

# **‘CHILD CRIMINALS’ IN THE MEDIA: AN ANALYSIS OF MEDIA CONSTRUCTIONS OF ‘CHILD CRIMINALS’ AND A CRITICAL ANALYSIS OF THE CONSEQUENCES**

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## **Abstract**

The intention here is to highlight the socially constructed nature of ‘childhood’ through the production and reproduction of knowledge from discourse. By utilizing critical discourse analysis of media discourses, that can be defined as dominant due to their tightly bound relationship with power, and by adopting a case study approach to the incident that amounted considerable attention and confusions over childhood, the murder of James Bulger by two ten year old boys; Jon Venables and Robert Thompson, I have endeavoured to expose the unequal power relations and discursive manoeuvres that are utilized in media discourse(s) that sustain dominant notions that children and young people who transgress the law are ‘evil’ and/or adult like (Jenks,2005). In addition to this CDA of tabloid media coverage of the recall of Jon Venables to prison in 2010 has endeavoured to highlight the enduring relevance of this case in sustaining the regime of truth regarding irretrievable innocence and the identification of future adult criminals at a young age, and, thus, to challenge media discourse(s) that disseminate simplistic information riddled with inconsistencies and misinformation regarding children who transgress the law, which has facilitated the process of ‘othering’ (Matthews,2009) that worryingly all too often results in excessive punitive treatment of underprivileged and socially excluded children and young people.

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## Introduction

It is my objective to examine the socially constructed nature of childhood by historically mapping the emergence of childhood as a separate social category from adulthood, and to charter the subsequent numerous version of childhood that have emerged, in doing so I aim to show how 'childhood' is constituted by discourse.

The main focus will fall on media discourses; this will enable me to explore the myths associated with media interpretations (van Dijk, 2008) of 'child criminals'. By utilizing a case study approach to the incident that instigated considerable confusion over childhood and amounted substantial media attention, the murder of James Bulger in 1993 by two ten year old boys, Jon Venables and Robert Thompson, I aim to, through critical discourse analysis, expose the unequal power relations and discursive manoeuvres maintained by media discourse(s) that sustain regimes of truth (Weedon, 1997). By also deconstructing selected tabloid media coverage of Jon Venables' recall to prison in March 2010, I aim to show how this case is enduringly relevant to the construction of 'child criminals' in the media by arguing that tabloid media discourse aids in sustaining the regime of truth regarding irretrievable innocence, and the identification of future adult offenders at a young age.

By using a case study approach that focuses on sensitive material; the murder of a two year old boy; James Bulger, I recognise that it may be upsetting for the families of those affected by the offending of children and young people. I argue, however, that it is essential to challenge media discourses that can disseminate misinformation, regarding children and young people who transgress the law. This has facilitated infringements on the rights of the child, and furthermore has created a pessimistic outlook for the next generation, creating a sense of disposability directed at underprivileged youth (Giroux, 2009). By exposing myths, misinformation and harms associated with media vilification of 'child criminals' I aim to create a counter discourse that could, alongside other critical work, be operational as part of a 'geneology' that challenges dominant knowledge(s) generated from media discourse, by highlighting their discursive practices and inaccuracies (Howe, 2009).

## Chapter One – ‘Childhood’

This chapter will explore the emergence of childhood as a separate and independent social category from adulthood, in tracing this, this chapter will draw upon the many historical versions of childhood that have emerged and changed over time through the production of knowledge from discourse, it will be highlighted that such versions of childhood are socially constructed according to social conditions of time, rather than such notions being plausible universal states of childhood (Brown,2005), and that these constructions are composed by adults through all social classes (Hendrick, 1997).

This chapter aims to demonstrate how such ‘truths’ about childhood have real consequences for children and young people who are constructed as ‘other’ (Brown,2005), those who do not display ‘natural’, ‘normal’ and accepted characteristics of appropriate child behaviour. This chapter will, therefore, charter the origins of the youth ‘problem’ as we understand it today in order to critically problematise the interconnections that have been forged between youth and crime, and how this connection has facilitated intensive punitive treatment of children defined as criminal. This will enable chapter two to thoroughly explore the concept of discourse in order to reveal how it attaches meaning to the subjects it constitutes, setting the foundations that will enable my research to explore how childhood is made meaningful by discourse, and how such meanings are taken for granted as the ‘truth’ about all children who contravene the law.

