

Correspondence on the Jamie Bulger killing

9 February 2001

Dear WSW

I would like to ask why you wrote your article about the boys convicted of Jamie Bulger's death, with the tone being that the boys were the wronged ones.

From what I have read, it would appear that the boys knew they were wrong for killing him, when they tried to hide his death as a train accident. That little boy's brutal murder, and the attempts to hide it, do lead me to believe the boys knew full well what they were doing, and should have been held liable just as they were.

I cannot find this compassion and sense of wrong doing that you have. I would appreciate it if you could explain.

Sincerely,

RM

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Julie Hyland replies on behalf of the *World Socialist Web Site*

Dear RM

We have written extensively on Robert Thompson and Jon Venables and the killing of James Bulger because we consider it to be of great significance. If you follow this hypertext link you will be able to access all our material <http://www.wsws.org/sections/category/news/uk-bulg.shtml>

Briefly to answer your question, you write that you "believe the boy's knew full well what they were doing... and should have been held liable just as they were". On what do you base this assumption? You say it is because they tried to make his death look like an accident. Even if this were so—and this is a claim made by the press but not established elsewhere—it does not necessarily prove you correct. It does not reveal what their frame of mind was in the time leading up to James' death, let alone establish whether their efforts to cover it up were criminally motivated, or the actions of two children who became scared when they realised something terrible had happened. Children can react in all manner of ways when they do something wrong, and it is the fact that they were children which is crucial.

Most European countries set the age of criminal

responsibility far higher than in England. The reason for this is very simple—there is a difference between children and adults. There are physical differences, and not only to do with height, weight, etc. For example a child's ability to judge distance and speed is not fully developed until the age of 14, as the brain is still developing and making connections. There are also intellectual differences. The ability to make a moral judgement is not inborn. It is something that is learned over time, through experience and tuition. As anyone who has ever had to discuss death with a child will know, children have no concept of finality. That means they cannot really understand the concept of death, let alone murder.

These important differences between children and adults are taken for granted in many areas. Sexual intercourse with someone under the age of 16 is illegal in the UK. Children must legally be schooled until they reach 16. Children in the care of social services departments must be provided for until aged 16. And of course, no one can vote until the age of 18, because that is when they are considered to be mature and responsible enough to make a credible political judgement.

All this was disregarded in the James Bulger case. Instead the prosecution argued that children must be held just as accountable for their actions as adults. On this spurious basis the court overturned the centuries old principle of *doli incapax*—that a child under the age of 14 cannot be held accountable for his/her actions unless it is proven they knew what they were doing. In Thompson and Venables case they were placed on trial in an adult court, although aged just 10 years old. Unlike most adults, the two boys could not understand the proceedings being taken against them, could not participate meaningfully in legal briefings and could not even give evidence. For the most part, they sat through the trial drawing, sucking their thumbs or crying. I would also point out that if an adult were found to have the mental age of a 10 year old, they would be considered unfit to stand trial.

It is not surprising then, that even the European Court of Human Rights ruled that the two had been denied their

right to a fair trial.

Since the Thompson/Venables trial, juvenile law has been subject to even greater attack. Children have lost their right to remain silent, they can be placed under curfew, held responsible for "anti-social behaviour" from the age of nine, and so on. More and more children are now placed in adult prisons—something that is actually illegal but is increasingly disregarded as the political parties fall over themselves to prove how tough they are on law-and-order.

Nothing was served by demonising these two boys, and the constant press hysteria surrounding the case seems only to have intensified the grief of James' parents, leaving it an open sore that cannot heal.

Current efforts to ensure the two remain behind bars, despite evidence of their own remorse and good behaviour, are not just to the detriment of Thompson and Venables. This campaign is an attack on the very concept of rehabilitation. Should it prove successful, we will be much closer to a legal system based on vengeance and retribution, which will have terrible consequences for democratic rights and society in general.

I hope this answers your question.

Regards,

Julie Hyland

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Ms. Hyland

Thank you so much for your response. Indeed, I did read the rest of your articles on the subject the day I emailed you. You do make some strong points, points that I cannot contest. My perspective of 10 year olds is perhaps tainted in seeing the gangs and violence I have in my country (U.S.).

I thank you again for responding.

Sincerely,

RM



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact