriety. Jimmie, who is introduced as a rebellious fighter, has resigned himself to managing his mother and preserves, at minimum, a recognized virtue. Ultimately, both siblings' narratives read in contradistinction to the promise of the family form as the unit that affords incorporation into the social order. Instead, Crane explicitly describes the blindness of Maggie's family, lover and society: her violent mother asks "When a girl is bringed up d' way I bringed up Maggie, how kin she go the d' devil?"; Jimmie "could not conceive how . . . his mother's daughter and his sister could have been so wicked"; Pete believes that "if. . . her soul could never smile again, he would believe the mother and brother . . . to be responsible for it"; and finally, the passerby who avoids Maggie's plea for help "did not risk [his respectability] to save a soul. For how was he to know that there was a soul before him that needed saving?"¹⁶⁴ As each character evades responsibility, Crane places the onus on no single character. Caught up in a constellation of environmental forces, Maggie's utter dependency in contrast to Jimmie's relative independence point to the audiences' blindspot as well. If Crane intended the novel to provoke the question of responsibility for the street girl, he provided no positive answers other than that responsibility required an intervention external to the family. However, even the stranger cannot be expected to intercede without recognizing her "soul" that

¹⁶³ Franco Moretti, *The Way of the World: The Bildungsroman in European Culture* (London: Verso, 1987), 27.

¹⁶⁴ Crane, *Maggie*, 55, 68, 71.

“needed saving.” Any call for social reform rested upon the refusal to pose the question to the street girl herself, who Crane portrayed as irresponsible or unable to properly incorporate herself into the society she desperately wanted to join. Instead, Maggie’s demise anticipates the bourgeois social project that Progressives would undertake to exterminate female sexual perversion. To return to Crane’s entreaty in his introduction, Maggie cannot be recuperated in the everyday life of the urban slums. Her retribution requires an otherworldly intervention.

Maggie, A Girl of the Streets centers the juvenile delinquent while holding open the contradictions of juvenile delinquency discourse that were elided or superficially resolved in the domains of law and social reform. In my reading, *Maggie* attests to the delinquent child figure as a problematic constitutive of national incorporation at the end of the 19th century, a period Alan Trachtenberg has described as being when “by contradiction and conflict,...economic incorporation wrenched American society from the moorings of familiar values.”¹⁶⁵ In Crane’s novella, the delinquent daughter emerges from a social process that demands she abide by the fiction of domestic propriety. A paragon of the production of utter dependency, Maggie serves as a crucial foil to her disciplined brother whose independence is secured through his incorporation into the disciplinary mechanisms of the labor market and his allegiance to domestic ideals despite the entrenched dysfunction in his family. Read through legal precursors that tethered the delinquent girl to the state through the interlaced rhetoric of dependency and state responsibility, this novella demonstrates how the contradictory qualities attributed to girl sex workers--precocious agency and dependent vulnerability--were made unsustainable by the demands of emergent bourgeois social projects that would encourage explicitly gendered forms of discipline in the state’s management of wayward youth.

¹⁶⁵ Alan Trachtenberg, *The Incorporation of America* (Hill and Wang: New York, 1982), 7.

Girl's Play: Gendered Recreation and Disciplining Citizenship

A powerful way that girls were normalized in this period was through the investigation and prescriptions of play by leading figures in the social sciences. By the end of the 19th century, social scientists influenced by evolutionary biology turned to play as a subject of knowledge in need of closer empirical study. Herbert Spencer, the father of Social Darwinism, was perhaps the most prominent voice on the matter. According to Spencer's "surplus energy theory," play was a vital expression of excess human energy that could only be directed towards experimentation and creation once the individual is free from the exigencies of survival.¹⁶⁶ In contrast to work necessary for basic survival, play was a vital catalyst for civilization building, a growing concern that emerged at the intersection of debates on immigration, empire and eugenics. In the broader ideology of social Darwinism, play became a significant concept in the social engineering of white bourgeois citizenship. While child's play was a subject of debate prior to the institutionalization of juvenile courts, the installation of specialized court procedures for youth secured the relationship between the courts and social scientific research on the subject.

Such claims about the crucial role of play in the civilizational process prompted the work of social scientists who claimed that appropriate environments for recreation could stave off delinquent behaviors. In a 1909 essay for *American Education*, a periodical for educational professionals, E.M. Sanford, a high school vice principal, explains how structured play provides an ideal environment in which to discipline citizenship. In particular, group play is a "training in

¹⁶⁶ This theory elaborates a minor point from the conclusion of Friedrich Schiller's 1794, *On the Aesthetic Education of Man*, which claims that the impulse of play, liberated from necessity and formal demands, allows for the production and fullest experience of aesthetic beauty: "Not content with bringing an aesthetic surplus into the necessary, the freer play impulse finally breaks completely away from the fetters of exigency, and Beauty for her own sake becomes the object of its endeavor." See Herbert Spencer, *The Principles of Psychology*, (New York: D. Appleton and Company, 1896).

citizenship. . . the individual is deeply participating in a common purpose. He becomes lost in a sense of membership and this is an experience in citizenship in its simplest form.”¹⁶⁷

Immediately after discussing organized play’s constitutive role in civic education, Sandford contends that the playground is the antidote to juvenile delinquency. He cites evidence that the establishment of a playground at one school led to a decrease in truancy from “281 [cases] in 1901 to 33 in 1905.”¹⁶⁸ Contemporaneously, in his essay for the “Race Improvement in the U.S.” issue of the *Annals of the American Academy of Political and Social Science*, physical educator Dr. Luther H. Gulick argues that the rise of playground culture must be directed to “specific as well as attractive ends.”¹⁶⁹ At stake in public recreation is the morality of the nation: “nations which devoted their leisure to re-creating health and building up beautiful bodies have tended to survive, while those which turned, in the marginal hours, to dissipation have written for us the history of national downfall.”¹⁷⁰ For Gulick, U.S. national ascendancy is explicitly tied to the disciplining of play; that is, correctly directed play would produce the physiological vigor and aesthetic beauty of the U.S. citizenry. This promotion of a public recreational culture was primarily imagined as a civilizing project for the working classes in particular, since the urban working class was often found in the moving picture halls, dance halls and saloons during the “marginal hours.” Such spaces of working class leisure are problematic for Gulick because they offer sedentary activities and/or fail “to unite and give [young people] the intelligent direction which they require.”¹⁷¹ In terms of the dangers of such immoral spaces and the future of the

¹⁶⁷ E.M. Sandford, “The Origin, Function and Direction of Play,” *American Education* 12 (1909), 349.

¹⁶⁸ *Ibid.*, 350.

¹⁶⁹ Luther H. Gulick, “Popular Recreation and Public Morality,” *Annals of the American Academy of Political and Social Sciences* 34 (1909), 33.

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*, 36.

national body, Gulick laments the danger of dance halls for young women, “the future mothers of American children [who] resort to them in order to satisfy perfectly wholesome and natural cravings for play and companionship.”¹⁷²

While both Spencer and Gulick contributed to understanding recreation as a tool of social management, Gulick’s theorization explicitly addressed the gendered assumptions of appropriate play. Throughout his essay, Gulick poses rhetorical examples of appropriate play that focus on boys. In his conclusion, he asserts,

If our boys are going to learn team play; if they are going to acquire the habit of subordinating selfish to group interests, they must learn these things through *experience* and not from books or the ‘bleachers’ maintained by professional baseball. . . [these games] must have that intelligent supervision which shall insure not only the highest degree of pleasure, but also the fullest moral profit.¹⁷³

Ostensibly, the kinds of group play that supported responsible citizenship were unlike the rough play that opens *Maggie* and more akin to the parodic object oriented activities that Addams’ describes when she participates in doll play with the “semi-delinquent” girls at a group home. Notably, the former lacks and the latter includes the supervision of an intelligent adult to monitor the moral profit of the children’s chosen activities. The emphasis on supervised play as a strategy to prevent delinquency translates to the emerging cultural technologies of film that invited popular audiences. As Catherine Zimmer points out, the documentary motive for early experimental film, which was directed towards corporate surveillance, soon developed into a

¹⁷² Ibid. Calling for census work to focus on the leisurely activities of the urban working class citizen, Gulick recommends a tripartite plan to secure the moral education of the future citizens of the U.S. that would accurately determine the use and need for public recreation and bolster the promotion of public recreational events.

¹⁷³ Ibid., 41.

cinematic preoccupation with, “ ‘caught in the act’ narratives, implicitly casting both the construction of cinematic narrative and the cinematic technology as a revelatory device around, in particular, crime and sexuality.”¹⁷⁴ Following Zimmer’s observations, I argue that early cinema offers a rich field of cultural production in which to interrogate the gender ambiguities that were erased, ignored, or smoothed over by the dominant sociological and literary discourse surrounding juvenile delinquency. I conclude this chapter with a reading of, *The Little Train Robbery*, a short film from the early cinematic period that offers an alternative narrative of female delinquency. Distinct from the tragedy of sexual perversion that Crane imagines, the film presents female delinquency as a practice of non-normative gender play that defines juvenile delinquency reform as a new frontier of governance. In my reading of the film, the female bandit instantiates a limit to juvenile delinquency discourse as a knowledge formation. While police’s capture of a juvenile delinquent gang of boys forecloses the potentialities of child’s play (which has entered into a disciplinary domain) the escape of the female bandit suggests the limits of disciplinary knowledge formations that cannot (yet) apprehend the threat she poses.

Between Nostalgic Childhood and Disciplinary Desires: The Little Train Robbery and the Threat of Gender Parody

Edwin S. Porter’s 1903 silent film, *The Great Train Robbery*, is often credited as a landmark of early American cinema for its use of new film techniques such as parallel editing and location shooting as well as its narrative structure composed of multiple plot lines that

¹⁷⁴ Catherine Zimmer, “Surveillance Cinema: Narrative between Technology and Politics,” *Surveillance & Society* 8 (2011), 429.

culminate in a climactic western shoot-out.¹⁷⁵ While *The Great Train Robbery* continues to be heralded as an icon of cinematic innovation that successfully “incorporated American myths into the repertoire of screen entertainment,” Porter’s parody produced two years later, *The Little Train Robbery*, received scant attention.¹⁷⁶ The film’s commercial failure reflects a shifting configuration of juvenile delinquency, gender, and childhood discourses in the early 1900s that normalized child’s play and gender politics. In particular, the film demonstrates the lost girl bandit’s anachrony against a proliferation of sociological, psychological and legal discourses that produced the juvenile delinquent as an object of knowledge. In particular, the film represents disorderly juveniles who are led by a girl bandit, a figure of gender perversity that is liminal to dominant knowledge formations of female delinquency. As a heroic figure in popular culture, the female bandit presents a unique challenge to the politics of incorporation that sought to exterminate female perversity to consolidate bourgeois femininity.

As parody, *The Little Train Robbery* aspired not to critique its original (Porter hoped the success of the original would invigorate the parody’s appeal through a playful rendering that drew on the audience’s nostalgia for childhood) but instead to offer an homage that depended on irony to enunciate its humor.¹⁷⁷ In her work on parody in twentieth century art forms, Linda Hutcheon asserts that parody, by definition, establishes a contradictory relationship of opposition

¹⁷⁵One of the film’s most paradigmatic scenes is its conclusion: a close-up head shot of the bandit’s leader, played by actor Georges Barnes, in which he shoots a gun toward the camera. This reportedly produced hysterical reactions from the audience who were convinced that the gun shot was “real.”

¹⁷⁶Charles Musser, *Before the Nickelodeon: Edwin S. Porter and the Edison Manufacturing Company*, (Berkeley: University of California Press, 1991), 254. Musser elsewhere notes, “the picture sold a meager thirty prints during 1905-6, when most of Porter’s comedies sold two or three times that number” (321).

¹⁷⁷Musser quotes the Edison Company’s promotional materials of the film: “while the young folks are enjoying themselves their elders can find equal enjoyment in recalling their own youthful days, when their highest ambition was to become a 'Jesse James,' or a 'Bandit Queen.'” Ibid., 320.

and intimacy between texts. To elaborate, parody is typically understood as a subversive modality of oppositional critique, “an imitation of a work, more or less modeled on the original but turned as to produce a ridiculous effect.”¹⁷⁸ Hutcheon considers the nuances of the term’s suffix “para,” which also connotes adjacency to complicate the oppositional definition. Read more broadly as “an inscription of continuity and change,” for Hutcheon, parody does not necessarily require ridicule as in subforms like burlesque.¹⁷⁹ This expansion recognizes the interdependent and incorporative features of parody, where two forms or, in the case of the film, two narratives of meaning are brought together.

Like its predecessor, *The Little Train Robbery* is centered on an organized hold-up. However, distinct modifications lighten the dramatic tone of the original narrative: Porter casts children in the role of the bandits who scheme to rob a kiddie train. Several scenes reflect the crude improvisational environment of the production. For example, when the boys steal horses from a barn, a few members of the gang clearly strain to redirect the horses toward the screen. One boy’s hat falls to the ground as his horse diverges from the rest of the gang. Also, the get-away scene includes the boys diving into a lake as the policemen clumsily pursue them on rowboats. Diegetic logic further wanes when the boys wait on the shore for the police to apprehend them although a forest and train tracks behind them seem to provide more avenues for escape. While these details point to an unpolished film production, they also demonstrate the ruptures that emerge as the technologies of realism, the melodrama of its predecessor, and the unpredictability of children as actors intersect in cinematic form. While the natural open settings of the various scenes mimic those of the original film, filmmaking’s demand for orchestrated

¹⁷⁸ Linda Hutcheon, *A Theory of Parody: The Teachings of Twentieth Century Art Forms*, (London: Cambridge University Press, 1985), 32. Hutcheon’s traditional definition of parody cites that of the Oxford English Dictionary.

¹⁷⁹ *Ibid.*, 36.

action and narrative control is undermined by the power of the animals, the lack of discipline among the child actors, and the delayed reactions of adult actors. The unstable coherence of the film is further accentuated by the double-edged effects of the children's play, which reproduce behaviors and forms of sociality that have been established by adults at the same time its improvisational conceit disrupts the perceived naturalness/seamlessness of the original film. In particular, the melodramatic danger of the original is transformed in this version by the child characters themselves, who appear out of sync with the tempo of the film's unfolding action. In other words, the children emerge as dangerous subjects because they challenge and disrupt the narrative flow that the original film had successfully accomplished.

The film concludes with the gang successfully apprehended by the police, a rather anti-climatic ending in contrast to *The Great Train Robbery*, which closes with a violent shoot-out when the bandits are killed by vigilantes. In the parody's conclusion, the bandits' leader escapes when an undetected peer suddenly appears to cut the rope that shackles her to the rest of the gang. Without the suspense of the western melodrama and the explicit extermination of the criminals, the child bandits and their relatively benign thievery (pilfering boxes of candy rather than cash) failed to draw a following and *The Little Train Robbery* had meager sales with a limited distribution.¹⁸⁰ Film historian Charles Musser has suggested that because the short is modeled on a popular film centered on violence and death as vigilante justice, *The Little Train Robbery* may have been perceived as a dangerous celebration of juvenile imitative play which parodied real illegalities.¹⁸¹ Musser's argument assumes that dominant social codes had marked delinquency as a social threat, observing the children's misbehavior as entertainment was

¹⁸⁰ Musser attributes the film's unpopular reception to emerging critiques of popular entertainment as "schools of crime" that easily fit the meta-interpretative themes imbedded in the film's narrative.

¹⁸¹ Musser, *Nickelodeon*, 321.

difficult for audiences at the time. I complicate this by arguing that the film's commercial failure may be better understood through its incongruity with contemporary discourses of child's play and gender normativity. Specifically, the film's parody fails to produce Hutcheon's "ridiculous effect" by upending the emerging discourses of childhood that understood play as a disciplined practice that when properly supervised would produce responsible citizens. *The Little Train Robbery* represents the field of child's play as more than a parody of adult social formations. Child's play in the film involves a fundamentally antagonistic relationship to adults and their assumptions about the gender politics of delinquency.

Unlike Addams' melodramatic narratives that clearly posit the young girl as victim who, if left to her own devices, would prefer playing with dolls, Porter's film presents the young girl as the mastermind behind an orchestrated, albeit clumsy, robbery. Here, the parody not only lacks the realist quality of the heralded original, but also blurs the melodramatic gendered characterizations of heroes and villains. This ambiguity is rooted in the children, whose assumed innocence is occluded by their immoral behavior, which prompts further questions about their responsibilities even as the gang is captured by the police. Are the youth entirely at fault for their behavior? Since they are visibly minors, who is responsible for them? What role do cultural influences (cinema and literature) play as inspirations for their lawlessness?

Arguments made by social reformists at the turn of the 20th century about juvenile delinquency and mass culture help expand an interpretation of the film beyond a simple reading of the gang's behavior as a recapitulation of sociological theories of juvenile delinquency. Although *The Little Train Robbery* parodically repeats the hold-up of the train passengers and the bandits' getaway by horse, it includes more scenes of the bandits prior to their robbery. Unlike *The Great Train Robbery* which begins immediately with the hold-up of the train station

manager, *The Little Train Robbery* starts in a makeshift clubhouse where covers of dime novels appear plastered on the walls. A group of boys sit reading their literature when a young girl in full cowgirl regalia arrives. The boys swiftly stand at attention. As per her orders, each boy quickly puts on his disguise (beards and bandanas) to her nodding approval. The bandit girl walks off stage and returns with a blindfolded companion. As she removes the blindfold, the boys grab their guns. The “hostage” acts fearful upon seeing the boys but we soon realize that their actions are in jest: in turn, the boy has been initiated into their gang. Most of the boys then leave the clubhouse to carry out their robbery as the leader and three others, including the leader, stay behind. This opening sequence provides an ethnographic perspective into the role of play in establishing social hierarchy and cultural practices among the bandits. Thus, the gang’s consumption of dime novels, popular literature of the mid to late 19th century that was abound with stories of western cowboys and frontier adventures offers a prologue to suggest the influence of mass culture on juvenile crime. The gang’s distinct organization of power demonstrated by their initiation rites would seem to posit their robbery as a natural progression of their banditry. However, this perspective is disrupted by the seemingly unremarkable role of the female bandit who challenges the gendered distinctions of appropriate child’s play.

Indeed, attributing the film’s unpopularity to emergent anxieties around the socialization of youth and popular entertainment would miss a consideration of the gendered logics embedded in discourses of child’s play. In fact, several films within the “bad boy” genre of cinema, including *The Terrible Kids* (1906), were released immediately after this production and had significant commercial success. This suggests that representations of male juvenile delinquency did not in themselves deter cinematic viewership.¹⁸² If Musser is correct in attributing the

¹⁸² Ibid., 332.

general success of bad boy films to the established “mode of representation” that audiences could identify and decode, then *The Little Train Robbery* stands out as a film that may have challenged this mode through the figure of the female bandit leader. The peculiar casting of the girl as the bandit leader speaks to emergent anxieties around the erosion of Victorian values of womanhood within an increasingly heterosocial labor force even as it poses a subversive critique to the developmental theories of child psychology.

By the turn of the twentieth century, normative claims about adolescent development gained popular traction. Young girls were comparative subjects whose pathologization served a key reference against which one could measure the proper development of young white boys. In 1904, developmental psychologist G. Stanley Hall published *Adolescence*, which sought to explain the physical and emotional transformations of children during puberty.¹⁸³ Although the book sought to explain the transformation of both girls and boys, critics generally agree that Hall’s text focused primarily on the transformations of boys into young men. Yet, as Crista DeLuzio observes, Hall’s claims about adolescent male development depended on the subjugation of adolescent women in that, the emotional and moral development of girls served as a comparative marker for boys whose successful development eventually surpassed their female counterparts. In particular, “to assume his rightful place as a dynamic leader of evolutionary progress, the civilized boy had to be guided in growing through and then out of not only the savage proclivities of his childhood but also the feminine sensibilities of his adolescence.”¹⁸⁴

¹⁸³ G. Stanley Hall, *Adolescence; Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion and Education*, Volume II, (New York: D. Appleton and Company, 1904), 629. See also Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917*, (Chicago: Chicago UP, 1995) and Crista Deluzio, *Female Adolescence in American Scientific Thought, 1830-1930*, (Baltimore: The Johns Hopkins University Press, 2007).

¹⁸⁴ Deluzio, *Female Adolescence*, 113.

Although a seemingly ancillary part of Hall's recapitulation theory which Gail Bederman has argued also draws from a racialized discourse of primitivism, the adolescent girl demonstrates how the contemporary discourse of youth development was also gendered. Deluzio notes, "Hall's final assessment of the girl's development was that she was both quintessential and perpetual adolescent."¹⁸⁵ Like the primitive figure and unlike the adolescent (white middle class) boy, the adolescent (white) girl would not progress beyond her adolescent stage. Thus adult women were framed as perpetual adolescents who would never ascend to the status of civilized men who had the aptitude to master self-control.

The girl bandit not only challenges Hall's argument about the developmental capacities of young women, she also challenges Hall's gendered norms of play. In *Adolescence*, Hall theorized play as, "not doing things to be useful later, but . . .rehearsing racial history."¹⁸⁶ Play was not only a social practice essential for racial evolution, but also a gendering process through which girls developed proper habits as "sympathetic spectators" to the boys, whose vigorous physical activities cultivated a proper, virile, disciplined masculine specimen.¹⁸⁷ Not only does the girl bandit reject the spectator role, she installs herself as the central orchestrator of the boys' misbehavior. In turn, as a leader, she is the subject of the viewer's spectatorship. The bandit leader challenges the prevailing discourse on female delinquency by exercising her leadership of an entire group of young men, some of who successfully release her from the police's restraints. Challenging the immoral dependency that characterized dominant representations female delinquency and demonstrating the status of her leadership, she evades the disciplinary submission to the police while commanding the loyalty and service of her male subordinates.

¹⁸⁵ Ibid., 112.

¹⁸⁶ Hall, *Adolescence*, 207.

¹⁸⁷ Ibid., 102.

In addition to challenging the normative assumptions of gender and power, the bandit girl leader in the parody has no comparative character in *The Great Train Robbery*, which underscores her queerness. Still, she is not completely illegible to her contemporary audience. For one, her costume evokes the image of the famous cowgirls Annie Oakley and Calamity Jane, both late nineteenth century sharpshooting stars in Buffalo Bill's Wild West travelling show. In this respect, her inclusion as the gang's leader is not a complete anomaly. However, by the time the film was released in 1905, the celebrity of both cowgirls as independent role models for young women had already declined: Oakley was embroiled in libel suits against news reports claiming she had stolen to sustain her cocaine addiction while Jane, a known alcoholic, worked as a housekeeper of a brothel and had died two years earlier.¹⁸⁸ Moreover, the Wild West shows that had provided the crucial platform for these women's popularity were already losing popular attention as the historian, Frederick Jackson Turner declared that American western frontier had closed at the 1893 World's Fair.¹⁸⁹ In this way, the girl bandit leader in the film marks a queer residual figure of the frontier. In the context of silent films, the bandit leader also anticipates the rise of spectacular women in serial films in the 1910s. In her essay on the technologies of female stardom in early U.S. cinema, Jennifer Bean argues that the early women star not only challenged presumptions of her embodied irrationality, but

confront[ed] technological catastrophe with an attitude at once childish and blithe. For her there is no cognitive distance, no contemplation of what might or might not be;

¹⁸⁸ On Annie Oakley's libel suits, see Glenda Riley, *The Life and Legacy of Annie Oakley*, (Norman: Red River Books), 75-83. On Calamity Jane's decline, see James D. McLaird, *Calamity Jane: The Woman and the Legend*, (Norman: University of Oklahoma Press, 2005), 206.