The analytical term childhood is problematic in that it is all too familiar to us, we have all been children, know children, some of us have had children, brought them up or taught them. We may assume then that we all know what we mean by child and childhood, however their properties are complex, multiple and elusive and their limits elastic given that there is no universally applicable definition of childhood (Davin,1999:15). The only ‘truth’ that we unequivocally know is that we are born, we grow older and we die, terms such as ‘childhood’, ‘youth’, ‘adolescent’, ‘middle aged’ and ‘elderly’ are social terms that have been applied to the intervening years between birth and death (Brown,2005:5).

Childhood is a lived experience defined in cultural and economic contexts, and so an ideology or character of childhood cannot be universally defined as one thing or another when one considers the inevitable numerous and varying experiences of specific children in specific contexts, furthermore understanding children’s own experiences of childhood is difficult to assess (Davin,1999:15). It is therefore important to recognise that our understanding of how children differ from adults varies with time and place. Therefore by looking back at history we can attempt to excavate the many different meanings of childhood that have emerged, the aim of which is to discover how we have now reached a period in time whereby children breaking the law is one of the greatest preoccupations of modern times (Goldson, 2002:120). Such a history is complex given that there is a dualistic conception of childhood (at risk and a risk) (Goldson,2002:120).

The construction of childhood as a separate category from adulthood had yet to take place at the beginning of the nineteenth century (Goldson,2002). During the eighteenth century children were required to be useful from an early age, often in the form of domestic chores, and outdoor activities that involved agricultural and craft work, children from poor socio-economic backgrounds were often employed in textile mills in the first decades of industrialisation (Davin,1999:16). Even towards the beginning of the nineteenth century, criminal justice and penal systems treated children who broke the law in exactly the same way as adults, capital punishment, transportation across the seas and detainment in prisons

with adults, were all penalties used indiscriminately. There were no legal categories that made distinctions between juvenile and adult offenders; the age of criminal responsibility was set at seven years of age (Goldson, 2002). Some concessions were made for infants under this age, it was assumed that up to the age of seven infants should be presumed innocent and incapable of wrong doing, between the ages of seven and fourteen they were presumed innocent unless the prosecution could prove that they could discern between right and wrong, this was a concession made under the principle of *doli incapax* articulated by Blackstone in 1796 (May,1973).

It was in Victorian society that discourses of the delinquent child emerged, developments in the increased recording of juvenile crime largely contributed to this, instigating widespread influential public debate regarding a concern over a perceived increasing problem; this evolved penal and legal strategies to cope with the perceived problem. This can largely be attributed to a period of rapid change during the 1780's to the 1820's, it was a time that was witnessing the early stages of the industrial revolution, combined with the social and political upheaval created by the Napoleonic wars (Hendrick,2006:4). The emergence of childhood as an independent social category, then, is a historical and cultural product, rather than a biological necessity (Brown,2005:8). At any historical moment childhood will be constructed around a complex interplay of competing social, economic and political priorities (Goldson,1997:4).

During this time concerns raised regarding juvenile delinquency initiated a report entitled 'Report of the committee for investigating the alarming increase of juvenile delinquency in the metropolis' this was conducted by studying children in various prisons, it stated that the causes of delinquency were directly related to parental neglect, lack of education, want of employment, habits of gambling in the streets, the severity of the criminal code, violation of the Sabbath, the defective state of the police and the existing discipline regime in prisons (Shore,1999). Parental neglect and lack of religious beliefs, particularly, became the trade mark explanations for the causes of delinquency, they were explanations always applied by middle and upper commentators, to the working classes, who were deemed to be criminally inclined (Shore,1999).

Hendrick (1997:25) suggests that numerous versions of childhood emerged between 1800 and 1880 the Romantic child, the Evangelical child, the Factory child, the Delinquent child and the Schooled child, these were followed by the Psycho-medical child and the Welfare child as life moved from the Victorian era into the twentieth century. All these different versions of childhood can be identified as being reflective of the social conditions of the time. The constructions of childhood in the Victorian age reflected middle class attitudes and obsessions with the notion of childhood; this can be seen in the notion of the romantic child, which presented a somewhat disturbing picture. The discourse of the romantic child imputed qualities of innocence and virtue and an emptying out of childhood sexuality and knowledge, whilst at the same time making that very innocence and virtue sexually charged (Brown,2005:9).

The impact of the industrial revolution had created an immense demand for labour that pushed adult child relations in the opposite direction from the notion of the romantic child, the climate of the nineteenth century and the aggressiveness of new capitalism saw optimistic notions of childhood challenged, notably with the revival of evangelical ideology, which saw the emergence of another construction of childhood; the evangelical child, the belief of original sin, associated with this, articulated the notion that children were polluted creatures in need of redemption (Hendrick,1997). The notion of the factory child was also the inverse

of the romantic child, discourses of the romantic child had conceptualised a 'domestic' ideal, where children should be at home under the care of their mothers, this was greatly contrasted by the vast numbers working class children employed in textile mills, as many as eighty percent of workers in English cotton mills were children (Brown, 2005:11).

The Factory Act was implemented in 1833, following philanthropist concerns of the brutalization of working children, it virtually prevented the employment of children under the age of nine years age and vastly limited the working hours of children aged between nine and thirteen, this served to marginalise children from the centre of economic production, and reinforced the notion that children were something 'special' and 'other' (Brown, 2005:12). Furthermore the Act was deemed a success by middle class commentators seeking to improve conditions, however the reduction in working hours had a catastrophic financial effect on working class families who were already struggling, this ultimately impacted on the survival of the child, who would, in many cases, resort to theft in order to feed themselves (Horn,1997).

Rapid urbanisation caused further concerns, as the population increased there were increasingly smaller distances between the houses of the poor and the houses of the wealthy, this for many middle class commentators posed a threat, it initiated fears of the 'dangerous and criminal classes' producing children who would grow up to be the same, and schooling of such children was deemed to be their salvation (Brown,2005). Commentators such as Mary Carpenter clearly linked discourses of deprivation, depravation and social disorder with children of working class families, and this provided for the deeply imbedded notion that such children were in need of discipline, training and regulation in the guise of education (Brown,2005). Therefore we can see that children have been depicted as both vulnerable victims in need of care and protection, but also that they have been perceived as potential threats in need of discipline and regulation, this dualistic conception structured the ways in which children have been perceived from the beginning of the nineteenth century (Goldson, 2002:120).

The passing of the Youthful Offenders Act 1857 cemented juvenile delinquency 'as a distinct social phenomenon' (Hendrick,2006), this discursive framing of childhood provided the link between youth and crime (Brown,2005), and importantly this instilled the notion that children constructed as 'other' could be restored to a perceived 'natural', 'innocent', and 'normal' state of childhood through education (Hendrick, 1997). This saw the birth of reformatory schools, for convicted 'depraved' delinquents under the 1854 Youthful Offenders Act, and industrial schools for the deprived under the 1857 Industrial Schools Act (Muncie,2009), in order to attain willing obedience from the dangerous and perishing classes through a justice/welfare imperative (Hendricks ,2006:5). This reflects what Foucault referred to as 'continuous disciplinary discourse', that formed what he termed to be the emerging 'carceral society', whereby every departure from the prescribed 'norm', not just deviance alone, was subject to surveillance, regulation and control (Foucault, 1977).

The delinquent child, thus, emerged amongst discourses that presented a conflict between innocence and experience, middle class commentators expressed concerns that working class children knew too much, such children were regarded to be; independent, self reliant and advanced in knowledge of evil, all characteristics that were perceived to be the complete opposite of what a child should be (Brown,2005). However, since it was most likely self reliance that determined the working class child's survival, this demonstrates how universalised notions of childhood are wholly inapplicable, since childhood is subjective; life experiences will undoubtedly be varying (Davin,1999). It was, however, the belief of



commentators such as Mary Carpenter that a child should be 'treated as a child', and should then be brought back to a state of dependence, largely through schooling (Hendricks,1997).

Childhood is always made meaningful by adults; children's own experiences tend to remain unheard, scapegoating children from underprivileged backgrounds, as the locus for the ills of society (Hendrick, 2006). It is important to mention here the gendered assumptions that underpinned understanding of juvenile male and female offending; vastly more boys were committed to schools than girls, however when girls were committed it was due to offences of sexual delinquency, which reflected gendered notions that sexually active girls were 'fallen' (Shore,1999).

