

**Rethinking Bystander Non-Intervention: social categorisation and the evidence of witnesses at the James Bulger murder trial.**

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### **Abstract**

Bystander apathy is a long established phenomenon in social psychology which has yet to be translated into practical strategies for increasing bystander intervention. This paper argues that the traditional paradigm is hampered by a focus on the physical co-presence of others rather than an analysis of the social meanings inherent in (non) intervention. The testimony provided by 38 bystanders at the trial of two ten year old boys for the murder of two and a half year old James Bulger is analysed. It is argued that their failure to intervene can be attributed to the fact that they assumed - or were told - that the three boys were brothers. The way in which this category of 'the family' served to prohibit or deflect intervention is analysed. This approach is contrasted with a traditional bystander apathy account of the bystanders actions in the Bulger case. It is argued that bystander (non) intervention phenomenon should be analysed in terms of the construction of social categories in local contexts.

### **Keywords**

Bystander apathy; James Bulger; murder trial; social categories; the family.

## **Introduction**

On Friday 12th February 1993, James Bulger, a two and a half year old boy, was abducted from his mother by two ten year old boys. The three boys then walked around the city of Liverpool, England, for more than two hours before James was murdered beside a railway line. It was a crime that seized the public imagination, attracting saturation newspaper and television coverage in Britain (Franklin and Petley 1996) as well as the attention of the international media (see Christy and Voigt 1994, Bourquin 1994, Gripsrud 1995). The case was also the focus of a number of books and articles (Thomas, 1993, Smith 1994, Sereny 1994a, 1994b, 1995, Jackson 1994, Morrison 1997). Much of this work centres on the question of what, if anything, this brutal murder tells us about the state of society. Attempts to answer this question are broken down into two parts: the first part is the question of why the two boys committed the murder. The second part is the question of why nobody intervened to stop them. It is the second of these questions that will be the concern of this paper. What lessons can we learn about bystander non-intervention from this case?

There is a curious and rather uncomfortable parallel between the James Bulger murder and the case that was the progenitor of the bystander intervention paradigm: the murder of Kitty Genovese in New York in 1964. There were 38 witnesses to the rape and murder of Kitty Genovese outside her apartment building in New York in an attack which lasted for more than half an hour (Rosenthal 1964). It was the failure of the witnesses to intervene that was the starting point for a series of investigations by Latane and Darley (1968, 1970, Darley and Latane 1968). This work culminated in what became known as the 'bystander effect' - the finding that people are more likely to receive help when a single bystander is present, than when a group of bystanders are present. In their review of the first ten years of work on bystander non-intervention, Latane and Nida (1981) argue that this phenomenon is one of the most replicated and well founded in social psychology. However, in spite of this strong claim they go on to say that "the research has not contributed to the development of practical strategies for increasing bystander intervention. [...] not one of us has been able to mobilise the increasing store of social psychological understanding accumulated over the last decade to devise suggestions for ensuring that future Kitty Genoveses will receive help" (Latané and Nida 1981: 322). This is amply demonstrated by the fate of James Bulger. In an echo of the Genovese case, 38 witnesses were called at the trial of Jon Thompson and

Robert Venables for the murder of James Bulger. These 38 witnesses had all seen or had contact with the three boys on their walk across Liverpool to the place where James was killed. None had intervened successfully to save his life.

In this paper I will argue that this failure to translate research on the bystander effect into practical strategies for increasing intervention may be a function of how the research question itself has been conceptualised. Whilst there has been some work on the importance of the characteristics of individual bystanders (Bickman 1971, Clark 1974, Cramer, McMaster, Bartel and Dragna 1988; see also Eagly and Crowley (1986) for a review of the work on gender and helping), most researchers have focussed on the question of 'number of people present' in helping situations. This emphasis can clearly be seen in Latane and Nida's (1981) review of the literature in which more than fifty studies were included in a meta-analysis which used 'number of bystanders present' as the key analytic variable. This paper will begin by considering why 'number of people present' became the key question in bystander intervention research and then look at some of the issues which are obscured or omitted by the focus on this particular question. I will then go on to argue, based on the evidence given by the witnesses to the James Bulger murder trial, that it may be more useful to think about the question of intervention in terms of the way social categories are deployed to make sense of (and account for) the event, rather than the question of how many people are physically co-present at the scene.

### **Decontextualising bystander (non) intervention - Kitty Genovese revisited**

In order to ground this critique of the traditional bystander paradigm it is necessary to go back to the Kitty Genovese case and explore how the murder was originally translated into a series of psychological questions. Darley, in an interview with Evans (Evans 1980: 216) describes how he and Latane sat around a dinner table and began to analyse the incident in social psychological terms. They eschewed 'personality' accounts of the bystanders behaviour in favour of immediate situational factors that might have inhibited helping. They picked up on current social psychological work in 'group-inhibition' and 'diffusion of responsibility', and used such concepts as the fulcrum of their work. They then went into the laboratory and produced a number of inventive, detailed and highly choreographed experiments in which the number of people present (or believed to be present) was the key variable. The experiments explored helping in situations like an epileptic seizure (Darley and Latane 1968), a potential fire (Latané and Darley 1970) and an

accident at work (Latane' and Darley 1975). Based on this work, a five stage model of bystander intervention was proposed. For intervention to occur a bystander would need to notice the event; interpret it as a emergency; assume personal responsibility; feel competent to help; and then help. It was argued that a break in any one of the steps in the model would lead to a failure to intervene. It was at the third stage of the model that group inhibition or diffusion of responsibility was seen to have most influence. The presence of other people seemed to inhibit feelings of personal responsibility. Very quickly evidence began to mount for the 'bystander effect' - the general principle that numbers of people present and likelihood of help were inversely related. This then became the predominant strand of bystander research - the legacy of the experimental work which had begun with Kitty Genovese.

Cherry (1995) argues that this translation from event to research topic is an example of what she calls 'culturally embedded theorising'. A number of important features of the original event were not translated into the research paradigm because they were not yet recognised as 'problems'. For example, Cherry points out that the Genovese murder was a violent attack by a man on a woman. It could have been seen as a prototypical example of male violence towards women (as Brownmiller (1975) was later to do). However, in the early 1960's the feminist critique of male violence had yet to become established. The public at large, and academic psychologists in particular, were not yet sensitised to male violence as a social and psychological problematic. As a consequence, neither gender nor physical violence were factored into the original laboratory studies that attempted an experimental analogue of the Kitty Genovese murder. In almost all of these studies the focus is on generalised helping behaviour and diffusion of responsibility rather than male-female relatedness. While it may be that the bystander effect holds for these decontextualised and mainly laboratory based studies, Cherry goes on to show that, in the few studies which did retain an interest in both gender and violence, a different story emerges. For example, Borofsky et al (1971) conducted a role playing experiment with male and female dyads in which an 'attack' was simulated. The 'attacks' (male on female; male on male; female on male; female on female) were conducted in the presence of both male and female bystanders. In this experiment, intervention was at its lowest when a man was seen to injure a woman. None of the men intervened, and a lone women tried to stop an attack on another woman. Intervention was significantly higher for the men in all other conditions. The authors explained the male bystanders' failure to intervene to help a female victim by the

possible 'vicarious sexual or hostile gratification from seeing a man injure a woman' (Borofsky et al 1971: 317). In another, similar study Shotland and Straw (1976) conducted an elaborate set of experiments in which a man attacked a women in the presence of a bystander. In these studies intervention occurred much more frequently when subjects were led to believe that the couple were strangers (65%) than when they were married (19%). In addition, when subjects were unsure about the nature of the relationship they were likely to infer an intimate connection between the man and the women and thus be less likely to intervene to stop the attack. Shotland and Straw (1976) concluded that intervention on the part of a bystander was dependent on whether the violence was seen as being part of a 'domestic' dispute or not. Subjects in the 'married' condition claimed that the violence they had witnesses was 'a private matter'; 'none of my business' or not particularly serious. This suggests that the perceived relationship between those involved in the violence had served to 'legitimate' the violence more than would have been the case had the violence occurred between strangers. It also served to interfere with the bystanders' beliefs about the necessity or legitimacy of intervention to help the women.

It is clear that from these studies that, by recontextualising the event, an alternative approach to the question of bystander intervention becomes possible. This is an approach which focusses on the meanings inherent in relationships between men and women; the assumptions other people make about the legitimacy of acts of violence between them; and the perceived legitimacy of outside intervention in violent disputes between couples in an intimate relationship. Moreover it is an approach which, as will be argued below, can be generalised to include consideration of bystander (non) intervention in contexts other than that of a violent attack by a man on a women.

### **Analysing non-intervention in the James Bulger murder**

As has already been outlined above, the murder of James Bulger was preceded by his abduction by two ten year old boys who then walked James across Liverpool for two and a half hours. During this time they came into contact with (at least) 38 people who were later to give evidence at the trial. None of these bystanders intervened successfully to save James from his fate. Given Cherry's injunction against the abstraction of social meaning in explaining intervention, in beginning to theorise about the behaviour of bystanders in the James Bulger murder, three key

questions need to be answered. The first of these relates to the perceived relationship between James Bulger and his two ten year old abductors. How did the bystanders conceive of the relationship between the three boys? The second question relates to the way the bystanders viewed their own relationship with the boys as they encountered them in different parts of the city. Finally, and given the relationships that the bystanders believed to exist, the third question concerns the extent to which intervention was seen as something that was socially appropriate. In the analysis which follows, the issues which might have been addressed by a more traditional approach to bystander non intervention will also be considered. This will include the question of whether the bystanders noticed and interpreted the situation unfolding before them as a potential emergency. The question of whether the presence of others was an inhibiting factor on intervention will also briefly be addressed. Before beginning the analysis however, it is important to provide more detailed background information not only about about the events surrounding the murder but also about the Court case itself, in order to set the analysis of the 38 bystanders evidence in appropriate context.

#### Background to the analysis

James Patrick Bulger, aged two years and six months, was abducted from the Strand Shopping Centre in Bootle, Liverpool on Friday 12 February 1993 at 3:41 in the afternoon by two ten year old boys, Jon Thompson and Robert Venables. The abduction was captured on close circuit video cameras in the shopping centre. Thompson and Venables then walked James out of the shopping centre and around Liverpool for approximately two and a half hours before murdering him alongside a railway line several miles away from the site of the original abduction. After some initial speculation that the abduction was the work of an adult - or that the two older boys had procured James for an adult, Thompson and Venables were identified and arrested 6 days later and charged with the murder. The trial was heard at Preston Crown Court in Lancashire, between Monday 1st November and Friday 26th November 1993 before Mr Justice Michael Moreland. Under English law the age of criminal responsibility is 10 and the law insists that, where children are accused of homicide, they should be tried before a jury in an adult court. However, at that time, as part of a provision known as *doli capax*, children between the ages of 10 and 14 could only be convicted of a crime if it could be proved that they knew what they

