

REVIEW

A JUVENILE HOMICIDE: A CRIMINOLOGICAL SUMMARY OF THE MURDER OF JAMES BULGER

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ABSTRACT

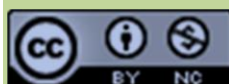
The progenies sometimes commit crimes with extreme cruelty and barbarity and the purview of such crimes is vast. Some children are involved in senseless and brutal killings and such crimes do not show any motive or explanation. The article is an analysis of the murder of James Bulger, who was a toddler and faced a tragic death in 1993. The death of Bulger was not natural but a result of the delinquent mentality of two young children John Venables and Robert Thompson, who were 10 years old at that time. The horrific death of the toddler petrified the world and it was shocking news as it was considered one of the cold-blooded murders in the world. Through the analysis of this case, the author attempts to expound the causes which compel children to commit acts of brutality. A child's upbringing, and bad and ineffective parenting result in emotional instability which prominently drives him/her to commit gruesome murders. The methodology adapted by the author in this paper is qualitative in nature and involves content analysis of secondary sources of law.

Keywords: *Brutality; Crimes; Ineffective Parenting; James Bulger, Juvenile*

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children and youth are labeled as the ultimate juvenile victimization, which deserved publicity in recent years¹. The murder of James Bulger attracted the attention of the world and is considered a landmark case in British history. The case has two facets for inquiry, one which is legal and the other, psychological. The terms 'juvenile delinquency' and 'crimes' are seen as legal definitions than behavioral and psychiatric symptoms². The author's objective in this paper is to present a summary of the aspects of juvenile homicide with reference to the murder of James Bulger. In addition to this, the author signifies the concept of 'nurture and nature' influencing the behavior of children.

The methodology of the research is qualitative in nature. The research has taken the form of a literature review.

DISCUSSION

The cold-blooded murder of a toddler

James Bulger was a two-year-old toddler when he wandered away from his mother at a shopping center in Liverpool, United Kingdom. The toddler was missing for a day and his mutilated dead body was found two days after the date of abduction. The

INTRODUCTION

The February 1993, the British were horrified by the murder of a two-year-old toddler named James Bulger. The focal point of the case was the commission of the crime by two juveniles who were 10 years old at the time and the fact that the victim of the ruthless crime was a toddler. The murder was considered a reflection of the moral decay in Britain and one of the most gruesome juvenile homicides in history. It was a 'senseless killing' which did not show any kind of a motive or an explanation. In the view of the US Department of Justice, murders of

toddler was subjected to a battery and was hit by the train³. Doubts arose as to who committed the ruthless act and at first it was imagined that it was a crime committed by an adult. The CCTV footage of the shopping center revealed evidence on the perpetrators where it showed that two boys were taking the toddler out and both were 10-year-old⁴. John Venables and Robert Thompson are considered the youngest children to be convicted of murder in the UK. The case led to a public uproar on juvenile homicide and raised questions on 'what compels children to kill?' and 'what induces a young, innocent person to commit a crime of evil and barbarity?'⁵.

Nature or Nurture?

The evil acts of John Venables and Robert Thompson brought forth different questions relating to the reasons for committing such a gruesome murder⁵. The child's upbringing has a direct influence on the emotional instability that pushes him/her to kill. Particularly, the violent surrounding including the lack of financial security has resulted in the deviant behavior of the juveniles⁵. In the simplest sense, there is a difference between 'nature' and 'nurture'³. Nurture is considered more influential than nature in the formation of criminal behavior⁶. The family and parents exert a considerable influence on the children⁷. When comparing the incidents faced by the two delinquents, the situation of Robert Thompson was tragic as he was destined to live in a violent environment³. He was constantly prey to bullying and violence inflicted by his father. Being the fifth son of a family comprised of seven sons, Thompson spent a life without parental care as his mother was drunk and neglectful⁵. Thompson was constantly tortured and hit by his elder brother. Unlike Thompson, Venables lived in a peaceful family. However, he had a disposition to bully others.

Parenting as a hammer shaping a child's personality

Bad parenting is not a single type of behavior or an action, but it is considered a 'chain of destructive acts', that will affect the well-being of a child in a harmful way⁷. The modes of ineffective parenting include insulting the child in front of others, not providing proper guidance, and lack of communication between the parents and children⁷. In view of the literature on criminology, 'bad parenting is ineffective and a risk factor for unhealthy social development which finally causes the anti-social behavior'⁸. Among the two young children, Robert Thompson witnessed the worst

type of parenting in comparison to John Venables. Thompson's parents were not successful. Thompson's father tortured the family, and the child was a constant victim and a witness of physical and sexual violence³. Venables' parents were separated but that did not create violence. Venables' mother was a victim of a psychiatric disorder and would have been overwhelmed to conform to the norms of parenting⁵.

