

James Bulger, a case of juvenile criminality key for the change of the legislative system of the United Kingdom. A case study

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Abstract

A lo largo de la historia, la visión sobre la juventud ha evolucionado. Uno de los elementos que ha influido en este cambio, es la influencia mediática que existe en la sociedad. Los casos aislados de delincuencia juvenil han monopolizado el discurso de los medios, lo que ha fomentado la aparición del pánico moral en aquellos contextos en los que han aparecido estas infracciones. El estudio del caso James Bulger, ocurrido en Reino Unido, provocó un cambio en la legislación del país. Convirtiéndose en el entorno clave para abordar la delincuencia juvenil y las diferentes dinámicas que tienen lugar.

Keywords: Youth, Moral panic, Juvenile justice, Youngsters

Título: James Bulger, un caso de criminalidad juvenil clave para el cambio del sistema legislativo de Reino Unido. Un estudio de caso.

Resumen

Throughout history, the vision on youth and the youth model has evolved. One of the elements that has influenced this change, is the one that supposes the media influence that exists in society. The isolated cases of juvenile delinquency have monopolized the discourse of the media, which have fostered the appearance of moral panic in those contexts in which these infractions have appeared. The study of the James Bulger case, which occurs in the U.k, and involved a profound change in the country's legislation, is a key environment for approaching juvenile crime and the different dynamics that take place around it.

Palabras clave: Juventud, Pánico Moral, Justicia Juvenil, Jóvenes.

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1. INTRODUCTION:

The view of children and childhood has changed significantly in those centuries a result of the influence of changes in the nature of family and social life, the meaning of the Word childhood has changed significantly, in the 17th century childhood was not considered and people were first babies in arms and then adults with responsibilities, and now childhood is something to protect and preserve and there exists a lots of figures that works for making possible children rights. In that context, it is logical to think about children as an innocent and indefensibly figure. But surprisingly in real life this claim is not exactly the truth and when since in 1850's appeared concepts like hooligans, teddy boys, etc... young people have started to be considered in some occasions as delinquents and violent people, and periods of rejection to that period of life has recurrent appear, in many occasions as a result of media campaign that use to show an episode presented as established and stereotyped that contributes to rise the moral panic.

One of the major crisis about the view of Young people has occurred in the recent history. In 1993, when for the first time this view of Young people was transalate to the early childhood and Childs at the age of ten were considered as Monsters. That happened because in that year took place a terrible murdered of a toddler from two children that caused a period of moral panic without precedents and it demonstrates the massive influence of moral panic and how just one case can change the law.

Below will be explored the James Bulger's case, one of the most relevants of the last century. This case can be studied in many points of view as sociology, politics, media, education, etc as a result of multiple implications. For that purpose firstly will be made a description of the most relevant facts of this case, then will be explored the aspects of this related to moral panic and children welfare politics in the UK and then will be made a conclusion with the main findings.

2.THE CASE- FACTS.

In 1993 two ten years old boys, Jon Venables and Robert Thompson went to a shopping centre looking for a child. That afternoon they took a two years old toddler James Bulger while his mother was buying some things. After that, they led him around Liverpool, repeatedly assaulted and abused him and finally they beat him unconscious and then they decided to leave him on a railway track with the intention of seeing how the train cut him in a half to create the scenario of an accident. While that was happening James Bulger's mother noticed disappear of her son and the police started to investigate it, but by the time they found little James it was too late and he was tragically dead.

The Police were shocked with the crime and when they started to investigate and they found a record from the shopping centre's camera in which James Bulger was walking with two children they make the assumption that the boys were collaborators of an oldest person. Anyway those children were the key to find James' killer and for that reason the police resorted to media to search for information about the case. Thousands of suspected boys were interrogated once the police arrested John and Robert and charged them with Bulger's murdered, but by the time they were hunt moral panic was activated and the press followed the case every day.

In November 1993 they were 11 when they stood trial in an adult Court and they were charged. Thompson and Venables were sentenced to be detained at her Majesty's pleasure. At first the trial judge recommended that they should serve a minimum of eight years, then the lord chief justice recommended that the minimum tariff should be 10 years. Anyway as a result of public pressure, that literally wanted blood for this crime, the home secretary raised the tariff, so that boys would not be eligible until they had served 15 years.

Some years later, in 1997, the tariff of boys was changed again, first when the House of Lords ruled that the Home Secretary was acted unlawfully in setting a higher tariff and then in October 2000 when the European Court of Human Rights agreed that the trial had not been fair, then the Lord Chief Justice of England and Wales restored the original eight years term.

3.STUDY OF CASE.