were doing was 'seriously wrong - and not just 'naughty'<sup>1</sup>. Thus, a major part of the trial was concerned with demonstrating that the two ten year olds knew that their action was 'seriously wrong' and that they were both mutually responsible. In fact it was a central theme in the prosecution case that both boys had deliberately and with premeditation set out to abduct a young child with the aim of murdering him. The defence was one based on mutual antagonism. Each defendant accused the other of being both the instigator of the abduction and the murderer. In addition, the defence set out to show that the abduction was not premeditated, but rather a prank that went disastrously wrong. It was in this context that the 38 witnesses were called to give evidence. The prosecution used the witnesses to show that both boys were equally implicated and that their actions revealed them to have premeditated murder in mind. In practice this meant that the prosecution asked the witnesses to confirm that they had seen the boys together; to provide accounts of the two older boys' behaviour which might indicate premeditation and mutual responsibility; and finally to provide identification evidence which would link the two accused to the crime. The defence used the witnesses to attempt to show either that one boy was more responsible than the other, or that the boys' actions demonstrated that they had no clear plan in mind and were anxious to get themselves out of trouble. It was under this cross examination that the actions of the bystanders themselves occasionally became a topic of debate and, as a consequence, where bystanders were asked to justify or account for their failure to intervene.

### Materials and Analytic Background

The analysis was carried out on the relevant sections of the transcript of the trial of Robert Thompson and Jon Venables for the murder of James Bulger at Preston Crown Court, Lancashire, England. The thirty eight witnesses were examined and cross examined over a period of four working days from Thursday 4th November 1993 to Tuesday 9th November 1993. The transcript was provided by the Crown Court Stenographers (Cater Walsh and Co. of Kidderminster, England) and was a verbatim account of the proceedings on every day of the trial. As in the case of other official records of debates and exchanges (eg the Hansard reports of proceedings in the British House of Commons) the transcripts had been tidied up somewhat. There is no record of pauses, overlaps or other linguistic infelicities. However, for the purposes of this analysis, a verbatim and sequential account is sufficient. The level of

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<sup>1</sup> In March 1994 this long standing rule was abolished in the High Court by Lord Justice Mann (Young 1996)



analysis to which the transcripts were subjected was not at the level of the structure of conversation, but rather at the level of the content and deployment of social categories.

The preparation of transcripts for analysis follows some of the conventions outlined by Potter and Wetherell (1987) for an analysis of discourse. The transcripts relating to each of the 38 witnesses were first examined carefully and any extract (including the question which preceded it) that referred to the witnesses observation of, or interaction with the three boys was recorded on a separate card. A distinction was also made between accounts that were given in response to questions from the prosecution, and accounts which were given in response to questions from the defence. In the analysis presented below, questions which were asked by Council for the Prosecution will be prefaced by the letters CP. Questions which were asked by Council for the defendant Thompson will be preceded by the letters CT and questions from Council for Venables by CV. Each witness will be identified by the order in which they were called to give evidence (which is also the chronological order in which they encountered the three boys) and will also be referred to by their initials to preserve anonymity (eg B13 (Mrs SD)).

The method of data analysis has much in common with discourse analysis as proposed by Potter and Wetherell (Potter and Wetherell, 1987; Wetherell and Potter 1988, 1992). However, the analysis differs from the procedures they suggest in one important respect. Their principle concern has been to analyse the usage of various 'interpretive repertoires' in "constructing versions of actions, cognitive processes and other phenomena" (Wetherell and Potter 1988, p172). While they do not give precise criteria for distinguishing one repertoire from another, they note that each repertoire tends to derive from one or more key metaphors and can be identified by certain tropes or figures of speech. However, given the aims of this paper, the focus of analysis is concerned less with the use of interpretative repertoires and more with the ways in which bystanders invoke particular social categories. In drawing this distinction the analysis follows the argument advanced by Macnaughten, (Macnaughten 1992, Macnaughten et al 1992) that repertoires should be defined in terms of the way they define social relations. (For previous examples of such an approach in different contexts see Reicher and Hopkins 1996a, 1996b). This approach can also be distinguished from work which is concerned with a more fine grained analysis of the structure and function of language in Court settings (Atkinson and Drew 1979). That is not to say that such issues could not fruitfully be

explored, but that the concern in this paper is with broader questions of social relations and normative values and the role they play in (non) intervention. In short, the analysis in this paper will concentrate on three key issues. The first concerns the way bystanders construct the relationships between the three boys in the evidence they gave to the Court. The second concerns the way bystanders construct the relationships between themselves and the three boys in their evidence. Finally, there is the question of the consequences for intervention of the construction of such social category relationships.

### Analysis

Before we can explore the question of whether social category relationships played an important role in the failure of the bystanders to intervene, it is necessary to consider whether the bystanders had any reason to think intervention might be warranted in the first place. This is also a key question for traditional approaches to bystander non intervention. The traditional model suggests that, before a bystander will consider intervention, they must first notice an event and then interpret it as something which is potentially serious (Latane and Darley 1970). The first issue to be addressed in the Bulger case therefore is the question of whether the bystanders noticed that anything was amiss and also interpreted what they saw as something that might require action on their part.