John Venables and Robert Thompson: Are they psychopaths?

'Psychopathy' is a devastating psychiatric disorder characterized by antisocial traits such as untruthfulness and irresponsibility. Psychopaths also tend to lack feelings of remorse or empathy. It is devastating, not merely due to the severity and association with violence but because it necessitates the use of a wide range of services, namely the prisons, courts, and places promoting mental health⁹. In the view of Robert Hare, psychopaths are 'predators of their own kind', and they use power, manipulation, and violence in controlling others⁹. The injuries inflicted on the toddler Bulger by the ten-year-old boys were harsh. He was abducted, tortured, and murdered. The description of the murder of the toddler creates doubt about whether the criminals are truly psychopaths. Psychopathy is considered to be associated with genetics³. However, external environmental factors may cause aggravation of the existing 'medical' condition. John Venables had a history of being violent to younger children. Even though he lived in a positive environment and a privileged situation in comparison to Robert Thompson, it depicts that, there was a manipulation between each other³.

Application of law and the doctrine of 'doli incapax'

Justice Harper in *R (A Child) V. Whitty* (1993) was of the view that '*no civilized society regards children as accountable for their actions to the same extent as adults. The wisdom of protecting young children against the full rigor of the law is beyond argument.*' In the context of England, the age of criminal responsibility is ten years, and children under the age of ten are capable of escaping the prosecution on the ground that, they are too young to comprehend the consequences of the act⁵. The presumption is that a child is incapable of doing wrong or appreciating or understanding the seriousness of the action⁵. The prosecution must rebut the presumption by proving that, the child knew the fact that the act was seriously wrong and not merely mischievous⁵. In Bulger's murder case, the prosecution dealt with four questions. The four

questions were, on the day of committing the crime, did they know the difference between right and wrong? Did they know that taking the child from the mother was wrong? Did they know that injuring the child is wrong? and did they know that leaving the child on a railway is wrong? All the questions of the prosecution were answered in the affirmative⁵. However, after the conviction, Section 34 of the Crime and Disorder Act 1998 in the UK abolished the rebuttable presumption of *doli incapax*. However, the current law in England and Wales marks the age of criminal responsibility as 10 years. The children under 10 years are exempted from arrest whereas children between the ages of 10-18 years can be arrested. The approach of law to a case of a child between 10-18 age categories is prominently different from that of a case of an adult.

CONCLUSION

James Bulger's murder was one of the most gruesome and ruthless juvenile homicides reported in the legal history of Britain. The severity of the case was aggravated once it was detected that, the perpetrators were two ten-year-old children namely John Venables and Robert Thompson. The two child perpetrators had abducted the toddler, tortured him with stones, and finally left the toddler's body on a railway line to show that, the death was an accident. The series of events that had taken in the course of the murder proves that they are cruel and remorseless. The commission of crime by a child would probably be the result of genetics and external factors such as the home environment, violence, psychopathy and mental disorders, and bad parenting. 'Nature' is simultaneously decisive in determining the criminal behavior of a person. The genes prominently drive the experiences of an individual. In essence, the 'genes' are considered the basis of human development¹⁰. However, Thompson's behavior signs that he has inherited some of the traits of family members and there is an influence of genetics. When studying the confrontations of John Venables and Robert Thompson, it was very evident that, both the young perpetrators were more or less victims of social disorganization, violence within the family unit, stress, and ineffective/bad parenting. The concluding perspective of the paper denotes that, both nature and nurture influence the children in the commission of crime. However, there is a greater inclination of children to absorb negativity by nurture. The nurture of a child is a cogent evidence to impose the liability of a criminal act committed with the knowledge of the nature and consequences of the same. Amidst different interpretations of the legal term '*doli incapax*' in

different parts of the world, it can be concluded that it's the reformatory approach and not the rigorous punishment under law suitable for developing a child victimized by social disorganization.

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CONFLICTS OF INTEREST

The author declared no conflicts of interest.

ETHICAL ISSUES

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AUTHOR CONTRIBUTIONS

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