The period 1880-1914 saw the emergence 'Hooliganism' from a concern over a statistical rise in juvenile crime, it was a term that emerged to describe the 'loutish' behaviour of the working classes. It was however a clear example of how juvenile delinquency can be created, as Hendrick (2006) argues, largely non indictable offences were counted as crimes, this was a symptom of the adoption of aggressive attitudes by magistrates and police towards traditional working class activities, which in turn produced a high conviction rate (Hendrick,2006). Hooliganism was also associated with discourses on the state of the nation; the rising supremacy of Germany was measured against the poor showing of Britain in the Boer War, and such anxieties were projected onto youth through the construction of 'Hooliganism' (Hendrick,2006). Attitudes towards childhood then are clearly politicised, political contexts are therefore influential in determining how social constructions' of young people and crime are put together (Hendrick, 2006).

By 1918 childhood was well on its way to being conceptually modern, this was broadly shaped by the nineteenth-century notions of Romanticism, Evangelicalism and middle class 'domesticity', childhood has become increasingly defined in relation to educational, medical, welfare and psychological jurisdictions, and was increasingly seen as separate from adulthood. The inter war period saw further developments in the conceptualisation of childhood, largely through Psychology, and Psychiatry in the form of the Child Guidance movement (Hendrick,1997). Psychology placed an emphasis on morality, mental conditions were accorded more importance than economic ones, and the family became centre stage in the promotion of healthy minded children. Delinquent children were therefore deemed to be the products of ineffective parenting, which the mother was deemed responsible for. The association with mental ill health provided for the notion that psychoanalysis could disengage unwanted characteristics of a child's emotional world. Further to notions of individuality and rationality were promoted by stating that children's understanding of the world was not that different from adults, such developments have proved highly influential (Hendrick,1997:36).

The development of Child Guidance Clinics in the 1920's and 1930's were also extraordinarily influential, child psychiatry was consolidated as a distinct realm of medicine; a new mode influential 'expert' knowledge, whereby childhood was given its own set of disorders such as truancy and temper tantrums. The clinics distributed a new understanding of childhood to teachers, probation officers, social works, school attendance officers, doctors and psychiatrists Hendrick (1997), and this served to extend the power of disciplinary networks that would regulate and control (Foucault,1977) the child. The significance of childhood was made visible in three main contexts; the mind of the child, the child in the family and child management. It therefore became the dominant notion that neglected children would become disgruntled agitators, and that happy children would become pillars of that state, this clearly provided a link between delinquency and neglect (Hendrick,1997).

The main response to juvenile offenders and vulnerable children at this time was the Children Act 1908, which furthered the link between the neglected child and the offending child. It attempted to reconcile justice and welfare imperatives largely through the introduction of the 'juvenile court', where the notion of rehabilitation had been enshrined through positivistic psycho-medical notions of childhood (Hendrick, 2006). This blurred the distinction between rescue and punishment of juveniles (Brown, 2005) as welfare objectives became legitimate features of juvenile justice system, and offending was understood as merely a personal condition that could be treated (Hendrick, 2006). Subsequent legislation; The Children and Young Persons Act 1933, clearly demonstrated the blurred distinction between the deprived and the depraved child (Matthews, 2009) by stating that;

There is little or no difference in the character and needs between the neglected and delinquent child. It is often a mere accident whether he is brought before the court because he is wandering or beyond control or because he has committed some offence. Neglect leads to delinquency (Home Office, 1993:6 cited in Matthews, 1999:151).

The Act did raise the age of criminal responsibility from 7 to 8 (Goldson, 2002), but it also provided for the greater use of what Foucault termed 'judges of normality' (Howe, 2009), by enabling teachers, parents, doctors and others to provide their knowledge about a child before the court (Hendrick, 2006). This demonstrates what Brown (2005) argues to be; the emptying out of children's lives and the 'filling in' of adult concerns.

The politics of the 1940's initiated the construction of 'the child of the welfare state', here children had two main identities; as a family member, and as a public responsibility (Hendrick, 1997:36). This had formulated during the post war period, whereby reconstruction of a healthy population was deemed essential for the stability of the country after years of evacuations that had separated families. The Children Act, 1948 emerged in response to leading figures provided in Child Guidance; and the Curtis report on children in care. Observers had commented that in most care facilities little interest was paid to the individual child, the child was merely one in a large crowd (Hendrick, 1997). The Act's main objective was to ensure that child welfare legislation operated in the best interests of the child, children in care were to be restored to their natural parents where possible, this in general reflected the concerns that family breakdown would lead to juvenile crime (Goldson. 2002:126).

In 1963 The children and young person's Act achieved an increase in the criminal age of responsibility, it had been suggested by the Ingleby Report in 1960 that the age be increased to 12 in order to decriminalise elements of the justice process, to achieve a more unified welfare approach, however a compromise was struck at 10 years of age (Goldson, 2002).

This 'golden age' of welfare began to tremble towards the end of the 1960's, and as Hendrick (2006) argues, the post war period up to the 1970's was not so much about children, but about youth. This 'youth question' served to provide a means of discussing a multitude of issues; social, economic, political and cultural that arise from social change, the state of the nation was viewed through the perceived condition of its youth (Hendrick, 2006:10). Hendrick (2006: 12) observes; 'by the mid 1970's the image of Britain was of a society in 'national decline, economic problems, racial tensions, discontent with the health and social services, violent personal struggles between left and far-right demonstrators, trade union militancy, the emergence of a so-called 'underclass', and criminality and juvenile 'delinquency- all of which culminated in the 'winter of discontent' of 1978-1979'.



Importantly the media had aired their concerns that Britain was 'ungovernable' and this was associated with what was deemed to be the failure of the Labour party soft handed welfare approach. The Conservative party came to power under Margaret Thatcher in 1979, however despite tough talk regarding a perceived decline in public morality, the period between 1982 and 1992 presented a somewhat optimistic picture (Goldson,2002). Diversion, decriminalisation and decarceration produced a remarkably progressive period in the treatment of juvenile delinquency (Golsdon, 1999), which had a real impact on the number of children sentenced to custody (Goldson & Coles, 2005). This was however born out of concerns regarding expenditure as opposed to a real ideological conversion to welfarism (Hendrick, 2006). However as the fortunes of the conservative party began to dwindle, their performance in the opinion polls reflected wider concerns that their attempts to restore Britain to economic stability were failing. During this time Goldson (2002:131) notes that; 'both the media and police were beginning to regularly draw attention to car crime, youth disorder, children offending whilst on bail, and children who they described as 'persistent offenders'.

Such concerns were cemented and supported by an authoritarian backlash in 1993 with the murder of two year old James Bulger, by two ten year old boys; Jon Venables and Robert Thompson. Goldson (2002:131) argues that this incident was shamefully hijacked to serve political interest, furthermore it was used to portray a universal expression of childhood (Jewkes,2004). Populist assumptions and dominant political discourses treated this incident as a phenomenon on which all people could agree (Muncie,2009), the morality of childhood was deemed to be in decline (Brown, 2005).

The historical account documented in this chapter has attempted to charter the social exclusion of children from underprivileged backgrounds (Brown,2005), and to emphasise how childhood and youth are socially constructed categories that have been used by adults as blank canvas' on which to paint their fears. By arguing that childhood is a socially constructed category it is essential to explore the theoretical concept of discourse in greater detail in order to explore how the subject of 'child criminals' is constituted (Hall,1997). This is essential to explore how discourse can facilitate the process of 'othering', whereby 'child criminals' are distanced, objectified and consequently receive little sympathy, empathy and tolerance (Matthews,2009:82).

## Chapter Two – Discourse

The aim of this chapter is to demonstrate how discourse is central to the production and reproduction of knowledge (Hall,1997) regarding ‘child criminals’. The main focus will be to show how discourse can be used to meet certain ends, namely the exercise of power over children. The majority of attention will be paid to discourses that are defined as dominant due to their tightly bound relationship with power, that enables them to influence behaviour, thoughts and indeed other discourses on the subject of ‘child criminals’. It will, therefore, be argued that this influence enables the construction of particular ‘truths’ on the subject of ‘child criminals’, and in doing so rules out other discourses on the subject (Foucault, 1980a).

By discussing the concept of discourse this will enable me to direct my research clearly towards exposing unequal power relations that are created by the production of knowledge from dominant (media) discourses (Hall,1997), which undoubtedly has severe consequences for all children who enter the Criminal Justice System (CJS).