One factor which had the potential to be something which bystanders might have noticed and seen as significant was the youthfulness of the three boys and the fact that they seemed to be wondering around the city of Liverpool without adult supervision. James Bulger was only two and a half years old and the two older boys were only ten years old - and a very young looking ten according to observers at the Crown Court Trial (Smith 1994, Sereny 1996a, Morrison 1997). The youthfulness of the three boys was commented on by some of the witnesses:

- CT: Well, what you saw, you didn't feel that what was happening looked odd or unusual [..]  
B7(Mrs PM): I just thought it seemed a bit odd because they seemed too young to be looking after a young boy.  
CT: That was why it was called to your mind?  
B7: Yes

However, this on its own did not seem to be sufficient grounds for intervention. What seemed to have concerned the witnesses more was a highly visible injury which James Bulger sustained during the first thirty minutes of his abduction. The cause of the injury was the subject of dispute between the prosecution and the defence, with the prosecution intimating that it was deliberately inflicted whilst the defence maintaining that it might have been accidental. Whatever the cause, it was clear that the injury was clearly apparent to any of the witnesses who were in close proximity to the three boys. The injury was first described by the ninth bystander to be called, who came across the boys outside the Strand Shopping Centre about half an hour after the abduction.

CP: And how close, Mrs B, were you to the boys at any time? How close did you get?  
B9(Mrs B): About a couple of yards  
[..]  
CP: Why did the little boy draw attention to the the boys?  
B9: Because he appeared to have a fresh bump on his forehead.  
CP: What sort of bump was it Mrs B?  
B9: It was, it looked as if it had been hurt on the road or something like that.  
CP: Now Mrs B, I'm sorry, it is very difficult to hear what you are saying. Could you start again? I asked you what sort of bump it was.  
B9: It was like a sort of mark that was noticeable, as if it was just done, like little speckly marks but it wasn't bleeding.

The testimony of subsequent bystanders who came close enough to see James's face also made reference to the injury:

CP: And from where you were, could you see the baby's face?  
B22 (Mrs IH): Yes  
CP: And what could you see on the baby's face?  
B22: He was frightened  
CP: Yes, what could you see physically?  
B22: Well, a lump, here, on his forehead

CP: What about the little boy, did you get a good look at him?  
B27 (Mr FW): Yes  
CP: What did you notice about him?  
B27: I first noticed the grazing on his forehead, the right side of his forehead, a fresh graze.

CP: Now, did you notice something about James?  
B32(Child E): He had a bump on his left eye  
CP: Bump on his left/  
B32: Eye, right there.  
CP: Was it above it or below it?  
B32: Above it  
CP: And did you look at the bump that he had, E?  
B32: Yeah

CP: What did the bump look like?  
B32: It had like blue and red dots in and lines

In addition to the people who described the signs of a fresh injury on the two and a half year old boy, a number of other witnesses spoke of James Bulger's evident distress:

CP: And can you tell us how he was behaving at this stage?  
B6(Mr MW): He was stood still. He was clearly very upset. He was crying his eyes out.  
CP: Now was he on his own or was he accompanied?  
B6: He was stood on his own but there were two other boys in close proximity to him and I believed they were with him.

CP: Did you notice anything about any one of them?  
B16 (Mr LJ): The small boy was crying

CP: Can you tell us anything about how the little child looked to you?  
B17 (Mr RJ): He looked upset  
CP: And what gave you that impression?  
B17: Well he was crying

From this evidence it seems as if the bystanders were aware of the distress and injury to James and also the youthfulness of the three boys. It seems likely therefore that failure to intervene cannot simply be ascribed to a failure to notice that intervention might be warranted. This then raises the question of what other factors might have played a role in the way bystanders made sense of the situation unfolding before them, and how such factors played a part in their failure to intervene.

It has been argued above that, as in the case of violence between a man and a woman, beliefs about the nature of the category relationship between protagonists is crucial to whether bystanders will intervene or not. Thus, in this analysis, one of the first questions that needs to be asked concerns the beliefs amongst bystanders about the relationship that existed between James Bulger and his abductors. The testimony of 33 of the 38 witnesses dealt at some stage with accounts of interactions between the three boys. Almost all the the witnesses were asked by the prosecution to confirm that they had seen the three boys together. Most of this evidence was in the form of confirmation that they had seen one or both of the older boys holding James' hand, carrying him or making other physical or verbal contact with him. This evidence, in combination with identification evidence, was used by the prosecution to link both of the defendants jointly and equally to the abduction and murder. However, even in the absence of any form of physical or verbal contact between the

boys it was clear that those bystanders who crossed their path assumed that the three boys were together.

- CP: Did it look as though he was separate to the others?  
B5 (Mr DK): They looked like they were together just walking up  
CP: Together, but you would say it didn't look as if he was talking to the others?  
B5: No.

If the bystanders assumed that the three boys were together, this then raises the question of what they considered the nature of this relationship to be. In this instance it is clear that the bystanders, when confronted with the three boys, considered them to share a category relationship. More specifically, they assumed that the three boys were from the same family - they assumed they were brothers:

- CP: First of all I am going to ask you what it was that you saw, and then where you saw it. Can you tell us please, first of all, what you saw?  
B1(Mrs MK): I saw a little boy apparently two and a half to three years of age ..[..]. He was holding, it looked to be a teenager's hand which I presumed was his older brother.

- CP: What was the next thing you saw Mrs K?  
B3(Mrs K): I thought, I noticed he was on his own and I thought, he is going to look round and say, "where's me mum, I've lost me mum?" And I was going to get up out of the shop to go to him but then a boy waved him over towards him so I just thought, "Oh, it must be his brother."