¹⁸⁹ See "The Significance of the Frontier in American History" in Frederick Jackson Turner and John Mack Faragher, *Rereading Frederick Jackson Turner: The Significance of the Frontier in American History, and Other Essays*, (New York: Henry Holt, 1994).

thinking is subsumed by action much in the way a child learns not by abstract-formal rationalization but by spontaneous mimicry--imitating through gesture and bodily performance the fantasy at hand.¹⁹⁰

In this film's case, the female star is an actual child who models the action-oriented attitude Bean describes. Situated at the intersection of a residual fascination with cowgirls, emergent theories of racial and gendered child's play, and prevailing assumptions of female vulnerability, the girl bandit not only challenges the social norms that sought to discipline white female sexuality, she also performs an aggressive delinquency for which contemporary juvenile delinquency discourse had little vocabulary.

Even as *The Little Train Robbery* enacts the rural western drama in parodic form, the retrospective gaze of the film (which reflects back on its predecessor, as it depends on the audience to identify with the film's characters through their own childhood nostalgia) is fundamentally unsettled by the bandit girl who cannot be securely or favorably apprehended through contemporary cultural logics of girlhood. This point is underscored at the film's conclusion when she and her accomplice escape, running away from the tethered boys who walk towards the camera, following the policeman. The delinquent girl quickly recedes from the viewer's purview as the boys become more immediate to the viewer. In this way, the film's irony rests on the contrast between the boys, who are destined for the law, and the exceptional girl orchestrator who escapes from it, thereby leaving the possibility of juvenile discipline unresolved. Simultaneously anachronistic and precocious, the young girl's implacability highlights the problem the film leaves unresolved: away from the purview of the police, how will she be effectively captured, disciplined or exterminated?

¹⁹⁰ Jennifer M. Bean, "Technologies of Early Stardom and the Extraordinary Body," *Camera Obscura* 48 (2001), 42.

The film's conclusion poses a serious challenge to the representational politics of female juvenile delinquency. As Progressive literature like Jane Addams' work suggests, the female delinquent is depraved by the adult coercion of her inherent vulnerability and undisciplined desire. But the girl bandit's leadership of the gang and bold escape from detention suggests that she requires a different set of corrective measures. To return to the film as parody, if, as Hutcheon argues, the "structural identity of [a] text as a parody depends...on the coincidence, at the level of strategy, of decoding (recognition and interpretation) and encoding," then we might understand the girl bandit's escape in *The Little Train Robbery* as a provocation of the original film's code.¹⁹¹ If, as Hutcheon notes, parody depends upon the synchrony of encoding and decoding, then *The Little Train Robbery*'s parodic failure may lie in the disjuncture between the unsatisfactory resolution of the juvenile's misconduct and the deadly resolution of the original. In other words, the parody presents the softer violence of police custody as the response to the robbery, which carefully circumvents the violent conclusion of the original (and avoids an atrocity against children). *The Little Train Robbery* also leaves out a parody of the original's famous supplementary scene: the celebrated headshot of the bandit leader firing a gun directly into the camera, which reportedly compelled early audiences to take cover. Often viewed at the end of the film reel, this scene was a crucial device to draw in and implicate the audience at the conclusion of the film while also encouraging the audience's disidentification from bandits in the conclusion. In the parody, the escape of the female juvenile bandit leader disrupts both the conclusion of plot and the final scene of the original. Not only does she deny the eradication of criminality, she also runs away from the audience, opposite from a direct provocation of the

¹⁹¹ Hutcheon 34.

captive audience. In this way, the parody's conclusion, which thematizes evasion and indirection also poses the responses to delinquency as intrinsically irresolvable.

In conclusion, *The Little Train Robbery* demonstrates how emerging technologies of culture mediated the limits of state policing and gendered discipline of delinquent youth as a project of social incorporation. Diverted from the dominant pathologies of female sexual perversion, the residual figure of the bandit girl defies disciplinary capture and in so doing raises the possibility for resistance to normative demands for social incorporation. At the same time, the bandit leader's escape enacts the retreat of the adventurous girl of the U.S. rural imaginary who is soon eclipsed by the ruined girl, a sexualized delinquent and the irrevocable victim of male predation, who came to dominate female juvenile delinquency discourse from the turn of the century through World War I.

Chapter Three

“Opening a Third Front”: Mapping Juvenile Delinquency and Urban Black Life in the 1940s

By 1945, every state in the continental U.S., the District of Columbia, and U.S. territories had incorporated juvenile court procedures into their legal architecture. The complete expansion of the juvenile court system appeared timely since rates of juvenile delinquency in major cities had steadily increased since the beginning of World War I. When FBI statistics reflected a particularly sharp increase of juvenile arrests in 1945, the U.S. Attorney General Tom C. Clark called for the establishment of a federal bureau to study state plans to combat juvenile delinquency and “save teen-age law breakers from lives of crime.”¹⁹² As the state was refining its techniques of juvenile adjudication and surveillance, juvenile delinquency discourse also secured a niche in cultural production: various organizations ranging from state prison associations to life insurance companies produced numerous educational film shorts on juvenile delinquency.¹⁹³ Radio series, such as NBC’s “Here’s to Youth” (1943) and CBS’ “The Eagles Brood” (1947), drew upon on the public’s fascination with juvenile delinquency to captivate its listeners. Large newspapers and local weeklies in New York, Chicago and Los Angeles ran regular features on

¹⁹² “U.S. Board to Aid Young Offenders” *New York Times* (New York: New York), Nov 1945, 18.

¹⁹³ For example, *Boy in Court* (1940) produced by the Chicago Film Laboratory was sponsored by the National Women's Christian Temperance Union, *As the Twig Is Bent...* (1943) was sponsored by Aetna Life Insurance Company, and *That Boy Joe* (1944) produced by Willard Pictures, Inc. was sponsored by the National Probation and Parole Association.

the problem of juvenile delinquency, highlighting sensationalist legal cases to buttress calls for reform in order to, as one state agency would put it, “Keep the Good Boy Good.”¹⁹⁴

The imperatives to “keep” the boy good and “save” teenagers from criminal lives emphasize how the state’s governance of juvenile delinquency distinguished between the citizen and the criminal and their respective containment. On the one hand, the state legitimated its intervention by simultaneously casting youth as future citizens (“to train young delinquents in the ways of good citizenship”) in need of discipline rather than punishment befit for criminals. On the other hand, the extension of state power through juvenile delinquency administration rested upon an irrevocable tie between delinquency in youth and the inevitability of a criminal livelihood, an articulation reconfirmed in the endless repetition of statistics that proved a majority of “adult criminals are known to have been delinquent in their youth.”¹⁹⁵ This cultural attention to the problem of juvenile delinquency speaks to the enduring contradiction that constitutes juvenile delinquency as both a persistent challenge to and an excess of liberal citizenship. While juvenile delinquency fomented questions about property relations between the liberal citizen and his child, juvenile delinquency was also read as the inappropriate circulation of youth in the public sphere--a consequence of market inequalities, the demand for cheap labor, and the failure of the domestic sphere. Articulating youth and immorality, precocious knowledge, and deviant potentiality, the juvenile delinquent signified both the promise of liberal institutions and a peril to national futurity. Juvenile delinquency discourse during the 1940s continued to animate this ambivalence by simultaneously insisting on youth as a creative vital force while bemoaning juvenile anti-sociality as a social pathology approaching epidemic

¹⁹⁴ “President Warns On Juvenile Crime,” *New York Times* (New York: New York), Dec 12, 1945, 21.

¹⁹⁵ “U.S. Board to Aid Young Offenders,” *New York Times* (New York: New York), Nov 19, 1945, 18.

proportions. As the incorporation of juvenile courts established the state's administrative role in managing delinquent youth, sociological knowledge production contributed to the state's rationale for social surveillance through its statistical expertise and mapping technologies.

This chapter first explores the ways that the research of urban sociologists at the University of Chicago during the 1940s crystallized the pathologization of criminal youth and corroborated the state's ambition to rectify juvenile delinquency through social warfare. I explore how this discourse attempted to circumvent the history of racialized criminality by corraling studies of race and delinquency as exceptional or in excess of the problem of class inequality. As studies of juvenile delinquency shifted their focus from individual pathology to environmental influences and community dynamics, I argue that the production and biopolitical management of juvenile delinquency increasingly moved towards necropolitical ends, attenuating the rehabilitative model of juvenile justice that social reformers had heralded around the turn of the 20th century. Achille Mbembe uses the term "necropolitics" to describe the ways in which contemporary state formations exercise an exceptional power to kill in (neo)colonial territories. A "concatenation of biopower, the state of exception and the state of siege," necropolitical power is a particular formation of terror where sovereign power engages in genocidal warfare without ethico-juridical impediment/consequence (since colonial subjects were akin to 'savage' irrational bodies that were disqualified from political representation and therefore extinguishable).¹⁹⁶ Under necropolitical formations, territories are subject to "splintering occupation," infrastructural warfare (i.e. bulldozing settlements, airport runways, etc.) and a state of siege.¹⁹⁷ Mbembe takes the twentieth- and twenty-first-century conflicts in

¹⁹⁶ Achille Mbembe, "Necropolitics," *Public Culture* 15 (2003), 24.

¹⁹⁷ Mbembe elaborates: "The objective of this process is twofold: to render any movement impossible and to implement separation along the model of the apartheid state. The occupied

Palestine and African nation-states that have turned into war machines as explicit formations of necropolitical power; in these cases, the state deploys polyvalent militarized technologies to produce biological, political and social death that do not

distinguish between the external and the internal enemy. Entire populations are the target of the sovereign. The besieged villages and towns are sealed off and cut off from the world. Daily life is militarized. Freedom is given to local military commanders to use their discretion as to when and whom to shoot. Movement between the territorial cells requires formal permits. Local civil institutions are systematically destroyed. The besieged population is deprived of their means of income. Invisible killing is added to outright executions.¹⁹⁸

Mbembe's elaboration on biopolitics as the productive feature of sovereign power accounts for the persistence of totalitarian violence that extinguishes populations or bestows social death upon entire populations. While Mbembe focuses on colonial territories in the contemporary global south that starkly express necropower, his argument opens up the possibility for tracking the expression of necropolitics and the production of "deathworlds" at the imperial center in more subtle forms. Following my analysis of sociological knowledge production, I turn to Ann Petry's *The Street*, a novel that centers the dissolution of a Black woman's family in Post-World War I New York City. I focus on the protagonist's internal dialogue as a dramatic account of the single mother's negotiation of socially extinguishing projects that express white supremacy's necropolitical ends. Though the conditions of everyday life that Mbembe describes are quite explicit in the exercise of sovereign violence, the conditions

territories are therefore divided into a web of intricate internal borders and various isolated cells." Ibid., 29.

¹⁹⁸ Ibid., 30.

described by the novel's characters trace the contours of how necropolitics exists under and within liberal regimes, where totalitarianism may even be denounced. In particular, the novel's expression of "juvenile delinquency" discourse and administration in the U.S., I argue, reflects the inter-articulation necropower and biopower.¹⁹⁹ I locate this inter-articulation in the expert knowledge on delinquency as it refocalized its gaze from the violence of the law and the market to the ecology of "community," whereby the institutions of civil society became the sites that produced and therefore could potentially resolve this problem. In my reading, sociological knowledge promoted the regulation of community formation, which in turn, legitimated the violence of police power. This surveillance created a reserve of information that underwrote broader expressions of necropower, such as the war on drugs and poverty of the 1960s. Even as juvenile delinquency discourse persistently evaded attributing delinquency to particular racial groups, the focus of sociological research contributed to knowledge production about race and gender by racializing spaces of juvenile delinquency as sites of social annihilation.

Juvenile Delinquency & State Warfare

In 1944, a feature article in *The New York Times* titled "A Third Front-Against Juvenile Crime" attributed an increase in juvenile arrests to wartime familial disintegration. The spotlight on domesticity and parental failure as the central causal factors of juvenile delinquency was certainly unexceptional. As discussed in the introduction, nineteenth-century social reformists often attributed the effects of urban industrialization and class oppression to the failure of the family, particularly among white working-class immigrant groups. From their inception in the

¹⁹⁹ Mbembe expresses Foucault's caveat more forcefully, claiming that even in modern state formations, "the king has not lost its head." Necropolitics underscores how the sovereign's power to kill persists and manifests itself in new formations.

U.S. criminal justice system, juvenile courts incorporated the discourse of familial responsibility to legitimate its therapeutic adjudication. Thus, we might understand the article's claim, "juvenile crime flourishes where the home ties have been weakened by divorce, separation, the desertion of a parent or the ignorance, carelessness or indifference of fathers and mothers" to express bourgeois domesticity's stronghold in state ideological production. But distinguishing the conditions of juvenile crime trends from previous iterations, the article explicitly draws upon the condition of contemporary warfare to transform the domestic into a site for tactical consideration. Reframing the "wandering girls, boy saboteurs and thrill seekers" as "children of the war," the writer insists, "we must open a 'third front' against this growing evil of juvenile crime here at home, which unchecked, may lead to a serious era of adult lawlessness in the future and undermine that security we are now fighting to protect."²⁰⁰ The proposition that the war abroad compels attention to potential domestic insurgencies by youth reflects how the management of youth offers fertile ground for the shoring up of state power.²⁰¹ Further, the writer's ambitious though limited attempts to directly relate juvenile crime to the war effort and thus, national security, foreshadows his role during his now infamous tenure as the Director of the Federal Bureau of Investigation, during which he exponentially increased the state's capacity for surveillance and established COINTELPRO, a massive domestic intelligence program that sought to quash political dissident organizations.²⁰² Securing the relevancy of the state as a war

²⁰⁰ John Edgar Hoover, "'A Third Front' Against Juvenile Crime," *The New York Times* (New York: New York), Feb 27, 1944. 8, 32.

²⁰¹ Hoover commits a rhetorical sleight of hand when he moves from apologetically casting juvenile delinquents as "children of war" to calling for a public mobilization against juvenile crime. That is, if the actors of juvenile crime are the unintended products of military projects abroad (therefore a distinctly a project of adults), then how does this war distinguish between the crime and the criminal? To put it plainly, how is this not a war against the juvenile?

²⁰² Hoover describes one case of youths who had inadvertently set fire to a plant holding defense contracts. Hoover's involvement in the Bureau received positive public attention during the

machine, J. Edgar Hoover effectively deploys juvenile delinquency as a harbinger of the nation's demise, anticipating--if not establishing--fears of domestic subversion that would reach a fever pitch during the coming decades of the Cold War. Hoover's call demonstrates how the discourse of warfare could be deployed by the state to transform a problem of civil society into a threat to the security of the state.

Offering an important analysis of the articulation of warfare to modern state formation, Michel Foucault explains in his January 21, 1976 lecture at the Collège de France how the historico-political discourse of warfare includes the "technical and professional prerogative of carefully defined and controlled military apparatus" but extends to the basis of social relations, "the motor behind institutions and order."²⁰³ In particular, the discourse of war names the emergence of modern subjectivity whereby the dialectic of war positions the speaking subject or the individual as either supporting elitist aristocratic rule or popular rule.²⁰⁴ Demonstrating the relationship of war as "a point of maximum tension, or as force-relations laid bare," Hoover's call to increase surveillance of juvenile delinquents marks the emergence of a security state that wages a war on a population seemingly external to political structures in the name of preserving democratic society. In fact, he cites two instances of juvenile delinquency which he claims had hindered the war efforts. Some accidentally set fire to a manufacturing plant with defense contracts, others derailed trains after laying rocks on a track. According to Hoover, the

1930s when a number of successful bank robberies in the Midwest challenged the authority of law enforcement (as well as the predatory lending practices of banks on landowners). After the gangster wars were quelled, Hoover was responsible for the expansion of the FBI's administration including the cataloguing of the largest collection of fingerprints and launching the COINTELPRO program to undermine groups deemed to threat to U.S. democracy: the Communist Party, the Black Panther Party, and the Ku Klux Klan among others.

²⁰³ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76* (New York: Picador, 2003), 49-50.

²⁰⁴ *Ibid.*, 58.

significant profits and lives lost as a result of these boy's misbehavior qualifies them as state sabotage under Federal Law.²⁰⁵ To stress the gravity of juvenile crime, Hoover notes that, "although there has been no foreign directed sabotage committed in the United States as reflected by our investigations, there are numerous instances on the record where children have seriously hindered our war effort."²⁰⁶ The suggestion that child's play, motivated by curiosity rather than subversive intent, has the potential to overthrow the state alarmingly frames juvenile delinquency as an anti-social anti-state formation. Thus his call to stamp out juvenile crime effectively transmogrifies play into a subversive tactic of war.

Laying down the ideological groundwork for a domestic war on juvenile crime, Hoover clearly draws from well-established gendered narratives of juvenile delinquency. For young men, vandalism, petty theft and fraud was rooted in imaginative energies left undisciplined; for young women, delinquency was synonymous with sexual indecency or prostitution with servicemen, "laboring under a warped concept of patriotism." If both young men and young women were engaging in delinquent behavior, then the reproduction of the bourgeois family form was implicitly threatened.²⁰⁷ Both gendered trajectories however, preserve an essential condition: "youth's natural desire for excitement." Characterized as a normative affective trait, this desire preserves the juvenile delinquent's foundational innocence at the same time that it raises questions about how to discipline the juvenile in order to prevent the devolution of their innocent desire into social perversion.

While Hoover distinguishes between the pathologies of delinquency for male and female youth, he notably refrains from speculating on how race relations organized juvenile crime. As

²⁰⁵ Hoover, "Third Front," 2.

²⁰⁶ Ibid

²⁰⁷ See Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 1988).

historian Mary Dudziak explains, the war effort brought to relief the contradictions of U.S. liberal democracy as African American servicemen were placed in segregated units to fight a war that purported to challenge racial and religious oppression abroad. As she states, “if the war was, at least in part, a battle against racism, then racial segregation and disenfranchisement seemed to belie the great sacrifices the war had wrought.”²⁰⁸ Thus we might surmise that explicitly linking juvenile crime to race during this historical juncture risked bringing attention to a larger set of contradictions in U.S. liberal democracy. Furthermore, to discuss U.S. based juvenile delinquency through a racial analytic while calling for a war against juvenile crime would suggest that this “third front” constituted a racial war.

An alternative reading of Hoover’s silence on race emerges when we consider how wartime delinquency served as an interpretive filter for the racial conflicts that had punctuated urban life in New York, Los Angeles and Chicago. In *Mean Streets*, an impressive historical study of the mobilizations by youth-of-color in working class Chicago, Andrew J. Diamond argues that the discourse of familial disintegration worked to “obscure the racial dynamics” of violent youth riots across the U.S.²⁰⁹ In other words, dominant media during the 1940s instrumentalized juvenile delinquency discourse to emphasize the misbehavior of youths as a condition that was generalized, rather than particular to a racial community, in order to ambiguate or displace racial tensions. As I hope to reveal, this distancing from state racism was made possible by social science research, which placed greater responsibility on institutions

²⁰⁸ Mary Dudziak, *Cold War Civil Rights* (Princeton: Princeton University Press, 2000), 9.

²⁰⁹ Diamond notes how reportage of the 1943 Zoot Suit Riots in Los Angeles initially “indicated that the riot was caused not by racial tensions but by unruly youths: the kind of ‘teenage thugs,’ ‘zoot suit rowdies,’ ‘young gangsters,’ or ‘juvenile hoodlums’ who chose to dress themselves in clothing that flaunted textile rationing regulations and offenses home-front sensibilities of sacrifice and loyalty.” Andrew J. Diamond, *Mean Streets: Chicago Youths and the Everyday Struggle for Empowerment in the Multiracial City, 1908-1969* (Berkeley: University of California Press, 2009), 128.

within civil society and enabled the state to pursue a program of containment that would direct juvenile justice away from rehabilitation and towards the incarceration of racialized populations.

U.S. Sociology and Social Disorganization Theory

Hoover's ominous prescription for domestic warfare and securitization draws upon a social disorganization theory of delinquency. "Social disorganization" was a sociological concept elaborated by the research of Clifford Shaw and Henry McKay at the University of Chicago. Though their *Juvenile Delinquency and Urban Areas* was published in 1942, sections were published in sociological journals throughout the twenty years of research on the ecological relationship between community dynamics and delinquency.²¹⁰ Declared "a magnum opus of criminology," Shaw and McKay's study combined the analytical methods developed by Ernest Burgess, who is typically associated with Robert Park in the establishment of U.S. sociology as an academic field during the 1920s through the 1940s, with the theory of social disorganization developed by William I. Thomas and Florian Znaniecki in *The Polish Peasant in Europe and America* (1918-1920).

From Burgess, Shaw and McKay borrowed the "concentric zone theory" as an analytic tool to map an urban ecology. Burgess explains his concentric zone theory in an earlier essay in *The City* (1925), a volume of collected essays written by Robert Park, Roderick McKenzie, Louis Wirth, and himself. In "The Growth of the City" he lays out his mapping model of five concentric zones of the city; at center, zone one contained the centers of business and manufacturing. Zone two contained the smaller businesses and manufacturing sites that

²¹⁰ Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas: A Study of Rates of Delinquents in Relation to Differential Characteristics of Local Communities in American Cities* (Chicago: University of Chicago Press, 1942), ix.

overflowed from the city center as well as the poor living quarters for laborers who could not live in the suburbs. Zone three included the residences of working families who had the economic mobility to escape from the derelict living conditions in zone two. Zone four was reserved for the upper class, and zone five included the commuter towns beyond the city limits. The organization of these zones provided a spatial analytic of urban growth that allowed Burgess to explain social disorganization as a “normal” process that results from the friction that occurs when zones invade or succeed into adjacent zones.²¹¹ Compiling numerous maps of Chicago’s neighborhoods and tracking concentrations of juveniles delinquents based on residency, Shaw and McKay’s study confirmed that the city’s rates of delinquency were reflected in the spatial organization of the city. The study’s conclusions ultimately echoed what was a central claim of most Chicago School urban research: social problems in U.S. cities were not a result of individual pathologies, but of environmental conditioning. Specifically, individual pathologies were refigured as the *effects* of inharmonious social norms that promoted unlawful responses to economic conditions. As urban society organized around industrial centers, surrounding zones delineated areas of particular class concentrations. Migration across these zones demanded acculturation to distinct social values of varying uniformity. For the investigators, juvenile delinquency rates indexed zones where local culture contends with multiple crises in social values.

Crucial to validating their methodology, Shaw and McKay insist that temporality is a subordinate constant. That is, they argue that the correspondence between space and delinquency is:

²¹¹ See Park, Robert Ezra, E. W. Burgess, Roderick Duncan McKenzie, and Louis Wirth, *The City* (Chicago: University of Chicago Press, 1925), 51, 54.

seen most clearly when the effect is viewed in a temporal perspective. The maps representing distribution of delinquents at successive periods indicate that, year after year, decade after decade, the same areas have been characterized by these concentrations . . . This contact means that the traditions of delinquency can be and are transmitted down through successive generations of boys, in much the same way that language and other social forms are transmitted.²¹²

The “temporal perspective” they describe renders historical particularity secondary if not inconsequential and bolsters space as the privileged analytic of difference. Naturalizing the relationship between place and tradition, they argue that the reproduction of social values, which support delinquent behavior, are endemic to a particular zones; that is, juvenile delinquency reveals its spatial particularity through the frequency and concentration of juvenile arrests. Thus, the urban environment becomes a measurable field for data recovery, appearing impervious to broader historical transformations.²¹³ However, by comparing the transmission of delinquent social values to language, they frame juvenile delinquency as a community practice that it rooted in identity, which distances their analysis from the environmental logic Burgess’ analytic espouses. In other words the move from spatial frequency to cultural constancy suggests that cultural practices contribute to the homogeneous stagnancy of a social group.

Bolstering “space” as the most productive and transparent field to glean social values across homogeneous time, the study focuses its attention on the organization of spatial relations, or rather “social disorganization.” Shaw and McKay interpret social disorganization in contrast to the “effective” community organization defined by Thomas and Znaniecki who

²¹² Shaw and McKay, *Juvenile Delinquency*, 168.

²¹³ However, state data underwrites their findings: they track concentrations of juvenile delinquency through the administrative records of the juvenile courts.

analyzed the effectively organized community in terms of the presence of social opinion with regard to problems of common interest, identical or at least consistent attitudes with reference to these problems, the ability to reach approximate unanimity on the question of how a problem should be dealt with, and the ability to carry this solution into action through harmonious co-operation.²¹⁴

Thomas and Znaniecki's rubric grounds community organization in consensus, echoing classical renderings of civil society, where consent aligns with popular interest, attitude, and ambition in equanimity. However, their research methods were in some ways antithetical to the methods that Shaw and McKay would use. Instead of evaluating data drawn from official statistics like censuses and police records, Thomas and Znaniecki used autobiographical accounts written by members of the Polish neighborhoods they were studying. As Liz Stanley points out, *The Polish Peasant* stands as an important document in the formation of sociology as a discipline because "it championed the view that an interacting, interpreting and self-reflective self must [be] central to the sociological view of social life."²¹⁵ Their research methods were grounded in the belief that the self was constantly embroiled in a process of becoming, shaped by the broader shifts in community formation, with a "residual interiority."²¹⁶ Shaw and McKay use the conclusions of Thomas and Znaniecki as a norm against which they deduce the causes of deviation. However, the norm is drawn from a careful analysis of personal letters that, through categorical analysis, draws from individual transformations over time as a reflection of collective knowledge. Basing their conclusions about the urban ecology of juvenile delinquency on research drawn from a series of correspondence with their subjects, Shaw and McKay's research raised compelling

²¹⁴ Shaw and McKay, *Juvenile Delinquency*, 177-8.

²¹⁵ Stanley, Liz. 2010. "To the Letter: Thomas and Znaniecki's *The Polish Peasant* and writing a life, sociologically". *Life Writing*. 7 (2): 139-151. 140.

²¹⁶ *Ibid.*, 147.

questions about the significance of method and knowledge production. Namely, what is at stake if research that interprets social disorganization through a spatial analysis that abstracts historical contingencies rests upon a model of social organization drawn from temporally sensitive analysis of the historical accounts of its subjects? How do their conclusions about social disorganization among working class migrant groups rely upon white normativity?

According to Shaw and McKay's findings, the family form, civil institutions (such as the church and school), and economic conditions of everyday life in disorganized social groups are disjointed primarily because of economic limitations that prevent individuals from reconciling their idealized economic status with the lines of access available to them.²¹⁷ Here, Shaw and McKay tentatively approach the contradiction of U.S. liberal capitalism, whereby those at a socio-economic disadvantage are "involved in a conflict between the goals assumed to be attainable in a free society and those actually attainable for a large proportion of the population. . . [whereby] unconventional conduction [is] an effort to reconcile the idealized status and their practical prospects of attaining this status."²¹⁸ While capitalism undergirds the organization of urban cities, it remains an inevitable given, shielded from critique. Instead the "consistent attitudes," "unanimity," and "co-operation" that characterize strong community organization in Thomas and Znaniecki's analysis allow Shaw and McKay to postulate "heterogeneity" and "choice" as the prime conditions that reproduce traditions of delinquency. They conclude that in communities with high delinquency rates:

²¹⁷ They write, "areas of low economic status, where the rates of delinquents are high, are characterized by wide diversity in norms and standards of behavior. The moral values range from those that are strictly conventional to those in direct opposition to conventionality as symbolized by the family, the church and other institutions common to our general society." Ibid., 165.

²¹⁸ Ibid., 180-1.

children encounter competing systems of values. Their community, which provides most of the social forms in terms of which their life will be organized, presents conflicting possibilities . . . [In residential communities with low delinquency,] the norms and values of the child's social world are more or less uniformly and consistently conventional. Generally speaking, the boy who grows up in this situation is not faced with the problem of making a choice between conflicting systems of moral values.²¹⁹

To rephrase, delinquency thrives in communities where different values circulate and compete with one another. This diagnosis of community dynamics evokes the conditions of the free market, where the exchange of goods are structured by the principles of competition and individual choice. Yet, leaving capitalist ideology unscathed, Shaw and McKay's focus on 'social organization' delimits their analysis to "malfunctions" of liberal society: competition has leaked from the market into the domain of civil society, whereby alternative value systems present disparate approaches to the practice of 'appropriate' conduct. Preserving the overall integrity of liberal ideology, they locate the problem of heterogeneous value systems in community dynamics (i.e. civil society), not in the market, nor in the state. Since communities with low levels of delinquency reflect a smooth correspondence between norms and values across the institutions of school, church, family, and local community, their conclusions suggest that juvenile delinquency can be corrected by realigning the core institutions of civil society to harmoniously reproduce normative white bourgeois social values.

Unsurprisingly the study pays scant attention to specific racial groups. But the moments when racial particularity is examined highlight where Shaw and McKay's study loses traction. For example, when briefly discussing the condition of "Negro" communities, Shaw and McKay

²¹⁹ Ibid., 436-7.

rely heavily on E. Franklin Frazier's 1939 study, *The Negro Family in the United States* to explain the effects of northern migration and urban maladaptation in producing rampant poverty and family disorganization. The condition of the Negro family in the urban north is explained as an unavoidable weakening of the traditional system of values of the South in the impersonal world of the modern city.²²⁰ While Negro youth represented an "unusually large volume of delinquency," Shaw and McKay's prescriptions find their limit since "[the Negro people's] efforts to achieve a more satisfactory and advantageous position in the economic and social life in the city are seriously thwarted by many restrictions with respect to resident, employment, education and social and cultural pursuits."²²¹ The study's recommendations for the cooperative activity of school, church, and community members are implicitly insufficient for the Negro community because the civil institutions themselves are constrained by pervasive racial oppression, which would require larger reform. At the same time, the study renders the effects of migration (which challenge the Negro communities) negligible and instead heralds the "Old World cultures and institutions [that have] been preserved to such a marked extent" when discussing "Oriental" communities that show low delinquency rates.²²² The temporal homogenization that result from Shaw and McKay's spatial analytics effectively place these examples of racial exceptions "out of time" or estranged from U.S. modernity. The African American communities who are culturally bound to a Southern system of values are figured as perpetually belated, unable to "catch-up" with the impersonal tempo of an urban economy. In contrast, Asian American communities have been so effective in reproducing pre-modern values across the domains of family and community organization that they have hermetically protected

²²⁰ Ibid., 182.

²²¹ Ibid., 181.

²²² Ibid., 440.

their youth from the perversions of urban development. Still, as Asian American scholars have elaborated, the perceived isolation of these communities also supported arguments that “Orientals” were inherently inassimilable because they were firmly loyal to traditions that were decidedly un-America.

The conclusions about each group mark the ends of a spectrum of abnormality for non-white youth: African American juveniles are inevitably defenseless to the perverting forces of institutionalized racism and further hampered by inadequate/inappropriate social values while Asian American juveniles are remarkably kept outside of the law’s gaze, despite the prevalence of vice throughout their communities which sociologists infer is reflective of alternative orders of law espoused and reinforced uniformly within the community. The gap between low and high incidence of juvenile delinquency and cultural logics of belated subjectivity is comprehended through attitudes towards the law. In this way, these groups constitute the aporetic margins of canonical sociology’s objects of inquiry; more specifically, they are beyond the purview of their recommendations.

In sum, U.S. sociology could not adequately speak to the intersections of race and juvenile delinquency because the causal features of delinquency were based on norms drawn from ethnic white communities. As the sociological narrative attributed a community’s organic resistance to juvenile delinquency to its emulation of dominant bourgeois system of values, the racial inconsistencies in their theory were explained away as anomalies. Still, the methods of Shaw and McKay were amenable to a militaristic strategy of combat that Hoover recommended. It is no coincidence that the concentric zone theory inscribed urban space as targets. Implicitly privileging the experiences and perspectives of ethnic whites as evidence of the cultural capacity to prevent juvenile delinquency, Shaw and McKay, and subsequently Hoover, brought focus on

families, the quintessential domain for properly disciplining juveniles to make them resistant to the disaggregating forces of the market.

Reading the Literary Representation of Juvenile Delinquency as Subjugated Knowledge: Ann Petry's The Street as Chronotopia

Ann Petry's 1946 novel *The Street* responds to the limits of sociological claims that presume delinquency to be an organic feature of life in the inner city by offering a frame in which to comprehend juvenile delinquency as a social formation thoroughly enmeshed in a field of temporal and spatial contingency. In the second half of this chapter, I offer a sustained reading of the novel to trace how juvenile delinquency emerges as a racial technology of the state. If social science research sought to identify the cultural and economic logics of delinquency from a top-down analytic, the novel presents us with a counter-knowledge that accounts for the lived experiences at the margins of social science research and the politics of race and property that render racialized and gendered bodies readily available for state coercion and intervention.

A multi-perspectival narrative of urban life for African American women in the years surrounding World War II, *The Street* focuses on the trials of Lutie Johnson, the central protagonist who confronts and negotiates the unrelenting racial and gendered constraints that permeate her everyday life. Lutie's predicaments reflect the socio-economic constraints facing African Americans during the 1940s: women had greater employment opportunities (though primarily as domestic workers), while men were consistently shut out of the labor market. Since her husband Jim faced chronic unemployment, Lutie sought lucrative work in order to provide for basic necessities and pay off the house mortgage even before their separation. At the recommendation of her bootlegging father, she takes in foster children and stretches the

supplementary money from the state to cover the entire family's expenses. However, her father and his girlfriend's bootlegging parties eventually bring the complaints of their neighbors and the state children are promptly removed from her custody. Left with few alternatives, Lutie accepts a position as a live-in domestic in a Connecticut suburb, leaving her son, Bub, and Jim, behind in Jamaica, Queens. In her absence, Jim takes on a girlfriend. The dissolution of her marriage compounds Lutie's trials, as she becomes a single mother who must now provide for her 7-year old son after they have resettled in Harlem. Faced with the task of raising her son while seeking reliable income, Lutie's ambitions are successively denied due to the obsessive desire of two men, Junto, a successful white owner of several neighborhood properties and Jones, the black apartment manager who work for Junto. As a twisted form of revenge against Lutie and Mrs. Hedges, a friend of Junto and a fellow resident who intervenes in his attempted sexual assault of Lutie, Jones successfully frames Bub for stealing mail, which a federal offense. In the end, Lutie flees the city and abandons Bub after she kills Boots, who attempts to rape her before intending to pass her on to Junto.

Superficially, Lutie's downfall appears to exemplify the forces of "social disorganization" that Shaw and McKay argue encourage juvenile delinquency and that Frazier argues is responsible for urban African American communities' failure to thrive. Economic exigencies and limited employment opportunities require the Johnsons to pursue unconventional (and illegal) avenues to provide for their family. When she can no long rely on foster parenting as a primary source of income, she is forced to find full time work outside the home. Working as a domestic, Lutie compromises her own domestic order which leaves her son vulnerable to the influences of her father and her marriage further strained by her extended absences. Once her marriage has dissolved and she has relocated to Harlem, the street presents a microcosm of inner-

city vice: Lutie's new apartment is in the same building as a residential brothel run by Mrs. Hedges and the building's owner, Junto, who also owns the self-named neighborhood bar. The overlapping of so-called private and public spaces contributes to the sense that the heterogeneous values of the street make domestic normativity impossible.

The Street also seems to subscribe to Shaw and McKay's conclusion that delinquency is fostered when youth see that conventional systems of value fail to satisfy economic need. As numerous literary critics have observed, Lutie naively relies upon a Protestant work ethic as a stronghold against the failures of her family and distrust of the community.²²³ Despite her aspirations for bourgeois normativity, Lutie's practices of frugality and diligence fail to improve her economic situation. Furthermore, these values cannot protect her son when he is tricked by the building super, Jones and is sent to juvenile court for stealing mail (which he believes is part of a police investigation). Her attempts to abide by a Protestant work ethic in order to remove Bub from the environment of the street actually contribute to his delinquency, since he naively agrees to help Jones in exchange for money after Lutie expresses her frustration about their poverty. The novel's critique of the American dream, a promissory of U.S. liberalism that exchanges material security and status for sacrifice, struggle and endurance, seems to confirm the findings in Shaw and McKay's study: presented with "conflicting possibilities," Bub understands that despite his mother's work ethic, she cannot secure the economic stability she desires. Thus, he pursues other (unconventional) avenues to attain the money his mother struggles to save.

²²³ See Bernard Bell, "Ann Petry's Demythologizing of American Culture and Afro-American Character," 105-115, and Marjorie Pryse "Pattern Against the Sky': Deism and Motherhood in Ann Petry's *the Street*," 116-131, both in *Conjuring: Black Women, Fiction, and Literary Tradition*, edited by Marjorie Pryse and Hortense J. Spillers (Bloomington: Indiana UP, 1985).

While the novel seems to explicitly reproduce the environmental conditions of juvenile delinquency postulated by social science research, Lutie develops a complex perspective of the spaces of the street that describes the inter-articulation of property and gender. Hoping to leave the street, she finds herself scouted by Boots Smith, who works for Junto. Boots, who is given the task of ensnaring Lutie for his boss, entices her with an audition to sing at a nightclub. After an encouraging audition, she is quickly disappointed when Boots offers her a gig without pay as a probationary hire. When she learns that Junto has the final say in terms of her gainful employment, she retreats to her apartment. Her return home demonstrates how Lutie's spatial perceptions are inflected by a keen awareness of time:

And she thought time had way of transforming things . . . Only a few hours had elapsed since she stood in this same doorway, completely unaware of the dim light, the faded dreary paint, the filth on the floor. She had looked down the length of this hall and seen Bub growing up in some airy, sunny house and herself free from worry about money. . . And time and Boots Smith and Junto had pushed her right back in here, deftly removing that obscuring cloud of dreams, so that now tonight she could see this hall in reality.²²⁴

The conditions of the apartment building are transformed by her recent failed aspiration, which she attributes first to time. Here, time is not simply the passing of homogeneous time as Walter Benjamin might describe the regimented temporality that supports capitalist regimes.²²⁵ Rather, time refers to the "few hours" during which her aspirations were brought forcefully down by experiences that underscore the intimacies of race and property ownership which permits Junto's elaborate scheme. Time includes the experiences of unrealized dreams that shift Lutie's

²²⁴ Ann Petry, *The Street* (New York: Houghton Mifflin Co. 1946), 311.

²²⁵ See Walter Benjamin, "Theses on the Philosophy of History," in *Illuminations*, edited by Hannah Arendt (New York: Schocken, 1968).

optimistic hope to provide Bub with the freedom of social mobility and freedom from financial indigency. Time also includes the history of Boots' indebtedness to Junto and the growth of Junto's empire, which underscores the power of race and property in Harlem. Ultimately, the temporal power of history and experience forcefully shape Lutie's perceptions of her environment.

This scene is one of several in *The Street* that defy the temporal flattening evinced by Shaw and McKay's work. To consider how literary form enables this resistance, I draw from Mikhail Bakhtin's theorization of the chronotope to interpret "the intrinsic connectedness of temporal and spatial relationships that are artistically expressed" in the novel. In his essay, "Forms of Time and the Chronotope in the Novel," Bakhtin explains:

The chronotope is where the knots of narrative are tied and untied...Time becomes, in effect, palpable and visible; the chronotope makes narrative events concrete, makes them take on flesh, causes blood to flow in their veins...Thus the chronotope, functioning as the primary means for materializing time in space, emerges as a center for concretizing representation, as a force giving body to the entire novel. All the novel's abstract elements - philosophical and social generalizations, ideas, analyses of cause and effect - gravitate towards the chronotope and through it take on flesh and blood, permitting the imaging power of art to do its work.²²⁶

As Bakhtin explains, the chronotopic qualities of the novel materialize time through a process akin to embodiment, providing a narrative force to the abstract elements that provide narrative structure. In more explicit terms, the chronotope is a "formally constitutive category of literature" which ties the novelistic representation of time and space to an actual reality through a

²²⁶ M.M. Bakhtin, "Forms of Time and Chronotope in the Novel," in *The Dialogic Imagination*, edited by Michael Holquist (Austin: University of Texas Press, 1981), 250.

motif or “evaluating aspect.”²²⁷ The chronotope of the street in Petry’s novel offers an alternative account of juvenile delinquency discourse that re-interprets the “naturalized” production of juvenile delinquency of urban street culture as a project of state racism. The chronotope of the street contrasts the chronotope of the road, which Bakhtin argues is prevalent in novels of encounter, where “the spatial and temporal paths of the most varied people--representative of all social classes, estates, religions, nationalities, ages--intersect at one spatial and temporal point.”²²⁸ Instead, the chronotope of the street that Petry’s novel portrays is racially and economically homogeneous and counters to the liberal ideal of the public sphere. At the same time, the street’s homogeneity is complicated by the diversity of struggle rife with dubious opportunity. Instead of the road’s maximum heterogeneity, “collapse of social distances,” and governance “by chance,” the street, as Petry realizes it, is a space where the urban African American unemployed and working poor are detained by an ethos of resignation and governed by its machinations of failure rather than opportunities for success.²²⁹ The novel’s account of the street complicates temporality through Lutie’s flashbacks and speculation with regard to her son Bub. The chronotope of the street, which materializes Lutie’s anxieties about Bub’s future, not only challenges how the sociological perspective privileges space over time, but also suggests how the novel’s engagement with environmental determinism is a strategic move that reveals both the violence and limits of sociological discourse, rather than endorsing its validity.

That is, while the novel may seem to enact the sociological explanation of juvenile delinquency, the temporal complexity of Lutie’s narrative challenges such a singular reading. Instead, I would argue that the novel proposes an alternative genealogy of juvenile delinquency

²²⁷ Ibid., 243.

²²⁸ Ibid.

²²⁹ Ibid., 244.

through the chronotope of the street. As a chronotope, the street demonstrates how the sociological analysis of juvenile delinquency that understands the street as a contained space, relies upon the construction of normative time and space, thus allowing investigators to track the conditions of social pathology across time. Instead, as Lutie's memories and speculative fears suggest, the relationship between the street and juvenile delinquency is fraught with contradiction: while the material and ethical poverty of any U.S. urban street seems to "naturally" encourage delinquency, Lutie's reflections on the street highlight how juvenile delinquency is inextricably tied to the reproduction of racial difference and histories of racialized violence.

The chronotope of the street is further elaborated by the way Petry interweaves anecdotes of Lutie's life before moving to the street, using flashbacks that complicate or thicken the temporality of the narrative rather than disrupt it. Soon after she has moved into her apartment in Harlem, Lutie reflects on the conditions of labor for African American women as she walks home on her street. She reflects on the injustice facing these women who must work for their white employer's families first and then their own. She then remembers advice she received from the woman who had written a letter of reference for her: "she remembered Mrs. Pizzini's words, 'Not good for the woman to work when she's young. Not good for the man.'" She continues, "Obviously she had been right, for here on this street, the women trudged along overburdened, overworked, their homes neglected."²³⁰ Mrs. Pizzini's expression of bourgeois domestic ideology forewarns Lutie that her employment outside the home will disrupt the familial order. The women on the street remind Lutie that it is particularly women's labor that bears this burden.

²³⁰ Petry, *The Street*, 65.

The street, as Lutie describes it, stretches the conditions of her historical present to an anterior futurity.

Petry further complicates narrative temporality when Lutie realizes that the voice eagerly repeating "shine, miss?" at her side while she ruminated on the gendered and racial politics of African American women's labor, is in fact, Bub. Infuriated by the sense that her efforts to improve Bub's opportunities are in vain, she slaps him and reflects:

You know that isn't all there is involved. It's also that Little Henry Chandler is the same age as Bub, and you know Little Henry is wearing gray flannel suits and dark blue caps and long blue socks and fine dark brown leather shoes. He's doing his homework in that big warm library in front of the fireplace. And your kid is out in the street with a shoeshine box. He's wearing his after-school clothes, which don't look too different from the ones he wears in school-shabby knickers and stockings with holes in the heels, because no matter how much you darn and mend he comes right out of his stockings. It's also that you're afraid that if he's shining shoes at eight, he *will* be washing windows at sixteen and running an elevator at twenty-one, and go on doing that for the rest of his life. And you're afraid that this street *will* keep him from finishing high school; that it may do worse than that and get him into some kind of trouble that *will* land him in reform school because you can't be home to look out for him because you have to work.²³¹

I quote this passage at length because of the ways Lutie's account of this encounter on the street expands the chronotope of the street both temporally and spatially. Lutie is not simply shocked and shamed by her son's attempt to make some money off the street; she is also infuriated by the material poverty that conditions Bub's life while she "knows" that Henry Chandlers of

²³¹ Ibid., 67, emphasis mine.

Connecticut is raised in luxury, safe “in that big warm library in front of the fireplace.” Although Lutie’s association stops short of a direct causal relationship, the “and” that begins the next sentence temporally connects Henry’s domestic comfort and Bub’s entry into child labor despite their geographic difference. First reflecting on what she knows to be happening contemporaneously elsewhere and then anticipating what will come next for Bub, Lutie deeply understands that the life trajectory of an African American boy sharply contrasts that of the Anglo American man. Rather than interpret Bub’s actions as an expression of an entrepreneurial spirit, Lutie reads him “shining shoes on the street” as synecdochal to a delinquent career that will first push Bub through a series of menial jobs, encourage him to drop out of high school, and ultimately land him in reform school. Meditating on the ways Bub’s prospects assume juvenile delinquency as an inevitability, Lutie suggests how juvenile delinquency already anticipates the African American boy. And yet, Lutie is unable to explain to Bub why “white people want colored people shining shoes” once she explains to him why she slapped him. Instead, she meditates on bodily difference and puzzles over the link between skin color and racial hatred. Claiming that she doesn’t know what fuels anti-Black sentiment, she can only explain, “it’s for the same reason we can’t live anywhere else but in places like this’ - she indicated the cracked ceiling, the worn top of the set tub, and the narrow window with a wave of the paring knife in her hand.”²³² Lutie’s insufficient explanation is underscored by the wave of the knife that points to the deteriorated conditions of the apartment without articulation. Attributing housing conditions to racial hate, Lutie gestures beyond the sociological narrative that might fixate on living conditions as a cause for Bub’s social demise.

Rather than read Lutie’s perspective as antithetical to a sociological perspective, I would

²³² Ibid., 72.

suggest that her standpoint dramatizes the affective qualities of sociological determinism as a way to push the limits of disciplinary knowledge. To clarify, I want to briefly turn to Petry's essay, "The Novel as Social Criticism," to ruminate on Petry's ambivalent relationship to sociological literature. First, Petry disputes the usefulness of naturalist or realist categories because she sees their distinctions as an ideological function of literary professionalization. What she calls "a confused patter," the literary debate about realism and naturalism arbitrarily periodizes literary themes that appear prominently in older work. Bill Mullen interprets Petry's distancing from literary categorization as a critique of the liberal imagination when she suggests a third category for her fiction, "social protest."²³³ Moving beyond the conventions of bourgeois literary criticism, Petry subscribes to the enduring relevance of the social protest novel (a term that she interchanges with the sociological novel), which is generically any novel that "criticizes some undesirable phase of the status quo" and speaks to the idea that "man is his brother's keeper."²³⁴ Petry suggests how the dramatic resolutions enacted or implied in these novels are both their strength and weakness. While the power of characterization can produce an enduring legacy that effectively promotes a cause, "when society is given the role of fate, made the evil in the age-old battle between good and evil, the burden of responsibility for their actions is shifted

²³³ Bill Mullen, "Object Lessons: Fetishization and Class Consciousness in Ann Petry's *The Street*," in *Revising the Blueprint: Ann Petry and the Literary Left*, edited by Alex Lubin (Jackson: University Press of Mississippi, 2007), 39. Scholarly interest in her work as part of U.S. literary naturalism persists. See Kecia Driver McBride's "Fear, Consumption, and Desire: Naturalism and Ann Petry's *The Street*," in *Twisted from the Ordinary: Essays on American Literary Naturalism* (Knoxville: University of Tennessee Press, 2003), and Don Dingleline, "'It Could Have Been Any Street': Ann Petry, Stephen Crane, and the Fate of Naturalism," *Studies in American Fiction* 34 (2006). For an interesting reading of *The Street* and literary realism, see Heather J. Hicks, "Rethinking Realism in Ann Petry's *The Street*," *MELUS* 27 (2002): 89-105.