An aspect that is very relevant to that case is the power of moral panic and the influence of the press and the media. James Bulger's case started one of the highest waves of moral panic that has taken place in the history of the UK but this punitive approach to young people wasn't new, the context in 1990s helps to create that social response and thought-out this years stories of one-boy crime waves were often reported in order to criticise a system that was not powerfully enough to deal with them because of being under the age of criminal responsibilities which was 17 years old by that time (Criminal justice Act 1991).

For that reason isn't it is not surprising that the case prompted a media and public frenzy however it was the way that it was treated. (Frankling & Pettley (1996))

The media went further than just related to the case, they felt justified in presenting the killers as evil, not just because of the brutality of the murder, but also because the trial judge has described the murder as an act of "unpararell evil and barbarity" and the conduct of the boys as "both cunning and very wicked". (Morrison 2000). And as a result of it the next day after the trial headlines like "How do you feel little bastards?" or "The evil and the innocent" could be seen on tabloids and newspapers with the faces of both Childs, dropping the right of anonymity and the rule of the best interest of child recognized on Children Act 1989.

However the implication was so strong that after the first trial, both the press and the public claimed for a higher tariff to those boys. Frankling and Petley (1996) said that one of the reasons that made the public and the media to have a quite strong implication in that case was the way in what the police investigated the case, because at first the police asked to the public to see records and to look for clues about those boys that appeared in the records, making him an active part of the case and giving them the idea that they had the right to participate. Thus the implication and moral panic around this case was very high because of media, it is true that media was not the only responsible and the police and the justice system acted as well in an unfair way and did not preserve those children rights helping them to maintain the moral panic about childhood.

A further aspect related to this case which is a direct consequence of moral panic is the change of the age of criminal responsibility that took place as a result of the case and the setting of the minimum age at the age of 10 years old. Venables and Thompson were the first kids in the UK treated as adults in the Law Court at the age of 11, the public

seemed to be satisfied with this and as a result of it in 1999 Act of Crime disorder UK's government changed the age of criminal responsibility at ten and abolished the doctrine of doli incapax. That doctrine of more than 700 years required the prosecution to adduce evidence not only that the child (under 14) had committed the act alleged, but also that he or she knew that behaviour in question was seriously wrong rather than just naughty or mischievous. That constituted a filter ensuring consideration of issues of maturity, capacity and culpability at the point of charge and trial (Bandalli 2000).

The new age of responsibility, which is one of lowest in the E.U, was widely accepted by the public in that moment but nowadays there exists a lot of detractors.

On one hand people again this change argument that the number of offences committed by 10-17 years old people have gone down 12% and that the number of under 18 years old getting into troubles with the law for the first time has fallen by 21%. On the other hand people against this, represented by NAYJ campaign, alleged that justice system does little to prevent reoffending with this, and it makes harder for those children in Law Courts to access to secure employment in the future, exposing them to more serious offences increasing the risk of recidivism. They also said that in addition in many occasions it takes place an inappropriate imputation of culpability because of the abolition of doli incapax.

Those claims made by NAYJ seem to be validate with some data provided by other researches. For example Bermburg & Krohn (2003) said that it can appear two mechanisms as a result of those conditions: firstly labelling a child as a criminal can increase involvement in subsequent offending by influencing his or her identity, making more likely to associate with delinquent peers; and secondly the label can contribute to offending in a mediated fashion, by adversely affecting future life chances making them more difficult to access to conventional social environments and avoiding structured opportunities for legitimate advancement. This can be seen in James Bulger's case because it is known that John Venables when he was out of jail he has reoffended again. Another example is provided by Prior, Farrow, Hughes, Kelly, Manders, White and Wilkinson (2011), that said that the recent advantages in neurological science confirms that neural circuit with a significant influence on behaviour continues to develop well beyond puberty what makes impossible to avoid doli incapax.

Those facts can give an idea of the necessity of change about abolition of doli incapax and the increase of the minimum age of criminal responsibility and thus in the way to work with those young offenders to rehabilitate them and not just to punish their behaviour (Jacobson, Bhardwa, Gyateng, Hunter & Houg 2010) in order to avoid that those children reoffend as happened with Venables.

To summarise, the murder of James by two ten years old boys was very violent and surprising for the age of his killers. That violence shocked the public and the media that made such a pressure that both politics and justice were influenced by this moral panic making the trial of the boys unfair. The direct consequences of that were the change at the age of criminal responsibility at ten reflected in 1998 Act of Crime Disorder. Nowadays many institutions questioned this change and they claim that it is necessary to raise the age and to make an effort to rehabilitate those young offenders instead of just punish their behaviour.

4.CONCLUSION

Bulger's case demonstrate how an individual case can have such a determinant effect on public opinion causing moral panic and affecting on government policies regarding juvenile justice and causing an increasing of the level of punitive approaches that nowadays seems to be inappropriate to deal with young offenders that needs a better rehabilitation process which can give them hope to have a better future.

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