- CP: And what did you see happen after the little boy had been taken back to the one who had the beige coat?  
B7 (Miss PM): There was talking going on between them but I couldn't hear what they were talking about, and the little boy didn't appear to be bothered then once he was back with his friend, so I just thought it was relatives or brothers or something.

- CP: And could you see the little lad's face?  
B14 (Mr MP): Yeah  
CP: Tell us what you saw please.  
B14: It was all bright red and he was crying  
CP: Now, bright red and crying. Now at that stage, what did this group appear to you to be?  
B14: Older brothers taking him home.

In addition to assuming that the three boys were brothers, bystanders also assumed that the two older boys had been left *in loco parentis*. That is, they assumed that the parents of the three brothers had left the younger boy in the care of the two older boys. For some bystanders, the encounter with the three boys seemed nothing

more than a moment in the return of a distressed younger child to his mother by two older brothers.

CP: And where did they seem to be going?  
B13 (Mrs MD): Well, I thought they were going to the Post Office, because the baby was crying. I thought they were taking the baby to his mum at the Post office, but they didn't. I overtook them and they turned left at the railings.

For other bystanders however, this perceived domestic arrangement was a source of disquiet. One woman, who saw the younger boy being swung vigorously by the arms between the two older boys, reported to the court that she had shouted out in alarm to travelling companions on a bus:

B11 (Mrs KR): I shouted on the bus sir, I shouted and all the people looked at me and looked to the window as I shouted, and I shouted, ' what kinds of friggin parents have they got, to let them out with a child like that?' to the man behind me. That's how disgusted I was with them swinging him.

For this witness, the behaviour of the older boys called into question the judgment of what (she believed to be) the three boys' parents in giving the older boys such a supervisory role. The older boys' behaviour demonstrated their unsuitability to be given such a role, as they were, in her opinion, behaving in an irresponsible manner. There is clearly (as the defendants lawyers pointed out in cross examination) a question of interpretation here. This kind of swinging by the arms can often be done by parents for for the entertainment of a small child. There is a complex set of interrelationships at work here between the account the witness offers of what she saw; the kinds of category information she uses to make sense of what she saw; and the observed behaviour itself. However, what is clear is that the witness assumes the boys are brothers and that the older boys had been given parental responsibility, even if they were violating appropriate parental standards.

For other witnesses however, assumptions about the parental role of the older boys over the younger boy was a function of their apparently responsible behaviour towards the toddler.

CP: When you saw the three people inside the shop, what did you see about them?  
B29 (Ms MC): The taller of the two boys had hold of the toddler in a way that a parent may keep hold of a child.

For this witness, the interaction between older and younger boy reflected both a supervisory relationship and an intimacy which is normally associated with an adult-

child relationship. This was the kind of relationship you might expect to find between an older sibling and a younger sibling who had been left in his charge. The assumption about a sibling relationship turns the actions of the older boy into an act of 'care' rather than the actions of an abductor who was anxious to monitor the behaviour of his young abductee. Moreover, it also turns on the idea of control. If the two older boys had been entrusted with a younger charge, and had been given parental responsibilities over him, then they hold the right to restrain and discipline the younger child in the same way that any parent would. Any interactions between the two older boys and the younger boy which bystander might witness would therefore be subject to the conventions that usually apply to parent-child interactions. The fact that (even when they involve an adult) these might include public acts of violence including smacking, shouting or pulling, might make such actions difficult to challenge when occurring between the three boys.

Thus far it has been argued that the bystanders believed there to be a category relationship between the boys; that the category relationship was one based around the family (the boys were brothers); and that it was assumed that the older boys had been left in charge of the younger boy. Further analysis of the transcript material seems to suggest that this category relationship may have played an important role in the bystanders' failure to intervene. At the very least, the category of the family played a central role in the accounts bystanders offered for their failure to intervene. For example, a number of witnesses who acknowledged seeing both the injury and the distress in the face of the younger boy, ascribed their failure to intervene to the fact that they assumed the boys were brothers:

- CT: Can I ask you about the little boy? You noticed the graze? You didn't ask the little boy how he was and you didn't ask either of the boys how he had come by the graze?
- B28 (Ms FS): No
- CT: It wasn't sufficiently bad, nor was there anything in the boys' demeanour to cause you to intervene?
- B28: Yes, well I, when the three boys came in I automatically thought they were brothers
- CT: Did you? Why would you automatically think that? I'm sorry I don't want to be accused of interrupting you.
- B28: It was just the way they were holding him, maybe he might have run out into the road or run off. I thought that the way they were holding him, they mightn't have wanted him to run around the shop

In this exchange the witness seems to acknowledge that there might have been grounds for intervention, but explains her failure to act by reference to the assumed category relationship between the three boys. It seems from this that, whilst

recognising the injury to the younger child, she considers that the sibling relationship imbues the older boys with both the ability and the responsibility for dealing with the problem. Similar assumptions were made by other bystanders who actually engaged the three boys in conversation. In the following extract, a woman who encountered the three boys while walking her dog, describes a conversation she had with the boys when she was alerted by James's crying.

CP: Now, how close did you get to the three of them?  
B22(Mrs IH): I got close to them because, as I am walking my dog around I heard crying and [...] I looked over to where the crying was coming from and the two little boys were pulling, as I call, the baby up the slope and as they came a bit further I said to them, 'What's the matter' and one of the other of them said, 'Oh he fell down there', so I said - they are now at the top of the reservoir - so I walked to them and said, 'Now look, where are you going now?' " We are going home". So at that stage I noticed a huge, big lump on top of the baby's head, so I said, "You are going home? Well now, look, hurry up and get home and show his mum his head because it's sore'.