Discourse involves ‘real’ things, such as spoken words in a conversation, or words in letters exchanged between people (Yates, 1998). Discourse can also be understood as a set of ideas, concepts and rules about how individuals think and talk about a given subject, as well as group, institutional and/or cultural thinking and talking about a given topic. Talking and thinking (discourses), therefore, are defined as knowledge about a given subject. Discourse can be understood as a socially or culturally defined system of knowledge (Yates,1998). To fully demonstrate what knowledge encompasses Jäger and Maier (2009) state that it refers to a variety of elements that account for human consciousness, in other words; it is the *meanings* that humans ascribe to the many factors that shape the world they live in, the meanings that they attach to their world helps them interpret and make sense of it. The concept of discourse can, therefore, be understood as not just expressions of social practice, not just mere words, but discourse(s) can be used to meet certain ends, this is namely the exercise of power (Jäger & Maier, 2009:35).

For Foucault the concept of power was tightly bound to discourse, power refers to a whole series of functions that are capable of influencing behaviours or discourses. Discourses, therefore, exercise power in that they rule in certain ways of talking and thinking about a subject (Hall,1997), they institutionalize and regulate talking, thinking and acting (Jäger & Maier,2009), they constitute and govern individual subjects (Weedon,1997). Discourses, therefore do not exist in simple ‘bipolar’ relations of power and powerless, they are tactical elements, strategies of manoeuvres that take particular forms in particular societies (Foucault,1998), organized for example through relations of class, race, gender, age and religion (Weedon,1997:107). Discourses, therefore, are sites of conflict over how social relations should be constituted and social control should be exercised, discourse has important implications for how individuals are governed since they transmit and reinforce power (Weedon,1997). Knowledge and power, then, are inseparable, power cannot exist without knowledge and vice versa and discourse is the place where they meet (Howe,2009).

Discourse is clearly then not just a linguistic concept, it is also about practice/action. Discourse defines a subject, it creates objects of our knowledge and can therefore influence how we react and act (Hall,1997). For Foucault power is linked to the growth of (new) knowledges, e.g. medicine, criminology, psychology, and pedagogics (Smart,1989). The growth and expansion of such knowledges does not just reflect reality, discourses shape and enable social reality, without discourses social reality would not exist (Jäger & Maier,2009). This point may at first appear confusing in that it may appear to infer the idea that nothing

exists outside of discourse. To clarify, Foucault argued that there would be no *meaning* outside of discourse. Foucault did not argue that all things cannot have a real material existence in the world, what he strongly argued was that nothing has any meaning outside of discourse (Foucault,1980b).

Discourses are not just ideologies they produce subjects and reality in particular social contexts, with the aid of co-producers and co-agents of discourses. Such agents are able to do this as their involvement in discourse enables them to have knowledge at their disposal; therefore they are active in aiding the production of 'reality' by attaching meaning through discourse. Discourse is therefore not an ideological theory, discourse deals with material realities not ideas (Jäger & Maier,2009). The *power* of discourse is that it creates *objects of our knowledge*; it creates statements that can be said about a particular subject, this ultimately determines how people interpret the reality of a subject, which will in turn structure further talking (language) and acting (practice). Therefore there are two functions of discourse; firstly discourse constitutes individual and collective subjects by forming individual and collective awareness about (a) given subject(s), and secondly that the awareness (consciousness) generated about a subject determines action (Jäger & Maier,2009).

Discourse and knowledge are tightly bound to power, they are constantly employed to regulate and control the conduct of others. Therefore by determining action *all* discourse has a discursive aspect (Foucault,1980b). Discourse never consists of one text or one source, discourse that is characteristic of talking about a given subject will appear across a range of texts and a range of institutional sites within society, when they share the same style; support the same strategy they belong to the same discursive formulation (Hall,1997). Such discursive formulations can lead to a 'solidification of knowledge' which grants discourse sustained effects (Jäger & Maier,2009), by informing every day discursive practices/actions that can result in the illegitimate use of power. Such abuse can result in a violation of fundamental norms and values in the interest of those with power, placing the interests of those without power in jeopardy; power abuse can be understood as the violation of social and civil rights of human beings. This abuse, however, often attains legitimacy, this equates to discursive domination whereby disinformation, manipulation, stereotyping and prejudice are rife, and this undoubtedly leads to social inequalities given that discourse influences social interactions and action (van Dijk, 2008:10).