²³⁴ Ann Petry, "The Novel as Criticism," in *The Writers Book*, edited by Helen Hull (New York: Harper, 1950), 36.

away from the characters.”²³⁵ On the one hand, she cautions against evacuating individuals’ agency in social protest novels. On the other hand, she suggests that the strong sociological characterization (while producing memorable and even adored figures) risks caricature so that human complexity and contradiction is lost and the boundary between writer and character is eroded. Despite these pitfalls, Petry seems to embrace the sociological novel as long as it invokes a realization in the reader that their comprehension of the world and the humanity that occupies it is incomplete and worthy of improvement. To add to this point, she submits that the legacy of slavery in shaping everyday attitudes of Americans towards their fellow citizens remains an enduring focus in her own work. That is, she identifies pervasive anti-black hatred as an obstacle to the cultivation of a truly cooperative society. Thus, she explains the prevalence of death in the conclusions of African American novels as expressive of modern day black slavery, where “discrimination and/or segregation (substitute slavery for the one or the other) are evils which lead to actual death or potential death.”²³⁶ This final point clarifies the broader stakes in the novel’s chronotope of the street as it conveys the inextricability of place and history in the production of black juvenile delinquency—an important component of the necropolitical state project.

Anticipating Delinquency and Death: Reading the Necropolitics of The Street

From the beginning to the end of the novel, this narrative progression towards death appears in the third personal narration of Lutie’s interior world. Thematizing determinism, the words “would” and “will,” dominate the free indirect discourse associated with Lutie. For example, when Lutie weighs her options for living in substandard housing in Harlem, she

²³⁵ Ibid.

²³⁶ Ibid., 37.

realizes that on a fundamental level, she has few options. She fears exposing Bub to the moral depravity of his Father and his girlfriend Lil as much if not more than she (rightly) fears that the ethos of negligence endemic to segregated inner-city living will usher Bub into a life of delinquency and premature death. Lutie's anxieties reflect how from her vantage point, family and the community of the street preclude rather than provide for Bub's future. Had she moved in with her father, she knows in advance that "Bub *would* learn to like the taste of gin, *would* learn to smoke, *would* learn in fact a lot of other things that Lil could teach him."²³⁷ Yet if she becomes resigned to the living on her street, she is convinced that "this street and the other streets just like it *would*, if he stayed in them long enough, do something terrible to him. Sooner or later they *would* do something equally terrible to her. And as she sat there in the dark, she began to think about the things that she had seen on such streets as this one she lived in."²³⁸ Thus as Lutie sees it, "the street and the other ones just like it" provides the condition for inevitably dire outcomes. Convinced that Bub's future is in peril, Lutie dwells on the impossibility of escaping the social and/or biological death that the street seems to guarantee. Whether he ends up resigned to menial work, sent to reform school or killed, Lutie overwrites the sociological account that suggests that delinquent youth are lured by "choice" and unconventional avenues for economic gain, and instead argues that these alternatives (such as shining shoes) reveal how these avenues are in fact not "choices" at all but various entry points to the same trajectory.

As Lutie reflects upon Bub's fate on the street, she recollects the resigned attitude of people surrounding a young Black man who had been stabbed to death the previous spring. Lutie remembers fixating on the man's shoes "trying to figure out what it must have been like to walk barefoot on the city's concrete sidewalks. She wondered if he ever went downtown, and if he

²³⁷ Petry, *The Street*, 19, emphasis mine.

²³⁸ *Ibid.*, 194, emphasis mine.

did, what did he think about when he passed store windows filled with sleek furs and fabulous food and clothing.”²³⁹ The shoes provoke a series of empathetic questions that underscore the sense of loss given that these questions will never be answered. The “ragged soleless” shoes are also significant because they dramatically undercut the aspirational narrative suggested by Bub’s improvised shoe shining stand. For some, the shoe shining boy popularly evokes the popular character in Horatio Alger Jr.’s *Ragged Dick*, who successfully emerges from childhood poverty and delinquency into bourgeois respectability through dutiful work and a commitment to moral behavior. For Lutie, Bub’s vocational experiment reminds her of whose shoes are shined. She remembers the nausea when watching a cop touching one of the dead boy’s shoes: “she got a sick feeling because the cop’s shoes were glossy with polish and the warm spring sunlight glinted on them.”²⁴⁰ The cop’s shoe contrasts the worn shoes of the man who “must have walked practically barefooted on the pavement,” and its impeccability signifies the power of the police and the state’s administrative indifference towards the black body. Lutie finds the young sister’s affectless response, “I always thought it’d happen,” incomprehensible. Rather than ask for the causes of her brother’s demise and demand an explanation, the sister observes the accuracy of her prediction. The subsequent news story of the events leading up to the man’s death further confounds Lutie:

The next day’s papers said that a ‘burly Negro’ had failed in his effort to hold up a bakery shop, for the proprietor had surprised him by resisting and stabbed him with a bread knife. She held the paper in her hand for a long time, trying to follow the reasoning by which that thin ragged boy had become in the eyes of a reporter a ‘burly Negro.’ And she decided that it all depended on where you sat how these things looked. If you looked at

²³⁹ Ibid., 197.

²⁴⁰ Ibid.

them inside the framework of a fat weekly salary, and you thought of colored people as naturally criminal, then you didn't really see what any Negro looked like. You couldn't because the Negro was never an individual. He was a threat, or an animal, or a curse, or a blight, or a joke.²⁴¹

Acknowledging the power afforded and secured by wealth, Lutie observes how the official narrative does not rely upon factual truth but on the hegemonic racial codes that delimit what the "Negro" could be. As a threat, animal, or curse, the "Negro" is illegible as a victim of crime (by a white assailant) and poverty. Instead, the news industry deploys the 'burly Negro' to ensure their readership that the racial threat has been stamped out by converting the social injustice of racial poverty into a narrative of individual justice where a small business owner successfully thwarts a criminal attack. This official narrative also contributes to the common sense of resignation to the predisposition of death for Black people that Lutie fears will overcome her as well. After this recollection, Lutie remembers three other dramatic experiences: the first, an elderly man found in a stupor on the street is brought to the emergency room where Lutie has taken Bub after a fall; the second, a young girl who is "cut to ribbons" with "blood streaming out of the center of her body" enters; and the third, an affectless girl walks down the street, her face so bloody that her face was "a gaudy mask with patches of brown here and there where he skin showed through."²⁴² Together the memories of the people's reactions to these figures are evidence of resignation that assures Lutie her son would "become so accustomed to the sight and sound of violence and of death that [he] wouldn't protest against it—[he] would become resigned to it." She see nothing that would prevent "Bub finally . . . ending up on a sidewalk with a knife

²⁴¹ Ibid., 199.

²⁴² Ibid., 205.

in his back”²⁴³ From a dead black boy, to a catatonic black man, to the critically injured black girls, these deathly figures collectively occupy the future horizon for Bub. These three memories dramatize the necropolitical organization of black life in the urban North, whereby the pervasiveness of death has effectively inured the inhabitants of the Harlem street to the violence of racialized poverty, rendering the black body’s proximity to death unremitting and unremarkable.

If Bub’s life is predisposed to violent death, what environmental conditions permit this predisposition? Lutie outlines the conditions that foster this horizon, observing “black folks were crammed on top of each other—jammed and packed and forced into the smallest possible space until they were completely cut off from light and air.”²⁴⁴ Analogized to the cargo holds of the Middle Passage, segregation is a modernized state technology for black captivity. Lutie describes the necropolitical function of segregation, a spatial tactic of social containment that binds impoverished Black people to work tirelessly, abandoning families and enticing young people to become “wise beyond their years” and inclining them toward illicit behaviors and violent situations. In this perspective, the seemingly immutable power of the state and capitalist economy produce the conditions of social degradation. Thus, in Lutie’s observation, state sanctioned segregation (and its attendant political, economic and cultural norms) reveals itself to be the urban “ecological” structure that academic sociology refuses to name as a cause for juvenile delinquency.²⁴⁵

²⁴³ Ibid., 204.

²⁴⁴ Ibid., 206.

²⁴⁵ For an account of the role of social sciences in informing legal decisions to support racial segregation, see Herbert Hovenkamp, "Social Science and Segregation before Brown," *Duke Law Journal* 34 (1985): 3-4.

The chronotope of the street offers a way to interpret the urban segregated North as a space that, by dint of social hatred and economic imperative, installs juvenile delinquency as an official narrative to legitimate the young Black person's exposure to social death. However, the street itself is not the only force that leads Lutie to abandon Bub. Lutie's resolve to escape is upset by the complex web of heteropatriarchal desires and white supremacist presumptions about the availability of her body for sex. Her ability to fend off Jones (with the intervention of Mrs. Hedges) prompts Jones to trick Bub into helping him retrieve mail for a bogus undercover police investigation, a scheme to entrap Bub for mail fraud so that Jones can 'fix' or retaliate for Lutie's rejection. Seeking money for a lawyer to get Bub out of the Children's Shelter, she finds herself trapped by Boots who promises her the money but reveals himself as the middleman for Junto who will provide the money for sex. In an act of self-defense she brutally kills Boots, expending all her frustrations against the depravity of the street, the racist heteropatriarchy that surveys her body, and finally white supremacy that has secured its power through the "turn-of-event which had forced her to leave Bub alone while she was working so that he now faced reform school, now had a police record."²⁴⁶ Knowing the likelihood of her criminal sentence if she is caught, Lutie knows the chances of regaining custody of Bub are slim. Limiting what Bub knows about his mother's actions is the only thing she can control and she decides to flee to Chicago, another large city that might provide her anonymity.

Much has been written about the conclusion of *The Street* and particularly about the symbolism of Lutie tracing circles into the Chicago bound train window. Heather Hicks reads the circular writing as a prompt to question the purpose of the writing a narrative that eschews the

²⁴⁶ Petry, *The Street*, 430.

realist impulse to offer a definitive mode of knowledge.²⁴⁷ William Scott offers a compelling rereading of the individual circles as doubly coded: read as holes, the circles suggest how the writing of African American women's subjectivity can disrupt and perforate the dominant narrative objectification of African American women; at the same time, they hold on to the possibility of writing as the pursuit of an alternative set of terms with which to define African American women's embodiment.²⁴⁸ In juxtaposition to the sociological ecological model deployed in the sociological work of Shaw and McKay, I read Lutie's circles as an undoing of the model of surveillance that targets the juvenile delinquency through statistical data plotted on a map. Instead, "the series of circles that flowed into one another" posit an alternate mapping of the inner city urban life that moves away from zones of distinct proximity into writing the narrative of the street through a lens that includes spaces of overlapping and interlocking contingency.²⁴⁹

²⁴⁷ Hicks writes, "Petry opens the possibility of subverting the policing function of the realist form by replacing the pretense of any definitive mode of knowledge with an open invitation to the reader to question the very essence of the text she has constructed—that is, its claim to provide the reader with objective knowledge of the place and time she describes." Hicks, "Rethinking Realism," 102.

²⁴⁸ William Scott, "Material Resistance and the Agency of the Body in Ann Petry's *The Street*," *American Literature: A Journal of Literary History, Criticism, and Bibliography* 78 (2006) 112.

²⁴⁹ Petry, *The Street*, 435.

Chapter Four

“It's Just Our Bringin' Up-ke”: Cold War Juvenile Delinquency and the Politics of Selective Incorporation

At a 2007 symposium reflecting on the fiftieth anniversary of the U.S. Supreme Court *In re Gault* decision (1967), Norman Dorsen, the ACLU attorney who represented the appellants, admitted that despite the putative social gain consequent to the Court's decision to extend due process rights to juveniles, “there have been enormous disappointments in terms of the implementation of *Gault*.”²⁵⁰ He specified that government divestment from rehabilitation programs, inadequate counsel for juvenile defendants and pressures on defendants to accept plea bargains have effectively disabled attempts to improve the juvenile justice system.²⁵¹ Most notably, the rapid expansion of the prison industrial complex and by extension the Nixon administration's “War on Drugs” campaign are glaringly absent from Dorsen's reflections about the transformation of the juvenile justice system into a transfer station funneling many juveniles into adult prisons.²⁵² And yet, Dorsen asserted his belief that the decision marked a necessary transformation in juvenile justice that standardized court procedure. While his reflections reproduced a normative liberal belief in the law as the definitive social equalizer in democratic society, his disappointment with the decision's inefficacy points to the limits of legal incorporation to rehabilitate youth and, more specifically, to the limits of legal procedure in the administration of equality through the extension of rights.

²⁵⁰ Norman Dorsen, “Reflections on *In re Gault*,” *Rutgers Law Review* 60 (2007-2008), 10.

²⁵¹ *Ibid.*, 11.

²⁵² See Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), and Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).

Bracketing the debate about the possibilities and impossibilities of justice in juvenile law, this chapter seeks to clarify how the extension of legal protections through juvenile rights and the perceived expansion of liberal citizenship occluded the continual production of difference that belied legal claims to universality. While the theater of U.S. law issued a wave of progressive reform, extending civil rights to marginalized people and establishing legal protections for individuals in criminal procedures, the law retained its broader purpose in shoring up the power and legitimacy of the state. This first section examines how the state's protection of juvenile rights sought to establish judicial limitations and redefine state power through the rhetoric of state responsibility. I analyze *In re Gault*, a watershed Supreme Court decision that reflected shifting federal court ideology regarding the individual. Specifically, I examine the state's retreat from its parental role, which helped expand the administrative machinery of the state prison industry and refine its management of surplus populations through the reproduction of juvenile delinquency. In particular, I describe a crucial slippage in *In re Gault* that helped the court circumnavigate the tricky legal relation of the child to the state by attributing the rights of the child to the legal guardians. The decision's preoccupation with the responsibility of the state to prevent self-incrimination when handling juvenile delinquents reinforces the abstract qualities of child which implicitly privilege whiteness. Moving from the legal discourse, the second section turns to *West Side Story*, Jerome Robbins' celebrated 1957 musical that drew from juvenile delinquency as a constitutive feature of everyday life for inner-city ethnic white youth. A powerful performance of the versatility and vicissitudes of juvenile delinquency discourse at the intersection of histories of race and U.S. imperialism in the metropole, *West Side Story* exposes the pathologies of juvenile delinquency as a discourse that strategically privileges and precludes minor subjects from the law. In particular, I read the juvenile delinquent comparatively with

Puerto Rican colonial subjectivity in *West Side Story* to trace the musical drama's critique of the liberal narrative underlying the legal extension of civil rights to delinquents. As the drama centers the threat of interracial sex and territorial competition as the source of conflict between the Puerto Rican Sharks and the Polish Jets, it provincializes delinquency as a condition specifically articulated to the Jets. That is, while the nearly assimilated white Jets are hyperbolically presumed to be delinquents who can instrumentalize juvenile delinquency discourse to negotiate their interactions with the law, the resolutely alien Puerto Rican Sharks are produced outside the norms of delinquency and legal inclusion. Excluding the figure of colonial migration from the terms of juvenile delinquency, *West Side Story* reflects how the Cold War juvenile delinquent was subject to a containment technology working towards the hegemonic incorporation of poor white youth in contradistinction to the Cold War colonial subject, whose presence in the colonial metropole is illegitimate. In this way, the film poses a challenge to rights as a legal instrument for institutionalizing equality because it expresses the firmly rooted racialized limits of juvenile delinquency discourse in the 1950s and 1960s.

In re *Gault and the Incorporation of the Juvenile Delinquent Through Rights*

In re Gault was influenced by important ideological shifts in the Supreme Court during the 1960s that focused on individual protections against state power. In particular, the Supreme Court installed an adversarial model of judicial procedure during a period of increasing skepticism of state paternalism in the wake of McCarthyism and anti-totalitarianism. As historian Barry Feld summarizes, these ideological shifts moved from "using the Constitution's commerce, contracts, and due process clauses to protect private property and economic interests from state and federal regulations to using the Bill of Rights, due process and equal protection clauses to protect civil rights and civil liberties against government encroachment and to provide

criminal suspects with procedural protections.”²⁵³ Generally speaking, the Courts moved from refereeing the playing field of the economy to the playing field of the court system (an interesting change that presages the neoliberal policies that sought to transpose economic logics onto fields typically understood as extra-economic in the forthcoming decades). In *Liberalism in the Shadow of Totalitarianism*, political scientist David Ciepley argues that post WWII jurisprudence was marked by a “rediscovery” of civil liberties through the Bill of Rights.²⁵⁴ He notes how Supreme Court opinions increasingly relied upon constitutional amendments as the basis for their decisions, a marked shift from a tradition of relegating decisions of civil liberties to local or state based authorities.²⁵⁵ These shifts relied upon anti-totalitarian rhetoric that juxtaposed freedoms of speech, religion, movement, and interracial harmony against state control of communication, religious persecution, and restrictions of public assembly.²⁵⁶ As Ciepley defines:

Totalitarianism, in the American understanding, stands for two things. First, it stands for state control of the individual’s *activity*—especially of economic activity, but also of travel, association, even procreation. Second—and what is seen really to set it off from previous modes of tyranny—totalitarianism stands for state control of the individual’s very *thinking*, a control exercised through propaganda, monopoly of the media and education, and the practices of ideological indoctrination, brainwashing, and “reeducation.”²⁵⁷

²⁵³ Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999), 96.

²⁵⁴ David Ciepley, *Liberalism in the Shadow of Totalitarianism* (Cambridge: Harvard University Press, 2006), 239.

²⁵⁵ Ibid.

²⁵⁶ Ibid., 237.

²⁵⁷ Ibid., 2.

In short, totalitarianism stands for *state control of body and mind*. As the Court shifted from its preoccupations with protecting corporations and regulating national and state economies toward a focus on more self-reflexive attention to the relations between individuals and between the individual and the state, its approach to juvenile delinquency in *Gault* suggests that the Court's mission to balance the relations of power between the individual and the state through the granting of civil rights and liberties coincided with a significant retreat from a rehabilitative mission of correction, which could be construed as a totalitarian project of "ideological indoctrination" of the individual.

An appeal of a juvenile court case in Arizona, *In re Gault* foregrounded questions about the individual rights of minors and the parental role of the state. In the summer of 1964, Gerald Gault, a young white man, then 15 years old, was accused of making lewd phone calls to a schoolteacher who taught at his school. A juvenile court officer, who was also a superintendent at the local juvenile detention center, took Gault into custody without notifying his parents. Although the officer notified the Gaults that their son was in custody, they were not informed about the charges he faced. Furthermore, his accuser Mrs. Cook did not provide formal testimony to the courts at any time (the officer based his decision to take Gault into custody on information provided by a phone conversation with her). Gault's parents received no formal communication about their son up until the judge declared him delinquent and committed him to a state industrial school until he reached twenty-one, the age of majority. After having their appeal dismissed by the Arizona Supreme Court, the Gaults' appeal reached the U.S. Supreme Court after the American Civil Liberties Union decided to take up the case. This appeal was grounded in violations of procedural law: specifically, the appellants argued that the Arizona courts had denied their rights to timely notification of charges, to a court hearing, to counsel, to

appeal, to confront his accuser, and to remain silent. They did not address the substantial law that rendered Gault a ward of the state as a result of his age, nor the legality of the transgressions that brought him before a judge. In sum, their appeal focused on the constitutionality of the procedures that had enabled the courts to detain and reach a legal decision against their son.

In his majority opinion, Justice Abe Fortas' ultimately determined that the Arizona Juvenile law had violated writ of *habeas corpus*, a foundational procedural law that addresses the legal question of physical custody. Latin for "you may have the body," *habeas corpus* protected the individual from unlawful detention and unauthorized state intervention and effectively transformed *In re Gault* from a seemingly minor case into one that would fundamentally alter the position of juveniles in the U.S legal process. In brief, Fortas' opinion interpreted the inalienable rights of citizenship to extend to juveniles, undermining the legal policy of *parens patriae* which had significantly altered the role of the law at the turn of the nineteenth century.

Fortas' opinion summarizes the ethical intentions of late-nineteenth century juvenile court procedures:

The child--essentially good, as they saw it--was to be made "to feel that he is the object of [the state's] care and solicitude," not that he was under arrest or on trial. The rules of criminal procedure were therefore altogether inapplicable. The apparent rigidities, technicalities, and harshness which they observed in both substantive and procedural criminal law were therefore to be discarded. The idea of crime and punishment was to be abandoned. The child was to be 'treated' and 'rehabilitated,' and the procedures, from apprehension through institutionalization, were to be 'clinical', rather than punitive.²⁵⁸

²⁵⁸ *In re Gault*, 387 U.S. 1 (1967).

The passive construction of Fortas' description underscores the position of the child or "it" as "the object" of the state. Implicitly, such a position renders the child exempt, in the court's perspective, from criminal responsibility and therefore from criminal procedural law. Fortas continues by describing the clinical approach that inspired the architects of the first juvenile courts in contradistinction to the punitive approach of the courts. But, as Fortas firmly places the therapeutic goals of late-nineteenth century reformists in the past tense, he explains how juvenile court proceedings blurred distinctions between civil and criminal cases and that the rehabilitative rationale for the courts did not necessarily inform the courts' decisions when handling delinquents. Notably, Fortas' opinion does not address the appropriateness of incarceration in treating juvenile delinquency. In fact he makes clear that the conditions of the industrial schools where many juveniles are sent share a fundamental feature with prisons: "for this purpose, at least, commitment is a deprivation of liberty. It is incarceration against one's will, whether it is called 'criminal' or 'civil.'"²⁵⁹ Fortas' opinion points out that regardless of policies and programs that tout a rehabilitative mission, juvenile delinquents still enter spaces of indefinite enclosure, which is essentially incarceration. In other words, the logic of rehabilitating or reforming the minor to be a proper subject still entails state violence. But rather than address the conditions of incarceration, he argues for the normalization of judicial procedure if such harsh sentences are to be meted out.

Many legal historians have used Fortas' opinion to define *In re Gault* as a Fourteenth Amendment test case on the grounds that juvenile court proceedings violated the right to due process--specifically the rights to counsel, to confront accusers, and to cross-examination and protections from self incrimination. However, Fortas' own legal scholarship suggests that his

²⁵⁹ Ibid.

opinion was also significantly influenced by preoccupation with Fifth Amendment protections. More specifically, the minor without legal representation is more likely to incriminate herself which undermines the principle of consent embedded in one's admission of guilt. On this point, Fortas is quite emphatic:

The privilege against self-incrimination is, of course, related to the question of the safeguards necessary to assure that admissions or confessions are reasonably trustworthy, that they are not the mere fruits of fear or coercion, but are reliable expressions of the truth. The roots of the privilege are, however, far deeper. They tap the basic stream of religious and political principle, because the privilege reflects the limits of the individual's attornment to the state and -- in a philosophical sense -- insists upon the equality of the individual and the state.²⁶⁰

According to Fortas, the Fifth Amendment protections are directed at ensuring the willful expression of individual misconduct. The distinction between coercive and consensual admission of guilt is a difference that preserves the liberal individual's will and the state's ethico-political (which he refers to as "religious and political principle") responsibility. The term "attornment" is particularly important to Fortas' opinion. A term of feudal English property law, attornment originally describes a tenant's transference of duty and service to a new landlord and was an important principle in preserving rights of the individual man. In Fortas' opinion, attornment denotes the social contract between the citizen-subject, who enters the state of (civil) society from a state of nature. Here, attornment implies a choice (in transferring one's obligation) that constitutes the citizen-subject's responsibility toward the state. If subjects are forced to self-incriminate as part of that responsibility, as Fortas indicates, the individual's original sovereignty

²⁶⁰ Ibid.

is evacuated, and the classical liberal narrative of citizen formation enters a crisis: if individual sovereignty is lost or denied, then the liberal state would lose its legitimacy.