This witness seems to begin from the assumption that the three boys are brothers. Her response to the account of how James sustained his injuries is not to offer help but rather to enquire what action the two older boys will take next. When she is told that they will be going home, she makes the logical assumption that they will be going to the same 'home' and that the mother of the three boys will then be able to deal with the injury.

In both of the extracts presented immediately above it is possible to imagine that intervention might be warranted even though the assumption that the three boys were brothers had been made. After all, there is nothing intrinsic in the assertion of a sibling relationship which would prevent a competent adult caregiver from taking control of all three boys. However, there seems to be something about the quality of this particular version of the category of 'the family' that appears to rule out intervention on the part of non family members. The fact that this category membership seems to inhibit helping is something that was clearly recognised by the two older boys themselves. On a number of occasions Thompson and Venables were able to deflect bystanders who were on the point of intervention by invoking a sibling relationship between themselves and James. The first example comes from an exchange described by a witness known as Child E, a boy who knew the defendant Thompson from school but who had not met Venables before. Child E was slightly older than both Thompson and Venables. He begins by saying that he was playing with a friend when the three boys came along. Child E explains that he engaged the boys in conversation, asking who James was and how he sustained his



injuries (see previous extract from testimony of Child E (B32) above). Child E was clearly aware of the distress and injury to the toddler. In fact he reported trying to engage James in conversation but all James could do was cry. This then provoked the exchange described to the Court below:

CP: Right, now did you know who the little boy was then, on that day when you saw him? Had you ever seen him before?  
B32 (Child E): No  
CP: Did you want to know who he was?  
B32: Yeah  
CP: Did you ask a question about him?  
B32: Yeah  
CP: What did you ask?  
B32: I said, 'who is he?' and he went 'Jon Venables' brother'.  
[..]  
CP: Did you want to know where they were going?  
B32: Yeah  
CP: Did you ask a question?  
B32: Yeah I said, 'where are you going?' and like, they said, 'home to Jon Venables'.  
CT: And did you say something about what you wanted to do or what they ought to do?  
B32: I said, 'if you don't take him home I'll batter you'  
CT: Why did you want them to take him home?  
B32: Because to let his mum see his head

Thompson clearly invokes a sibling relationship between James Bulger and Venables as a means of deflecting difficult questions. James can't be Thompson's brother because Child E knows him and his family too well. However as Venables' brother there is a legitimate reason for James's presence (he is being looked after by Venables) and a slight distancing of responsibility for the toddler. If James is Venables' brother and Child E doesn't know Venables very well, it becomes more difficult for Child E to take responsibility for the smaller boy. As Venables' brother, he is really Venables' responsibility, and all Child E can do is exhort Venables - and threaten him with violence if he doesn't - to take James home to 'let his mum see his head.'

This mobilisation of a sibling relationship to prevent intervention is even clearer in the case of an later interaction with an adult - one of the last people to see James alive. On this occasion the boys were in an alley leading towards the railway embankment where James was subsequently murdered. Here they encountered Mr WH who was returning from work. It later transpired that Mr WH knew Robert Thompson and his family, but when he encountered the boys Thompson was up on a ledge leading to the railway line and was thus obscured from view. Venables and James Bulger were in the alley which was on the route to the witness's home. In his

evidence Mr WH describes how Venables preemptively introduces the idea that James is his younger brother. In doing so Venables seems to anticipate that intervention might be likely, and to inoculate against that intervention by raising a sibling relationship between himself and James.

- CP: So, can you describe the person who was on that ledge?  
B36 (Mr WH): No  
CO: No? Age, roughly?  
B36: I couldn't, he was just in there. As I'm getting up to the little fella, he was sobbing and then the other lad spoke to us.  
CP: Who was the lad that spoke to you?  
B36: The one who is standing at the bottom of the entry  
CP: Right, and what was said?  
B36: "I'm fed up of having my little brother"  
CP: I'm fed up with having my little brother  
B36: Yeah. He says, "It's always the same from school." and he said, "I'm going to tell me mum, I'm not going to have him no more."  
[...]  
CP: And did you then go home?  
B36: Yeah

It is clear from the report of this interaction that Venables is anticipating some kind of intervention. He volunteers a sibling relationship between himself and James as an opening gambit which at the same time closes off a number of avenues of enquiry which might be available to Mr. WH. His assertion that he is 'fed up of having my little brother' who is 'always the same from school', functions as an explanation for the younger boys distress as well as establishing a category relationship that gives him rights and responsibilities over the toddler. This is further emphasised by the amplification that he is 'going to tell me mum, I'm not going to have him no more'. In volunteering this final aside to Mr WH, Venables implies action to deal with the distressed child. He will tell his mum that the relationship is not working and that to avoid situations like this in the future the arrangements will be need to be changed. Thus, in three short and skilful sentences, the likelihood of intervention is undermined. A plausible explanation for the toddlers distress is offered; a category relationship which binds Venables and James together (and by implication places the bystander outside) is established; and a course of action which will (ultimately) attend to James' distress is suggested. In fact Mr WH reported that he never spoke during the interaction and only recalled the meeting four days later after James's body had been discovered on the railway line.