Discourses, therefore, always constitute knowledge, they are far more than a means of creating meaning; they constitute and govern the minds and bodies of individuals. For Foucault, this is always part of a wider network of power relations, power relations that govern (Weedon,1997). For Foucault power can be likened to a network, as Hall (1997) argues to some extent we are all caught up in its circulation, whether as the oppressed or oppressor (Hall,1997). Foucault stated that the ability of knowledge/power to circulate inevitably means that it permeates all levels of society, it can be found at every site of social life; in the private sphere of the family, whether this be a parent exerting power/dominance over a child, surveying and regulating their behaviour, and indeed in the public spheres of politics, the economy and law, this Foucault termed the 'micro-physics of power' (Hall,1997). Therefore power is not a commodity that can be possessed by a particular class of people it is widely dispersed, this is central to understanding Foucault's notion of the disciplinary society; the growth of new knowledges has created new modes of surveillance extending the reach of population control and regulation (Smart,1989).

The most powerful discourses in our society have firm institutional bases, law, medicine, education and in the organisation of the family. The most powerful discourses are termed

'dominant discourses', they are often sites of contest themselves (Weedon,1997), for example; since the nineteenth century we have seen the growth of discourses of children at risk, and of children and young people that are a risk to society (Brown,2005). However notions of risk have predominated to the point where words such as crime, delinquency and anti social behaviour immediately provoke associations with children and young people (Muncie,2009), this has resulted in a total panic about children and young people and this has indeed provoked harsh responses to those who break the law (Brown,2005). Discourses, therefore, become the instruments and effects of power (Weedon,1997) and it is these discourses that are of particular importance regarding the construction of 'criminal children'.

Discourse produces the subject via discursive practices (Hall,1997), for example; as we saw in chapter one, the emergence of criminal children and young people as a progressive and expanding risk can only make such an emergence within moral, political and legal discourses that voice particular notions of risk, danger, loss of control and loss of innocence. This is central to the repackaging of youth, whereby discrete panics surrounding small groups of 'criminal' children has now been replaced by a discourse of 'total panic' about children and young people, whereby innocence, purity and morality in society are deemed to be under constant siege, and this has created the perception that the only way to salvage such qualities is by extending the authoritarian regulation of children and young people (Brown,2005).

Therefore the sustained effects of 'dominant discourses' in creating reality is crucial, particularly how they exert power over other discourses rendering them less credible, and how they claim to speak 'truth' and exercise power in a society that values this notion of 'truth' (Smart,1989). Foucault spoke of two kinds of knowledge, dominant and non-dominant discourses (subjugated knowledges), those that are awarded a lesser status (non-dominant) are not seen as common sense, they are not hegemonic, they are buried or disqualified (Foucault,1980a). Buried knowledge refers to masked academic discourse, knowledge that is not dominant, for example; Critical Criminology is subjugated by positivistic mainstream academia. Disqualified knowledge refers to non-academic knowledge, often determined as naive and uneducated as it is given by the powerless (Foucault,1980a). Therefore a claim to an expert status, often rooted in the natural sciences, becomes the acceptable 'truthful' knowledge, and this claim to an absolute 'truth' can only exist within discourse (Hall,1997).

Knowledge linked to power not only has the authority to assume truth, but also has the power to make itself true, once it is applied to the real world it has real effects, and in that context it becomes 'true' (Hall,1997). Knowledge can at a given time, therefore, regulate the conduct of others by claiming a 'truth' about certain behaviours, discourse can therefore constitute the subject (Hall,1997). For example; Jewkes (2004) argues that in 1993 children became regarded as evil monsters capable of committing the most depraved acts, this she argues was due to mass media reporting on the murder of two year old James Bulger by two ten year old boys, the media presented the two children as rational and adult like who were fully capable of making informed decisions. For Jewkes (2004) they were used to portray an example of a (perceived) general moral decline of children and young people, which indeed instigated a moral panic (Cohen,2003) as to the state of childhood and in the following years this inspired punitive legislative responses to children in conflict with the law (Jewkes,2004).

Therefore what we know about certain subjects, at a given time, has a bearing on responses to it, knowledge does not operate in a void, it is put to work through strategies of application in different situations, historical contexts and institutional regimes (Foucault,1998), for example; to examine punishment one would have to examine how power and knowledge has created the notions of crime and the criminal, and to examine the effects of power and

knowledge on the punisher and punished, also importantly how this has been set in motion historically in particular regimes of punishment, namely prisons (Hall,1997). Foucault, therefore, spoke not of how the 'truth' of knowledge is absolute, a truth that remained and was consistently maintained throughout time, but of discursive formulations that sustained 'regimes of truth' (Hall,1997). Hall (1997) provides us with a notion to consider; that it may or may not be true that children brought up in single parent families will inevitably be delinquent, however if such a statement is believed by the vast majority, the real and inevitable consequences for parent and child will be punishment, the statement therefore becomes 'true' in terms of its *actual* consequences that impact on the lives of those defined as problematic, even if the statement cannot be unequivocally proven (Hall,1997).