Fortas' preoccupation with Fifth Amendment principles can be traced to his earlier years as a member of the Cleveland Bar Association. In a 1954 article for the Association's journal, Fortas expounds the importance of the Fifth Amendment in the context of U.S. Cold War domestic policies. He spends the first half of the article providing a historical narrative of English law. As he summarizes, the Fifth Amendment is historically rooted in the secularization of the state in sixteenth century England and limitations placed on the individual's right to dissent. As Fortas explains,

It was in this setting that the privilege against self-incrimination came into being, in an age when the state's insistence upon orthodoxy and obedience was made urgent by the fear of foreign foes; when the tie of religious and political dissent and of individual rights was running high and when, in fact, it took over the English nation. The ordinary man was to gain a large measure of his claim to a rule of law and to recognition that he was entitled to treatment as an individual in God's image and not merely as a vassal of the state or a servant of a church.²⁶¹

Against the absolutist power of the church, the British parliament sought to protect individuals from the dominance of religious institutions in establishing law. Interestingly, Fortas evokes this law, which initially sought to protect religious freedom, as a necessary protection from state sanctioned anti-communist witch-hunts. He writes, "this, in my opinion, is peculiarly a time in the history of the worlds when we must cherish the guaranties which set the individual apart from his state. It is this, after all, that is the basic principle which we assert in our mortal struggle

²⁶¹ Abe Fortas, "The Fifth Amendment: Nemo Tenetur Prodere Seipsum," Cleveland Bar Association Journal 25 (1954), 96.

with Communism.”²⁶² Fortas continues to cast the limits of state power over the individual as a struggle between political ideology and state policing (namely J. Edgar Hoover’s counter intelligence program) in a global frame to underscore a less acknowledged threat to U.S. democracy: the impairment of liberal democratic principles by the state’s coercive prosecution of individuals on the basis of affiliation rather than concrete evidence of subversive activities. In his purview, such an exercise of state power would endanger a core figure of liberal democracy: the individual. Here, Fortas’ jurisprudence is important because of the way its critique of the state and liberal democracy during a time of insidious political insecurity came to inform his majority opinion in *In re Gault*—an opinion which ostensibly protected the rights of the individual and secured the state’s legitimacy under the threat of totalitarian ideology. Tracing the legal rights of the juvenile back to Cold War anxieties demonstrates how the juvenile delinquent occupied a space of contradiction: the same discourse that situated the figure as a subject of annihilation (as Hoover’s New York Times 1940 article suggested through the rhetoric of social warfare) in turn sought to restore the figure as a subject of social incorporation. However, the attribution of individual rights rested on a legal abandonment of the juvenile’s formerly exceptional status (as the Court disavowed presumptions of its custodial responsibility for minors).

A closer analysis of his opinion reveals how the constitutive assumption of the juvenile’s dependency allows Fortas to maintain a citizen-subject who carries the full responsibilities of citizenship and is theoretically “equal” to the state while foreclosing a discussion of children’s rights. The juvenile delinquent, who is minor in age, is a figure of property and technically limited from full citizenship since they are not given the right to vote, to enter contracts, or to purchase stocks among other restrictions. In fact, the opinion emphasizes that the logic of *parens*

²⁶² Ibid., 104.

patriae, which installs the state as a custodial parent of a delinquent, “does not deprive the child of any rights, because he has none. It merely provides the ‘custody’ to which the child is entitled.”²⁶³ The minor is not attorned to the state because as the legal responsibility of their parent(s) or the state they cannot consent to responsibility. In turn, the opinion evades the juveniles’ political and legal marginality when it applies Fifth Amendment protections to juvenile law even as the problem of self-incrimination is centered on the juvenile. As Fortas describes the need to protect the individual’s attornment to the state, he implicitly refers to the *parent* or *guardians*’ right to obtain counsel for their child, rather than the minor’s rights to legal representation.

Fortas’ opinion in determining the legal future of the juvenile also contributes to the ideological effects of abstract citizenship, which include the disavowal of racial, gender and class difference and the implicit privileging of white heteromascularity in the legal domain. Although the decision assumes that the juvenile’s right to legal protection are inextricable from parental representation, race and gender privilege allowed Gault to reap the important benefits of representation that Fortas’ outlines. Gault’s parents--married, white and working class--were adequately positioned to represent their son with the benefit of heteronormative white privilege and thus without the implicit challenges of institutional racism.²⁶⁴ The benefits of this normativity is implied by the decision’s note that,

Under traditional notions, one would assume that, in a case like that of Gerald Gault, where the juvenile appears to have a home, a working mother and father, and an older

²⁶³ *In re Gault*.

²⁶⁴ Despite their socio-economic status, they were represented pro bono by the American Civil Liberties Union.

brother, the Juvenile Judge would have made a careful inquiry and judgment as to the possibility that the boy could be disciplined and dealt with at home.²⁶⁵

Fortas highlights how a consideration of the nuclear features of Gault's domestic structure ought to have garnered a more flexible process of adjudication and deference to familial figures of authority. He concludes this opinion with a focus on the Fifth Amendment protections against self-incrimination especially for adolescent boys. As legal history has demonstrated, the protection against self-incrimination has historically functioned as a technology of white male privilege in that it purports to balance the power of the individual in the face of the state that has historically denied women and people of color the right to testify in courts because of their assumed incapacity for rational thought.²⁶⁶ Gault also benefited from the proliferation of social science interest in the juvenile delinquent that focused on saving and rehabilitating the young white male, a legacy consolidated by the strong public admiration of Huckleberry Finn, the recommendations of G. Stanley Hall, and the sociological conclusions of Shaw and McKay among many others who were concerned with the development of youth into responsible citizens. In these ways, Gault garnered the interest of civil rights lawyers and justices in the final years of the Warren Court, to extend its implementation of the incorporation doctrine to expand the power of the Bill of Rights, and, in turn, the power of the federal government.

The legal transformations attributed to the Civil Rights Movement were tied to international criticism against the U.S. during the Cold War. As the U.S. State was engaged in political battles with communist nations abroad in the name of democratic freedom, critics of the U.S. pointed to the contradictions of state sponsored racial segregation. As historian Mary Dudziak discusses, Chief Justice Earl Warren offered the law as a key alternative to the

²⁶⁵ Ibid.

²⁶⁶ See, for instance numerous states' Black Codes and *People v. Hall* 4 Cal. 399 (1854).

burgeoning arms race, and as a frame to address the pointed international criticism. That is, he held up the Bill of Rights as the mark of U.S. exceptionalism and as a tool to demonstrate the ideological superiority of the U.S. on the global stage. Presiding over landmark court decisions such as *Brown vs. Board of Education* (1954), Warren argued that significant legal transformations on a domestic scale could effectively deflect international criticism.²⁶⁷ While the Warren court's decisions helped the state weather criticism about racial inequality, it would seem that U.S. imperialism would also draw international scrutiny. But as Penny von Eschen describes, the rise of an international anticolonial Black movement beginning in the interwar years offered U.S. civil rights activists an international context to articulate their struggles. However, ties across the two movements had been effectively inhibited soon after WWII by the anti-communist liberal agenda which hegemonically incorporated the ambitions of liberal Civil Rights leaders.²⁶⁸ She concludes, "as civil rights politics itself came to be suspect in the deepening Cold War hysteria, [liberal Civil Right leaders] . . . moved more and more to protect civil rights by grounding its justification firmly in anti-Communism and support of U.S. foreign policy."²⁶⁹ Thus, the emergence of anti-communist civil rights activism turned many Civil Rights activists away from the more radical social change envisioned by international anticolonial movements and toward the legal transformations offered by a domestic political structure organized around abstract individuality.

²⁶⁷ Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000), 105-106.

²⁶⁸ Penny M. Von Eschen, *Race Against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca, NY: Cornell University Press, 1997).

²⁶⁹ *Ibid.*, 120.

Challenging Abstract Citizenship and the Law: the Cold War Juvenile Delinquent in Jerome Robbins' West Side Story

As *In re Gault* purported to remedy faults with juvenile court procedure by formalizing equality for minors before the law, cultural production about criminal youth continued to attest to the logics of juvenile delinquency that were articulated to race, gender, sexuality and class in differential and complex ways. Popular films such as *Blackboard Jungle* (1955) and *Rebel without a Cause* (1955) continued to elaborate the problem of delinquency in the context of schools, class relations, and non-normative family contexts at the height of the Cold War.²⁷⁰ However, these films situated the problem of delinquency in the institutional context of the school and family. Moreover, they further consolidated the problem of delinquency as a problem of predominately white, working and middle class boys.²⁷¹ Constituting a subgenre, 1950s juvenile delinquency films focused on the transformation of juvenile boys who are either misunderstood or alienated by their social milieu: the juvenile delinquent reflected an internal consistency in his anti-social rebellion.

The narrowing of juvenile delinquency research after World War II to the individual was influenced by Cold War anxieties about the collective social resistance to social norms (as any efforts to challenge the State immediately drew suspicions of communist influence) and by the significant trends in humanistic psychology that focused on the self. This translated to government action geared toward expanding its statistical data on juvenile delinquency to more accurately reflect the scope of the social problem. In 1957, *The Children's Bureau* instituted a new data collection scheme to more accurately collect national data of juvenile court

²⁷⁰ See Richard Brooks, dir., *Blackboard Jungle* (Burbank: Warner Home Video, 2005) and Nicholas Ray, dir., *Rebel without a Cause* (Burbank: Warner Home Video, 2005).

²⁷¹ Although the main character of *Blackboard Jungle* is a young black male student, he is the exceptional figure as the leader of a gang of white juvenile delinquents.

administration. Prior to 1957, statistics were supplied voluntarily, which made it difficult for the *Bureau's* annual report to reflect trends on a national scale. This new program was prompted by ever increasing concerns over rising juvenile delinquency rates. Just three years prior, the Bureau had formed the Special Juvenile Delinquency Project, a coordinated effort of private philanthropic organizations and institutions to develop instructional guides and recommendations for public service workers dealing with juvenile delinquents.²⁷² The preeminent social worker and director of the Project, Bertram Beck summarized conference discussions by prescribing a three-step program to combat juvenile delinquency. The primary strategy for juvenile delinquency prevention was proper maternal nurturing and addressing familial dysfunction: well worn explanations for juvenile misconduct.²⁷³ The next step was early intervention that required the professional assessment and treatment of a young delinquent's social obstacles, whether this included psychotherapy, adult mentoring, physical examination or foster care. The final step was to address those who have been legally defined as delinquent and assigned to an industrial school or training program by bolstering the rehabilitative mission of these institutions. In many ways, 1950s juvenile delinquency discourse reflects the ascendancy of juvenile delinquency as a national issue that fortified the State's investment in the professionalization of social scientists. The contribution of social science expertise to determine management strategies for juvenile delinquency culminated in the 1961 Juvenile Delinquency and Youth Offenses Control Act

²⁷² Melissa Sickmund, *Juvenile Court Statistics, 1995* (Washington D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, June 1998), xv.

²⁷³ Bertram M. Beck, "Curbing Juvenile Delinquency," *Social Security Bulletin* (June 1954): 8-11.

which financed projects that would devise strategies to combat the social problem to which, as President Kennedy remarked, “No city or State in our country has been immune.”²⁷⁴

Emerging from a broad expansion of juvenile delinquency research and policy development, *West Side Story* raises important limitations to the socio-legal narrative that attributed the problems of juvenile delinquency to wayward young individuals in need of psychological guidance and socially appropriate discipline. As Kimberlé Crenshaw has demonstrated in her groundbreaking work on intersectionality as a hermeneutic for unpacking the racial contradictions that reinforce white male privilege in the adjudication of civil cases, U.S. law has historically resisted recognizing multiple axes of oppression. As Crenshaw argues, the adjudication of anti-discrimination law after the passage of the 1964 Civil Rights Act (Title VII) interpreted claims of race and gender based discrimination through a non-intersectional framework that isolated race and gender difference as distinct, exclusive categories, which inherently challenged claims made by women of color who were discriminated against via multiple axes of oppression.²⁷⁵ While the legal figure at the center of *In re Gault* enables the liberal state to avoid the messy contradictions of race and gender based discrimination in juvenile court practices, (and therefore privileges the white male juvenile), *West Side Story* illuminates the extrajudicial life of juvenile delinquency where the material histories of U.S. citizenship, race, class, gender and sexuality remain crucial to defining how delinquency manifests in multiple, uneven, and dynamic ways. In my reading of *West Side Story*, I focus on the remaindering effect of juvenile delinquency discourse of the 1950s and 60s as it intersects with

²⁷⁴John F. Kennedy: "Remarks Upon Signing the Juvenile Delinquency and Youth Offenses Control Act," September 22, 1961. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=8347>.

²⁷⁵ Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: a Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *Feminist Legal Studies* 3 (2009): 105-135.

the imperial power of the nation-state. Against the legal narrative that sought to equalize the juvenile delinquent by granting civil rights protections, *West Side Story* exposes the fissures in the state's project to remediate juvenile delinquency in U.S, whereby efforts to "understand" the deviancy of one group (working class ethnic whites) is clarified through the criminalization of another (working class Puerto Rican U.S. non-citizen nationals) to secure the law's integrity. By firmly positioning Puerto Rican migrants, who are U.S. non-citizen nationals, as liminal to the incorporative future retained by delinquency, the drama points to the shadow of U.S. imperialism over legal incorporation. That is, *West Side Story* re-stages the problem of juvenile delinquency through the limits of imperial domestication. This staging reveals how race, gender and sexuality intersect upon bodies that bear the catachrestic histories of U.S. empire without offering a telos of national recuperation or redemption.

Despite its popularity in U.S. popular culture, *West Side Story* has been left relatively unexamined through a cultural studies analysis that centers juvenile delinquency. This may be attributable to the production's hyperbolic reiteration of delinquency discourse that renders delinquency a popular fact of inner city urban life and therefore unremarkable. However, I would argue that the seemingly transparent representation of juvenile delinquency in the film version of *West Side Story* belies the contradictions embedded in the incorporative politics of law in the years preceding *In re Gault*. A repackaging of Shakespeare's canonical *Romeo and Juliet* into a palatably middlebrow social realist production, *West Side Story*'s tragedy of interracial romance announces the cultural decline of the white male juvenile delinquent hero whose aspirations to preserve white supremacy in an increasingly multicultural city disarticulates the problem of juvenile delinquency from structural poverty and rearticulates it to the threat of migratory colonial subjectivity to liberal individuality. Mediating the State's ambivalence towards U.S.

imperialism during the Cold War, the juvenile delinquent distinguishes himself from the Puerto Rican colonial subject who bears the racial and gendered pathologies reinforced by social science discourse. At the same time, the pathologized Puerto Rican in *West Side Story*, reminds us of the contradiction of Cold War liberalism which denies rights to due process for its colonial subjects at the same time it grants due process to (white) juveniles to extend “equality.”

Both stage and film versions of *West Side Story* have achieved and sustained popular acclaim for the seemingly effortless harmony of Jerome Robbins’s choreography, Leonard Bernstein’s score and Stephen Sondheim’s lyrics. Rendering forbidden interracial romance in the context of urban youth culture, *West Side Story*’s success has been attributed to its stylized translation of a canonical British narrative, Shakespeare’s *Romeo and Juliet*, into an American context. A review in 2009 for the Broadway theater revival continues the immense praise the musical has received since its debut in 1957:

All the defining forces of the American fifties-velocity, mobility, confidence-are condensed into this superb retelling of the Romeo and Juliet legend, which plays out against the background of Latino-versus-Anglo gang violence. Like the tail fins on fifties American cars or the parabolic shapes of Populuxe furniture, *West Side Story* incarnates the dream of momentum in the golden age of the twentieth century. Everything about the show is streamlined: the fluid jolt of Jerome Robbins's choreography; the exhilarating syncopation of Leonard Bernstein's symphonic score; the bravura concision of Stephen Sondheim's lyrics; the swiftness of Laurent’s storytelling-the book is one of the shortest

in the history of the musical. . . *West Side Story* is somehow both airborne and transcendent.²⁷⁶

The reviewer's laudatory description of *West Side Story* elides the material aspirations of 1950's U.S. middle class culture with the aestheticized representation of harsh inner city street life. The "tail fins" and "Populuxe furniture" denote key artifacts of growing U.S. suburban landscapes, which led to rapid improvements in transportation and expanded consumer markets. Capturing a "dream of momentum," *West Side Story* reflects the fluidity, conciseness, syncopation and swiftness of its context for a decidedly white middle class audience. Put differently, it offers an alternative to the militaristic policy of *containment*, a term that has been typically associated with political ideologies of the Cold War.²⁷⁷ As Christine Klein describes, middlebrow culture during the Cold War period of 1945-1961 offered a popular audience sentimental patterns of representation that encouraged the values of integration and tolerance to legitimate U.S. global dominance (in contradistinction to the oppositional narratives that situated ideological differences as grounds for antagonism).²⁷⁸ Although Klein's archive is limited to middlebrow representations of U.S.-Asia relationships, her reflections about the U.S. cultural preoccupation with sentimental form as a reinforcement of liberal fantasies about interracial solidarity and equality help situate the themes of *West Side Story* within a Cold War cultural framework. Specifically, *West Side Story* dramatizes the limits of this Cold War liberal fantasy by revealing the divisive function of the state and its deployment of racist tactics to police inner-city first- and

²⁷⁶ John Lahr, "Turf Wars: *West Side Story* and *God of Carnage* on Broadway," *New Yorker* 85 (March 30, 2009), 60.

²⁷⁷ For an account of containment as Cold War political strategy, see John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy* (Oxford: Oxford University Press, 1982).

²⁷⁸ Christina Klein, *Cold War Orientalism: Asian in the Middlebrow Imagination, 1945-1961* (Berkeley: University of California Press, 2003).

second-generation immigrants even as its tragic conclusion reinforces the aspirations of cross-racial tolerance and cooperation.

Even as the drama strives towards the rhythmic, lyrical, and narrative coherence the theater critic celebrates, I argue that *West Side Story* is organized around a constitutive incoherency characteristic of 1950s juvenile delinquency discourse that produces juvenile delinquency as an effectively overdetermined attribute of poor white masculine fraternity in strategic opposition to racialized and sexualized colonial subjectivity. In other words, *West Side Story* imagines juvenile delinquents as a residual figures whose claim to abstract citizenship and universality is in inextricable tension with criminalized colonial embodiment. This analysis suggests that the gang rivalry between the Polish-American Jets and the Puerto Rican Sharks is fundamentally undesirable because the latter's presence is a reminder of the limits to the liberal promise of social incorporation and economic opportunity, challenging the ideological anchor for the juvenile court's exceptional procedure. In addition, by reinserting the terms of race and sexuality (which the law actively ignored) into 1950s and 1960s juvenile delinquency discourse, the drama emphasizes contingencies of structural inequality and global politics rather than retreat into the singular logic of class-based familial dysfunction as the cause of juvenile anti-sociality. By dramatizing the particular tensions of race, gender and colonial subjectivity, *West Side Story* demonstrates how the legal marginalization of juvenile delinquents is compounded by the question of citizenship. Although both groups of working class youth compete in an inner-city turf war and are unified in their desire to evade police surveillance, the play repeatedly emphasizes how the Jets are "properly" delinquent by their unmarked ethnicity. In contrast, the Sharks, whose status as U.S. non-citizen nationals, or "second class citizens," is underscored by their explicitly racialized and sexualized performance, are effectively rendered morally

incoherent: they are paternalistic (provoked to rumble by what they perceive as Tony's sexual advances on Maria) while at the same time they are unsportsmanlike (for refusing to shake hands before the rumble and pulling a knife despite agreeing to a bare-knuckled fight). Thus, the Sharks, who enforce tradition and engage in unfair conduct, are coded as irrational subjects. As a result, their claim to the neighborhood is illegitimate. In "Jet's Song" the Jets sing in reference to the anticipated brawl with the Sharks:

Here come the Jets:

Little world, step aside!

Better go underground,

Better run, better hide!

We're drawin' the line,

So keep your noses hidden!

We're hangin' a sign,

Says "Visitors forbidden"

And we ain't kiddin'!

As the verses speak to the spatial politics of gang warfare, the directives to "step aside" and "go underground" deny upward mobility and "better run, better hide" warn against conspicuous loitering in public. The use of "visitors" also evokes the politics of citizenship by denoting the Sharks as non-American sojourners whose presence demand policed borders or "a line" to effectively exclude them from the nation.

'Smacked' by Reality: West Side Story as Sociological Theater of Racialized Criminality and Abject Colonial Subjectivity

On the eve of receiving Kennedy Center honors in 2003, Chita Rivera, the celebrated Broadway actor, recounted her experience working on Jerome Robbins' 1957 musical *West Side Story* in an interview for *The Sondheim Review*. To support the social realist aesthetic, Robbins explicitly drew from current media coverage of violent crime committed by juvenile delinquents to direct the actors who played the Sharks. Rivera distinctly remembers the Capeman murders, a double murder of two teenage boys by juvenile gang members who were led by a sixteen-year-old Puerto Rican boy, Salvatore Agron. Rivera recounts: "on the bulletin board, where we checked in every day, was a full page of this handsome young man with a black cape. I believe it was a knife in his hand and a body under his foot. And the top of the thing said, 'this is your life.' Jerry [Robbins] had written that."²⁷⁹ Though the murders occurred in 1959, two years after the show's 1957 theatrical premiere, Rivera's story encourages reading *West Side Story* as an index of material realities or as sociological reality turned into art.²⁸⁰ At the same time, Rivera's description implicates the theater's influence on the stylized circulation of the juvenile delinquent in the media: the image of an attractive youthful figure, triumphantly posing over a (symbolic) foe, reflects how the media produced this delinquent as a charismatic villain whose cape provocatively blurs the boundaries of play and reality. In addition to the cape that was a distinctive marker for Agron's image in the media, Rivera injects cultural specificity to this otherwise generic image by explaining how the figure of the juvenile delinquent intersected with her experiences as a Latina woman growing up in the U.S. and her role as a cultural worker through an ambivalent narrative of difference. In particular, Rivera explains the violent impact of

²⁷⁹ Terri Roberts, "West Side Story: 'We were All Very Young'," *Sondheim Review* 9 (2002).

²⁸⁰ In fact, Roberts incorrectly writes that the Capeman murders occurred in 1957, which raises questions about Rivera's remembering. While Rivera may have seen this image during the course of the Broadway production and not as early as 1957, Roberts' contextualization and chronological error blurs the temporality across the image Rivera describes with the Capeman to destabilize the production's "reality effect."