### **Traditional Bystander Intervention Theory and the James Bulger Case**

I have argued in this paper that failure of bystanders to intervene in the James

Bulger case was a function of the assumption that the boys were brothers. This assumed category relationship had consequences for the way bystanders interpreted what they saw and also inhibited their willingness or ability to help. The fact that such a categorisation would inhibit 'non family' members was clearly recognised by the two older boys who used it to deflect intervention on a number of occasions. Before drawing out some of the implications of these arguments for the question of bystander intervention in general, it is important to compare how a more traditional bystander intervention theory perspective might account for the events in this case. There are clearly a number of difficulties in attempting this kind of comparison. Most of the traditional work on bystander intervention is made up of either laboratory based experiments or quasi-experimental field studies. Under such conditions a number of key variables can either be controlled or measured accurately. For example, we have already seen that the question of the presence or absence of other bystanders is of central concern to the traditional approach to bystander intervention. It is predicted that people are more likely to help when they are on their own than when they are in the presence of other bystanders. However, the data provided by the transcripts makes it difficult to recover information about numbers of other people present with a high degree of certainty. It is possible nevertheless to make a number of suppositions based on the evidence which is available in this case. For example, we know that James was abducted in a shopping centre (mall) at a busy time of day. He was also walked along the streets of Liverpool during rush hour. Those people who came across the three boys in the shopping centre or on the street are likely to have done so in the presence of other. It also seems to be the case that at least three (and possibly four) of the bystanders came across the three boys in the absence of others. These include bystanders who met the boys on open ground or in small alleys and who reported that nobody else was present. As none of the bystanders was able to intervene successfully it seems reasonable to assume that the presence or absence of others may not have played a determining role in this case. In addition, none of the bystanders made mention of the presence or absence of others as a factor in their behaviour. At the same time, almost all of the bystanders spoke of their belief about the family status of the three boys instead. Thus, in this particular case, a social categorisation perspective seems to have more utility than an approach based on the effect of the presence of other people. Of course, this raises the issue of whether what people say can be taken as a transparent indication of the factors which impinged upon their decision making. It may be that they were not aware of the influence of the presence of others; were unable to articulate the effect of the presence of others; or failed to mention it for

fear of exposing themselves to social sanction. However, even with these reservations in mind, and given both the data available and the principles of parsimony, it seems that a social categorisation account of the bystanders behaviour may be more persuasive in this case.

An examination of the performance of the traditional five step model of bystander intervention in accounting for the behaviour of the bystanders in the Bulger case is also illuminating. The traditional model proposes that bystanders pass through five steps of evaluation on the way to intervention. These include noticing the event; interpreting the event as an emergency, assuming personal responsibility; feeling competent to help; and then helping. This paper has already presented evidence which argues that the first two steps of the model would have been satisfied by bystanders in this case. The bystanders noticed James and the two older boys and interpreted James' distress and injuries as the signs of a potential emergency. It is at the proposed third stage of the model that difficulties arise. The model suggests that an evaluation of personal responsibility is required before intervention will be contemplated. The most likely reason for failure of an individual to intervene is attributed to the phenomenon of 'diffusion of responsibility' or what has been termed 'pluralistic ignorance'. It is argued that bystanders assume that, when others are present, those other people will know what to do and will do it. In the absence of others, the opportunities to defuse responsibility is reduced and bystanders are more likely to take the responsibility on their own shoulders and thus intervene.

We have already seen that reliable data on the physical presence or absence of others is difficult to ascertain in this case. However, from the evidence which is available from the transcripts, it seems that the way in which the question of personal responsibility is resolved may be more complicated than the traditional model proposes. The evidence from this paper suggests that the traditional model may be right to stress the importance of the presence of others in how people make sense of the situation - but that it does not go far enough. In particular, the traditional model does not distinguish between categories of bystanders - something which is clearly important in this case. For example, it can be seen that, for most of the witnesses, there were at least two categories of potential bystander. The first category of bystander would have been the two ten year old children who had abducted James. As far as the witnesses were concerned, at the time of the encounter, these were simply two boys who were aware of James' distress. The second category of bystander would have been other adults who witnessed the

scene ( in the Strand Shopping Centre or on the streets of Liverpool). The principles of diffusion of responsibility suggest that responsibility will be diffused equally across both the children and the other adults. Both would simply be treated as 'bystanders'. However, there is a clear difference between these two categories of bystanders. The two children were only ten years old, and as has already been established, looked young for their age. Had the witnesses seen them as 'young children' then it seems logical to assume that the witnesses would have felt greater, rather than less responsibility for James. The fact that witnesses seemed to assume that they could be treated as the equivalent of competent adults is something which is in need of explanation - and was crucial in the failure of bystanders to intervene in this case. It is because the three boys were categorised as 'family members', and not 'children', that the two older boys could be treated as the equivalent of competent adults. As it stands, the traditional model would not sensitise us to the importance of the way social category relationships were constructed and resolved in this case. In urging us to look simply at the presence of others, rather than who we believe those others to be, the traditional model may be missing some of the most important aspects of the process of bystander intervention.

Moreover, by considering the category relations between boys and bystanders (and the social meanings associated with them) another possibility emerges. It is equally possible that the bystanders did feel personal responsibility but were unable or unwilling to intervene in the affairs of another family. There is much evidence to support this proposition in the data. For example, a number of bystanders made initial moves to intervene, suggesting that they did feel some personal responsibility. However, the fact that they were deflected by the explicit introduction of a family relationship between the three boys, seems to suggest that it is something about the quality of the category relationship and the meanings associated with it which is preventing intervention. In these terms, failure to intervene can be seen not as the product of degradation of feelings of individual responsibility brought on by the presence of others, but as a socially meaningful act in its own right. It may be that bystanders were aware not only of the right to privacy but also of the sanctions which can follow violations of the boundaries of the modern family, and it was such considerations which inhibited intervention.