Robbins' inscription, "this is your life," on the performers: "it just grabbed us around the throat. Me being Puerto Rican--I mean, we were all aware of gangs and things, but we didn't live those lives. We didn't live in neighborhoods where they even existed. It was still work to us. But that thing smacked us right between the eyes."²⁸¹ The news article's visceral effect, which metaphorically "grabbed" and "smacked" Robbins' actors, suggests the disciplinary function of racialized identity in *West Side Story*'s production. Rivera's reflections simultaneously attribute her Puerto Rican identity to a proximal awareness of "gangs and things" even as she dis-identifies from the experiences that they inhabited and reproduced as a form of labor ("we didn't live those lives"). Her insistence that "it was still work to us," drives home an important contradiction that organizes racialized labor in U.S. cultural production: the statement describes how these actors' cultural work demanded that they use their racialized bodies for their perceived cultural affiliations at the same time they participate in a cultural industry that required their alienation from their particular experiences. Rivera's comment leaves open the question of whether their position as cultural workers provided a way to resist Robbins' imperative (that is their alienation from their labor allowed for a critical distance from identifying with lawless figures). However, the contrastive "but" following this statement interrupts such possibilities and instead underscores the dynamics of power between the producer and his performers. In spite of the potential for cultural labor to offer racialized subjects a resistant alternative to the dominant representation of racial bodies, Rivera's comment "but that thing smacked us" admits that the overarching structure of white supremacy is preserved. It would seem that Rivera's account foregrounds the juvenile delinquent as a dynamic figure at the intersection of Puerto Rican racialization, the disciplinary practices of 1950s multicultural performance, and the policing

²⁸¹ Ibid.

effects of representation. However, my reading of *West Side Story* as an example of dominant cultural production argues for a more skeptical reading of juvenile delinquency as a condition applicable to urban youth culture at large. If juvenile delinquency is constituted by assumptions of future incorporation, the musical codifies Puerto Rican subjectivity as perpetually foreign and ambivalent to the nation.

The performance of Puerto-Rican-ness poses an important problem to the representation of juvenile delinquency in *West Side Story*. Frances Negron-Muntaner elaborates the legacy of post-WWII Puerto Rican migration to the U.S. in her analysis of *West Side Story* in U.S. Latino popular culture. According to Negron-Muntaner, the 1961 film secured its place in Puerto Rican identity discourses as one of the first visual cultural productions that *effectively* “hailed” Puerto Rican spectators as subjects through and against its essentialist/racist/sexist Puerto Rican representation in popular U.S. culture.²⁸² Negron-Muntaner elaborates that the film’s problematic representations of Puerto Ricans, in general, as “inherently musical and performative subjects,” as criminal deviant youth, and as “sassy and virginal” women were not wholly rejected by Puerto Rican spectators because the film was among the first to represent multiple Puerto Rican characters in relation to social themes that resonated with Puerto Rican communities (i.e. racism, state violence, and belonging). She writes, “*West Side Story locates Puerto Rican identity at the crossroads of colonialism, racialization, and shame by addressing not just one Puerto Rican but a whole community as abject.*”²⁸³ These characters were also more developed and played by Puerto Rican actors who garnered popular reviews for their performances. In Negron-Muntaner’s estimation, *West Side Story* is a signpost in Puerto Rican identity discourse because it is one of

²⁸² Frances Negron-Muntaner, “Feeling Pretty: *West Side Story* and Puerto Rican Identity Discourses,” *Social Text* 63 (2000), 83-106.

²⁸³ *Ibid.*, 86.

the first cultural texts to highlight, in its representation of Puerto Ricans' vexed positionality to U.S. citizenship and the law, Puerto Rican subjectivity.

She continues:

Hence, the constitution of subjectivity within *West Side Story* and American legal discourse both displaces and reveals the “special” colonial relationship that binds and implicates Puerto Ricans and Americans: Puerto Ricans are in point of fact outside—or besides—the law. It is *West Side Story*'s inadvertent play with the opacity of Puerto Rican subject formation discourses that allows many Puerto Rican spectators to “recognize” themselves in it.²⁸⁴

Here Negron-Muntaner clarifies the liminal position of Puerto Ricans as colonial subjects in the U.S. This position can be traced back to 1898 when the U.S. asserted territorial authority over Puerto Rico at the conclusion of the Spanish-American War. Afterwards, U.S. legal codes, most notably the 1904 decision *Gonzales v. Williams*, determined that Puerto Ricans were non-citizen nationals. Isabel Gonzalez had been detained upon arriving to New York in 1902. During Gonzalez' travel to the U.S., the U.S. Immigration Commissioner had barred immigrants deemed likely to become a “public charge,” implicitly profiling unmarried women with children.²⁸⁵ This case not only reflected the importance of race and gender in understanding U.S. immigration law but also the role of gender and dependency in U.S. colonial policymaking. As colonial subjects, Puerto Ricans were cast as immature political students, requiring the tutelage of the U.S. state and cultural influence to instill appropriate values before they could be granted the rights to self-

²⁸⁴ Ibid.

²⁸⁵ This gendered policing of immigration was not a recent phenomenon. In 1875, the Page Act effectively barred undesirable immigrants from entry into the U.S. The act was primarily aimed at Chinese women, who were viewed as synonymous with sex workers and a threat to the virility of white manhood. See Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995).

determination. In an editorial to the New York Times in 1899, an officer stationed in Puerto Rico implored the U.S. government to place the territory under the tutelage of American governance since he deemed Puerto Ricans “children and vast hordes of people [who] cannot be free and independent because they have not sufficient knowledge to govern themselves.”²⁸⁶

As Laura Briggs argues in *Reproducing Empire: Race, Sex and Science, and U.S. Imperialism in Puerto Rico*, the legitimacy of the U.S. colonial project in Puerto Rico was further entrenched by social science research in the territory. Preoccupied with questions of reproduction and sexuality, the knowledge produced by social science effectively pathologized Puerto Ricans as hyper-reproductive and morally delinquent, which legitimated U.S. colonial presence and intervention.²⁸⁷ In the post-WWII period, Puerto Rican migration to the U.S. produced a moral panic that prompted more social science research that sought to assuage concerns about the morally degenerative influence of Puerto Ricans on the already struggling inner city populations. Briggs reads *West Side Story* as blowback to the state’s efforts to resolve popular fears of a Puerto Rican culture of poverty. In particular, Briggs reads the production as confirming the equation of Puerto Ricans with irresolvable delinquency based on social science pathology that viewed Puerto Rican women’s sexuality as “relentlessly heterosexualized.”²⁸⁸ Briggs’ project suggests how the discourse of Puerto Rican youth and juvenile delinquency discourse can be understood as part of a larger colonial discourse. On the one hand, juvenile delinquency discourse shares with colonial discourse a paternalist attitude that bolsters state-sponsored civilizing projects. On the other hand, juvenile delinquency discourse implies an attachment to Western codes of civilization whereby models of individual development imagine the

²⁸⁶ S.S. Harvey. “Americanizing Puerto Rico,” *New York Times*, February 22, 1899.

²⁸⁷ Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002).

²⁸⁸ *Ibid.*, 173.

possibilities of social incorporation, unlike colonial discourse which posits colonial subjects as perpetually behind.²⁸⁹

Through its representation of the Sharks as violent gang members with little interiority and chronic impulsivity, *West Side Story* reproduces the characterizations of the Puerto Rican in the contemporary colonial discourse that placed the imperial subject at the limits of juvenile law. The Sharks liminal relationship to the law is especially pronounced in their interactions with the police. When Lieutenant Schrank and Officer Krupke disrupt the opening brawl, Schrank immediately sides with the Jets, exclaiming, “Boy, what you Puerto Ricans have done to this neighborhood. Which one of ‘em clobbered ya, A-rab?” Though the Jets expertly avoid complying with Schrank’s interrogation, seeking to maintain their conflict away from the purview of the police, Schrank tries to collaborate with the Jets to contain the street tension. When Schrank gets wind of a rumble between the Jets and Sharks, he disrupts an organizing meeting between the gang leaders at Doc’s general store. He lights a cigarette and proceeds with his longest lines in the musical:

I always make it a rule to smoke in the can. And what else is a room with half-breeds in it, eh, Riff? . . . Clear out, Spics. Sure; it's a free country and I ain't got the right. But it's a country with laws: and I can find the right. I got the badge, you got the skin. It's tough all over. Beat it! [A second. Then Riff nods once to Bernardo, who nods to his gang. Slowly, they file out. Bernardo starts to whistle "My Country 'Tis of Thee" as he exits proudly. His gang joins in, finishing a sardonic jazz lick offstage. Schrank, still pleasant.] From their angle, sure. Say,

²⁸⁹ See Dipesh Chakrabarty’s discussion of the “waiting room of history” in *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000).

where's the rumble gonna be? Ah, look: I know regular American don't rub with the goldteeth otherwise. The river? The park? [Silence.] I'm for you. I want this beat cleaned up and you can do it for me. I'll even lend a hand if it gets rough.

Where ya gonna rumble? The playground?

As a ploy to invite the Jets' cooperation, Schrank disparages the Sharks for their colonial legacy of racial intermixture and implies that their migration to the U.S. has degraded and contaminated urban sociality. Pandering to white supremacist solidarity, he ejects the Sharks with a racist expletive but not before he acknowledges the ideals of liberal freedom that delimit his right to eject the Sharks based on race. He then overwrites these ideals by asserting his privilege to "find the right" that would legitimate his power. Flaunting his status as a representative of the state and citizen, Schrank compares his badge, a symbol of state power to the Sharks' skin, an epidermal "badge" of exclusion. Both are "tough": the former resilient, the latter barbaric. Although Schrank refuses to name the politics of domination that connects the two, the implication is clear. The state and its attendant functionaries will always have legitimacy over racialized colonial subjects. The Sharks have little recourse but to comply with the police's orders to "beat it." In their retreat, they whistle the unofficial nation anthem, "My Country 'Tis of Thee," part of a colonial curriculum in Puerto Rican public schools to inculcate patriotic values.²⁹⁰ Their wordless melody also poses an ironic critique of Schrank's extralegal enforcement of racial discrimination and exclusion. The critique does not escape Schrank, who responds dismissively, "from their angle sure," before pressing Riff for the logistics of the rumble. Schrank cements his inaptness (and invites further derision for his character) by disidentifying from the liberal ideals of U.S. democracy in general and denying the larger cultural impulse of Cold War sentimentality

²⁹⁰ Jose-Manuel Navarro, *Creating Tropical Yankees: Social Science Textbooks and U.S. Ideological Control in Puerto Rico 1898-1908* (New York: Routledge, 2002), 83.

to promote tolerance and integration in particular. His use of explicit racism, when he says “I know regular American don’t rub with the goldteeth otherwise,” not only asserts the impossibility of interracial solidarity, but also crudely attests to his blindness to the specter of interracial sex that has sparked the conflict. The facile ejection of the Sharks by the law underscores the efforts of the state to isolate the gang’s conflict from the specter of colonial history and replace the messy politics of colonial migration with a neat sociological theory of racial competition.

The scene also emphasizes how police attempts to use social science discourse to manage delinquency rested upon tenuous and fatally flawed assumptions of delinquency as the illicit pursuit for sovereignty. In *Rebels*, a genealogy of U.S. identity politics through the 1950s, Leerom Medovoi argues that “the teenager of postwar U.S. culture represented nothing less than a figure of psychopolitical sovereignty, a Cold War instantiation of [Erik] Erickson’s ‘freeborn American son’ as defined against his antithesis, the compliant youth of totalitarian society.”²⁹¹ Though Schrank’s appeals are an ostensible part of a containment strategy to secure his effectiveness as a lieutenant, Riff is resolutely indifferent to his attempts to interpellate the young delinquents as “regular Americans.” His recalcitrance easily frustrates Schrank, whose cloying charm quickly devolves into an acrimonious threat to throw “you and the tinhorn immigrant scum you come from” into jail. Revealing a fundamental hatred for inner-city poor youth, he mutters bitterly, “oh yeah sure. Understand ‘em. That’s what they keep tellin’ me down at headquarters: understand.” Whether Schrank’s understanding of empathy as a police tactic has been miscommunicated by his superiors or poorly received in its communication is unclear. Regardless, Schrank’s failure to gain the Jets’ confidence sediments the failures of the police’s

²⁹¹ Leerom Medovoi, *Rebels: Youth and the Cold War Origins of Identity* (Durham: Duke UP, 2005), 30.

efforts to co-opt and instrumentalize psychological discourse to individualize the Jets in contradistinction to the Sharks, who are denied the capacity for individuation and roundly rejected from any efforts of empathic intervention. In particular, he has seriously misappropriated the techniques of 1950s Rogerian psychology, which promoted “clinical empathy” as a key for therapeutic success in individual counseling.²⁹² For one, Rogerian practices of clinical empathy focused on the individual and presumed that self-actualization was possible regardless of environment. Schrank assumes if he can reach Riff through empathy, he can transform the politics of the gang. Empathy also requires a commitment to neutrality on the part of the clinician and the client’s confidence in the clinician’s interest. Both qualifications are impossible for the police since, as functionaries of the state, they are fundamentally invested in the state’s monopoly over violence. Ultimately, he presumes that the animosity the Jets have against the Sharks simply emerges from an abstract white supremacist principle, ignoring the economic desertification of the inner city (attributed to 1950s white flight to suburbia in the wake of post-WWII African American migration to the industrial North) that rendered the public street a valuable space to contest the ideals of bourgeois civil society. Schrank’s failure to interrupt the escalation of conflict reveals the limits of a pathological narrative of juvenile delinquency that is mired in the infantilizing assumptions of the juvenile’s perverse desire for dominance and control. Simplifying the gang’s complex desires for self-determination, he not only ignores the economic influences of delinquency, he also fails to recognize the disciplinary order of the gang, discounting the gang leaders’ skill at negotiating the terms for a brawl and commitment to the principle of fair play that undergirds Riff’s indifference to the police’s offer to “lend a hand.”

²⁹² Carl Rogers, *Client-Centered Therapy: Its Current Practice, Implications, and Theory* (Boston: Houghton Mifflin, 1951).

In contrast to the measured silence that greets Schrank's feigned alliance, the Jets satirically respond to the various state approved pathologies that presume to understand their delinquency in "Gee, Officer Krupke." The song deepens the critique of juvenile delinquency as a disciplinary knowledge formation. Interestingly, the film version of *West Side Story* reorganizes the celebrated musical number so that it precedes Schrank's failed intervention. In the play, this number follows the brawl, after Riff is killed and the remaining Jets reconvene at Doc's where Officer Krupke accosts them. This reorganization is significant in how the song hyperbolically showcases juvenile delinquency pathologies that had been firmly established by the 1950s. In the film, which cemented the play's popular reception, the song foreshadows both Schrank's failed attempt to contain the fight and the limits of disciplinary knowledge to effectively address problems attributed to juvenile delinquency. In the play, the song also reflects the collective grievances against the state under the shadow of their leaders death.

Re-appropriating the discourse that renders the gang member abject, these lyrics demonstrate how institutionalized narratives of juvenile delinquency reinforce state authority *through* their incoherencies. That is, the satirical delivery of the psychological, sociological, and legal explanations and treatments for juvenile delinquency (by the very subjects these discourses discipline) underscores how, despite the knowledge *about* delinquency and its purported causes, there was little consensus on how to abolish this pervasive social problem. Thus the indeterminacies of the various disciplinary discourses produce a *constitutive irresolution* that legitimates institutional authority for the management of wayward youth.

The performance of "Gee Officer Krupke" begins when the Jets playfully reject being hailed by the eponymous police officer and proficiently mock the various institutional figures that seek to discipline them. The scene begins when the gang playfully deflects the officer's

attempts to hail them (Krupke: *Hey You!* The Jets: *Hey Who? Who? Me? Her?* Krupke: *didn't you hear me? . . . Then why didn't you answer me?*). Evoking a classic scenario of interpellation described by Louis Althusser to demonstrate the processes of ideological subject formation, the Jets resist the State's hailing them as subjects of the law. After the officer is called to address a more urgent situation, the Jets quickly transition into a satirical survey of juvenile delinquency discourse. The character Action begins the musical number by appealing to the sympathies of the eponymous patrol officer:

Dear kindly Sergeant Krupke,

You gotta understand,

It's just our bringin' up-ke

That gets us out of hand.

Our mothers all are junkies,

Our fathers all are drunks.

Golly Moses, natcherly we're punks!

Rationalizing their misbehavior as the inevitable consequence of their “bringin’ up-ke,” Action rehearses the reproductive logic of social vice that “natcherly” produces their illicit behaviors. However the exclamation, “*golly Moses, natcherly we're punks!*” deliberately concludes that the permutations of juvenile delinquency, which underscore the nature of their depravity, are also a satirical production. This production is implied both in the play with language that colloquializes ‘naturally’ and avoids profanity, to solidify their innocence. The lyrics return us to the role of parody, the form that undermines the stability of the origin, a strategy of deconstruction that holds on to the term of ‘nature’ at the same time the repetition with the difference destabilizes ‘nature’ by revealing its transferability and promiscuity.

The song continues with both collective and individual verses that draw from legal, sociological, and psychological theories of delinquency. One of the Jets facetiously appeals to a judge, played by another Jet, by casting himself as an unwanted child of abusive and drug-addicted parents. The judge passes him off to another Jet, playing the role of psychiatrist who in turn diagnoses his behavior as sociological malaise and recommends steady work. The female social worker, played by a Jet impersonating a woman, recommends incarceration. The determinations of the judge, psychiatrist, and social worker figures are inextricable from one another and collectively ground the song's incisive critique of the simultaneously inadequate and overdetermined legal, psychological, and sociological explanations of juvenile delinquency. That is, the song not only demonstrates the relative ease with which authoritative discourse circulates, but also reveals the productiveness of incoherency in reproducing juvenile delinquency as a transdisciplinary formation as the different explanations are expressed by non-corresponding authority figures (i.e. the judge demands a psychological diagnosis, the psychiatrist determines sociological pathology, and the social worker urges incarceration). Although the lyrics of "Gee Officer Krupke" perform the circulation of the juvenile delinquency discourse in U.S. cultural production, the sardonic delivery by the juvenile delinquent as a master of the discourse opens up the possibility of resistance against its disciplinary function.

The song's use of the ensemble to address a single patrolling officer is also significant: the officer, as a representative of state power, and the young men who expertly rehearse the discourses of psychiatry, law, and social work together allegorize a social crisis that continues to produce new logics of juvenile misconduct while rendering the state inept in resolving the problem. The song and performance reveals the incoherency in state authority, but also emphasize the power gained by the organization of disciplinary knowledge around an individual

figure constituted by social disorder. Extending the devolving logic of these discourses, the ensemble submits a litany of explanations for juvenile misbehavior that rely on individual pathologies which become the competing narratives for their social deviancy as a class/category of people.

DIESEL (As Judge): The trouble is he's crazy. . .

A-RAB (As Psychiatrist): The trouble is he drinks.

BABY JOHN (As Female Social Worker): The trouble is he's lazy.

DIESEL: The trouble is he stinks.

A-RAB: The trouble is he's growing.

BABY JOHN: The trouble is he's grown.

Moving from pathological illness to vice, weak character to hygiene, the prognoses end with the contradiction that the juvenile delinquent is both growing and grown (in other words, both in-forma-tion and fully-formed). Ultimately, the varied discourses deployed in this one musical number demonstrate the proliferative cultural narratives that contribute to the same telos: the production of the juvenile delinquent as a placeholder for society's ineptitudes.

After ventriloquizing these inter-articulated discourses in neat lyrical rhymes, the song concludes with the chorus pleading to the officer about effects of these discourses, which reproduce their dilemma:

Gee, Officer Krupke,

We're down on our knees,

'Cause no one wants a fellow with a social disease.

Gee, Officer Krupke,

What are we to do?

Gee, Officer Krupke,

Krup you!

These final verses vocalize the young men's fluency in their pathologization and subsequently their categorical exclusion from social life. Turning to the law as a remedial force, the members ask the officer how they might address the stigma of delinquency, which offers them little recourse but to reject normative law. The song's conclusion "Krup you!" overturns the putative authority of the state with profanity. In the context of the original Broadway script, this scene comes immediately after the Jets have lost their leader, Riff, in a rumble to resolve a turf war with the Sharks. "Gee Officer Krupke" responds to the state's incapacity to remediate the social impoverishment of working class juveniles and the stigma that encourages their trajectory towards death.

As the overall song performs the inter-articulated logics of disciplinary knowledge formations that strive toward organization and containment through the bodies of delinquent figures, the final verse concludes the playful critique with a more virulent rejection of the state. Even as these choreographed jabs at the incoherency of juvenile delinquency discourse seem to provide an aesthetically neat if not totalized portrayal of the juvenile's relationship with the state and the social sciences, they also describe a tenuous coherency of the juvenile delinquent subject himself, represented as an inner-city white male whose delinquency is pathologically confounding. This juvenile delinquent is then situated within a larger inter-racial conflict that produces race, gender, and citizenship as markers that disqualify others from delinquency.

Future Citizens and Colonial Subjects: The Politics of Inter- and Intra-Racial Juxtaposition

The composer and lyricist Stephen Sondheim crafted “Gee Officer Krupke” for specific performers: the white juvenile gang members constructed by the very discourse he translated into lyrical form. The Jets were the model white male figures of rebellion who were the public beneficiaries of juvenile welfare reform and, as the legal history previously discussed, legal advocacy. In contrast, the Sharks, many of whom were portrayed by actors in brown-face, are presented as racialized immigrants who threaten the Jets’ modest turf, heightening the sense of territorial scarcity. When the Jets discuss the basis of their antagonism with the Sharks, Baby John shares “my old man says them Puerto Ricans is ruinin’ free ennaprise.” This attitude alludes to the economic conflicts that contributed to inner-city tensions during the post-World War II “Great Migration” of Puerto Ricans to the U.S, which peaked in the 1950s at 470,000, tripling the number of immigrants the previous decade.²⁹³ Accordingly, the concentration of Puerto Rican migrants in already established neighborhoods in New York City and Chicago shifted the economic conditions of the inner city through labor competition and limited markets for small business. As *West Side Story* generalizes the economic threat as a feature of Puerto Rican migration, the characters Anita and Maria, who are employed in a bridal shop, point to the feminization of the labor force post-World War II which encouraged the labor migration of Puerto Rican women in particular. In terms of economic possibilities, the options for the ethnic white men appear bleak. Although Chino vaguely states that he is an assistant, Tony, the former Jet is the only male youth we see employed. He works for Doc, the owner of a dingy drugstore that serves as a meeting place for the Jets. Irrelevant and obsolescent, Doc is a worn down, elderly character, whose suggestions to divert the gangs’ rumble are summarily dismissed. Doc’s

²⁹³ Briggs, *Reproducing Empire*, 166.

business is bare and decrepit. The possibilities for economic growth for Tony under Doc's employment are discouraging. In contrast, the bridal shop, which is teeming with racks of dresses, employs several Puerto Rican women, including Anita and Maria. Unlike the menial quality of the Tony's work, Anita is a dressmaker who holds some responsibility over the workroom and Maria, who has arrived in New York just one month earlier, has easily found employment. Though the possibilities for promotion at the store are likely limited, the drama stages the availability of work for Puerto Rican women against backdrops of abundance and variety.

The insinuation that the Puerto Ricans have successfully encroached upon the local economy encourages sympathy for the Jets, whose singular ambition is to eject the Sharks from their turf. Although he doesn't dispute Bernardo's reason for piercing Baby John's ear to avenge "stink-bombing [his] old man's store," Riff, the Jets leader reminds the group that "the PRs can move in right under our noses and take [our territory] away." Interestingly Riff's observation very well describes the inverse of the U.S.'s political intervention in the Spanish-American War, which began as a campaign to "liberate" Puerto Rico from Spanish rule and ended with the U.S. claiming Puerto Rico as an unincorporated territory. Riff's warning that the Sharks' may colonize their turf eclipses the racial politics of U.S. colonial projects in Puerto Rico. As Cynthia Tolentino argues, *West Side Story* reflects a cultural amnesia that fails to account for the economic boon produced by 'Operation Bootstrap' to transform Puerto Rico's agricultural economy into a manufacturing and tourist-based economy.²⁹⁴ I would extend her claim and add that by overwriting the complex history of Puerto Rico's "Operation Bootstrap," a project of the U.S. government in collaboration with the Puerto Rican Industrial Development Administration,

²⁹⁴ Cynthia Tolentino, "Post-1898 Imaginative Geographies: Puerto Rico Migration in 1950s Film," *Journal of Transnational American Studies* 3 (2011), 6.