One of the key features which emerges from the attempt to apply traditional bystander theory to the James Bulger case is the absence of a concern with categorical relations and how they effect the judgments and actions of bystanders.

Moreover, traditional bystander theory seems to underplay the importance of the social norms which guide both the interpretation of events and also decisions about the legitimacy of intervention. It seems that the traditional approach may have become overly reductionist in restricting consideration of the impact of the social milieu on bystander intervention to the question of whether the presence of others induces diffusion of responsibility and hence leads to apathy. In order to develop a deeper (and perhaps more practically useful) understanding of bystander phenomenon it is important to incorporate consideration of the social world as a more 'positive' influence in shaping both interpretation and action in helping contexts.

### **Discussion**

This paper has argued for an approach to the study of bystander intervention phenomenon based on an analysis of the construction of social categories in local contexts. More specifically, it has proposed that the failure of bystanders to intervene in the James Bulger murder was a function of the perception that the three boys were brothers. The fact that bystanders believed, or were told, that the three boys shared a social category relationship as members of the same family served to inhibit or deflect intervention. It has also been argued that traditional approaches to the question of bystander intervention are unable to account for the behaviour of bystanders in the James Bulger case. It is suggested that the difficulties faced by the traditional model can be traced to limitations in theorising about the role of social norms and values in the way bystanders evaluate events and make decisions about intervention. By focussing on the impact of the presence of others the traditional model ignores the social meanings which attend not only to the way events might be perceived but also to the decision to intervene.

Given the explanation for the actions of bystanders which is advanced in this paper, a number of questions remain to be answered. The first question relates to the impact of the category of 'the family' on this case. Why should the belief that the boys were brothers make intervention difficult? While a full answer to this question is beyond the scope of this paper, some preliminary observations can be made. For example, there is much evidence that the modern family has become an increasingly atomised unit (Stone 1977; Sennett 1984). At the same time over the last two decades there has been a rekindling of interest in what might be called the politics of the family (Abbot and Wallace 1992; Jones and Millar 1996). This work

identifies 'the family' as a key preoccupation of conservative political movements in both Europe and the United States. The major ideological thrust of these movements is to prioritise the rights and responsibilities of families over the role of the State and civil society. It may be that there have been some unintended consequences of this shift of emphasis. For example, it may be that this more privatised view of the family has led to an increasingly insular perspective on the responsibilities of adults towards children who are not family members. In short, despite the signs of visible injury to a two and a half year old boy, and the comparative youth of the boys he was with, assumptions of their family status may have served to detach the bystanders from the children. In addition, during the last two decades there has been a heated debate about how the government and society should respond to problems related to child abuse and child care (Parton 1991). There have been high profile deaths of children from violence and neglect as well as the 'discovery' of child sexual abuse as an important social problematic (Howitt 1992, Stainton Rogers and Stainton Rogers 1992). This increased public awareness of (or at least discussion about) threats to children has occurred alongside anxieties over child abduction and child murder. This combination of factors has led to a climate of suspicion in which non-family adults are seen as the biggest threat to the safety and security of children. This fear persists despite the evidence that the vast majority of physical and sexual crimes against children are committed by family members (Creighton 1992, Waterhouse 1993). Bystanders may have been deflected from intervening in the James Bulger case by the fear that, as non family members, their intervention might have been viewed with suspicion.

The second question which needs to be addressed concerns the qualities of the data which are utilised in this paper and the nature of the theoretical claims which can be based upon it. The evidence presented here, and on which the theoretical arguments are made, are retrospective accounts made by witnesses in a particular legal context. It is clear that witnesses could be reconstructing events in ways which favour them, absolve them from blame and so on. In addition it may be that there were other factors that influenced their behaviour which would be difficult to voice publicly. For example, it would be very difficult for any bystander to have told the Court that they did not intervene to help a distressed two year old boy who was subsequently murdered, because they were too busy. It is clear therefore that we cannot treat the accounts offered by the bystanders simply as transparent reflections of their underlying psychological state at the time they encountered the three boys. What is being argued in this paper is that a failure to intervene on the grounds that the boys

were assumed to be brothers is something which is generally recognised as a legitimate reason for non intervention. In these terms, failure to intervene can be a socially meaningful act. This approach contrasts with more traditional perspectives on bystander intervention which tends to see failure to intervene as a sign that an individual's decision-making ability has been impaired by the 'social impact' of the physical presence of others (Latane 1981). It is an approach which requires the inclusion of bodies of evidence and questions which are normally excluded from traditional social psychological work on bystander intervention. By recontextualising the analysis of the behaviour of the bystanders (rather than concentrating on whether there are people present or not) different questions emerge. The first relates to the social and cultural categories which inform behaviour. The second to the way these categories are invoked or negotiated in particular local contexts. The aim of the present paper has been to show how elements in both of these areas contributed to the failure of bystanders to intervene in the Bulger case. By moving away from a focus of the numbers of people present and towards an examination of the social category relationships and the norms and values associated with intervention, we may be able to gain a deeper understanding of the factors which underpin bystander intervention.



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