West Side Story confines the colonial subject's complex migration to simplistic push-pull theory of migration that ignores the imperialist structures that usher migration and reduces migration to a liberal model of rational choice.²⁹⁵ For example, as the U.S. sought to develop Puerto Rico economically, "Operation Bootstrap" did not produce the self-sufficient economy it had projected when it began in 1948.²⁹⁶ Complicating the political history of Puerto Rico and the specific transformations in U.S.-Puerto Rican relations, the territory continued to be a valuable source of cheap labor for the domestic economy and U.S. government officials negotiated with airlines to lower their airfares, making migration accessible to more working class Puerto Ricans.

The erasure of the complex colonial history of U.S.-Puerto Rican relations allows for the persistence of representations of Puerto Rico as a pre-industrial primitive island with backward values. In *West Side Story*, such representations are not limited to the Jets but are espoused by women affiliated with the Sharks, namely Anita and Maria. Although Maria doesn't disparage Puerto Rico outright, she expects her emigration to be a liberatory experience. When she complains about the modest dress her brother expects her to wear to the dance, she bemoans the unexpected restrictions on her socialization, "one month have I been in this country—do I ever even touch excitement? I sew all day, I sit all night. For that did my fine brother bring me here?" As Maria implies that life the U.S. is not a significant improvement from Puerto Rico, she indicates that her brother's paternalistic rules, which are associated with Puerto Rican tradition, are at fault. Later, she is prematurely escorted home from the dance when she is seen embracing Tony. Anita, Bernardo's girlfriend, comes to her defense and insists, "she-is-in-America-now" to

²⁹⁵ Everett Lee, "A Theory of Migration," *Demography* 3 (1966): 47-57.

²⁹⁶ For a detailed account of the political concessions, which enabled Operacion Manos a la Obra, or Operation Bootstrap, and the consequent mass migration of Puerto Ricans to the U.S. see César J. Ayala and Rafael Bernabe, *Puerto Rico in the American Century: A History since 1898* (Chapel Hill: University of North Carolina Press, 2007), 187-98.

which Bernardo responds, “But Puerto-Rico-is-in-America-now.” Bernardo’s rebuttal points to the colonial occupation of Puerto Rico and challenges Anita’s belief in a cultural and temporal opposition between the U.S. and Puerto Rico. Anita suggests the inappropriateness of his brotherly policing as a distinctly outdated Puerto Rican social norm, since Maria is in “America-now.” However Bernardo implies that his Puerto Rican identity remains unaltered by its political relocation and insists that his values are not outdated if “Puerto-Rico-is-in-America-now”. Interestingly, Puerto Rico holds the dominant subject position in his formulation, which upends the colonial relationship between the U.S. and Puerto Rico. The next song clarifies that the territorialization of Puerto Rico is not the same as its incorporation.

In the popular film version, the banter between Bernardo and Anita evolves into the song “America,” which returns to the binary representation of the U.S. as technologically modern and socially free while Puerto Rico is underdeveloped, burdened by debt and overpopulation. The song is an important reflection of Puerto Ricans as internally conflicted along gender lines about their migration experience.²⁹⁷ Anita and the girls begin by mocking the Sharks’ devotion to their homeland. After singing lugubriously about “the population growing/ and the money owing,” they launch into praising American “freedoms” including credit, property ownership, and privacy. Throughout, Bernardo and the boys undercut her anthem, countering the women’s line that “life is all right in America” with “if you’re all white in America.” The men’s responses thematize the ways Puerto Ricans (like racialized others) are offered limited “freedoms.” The final series of call and response reflect the contradictions of freedom under U.S. Cold War liberalism:

Anita and girls: Here you are free/ and you have pride

²⁹⁷ Tolentino, “Imaginative Geographies,” 1.

Sharks: Long as you stay/ on your own side!

Anita and girls: Free to be anything/ you choose

Sharks: Free to wait tables/ and shine shoes!

Notably, the men remark on the racial segregation that denies spatial and economic mobility. Contradicting the women's illusion of free choice and the free market, the men's critique describes their marginalization and second-class status. Though this song might appear to represent the internal conflicts of the Puerto Rican boys and girls, the song's dance suggests otherwise. Moving in rapid tempo, the choreography includes a playful dance battle between the girls and boys that demonstrates the characters' bodily control and precision. At the conclusion of the musical number the girls and boys are no longer segregated but in pairs, with the boys lifting their partners into a final Spanish cheer. Arguably, the unity presented at the conclusion of the song erodes the productive ambivalence that drives the song. However, this unity is quickly devastated by the rumble, which turns what began as a romance into tragedy.

In spite of the critique of the racial contradictions of U.S. liberal freedom, the rumble restores the juxtaposition of the vengeful Sharks bent on fighting the Jets who are protecting their turf. When Tony arrives to intervene and stop the fight, Bernardo eggs him into battle. Soon the fistfight escalates when Bernardo pulls a switchblade, reneging on the prior agreement to use only their bodies. But Riff has anticipated this and pull out a knife of his own. When Bernardo fatally stabs Riff, Tony reacts instinctively and kills Bernardo. Though he runs away, Tony is soon caught by Chino who shoots him as he runs to embrace Maria on the street. When the police finally arrive, in typical belated fashion, the remaining Jets and Sharks carry Tony's body away.

The tragedy of this prohibited interracial romance transforms the colonial subject from a

potential subject of incorporation into a threat to both the goals of Cold War liberalism and the liberal narrative of individual uplift. As a romance foreclosed by racial hate, *West Side Story* dramatizes the specter of coloniality that haunts the doctrine of incorporation that applies to the *In re Gault* decision. Specifically, the question remains about Chino's treatment before the law in adjudicating the premeditated murder of Tony. Here, David Scott's insights into the contrastive work of romance and tragedy in narratives of anticolonial revolution provide a useful frame to parse out how the tragedy of *West Side Story* illuminates the emergence of a new kind of juvenile delinquent subject: the non-citizen juvenile offender. In *Conscripts of Modernity*, Scott searches for a new understanding of the postcolonial present by exploring the kinds of questions of possibility that emerge when interpreting literatures of anti-colonial revolution through the framework of tragedy rather than romantic redemption. \Focusing on *The Black Jacobins* by C.L.R. James, an account of the Haitian anti-colonial revolution led by Toussaint L'Ouverture in the late 18th century, Scott's insights into the important cultural work of romance and tragedy raise some powerful questions about the shadow of colonialism in *West Side Story*. Although, Scott's cultural archive sharply contrasts with *West Side Story* in form, geo-historical context, and political transparency, his argument offers a way to connect the work of romantic tragedy in *West Side Story* to the racial consolidation of juvenile delinquency, which both legitimates the colonial relationship between the U.S. and Puerto Rico and reproduces a class of poor urban whites.

As Scott notes,

For tragedy, the fact of the plurality of values and ends does not present an occasion to affirm a rational calculus on the basis of which to choose the best way to proceed. What interests the tragedians are those instances in which the plurality of values is such that it is

impossible to choose satisfactorily—to choose without remainder—between rival goods.”²⁹⁸

On this point, Scott opens up a way to interpret the hatred that, as Maria explains, led to Tony’s death and also to her own new capacity to kill. The conclusion enunciates the limits of the available avenues of living in the inner city--as delinquents, as ex-delinquents pursuing normativity, and as migrant colonial subjects seeking economic and racial uplift. Maria’s futile claim over Tony’s body calls for the need of new horizons of possibility to effectively renounces claims to resolution. As tragedy, *West Side Story* denies both the romantic desire for normativity (through the interracial romance) and the redemption of revenge. Instead, it brings attention to the fundamental dissatisfaction resulting from successful revenge which inexplicably brings the Jets and Sharks together in cooperation and renounces the promise of interracial solidarity on normative terms. Indeed, it is through Tony’s death--the death of the individual--that new solidarities emerge.

²⁹⁸ David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham: Duke University Press, 2004), 183.

Coda

Technologies of Abandonment: Neoliberal Citizenship, Juvenile Delinquency and Cambodian American Refugee Youth in *a.k.a. Don Bonus*

The previous chapters of this dissertation have traversed late nineteenth and twentieth century U.S. culture to track how the juvenile delinquent has been a highly productive and resilient figure to register contemporary anxieties and ambitions about the future composition of U.S. citizenship. Attending to the spaces of overlap and disjunction between the literary, cinematic, legal, sociological and psychological attempts to capture the juvenile, I have pursued this study of juvenile delinquency to trace the emergent and dominant tactics of power that constitute socio-legal incorporation as a racial and gendered project. In its various iterations, the narrative of juvenile delinquency captures the displacing effects of U.S. liberal capitalism. Whether the discourse of delinquency has absorbed the political stakes of Black emancipation to white supremacy, the economic demands of urban industrial development, the property logics of racial segregation, or the contradictions of Cold War imperial projects, the literary and cinematic representations I have drawn together here provide a deeper sense of the historically entangled relationship of the juvenile delinquent to state projects of racial and gendered eradication. To conclude this cultural study, I move to the close of the twentieth century to a text that is beyond the central argument of the dissertation. In the following discussion, I ruminate on the representation of juvenile delinquency as a constitutive feature of post-1967 refugee life in the context of a shifting preoccupation with the juvenile as an always already criminal figure. In particular, the juvenile delinquent had been eclipsed by the “juvenile offender” after a reported rise in crime rates during the 1980s and 1990s which ushered a series of state amendments to the

1974 Juvenile Justice and Delinquency Prevention Act that allowed juveniles to be tried as adults for violent crimes and weapons violations.²⁹⁹ The increased number of juvenile cases transferred to adult courts and the inclusion of juvenile records in the adjudication of adult criminal cases were, in part, the effects of deepening technologies of the state punishment.

After the tragic murder of 12-year-old Polly Klaas by a man with an extensive violent criminal record, California voters resoundingly passed Proposition 184 on November 8th, 1994. This three strikes initiative, which continues to be the harshest in the United States, mandates life sentencing for criminal offenders after their third offense. Many critics noted that juvenile infractions and nonviolent crimes, such as shoplifting or drug possession were rendered coeval with violent offenses under the proposition. Thus, a life sentence could be delivered for a minor third offense, such as petty theft.³⁰⁰ Tom Hayden, a democratic state senator at the time, explained the proposition's success as an effect of political coercion:

“State politics has been handcuffed by the law-enforcement lobby. Voters have no real idea of what they are getting into. They have not been told the truth about the trade-off between schools and prisons, or the economic disaster that will inevitably result. We dehumanize criminals and the poor in exactly the same way we did with so-called ‘gook’ in Vietnam. We just put them in hell and turn up the heat.”³⁰¹

Staging law enforcement lobbyists as the dominant coercive force in the state political machine, Hayden implies that voters, who constitute the lawful and inherently responsible citizenry of the state of California, have been blindsided and have “no real idea” what the new crime law entails

²⁹⁹ See National Criminal Justice Association, and United States Office of Juvenile Justice and Delinquency Prevention. *Juvenile Justice Reform Initiatives in the States, 1994-1996*. (Washington, DC: U.S. Dept. of Justice, Office of Justice Programs. 1997), 36-49.

³⁰⁰ Notably, there have been several cases where defendants found guilty of petty theft (including chocolate chip cookies, a slice of pizza, golf clubs) were sentenced to life (min. 25 years).

³⁰¹ Mike Davis. “Hell Factories In the Field” *The Nation*. February 20, 1995. 234.

(namely, the expansion of the prison industry). He suggests that the ‘truth,’ withheld from the voting public, may have produced a different outcome. Yet this ‘truth,’ which would clarify the “economic disaster” that would supplant more productive disciplinary institutions, such as schools, appeals solely to the voter’s economic self-interest. The explanation then shifts from addressing voters as economic agents (“they”) to a broader constituency of citizens with social responsibilities (“we”). In a moralizing tenor, Hayden alludes to a weakened ethics of citizenship that should be promoting a humane penal code when he describes the proposition’s cruel effect: under this law, the voting public of California has unwittingly made the criminals and the poor (the implicit targets of this reform) into the domestic enemy aliens of the state.

Hayden forecloses an understanding that many of the poor and criminal *are* citizens as well, by analogizing the poor and criminal with the “so-called gook,” referring to a racial epithet grounded in producing “Asians” as perpetual foreigners. Yet this foreclosure also *bespeaks* a significant genealogy of the state and racialized violence: the same analogy evokes the history of U.S. imperialism in Southeast Asia and ties a racist discourse of alienage (“the so-called gook”) to genocidal tactics of imperial warfare (“put them in hell and turn up the heat”). Thus the analogy connotes how imperial projects abroad dialogically relate to domestic policies that manage aberrant bodies.³⁰² Still, Hayden deflects a critique of contemporary formations of U.S. citizenship by linking the practices of law enforcement to genocidal military tactics used during a highly controversial yet ‘past’ war fought outside the territorial boundaries of U.S. nation-state. Put differently, the technologies of liberal citizenship (which have been injudiciously

³⁰²Here I echo Amy Kaplan’s crucial intervention into nationalist frameworks that dominate American Studies. In *Anarchy of Empire*, Kaplan focuses on turn-of-the-19th century U.S. cultural work that attests to “international struggles for domination abroad profoundly shape representations of American national identity and home, and how, in turn, cultural phenomena we think of as domestic or particularly national are forged in a crucible of foreign relations” (1).

manipulated in Hayden's formulation) are discursively secured by the analogy's spatio-temporal displacement, which slides the treatment of the poor and criminal from the contemporary context of domestic neoliberal policies onto a historical theater of imperial warfare that the official U.S. national imaginary strives to disavow. This displacement allows Hayden to situate contemporary neoliberal citizenship, thoroughly saturated by economic rationality, as external, rather than part and parcel to the collective action that strategically abjects and oppresses the racialized poor and criminal.

Challenging the post-imperial temporality bolstering Hayden's liberal apology, this coda meditates on the Cambodian American refugee youth as a figure situated at the intersection of neoliberal citizenship, U.S. cold war interventions in Southeast Asia, and racialized criminality. The Cambodian American refugee child figure reveals the contradictions of liberal citizenship's humanitarian guise that at once purports to incorporate refugee subjects produced from U.S. imperialism and subversively abandons these subjects through welfare reform and incarceration. In turn, the increased police surveillance and social service programs targeting juvenile delinquency among Cambodian American youth living in impoverished communities renders the spatio-temporal ordering of Hayden's claims untenable; the military surveillance and containment of foreign Asian bodies have not disappeared, but have emerged under new forms of incarceration.

The Cambodian American refugee child has emerged as a key figure to both support and contest the incarceration of the 'poor and criminal' who are implicitly racialized and gendered. In the case of Proposition 184, for example, the victimized child figure was crucial to the proposition's success in mobilizing public support. Michael J. Moore's 1998 documentary *The Legacy: Murder and Media Politics and Prison* chronicles how the three strikes proposition was

initially dismissed by the public and politicians as too harsh.³⁰³ But, in the wake of the internationally publicized kidnapping and murder of Klaas just months before the proposition's deadline, it became the fastest qualifying initiative in California history.³⁰⁴ This example demonstrates the rhetorical value of the dead child, specifically the white victimized child, as a legitimating force for criminal law in securing the future of the carcereal state. In comparison, opponents to the proposition also fiercely argued that juvenile offenses, which could be counted under the California version of the law, would negate the practice of 'sealing' juvenile records. This practice supported the rehabilitative function of juvenile justice, by protecting the privacy of minors and providing a 'clean slate' as they enter adulthood. While the pro-initiative campaign defended the murdered child as the anti-initiative campaign defended the juvenile offender, both arguments were based on the belief that the child's premature social death that must be remediated by the law. Yet the oppositional campaign failed, reflecting how the call to protect minors from state violence loses traction when those minors are predominantly non-white, poor and hyper-sexualized. My point here is not to render the violence of biological murder commensurable to the legal violence of incorporating juvenile offenses to facilitate the incarceration of more racialized people. Rather, I want to suggest how the juvenile delinquent has become a limit figure in imagining social and political futurity and a "fulcrum for the reproduction of relations of inequality."³⁰⁵

³⁰³ Moore, Michael J. *Legacy*. (Princeton, NJ: Films for the Humanities, 1999).

³⁰⁴ In the supreme court's decision of *Ewing v. California* (2003), an appeal by a three strike law offender's who received a life sentence after stealing golf clubs, Justice Sandra Day O'Connor specifically cites the Klaas case in her opinion: "Within days [of Polly Klaas' murder] Proposition 184 was on its way to becoming the fastest qualifying initiative in California history." "Excerpts From Supreme Court Rulings on California's 'Three-Strikes' Law." *New York Times*. March 6, 2003.

³⁰⁵ In a recent essay on the dead child and secular modernity, Ann Pellegrini demonstrates how the secularizing policies of the state (in her case, the French President, Nicolas Sarkozy's

The figure of the Cambodian American refugee child and narratives of juvenile delinquency dynamically intersect in *a.k.a. Don Bonus*, the second installment in a trilogic documentary series produced by independent filmmaker, Spencer Nakasako.³⁰⁶ This Emmy award-winning documentary was released in 1995, but premiered on national television in 1996 on the PBS's showcase for independent non-fiction film *P.O.V.* Its moment of release significantly coincides with the height of federal and state welfare reforms mobilized by the 'Contract with America,' a legislative program written by Republican Party leaders during the 1994 congressional campaign.³⁰⁷ Interestingly, the film's production can be traced to community organizing practices among Vietnamese American refugees to address rising rates of juvenile delinquency among community youth. The Vietnamese Youth Development Center (VYDC) was formed in 1979 by a group of Vietnamese refugees in the neighborhood concerned with the lack of services to address the growing problem of juvenile delinquency.³⁰⁸ The VYDC's continued vitality attests to crucial services it provides by: (1) addressing structural inequalities

proposal this fall to assign every French fifth grader the life story of an "individual French child-victim of the Holocaust.") focuses on the fiction of the universal child as the most valuable site for the reproduction of "dominative social relations." In particular, she explains how secularization, which purportedly reproduces public national culture through the privatization of religious identity, bolsters the universal child as a figure who necessarily straddles the past and the future to secure the survival of the body politic. But as Pellegrini emphasizes, the construction of the universal child as the vehicle for political futurity rests upon the exclusion of children marked by race and sexuality. Ann Pellegrini, "What Do Children Learn at School?: Necropedagogy and the Future of the Dead Child" *Social Text* 97 (2008): 98.

³⁰⁶ Spencer Nakasako and Sokly Ny. *A.k.a. Don Bonus*. (San Francisco: NAATA/CrossCurrent Media, 1995.)

³⁰⁷ Among the legislative acts the 'Contract with America' espoused were the 1995 Taking Back Our Streets Act, a bundled legislative package which encouraged the death penalty as a deterrent for crime and increased funding for the construction of prisons, and the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which sought to end welfare and enforce workfare for unwed mothers to promote individual responsibility. See "Republican Contract with America," accessed April 20, 2009.

<http://www.house.gov/house/Contract/CONTRACT.html>.

³⁰⁸ "History & Mission," *VYDC: Vietnamese Youth Development Center*, accessed March 1, 2009, http://vydc.org/about_us/0history_mission/index.htm.

that persist within Southeast Asian communities as well as new ethnic groups from Central America that have entered the area and (2) relieving the state's administration of social welfare services while deploying key words of neoliberal discourse 'empowerment,' 'risk prevention' and 'cultural competency' in its programming.³⁰⁹ Nakasako, already an established independent filmmaker, was hired in 1991 by the VYDC, which is located in the Tenderloin district of San Francisco, California to run a summer program (currently on hiatus) that trained neighborhood Southeast Asian youth in film production and distribution.

I'd like to take a moment here to clarify how neoliberalism, an ideological formation that has arguably become the hegemonic discourse of late capitalism, has been articulated to the racial formation of Southeast Asian refugees in the U.S. in general and Cambodian Americans in particular. I use the term neoliberalism to describe the revisionist liberalism that emerged in the late 1970s and became hegemonic through its rendering of free market ideology in political, economic and cultural life. Broadly, neoliberalism reinvigorates the logics of Adam Smith's invisible hand, and therefore promotes an economic sphere unfettered from state regulation.³¹⁰ Political theorist, Graham Burchell distinguishes neoliberalism from earlier forms of liberalism through their respective articulations of the state and civil society. Under early liberalism,

³⁰⁹ As Barbara Cruikshank argues, the perception that welfare recipients as dependent subjects of the state has occluded the role of governance in producing the welfare recipient as a citizen subject constituted through a logic of self-interest. Under neoliberalism, techniques of "empowerment" have emerged as key technologies of citizenship – "a method for constituting citizens out of subjects and maximizing their political participation" – that can be tracked back to the formation of Community Action Programs (CAPs) that were established by the Economic Opportunity Act of 1964, part of President Lyndon Johnson's War on Poverty. In Cruikshank's analysis, the use of "empowerment" through self-reflective practices to strengthen "self-esteem" have been crucial to the neoliberal hegemony that has dominated the U.S. political economy since the 1970s. Barbara Cruikshank. *The Will to Empower: Democratic Citizens and Other Subjects*. (Ithaca, NY: Cornell University Press, 1999). 38,72.

³¹⁰ Rosemary Hennessy. *Profits and Pleasure London: Sexual Identities in Late Capitalism*. (London: Routledge, 2000), 75.

government is rationalized as protecting “the *natural*, private-interest motivated conduct of free, market *exchanging* individuals because the rationality of these individual’s conduct is, precisely, what enables the market to function optimally in accordance with its nature.”³¹¹ In other words, early liberalism aligned with a naturalist relationship between the government and civil society, where the government’s role was determined by or reactive to the particular historical shifts, conflicts and allegiances that condition the dynamics of civil society. (Here, Burchell cites the rise of the welfare state and the social practices that utilizes private powers for public ends (namely the rise of corporations) and experiments with governance (such as the FDR’s New Deal) as manifestations of this relationship.) In contrast, *neoliberal* governance is rationalized through “*artificially* arranged or contrived forms of the free, *entrepreneurial* and *competitive* conduct of economic rational individuals.”³¹² Thus in Burchell’s definition of neoliberal politics, the role of government shifts from producing and enforcing policies that best support the needs of the ‘natural’ market to producing and enforcing policies that best construct ‘artificial’ market conditions.

Michel Foucault clarifies how neoliberal ideology in the U.S. context, distinctly constructs the ideal artificial game of entrepreneurial conduct by governmental incorporation of market models into its own decision-making procedures. In his recently translated lectures at the college de France from 1978 to 1979, Foucault distinguishes U.S. neoliberalism from the German iteration, ordoliberalism, in terms of “the generalization of the economic form.” In particular, American neoliberalism deploys market analytics to non-economic domains in more extensive and exhaustive ways (243). Particular to U.S. neoliberalism, “new quasi-

³¹¹ Graham Burchell. “Liberal Government and Techniques of the Self” in *Foucault and Political Reason*. Ed. Andrew Barry, Thomas Osborne and Nikolas Rose. (Chicago: University of Chicago Press. 1996,) 23.

³¹² *Ibid.*, 23-24.

entrepreneurial and market models of action or practical systems must be invented for the conduct of individuals, groups and institutions within those areas of life hitherto seen as being either outside of or even antagonistic to the economic.”³¹³ Thus, governance under U.S. neoliberalism promotes social inclusion by hegemonically incorporating marginalized and impoverished people through market logics that purport to fulfill the crucial work of social incorporation.

Under a neoliberal socio-political economy, the individual as an entrepreneur and empowered consumer is heralded as the most effective and ethically responsible model for citizenship. This model privileges those financially and socio-politically mobile individuals who possess the knowledge and protections to operate under the rubrics of market outcomes- primarily, this has implied white heterosexual men who have been the architects and subjects of abstract citizenship. Unsurprisingly, materially impoverished and socially marginalized people, who have been historically denied economic agency as property owners and who have been constructed as highly particular bodies defined by categories of racial, gendered and sexual difference, bear the brunt of adopting these market values.³¹⁴

In the context of the U.S., welfare reform has been a crucial theater for the diffusion of neoliberal governance to manage these bodies. As Lisa Duggan explores in *The Twilight of Equality?*, neoliberalism has shaped welfare reform since the 1980s by promoting an economic

³¹³ Ibid., 27.

³¹⁴ Burchell states, “. . . these forms [of action] . . . involves ‘offering’ individuals and collectivities active involvement in action to resolve the kind of issues hitherto held to be the responsibility of authorized governmental agencies. However, the price of this involvement is that they must assume active responsibility for these activities, both for carrying them out and, of course, for their outcomes, and in so doing they are required to conduct themselves in accordance with the appropriate (or approved) model of action” Ibid., 29.

agency that jettisons the conditions of racial, gender and sexual oppression to the realm of ‘culture,’ which is de-linked from the economic sphere³¹⁵. She writes,

“The overall impetus of welfare “reform” or the elimination of the so-called welfare “entitlement,” was to transfer the function of providing a social safety net from public agencies to private households maintained through low wage employment. . . Thus social service functions are *privatized* through *personal responsibility* as the proper functions of the state are narrowed. . . this redistribution of costs and benefits has been starkly differentiated by hierarchies of race, gender and sexuality.”³¹⁶

The deployment of privatization and individual responsibility, both seemingly “ ‘neutral’ economic terms,” depoliticizes social difference and obscures how government policies are directed at specific racial and gendered groups. Single, low wage working mothers, poor incarcerated men and immigrants (particularly immigrants of color), who constitute the majority of people relying on public assistance, have been most affected by the rise of neoliberal policies.

Southeast Asian refugees in the U.S. constitute significant numbers of the racialized poor who rely upon state welfare. According to the 1990 census, Southeast Asian refugee groups had among the highest percentage of poor on public assistance.³¹⁷ In particular, forty percent of Cambodian refugees were living below the poverty line and on public assistance. As Aihwa Ong elaborates, refugees from Cambodia have also had to contend with classificatory racial logics

³¹⁵ Lisa Duggan. *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy*. (Boston: Beacon Press, 2003).

³¹⁶ Ibid., 16.

³¹⁷ According to Robert Jiobu’s analysis, immigrants from Hmong, Cambodian, Laotian and Vietnamese backgrounds had the highest percentage living in poverty (at 63%, 40%, 33% and 25%) and on public assistance (at 40%, 40%, 32% and 23% respectively). Robert Jiobu. “Recent Asian Pacific Immigrants: A Demographic Background.” In *The State of Asian Pacific America: Reframing the Immigration Debate*, ed. Bill Ong Hing and Ronald Lee. (Los Angeles, CA: LEAP Asian Pacific American Public Policy Institute and UCLA Asian American Studies Center, 1996), 52.

that distinguish them from other groups, such as Chinese and Vietnamese Americans. In *Buddha Is Hiding*, Ong traces the shifts in national attitudes towards the Southeast Asian refugee, an ethical figure at the intersection of paternalisms that have historically undergirded institutional slavery and U.S. orientalism, sociological theorizations of an abnormal underclass plagued by cultures of poverty, and U.S. foreign policies that boasted American exceptionalism as leaders of the ‘free’ (read non-communist) world.³¹⁸ Ong explains how Cambodian refugees are the beneficiary of post-1945 changes in U.S. government policies that responded to moral imperatives to relieve the suffering in Third World nations while bolstering the global status of the U.S. At the same time, they entered a political climate in the U.S. that disparaged state welfare dependency. Under the growing public distrust of the rationale for U.S. intervention in Vietnam, governmental agencies facilitated and validated the reception of Cambodian refugees by using various conforming mechanisms to educate, recuperate and acculturate these stateless subjects into full fledged members in their adopted nation. Ong describes how governmental agencies situated both within the U.S. borders and in refugee camps abroad sought to “cleanse newcomers of the perceived backwardness and immoral aspects of their antiquated culture, to govern their everyday behavior, and to make them individually responsible subjects of a new liberal market society.”³¹⁹ Although refugees came with various levels of transferable skills, job training programs for refugees assumed and insured that many would enter the job market in low paying wage work.³²⁰ Once resettled in the U.S., Cambodian refugees became increasingly

³¹⁸ Aihwa Ong. *Buddha Is Hiding: Refugees, Citizenship, the New America*. (Berkeley: University of California Press, 2003).

³¹⁹ *Ibid.*, 89.

³²⁰ *Ibid.*, 83.

identified as welfare recipients and were seen more aligned with the pathologized African American matriarchal family than with the Asian American model minority.³²¹

This political historical context foregrounds how the documentary's conditions of production (which draw from the labor of the VYDC, the media lab and the actors/subjects of the film) materially and discursively tie neoliberal technologies of the self to the contradictions of 'post-imperial' temporalities. Wendy Brown notes, "Just as neoliberal governmentality reduces the tension historically borne by the state between democratic values and the needs of capital as it openly weds the state to capital and resignifies democracy as ubiquitous entrepreneurialism, so neoliberalism also smoothes an old wrinkle in the fabric of liberal democratic foreign policy between domestic political values and international interests" (50)³²² If neoliberal economic logics work to smooth out contradictions between domestic and foreign policies, the figure of the 'domestic alien' such as the Cambodian American refugee, materializes the intersection of domestic and foreign political interests and the limits of neoliberal policies in providing the socio-economic freedoms they promise. In other words, this figure bears the legacies of U.S. South East Asian imperialism at the same time they must submit to technologies of neoliberal citizenship. As Helen Jeran Jun argues, *a.k.a. Don Bonus* demonstrates how subjects who experience the most traumatic of "sociopolitical violences. . . are likely to be the most intensely disciplined by the punitive ideologies of neoliberalism..³²³

³²¹ Ibid., 86.

³²² Wendy Brown. *Edgework: Critical Essays on Knowledge and Politics*. (Princeton: Princeton University Press, 2005), 50.

³²³ Helen H Jun. *Race for Citizenship: Black Orientalism and Asian Uplift from Pre-Emancipation to Neoliberal America*. (New York: New York University Press, 2011,) 133.

Sokly Ny, a refugee from Cambodia was a participant in the VYDC media lab and is the subject whom the film title refers.³²⁴ Chronicling his final year of high school along with his everyday struggles living in unsafe and cramped public housing, the production of the video diary itself serves to responsabilize and discipline Ny, (an implicit goal of the video production program), who must set up and record his experiences and personal reflections throughout the year. the film's content thematizes individual responsibility and discipline as well: in the film's opening minutes, Don's guidance counselor tells him that he must make up several classes he has failed, insisting "That's the only way to graduate. . .you've just got to shut your mouth and do it." In the following scene, Don introduces his English teacher, Ms. Schaffer and asks to offer her assessment of his performance during the previous year (when he failed). She dryly responds: "You were a vegetable." The camera turns to Don, who admits that he was rude and skipped class. Don's interactions with school administrators and admission of his academic irresponsibility stage the disciplinary exigencies that require his willful submission to institutional standards and that center the film's organizing dilemma: will he reform his ways in time to graduate from high school? Will he complete the documentary? This dilemma grounds the documentary in an assimilatory narrative, where high school graduation serves as a crucial benchmark of socio-economic mobility and individual achievement.

³²⁴ I use "Ny" predominately when the filmmaker/subject distinction blurs, such as when Ny provides a voice over as he directs the camera or when he is recording himself in a talking head shot. I reserve the use of "Don Bonus" when discussing scenes where Ny is explicitly referred to as Don or Bonus, by school administrators and teachers or his friends. I would also argue that the "also-known-as" subsumed and codified in the films title, gestures towards the differential knowledges that subtend the racial formation of Cambodian refugee youth. For example, the "a.k.a." denotes the sublation of Asian American people as a unified racial class whereby non-normative Asiatic names are interchangeable and commensurable, the practice of taking on aliases which is associated with gangs, and the provocation of subject's 'true' identity. Notably, the title leaves open the referent.)

This baseline dilemma is shadowed by the narratives of collateral development that crucially inform Ny's auto-narration. One is the narrative of Ny's older brother Chandara, who pursues the path towards middle class security. Once the male head of the larger Ny family, he has moved into the suburbs with his wife and children and is studying for his college degree while working at Nordstroms. Ny confesses a tremendous sense of estrangement from his brother, whom he sees as a father figure. When he shares his desire to be closer to Chandara, his brother responds that his wife and children are his priority and that his work and school even frustrate his own wife. Ny's younger brother Touch, is the subject of the other narrative. A runaway and eventually a juvenile offender, Touch has struggled with threats of violence at school and conflicts with his stepfather. His delinquency sharply contrasts Chandara's seemingly successful socio-economic mobility. Interestingly, the film does not directly engage Touch when he is filmed. Often quiet and camera shy, Touch remains a distant character in the film, up until he is tried for attempted murder in juvenile court. Even when Touch speaks to his mother before he is taken away, Touch remains a figure the camera observes askance. In sharp contrast to Ny's hyperlegibility as a refugee youth engaged in a responsabilizing project of self-reflection, Touch's illegibility (as anything but a delinquent) is underscored by his proximity to and eventual entrance into the penal system. As a subject-of-risk, Touch embodies the failure of state welfare or rather, the entrenchment of neoliberal policies in managing racialized youth through their incarceration. Expanding Ny's narrative, these collateral narratives begin to unfold the complicities between neoliberal citizenship and the reproduction of poverty and criminality. More specifically, the demands for economic self-sufficiency that Chandara strives to fulfill, require him to change the conditions of familial responsibility. In order to be an upwardly mobile citizen, he invests in his education and work, owns property and maintains formal ties with his

younger brothers. Yet, the affective costs of his or diversified self-investment is inextricably linked to the difficulties Don and Touch face in negotiating inter- and intraracial violence that shape life for the inner-city poor. While the film refrains from causally tying Chandara's estrangement to Touch's incarceration, it affectively registers the relationship between neoliberal citizenship, which celebrates and normalizes the entrepreneurial self, and post-1967 juvenile delinquency, which forcefully ejects the refugee body from the domain of state responsibility, as a violent estrangement that betrays a complex history of U.S. Cambodian refugee migration as a therapeutic state project.

The cinematic techniques used to represent of Don's daily negotiations with family life and the law also reveal the incoherencies and contradictions of self-sufficiency (within a neoliberal political economy) in guaranteeing socio-economic mobility. In particular, Nakasako juxtaposes everyday scenes that locate Don in school and his house (spaces of disciplinary formation), to talking head monologues that thematize non-equivalence, insufficiency and abandonment. Following the opening scenes that begin with the first day of Ny's senior year in high school, Ny shares his migration narrative. Describing his family's escape from Cambodia when he was three years old, Ny candidly explains that his older brother, Chandara struggled to carry him and at one point, left him behind. Scared and alone in the jungle, Ny urinated on himself before his brother eventually retrieved him. His narration transitions from a talking head monologue to a voice over of a point-of-view shot that follows a solitary walk through the housing projects. He concludes, "So somehow my family were [sic] able to escape together, but when we got to America, everybody went their own way." Ny's narration offers two accounts of abandonment: the first underscores the triumph of kinship in securing the family as they abandon their home and nation, the second discursively and visually alludes to the irony of their migration

to the U.S. whereby familial responsibility is disaggregated under a (neo)liberal capitalist economy that promotes individual self-sufficiency (“everybody went their own way”).

The film extends the sense of abandonment to representations of home. As Ny provides a voice over narrative to a tour of his house in the Sunnydale Housing Projects, the physical space provides a stark backdrop to the various family members’ absences. A despondent solitude is palpable as the camera tours the dilapidated and empty home, where clothes are scattered, drawers half open, walls empty and window shades pulled down. Ny explains that his mother has rented this place for her sons who dislike their stepfather, with whom she stays in the city. His brother, Touch, has run away because he is threatened by the dangers of the neighborhood. Finally, he recounts how his biological father had sacrificed himself to the Khmer Rouge to protect his family. Although these ‘explanations’ (absent parental figures, models of delinquency among the other siblings/friends, combined with the abandonment of state protections that contribute to poverty) invoke the pathologized factors of juvenile delinquency, the rest of the film expose their inadequacies in rationalizing Touch’s position. Instead the house becomes a palimpsest for the violences of the families migration and the domestic conflicts that fragment the family, which is fleshed out in the rest of the film.

The talking head monologues throughout the film provocatively alternate with sequences when the audience observes Don’s everyday interactions or take on the perspective of the camera. These talking head frames affirm Ny’s self-reflective capacity within an emergent responsible subjectivity, a normative feature of coming-of-age narratives as the action sequences capture the resistances and obstacles that Ny must negotiate. The coupling of these two kinds of shots has a double-edged effect whereby the conventions of the talking head frame

simultaneously evoke authority and undermine the transparency of cinema verite representations of everyday life that presume objectivity. In other words, as they provide a synchronic depth and diachronic breadth to Don's negotiations of disciplinary institutions that demand his assimilation, or that he "just shut up and do it", these couplings also emphasize a tension in the documentary's production of truth. This tension is animated by the different desires of the collaborators themselves.

In *a.k.a. Don Bonus*, the limits of collaborative cultural production with youth, where the amateurish and disorganized filming of a young filmmaker is ultimately structured by a professional adult whose final editing decisions hold sway, instantiate a contradiction in documentary truth production. As Chandan Reddy argues, all documentary forms are constituted by a crisis whereby "an inevitable contradiction exists between the moral imperative for truth and fidelity to "reality" and the dramatic and narrative techniques necessary to represent that "reality."³²⁵ In the director's commentary to *a.k.a. Don Bonus*, Spencer Nakasako describes how in two sequential parts of the film, he made a directorial decision to cut lengthy scenes. The first moment is when Ny films the property damage to his sister's apartment after boys from the neighborhood threw rocks through the front window. Nakasako notes how the film was difficult to edit because Ny's focus on filming was overcast with the shock and fear he was experiencing from the violation of his sister's apartment. Nakasako describes how the original footage was filled by repetitive shots of Ny scanning the damage from the broken window, recording the multiple times he had called the police and turning the lights on and off, nervous of a possible return of the vandals. Implicitly, these scenes have been cut. The following scene of the film is from the public bus where Ny is waiting to take the bus to school. Nakasako informs us that the

³²⁵ Chandan Reddy, "Home, Houses, Nonidentity: Paris Is Burning." In *Burning Down the House: Recycling Domesticity*, ed. Rosemary George, (Boulder: Westview Press, 1997), 369.

previous version of Ny's journey from the housing projects to the inner city had a voice over of Ny reading aloud his essay "Surviving in the Jungle" which he has written from his English class. But, as Nakasako praises the piece, he concludes, "it got cut because it was too artsy."

The production of these two scenes reflect the ways that *a.k.a. Don Bonus* strives for a realism that both produces a coherent narrative flow but refrains from an artificial high brow aesthetic. Yet, Nakasako's comments are a nod to the cinema verite tradition which aims to represent reality by striving for exactitude but must produce this exactitude as 'natural' through editing decisions. By extension, they remind us that although the film is a collaborative project, the relationship between Nakasako, the director and Ny, the subject/filmmaker is fraught with the ambitions of a community program and cultural worker trying to address social injustice operating under an increasingly *neoliberal* economy that values vulgar empiricism in measuring social progress. Interestingly, Nakasako firmly contests any claims about Don's knowledge of filmic conventions. In a talking head scene that film scholar Peter Feng argues "parod[ies] the bookshelves commonly used to establish the speaker's erudition," Nakasako quickly refutes the academic reading of Don's appropriation of 'PBS' documentary conventions, arguing that Don had never seen PBS documentaries and that the setting was in fact his student work place.³²⁶ This moment captures Nakasako's investment in maintaining cinematic 'authenticity' by insisting on Don's position as a precocious filmmaker with limited resources (in terms of popular cultural knowledge, aesthetic acumen and material resources) over and above any attribution of willful agency. My point here is not to indict Nakasako for the ways his anxieties about factual accuracy are complicit in preserving the dispossessed child in the name of social critique. Rather, I am compelled by the crises that emerge in the cultural production by youth of color, whose temporal

³²⁶ Peter Feng. *Identities in Motion: Asian American Film and Video*. Durham: Duke University Press. 2002. 12.

and spatial representations are seen in excess of what is valued as 'truth' just as their perspectives are taken up as a site where racialized class difference is laid 'bare.'

One way the film emphasizes the co-constitutive relationship between the production of the normative child and the reproduction of inequality is through Don's persistent articulation of his personal achievements (which align with assimilatory norms and putatively 'open' more opportunities for his development) to the collateral violences and closures that subtend the material evidence of an individual youth's 'progress'. For example, in a patchwork of clips, Don participates in the pomp and circumstance of his high school graduation. Segments that capture the valedictorian speech, Don receiving his diploma to the cheers of his friends, the celebratory throw of the graduation cap represent the normative rites of passage of this event in a montage. However, in a subsequent talking head monologue in his bedroom, Don soberly displays and reads the diploma's declaration that he has earned his degree. He explains that no one in his family was present and understandably so, since the graduation ceremony coincided with the court sentencing of his brother, Touch, for attempted murder as a juvenile. He explains with an air of finality that this is a day of conclusions, where he and his friends may not see each other after graduation. He ends: "They're gonna go to different places, I'm gonna go to different places . . . Touch is gonna go to different places." The latter comment evokes a compelling irony to Don's accomplishment: his success of the first generation refugee migrant who arguably attains the first material badge of American self-sufficiency, the high school diploma, is foiled by his brother's impending incarceration. Don reflects on the disaggregating effects of his achievement: while some friends are presumably leaving for college, some finding gainful employment with their high school diplomas, his brother awaiting his destination: either a reform school or psychiatric institution. In this instance, Don's 'graduation' serves not to highlight

achievement, nor a shared telos, but to mark departures and a splintering that evoke an alternative meaning of graduation as a divisive process that produces qualitative or quantitative difference.

Touch's incarceration consistently serves as an absent center that draws the family to reflect upon their own conditions in the U.S. In a crucial scene that takes place in the middle of the film, Don's other family members collectively reflect on Touch's situation not by dwelling on the particularities of Touch's crime, but by situating the criminalization of Asian migrant youth at the intersections of U.S. imperialism and globalization. After Touch is sent off to reform school (by the 1990s the conditions and practices at 'reform schools' were increasingly synonymous with jails), Ny asks his family members for their reactions as they spend an evening watching TV:

Ny's brother in law: "I don't want to record this way!"

Ny: "Why man, I just want to talk about him!"

Another relative : "you don't record this! Court evidence!...[indecipherable]"

Ny: "There's no evidence. . . like just say what's going on. If you say something later I cut it out, I erase it. just want to know what's going on!"

Off screen: "[indecipherable] what's going on!"

Brother [jokingly]: " [Touch] is well rounded, beautiful person. Everything nice. I like him."

Brother-in-law: "Blame the parent"

Ny: "Blame the parent? Why. . ."

Brother-in-law: "Blame your mom"

Ny: "Why?" [his sister looks over at her husband, he looks back and implores]:

“It’s true man! [Sits up to point at a young toddler son.] This kid too man! Blame the parent!. . .“

Ny: “Do you think living here is a good place for him?”

Sister: “You mean living here? [Shakes her head] No”

Relative off screen: “It’s not for the family man”

Ny: “What do you feel about kids like that. . .You know like immigrate from Asia and come to America and now they’re in trouble”

Brother: “I feel sorry for them. . .’cause it’s not anybody’s fault man. It’s the whole. . .the whole stupid system of this world. . .If Nixon hadn’t bombed our country we wouldn’t be here in the first place. . .it’s the whole market system. . .this fucked up country, make weapon sell weapon. . .sell to each other, they kill each other, you as a result everybody’s fucked up like this. This is reality. This isn’t a movie. . . .this is reality”

This scene expresses the limits of the documentary as a truth making medium. For brother-in-law, the camera is a technology of surveillance that cannot be divorced from the possibility that what is said could incriminate the family. Instead of addressing the specificities of Touch’s criminal act, the brother-in-law rehearses the logic of matriarchal pathology before critiquing the environment of the inner city, and then gestures towards the histories of U.S. imperialism to a globalized capitalist economy that has reaped enormous profits in the traffic of weapons. In the end, he situates Touch’s situation within a larger politico-economic genealogy of imperial interventions that have fragmented communities of color through strategic impoverishment and militarization. Thus, Touch’s situation cannot be limited to an individual or local sphere of influence when he asserts, “they kill each other, you as a result, everybody’s fucked up like this.” Most pointedly, Ny’s brother emphasizes the dangerous limits of

representing these intersectional accounts through visual narratives. Speaking directly the camera, he insists that the geo-historical effects of Nixon's economic and military strategies as a lived "reality" that is untenable in cinematic form, questioning whether representational legibility of the film itself, can effectively address social injustice and social processes that produce criminality. (In fact, as the dialogue's beginning reveals, the members are sharply aware of the self-incriminatory possibilities of documenting their opinions.) Counter to the entrepreneurial subject, for whom historical contingency and social difference is bracketed in favor of an economic rubric for social/political intelligibility, the "reality" that Ny's brother names speaks to the limit of 'realist' cinematic representations to offer an effective counternarrative to the disciplinary power of the state.

As I demonstrate in my analysis of *a.k.a. Don Bonus*, the epistemological proximity between the Cambodian American refugee youth to juvenile delinquency recasts the coercive manipulations of liberal democracy, which Hayden bemoans, as a confluence of preservative efforts *proper to* neoliberal democratic processes that simultaneously binds the racialized poor to underdevelopment and crystallizes individual economic-self interest as the proper attitude for citizenship. As delinquency, Cambodian American refugee youth undermine a developmental narrative that maintains the spatio-temporal distinction between an imperial past outside of the boundaries of the U.S. nation and democratic future that is conditioned by a domesticated economic individualism. The film reframes the narrative of the individual protagonist through a narrative of *collateral* development that reveal the connections across and interstices between

histories of U.S. interventions in Cambodia and U.S. neoliberal practices in conditioning the possibilities of social life for Cambodian Americans.³²⁷

In several aspects, this discussion of *a.k.a. Don Bonus* moves my argument about the juvenile delinquent beyond the historical parameters of the dissertation and begins to reflect on the emergence of the juvenile offender as a figure for the state's management of post-1960s imperial interventions in Southeast Asia. As the previous chapters had traced the figure of the juvenile delinquent as a naturalized albeit problematic feature of U.S. modernity, which Progressives sought to remedy through liberal policies of *parens patriae* and expanding state "protections" of vulnerable minors, the documentary film suggests how the refugee juvenile offender is rendered a social aberration that is no longer the project of liberal modernity but the figure expelled from the project of a postmodern neoliberal state. As the threat of Ny's brother's repatriation to Cambodia underscores the state's technology of expelling the juvenile offender through immigration law, the film captures the crucial effects of neoliberal entrepreneurial ideology as a postmodern development in the punishment of impoverished racialized people. Across this socio-political rupture, the various forms of cultural technology that I have brought together in this dissertation attest to crucial work of reflection, negotiation and transformation that aesthetic representation enables to navigate the heterogeneous ways race, gender and juvenile delinquency (even in its residual form) intersect in the reconfiguration, extension, expansion of state power.

³²⁷I draw this term from the analytic of comparative racialization in Asian American Studies. Reading narratives 'collaterally' demands attention to the historical intersections between different individuals and group formations and well as the larger social processes that produce differential but shared conditions of social inequality. See Eric Tang, "Collateral Damage: Southeast Asian Poverty in the United States." *Social Text* 62 (2000): 55-79. Also see Grace Hong. *Ruptures of American Capital*. (Minneapolis: Univ. of Minn. Press 2005).

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