Each society has its 'regime of truth', general politics of truth or discourses that accept and sustain its regimes of truth, each society will have mechanisms for determining what are and what are not false statements, and will have producers; those who can be charged with saying what is true. Foucault termed such people 'the judges of normality', commentators that can claim an expert status over a particular subject area, for example; psychiatrists, lawyers, teachers and biologists (Howe,2009). If discourse determines what people think, and what people think determines what action(s) they will take, it is crucial for those in power to control discourse in the first place, this is achieved through control of discourse contexts, those in power may, for instance, decide who can participate in commenting on an event, when and where they can, and with what goals (van Dijk,2008). Therefore access to discourse is regulated by those in power, which is importantly the case with the mass media; specific articles by certain authors will be selected for print, particular arguments on a political or social situation will be accepted and taken seriously, and in doing so powerful media sources (enhanced by global access) may obliterate other smaller and less well financed forms of media that voice different opinions (van Dijk,2008). Problems then arise for those who want to critically study complex and powerful organisations; we can critically analyze a news report, a text book or article, but few have access to interactions at the top e.g. cabinet meetings and the editorial meetings of a news paper, which are obviously the sites where the most influential discourses are constructed (van Dijk,2008). Therefore gathering information can be an ongoing process of negotiations, furthermore 'gate keepers' of information may be positioned at various levels within an organisation further slowing down and inhibiting access which obstructs critical analysis (Walters,2003).

In making claims to truth discourses demonstrate their inevitable conservatism, their time is invested in maintaining particular claims to truth and this reveals that they are hostile to change (Weedon,1997), however it should always be kept in mind that in the long term powerful groups and politicians can achieve changes in discourse however, as stated, it is those with greater power over discourse that can generally achieve change(s), given that they have privileged access to greater financial resources and the media (Jäger & Maier, 2009). However not all discourses have social power and authority that come from secure institutional locations, yet in order for such discourses to have an effect they must at least be in circulation, such discourse may be marginal but it can be a site of resistance (Weedon,1997), it can challenge existing social order or criticize state policy and practice in ways that influences decision makers (Walters,2003).

Therefore it is important that criminological scholarship detaches the power of truth from the forms of hegemony in which it operates (Foucault,1977), this means that resistance can identify power and knowledge complexes, revealing injustices created by government regimes (Walters,2003). Resistance can lead to discourse reversal, this has important implications for the power of discourses it wishes to overturn, namely dominant (hegemonic)



discourses, such discourses can therefore be contested, and although reverse discourse is often pushed to the side/subjugated, a revival of subjugated knowledges, or as Foucault termed it 'an insurrection of subjugated knowledges' can provide a platform for resistance and change (Howe,2009), new language that can inform practice/action (Hall,1997). This also shows how discourse can have positive power relations as Foucault argued, and how such discourse(s) perform(s) critical work that can be brought together in a 'genealogy', a term that Foucault applied to the union of erudite and local memories that can establish historical knowledge of struggles, and can tactically be used today (Howe,2009:90). Such genealogies can 'desubjugate' side lined knowledges and allow them to be capable of opposing coercive dominant discourses routed in science (Howe,2009). Thus an analysis of discourses that constitutes, governs and thus exercises power over individuals, namely children, can provide a platform for change, by revealing their discursive practices, highlighting the real impacts on the lives of those governed by it, discourse can and is a site of contest and resistance (Howe,2009).

Therefore to conclude; knowledge is a site where power is exercised and where power is exercised knowledge is produced, the development of 'regimes of truth' are ultimately disciplinary networks (Foucault,1977). These concepts are of central importance in mapping the penetration and regulation of the social world of children over time (Scraton,1997).

Discourse(s) exercise(s) power over children, the application of power/knowledge can be considered the most important aspect, it is central in maintaining and reproducing notions of childhood, namely what is a child and, therefore, how children should behave (Scraton,1997). This furthers and expands the regulation and control of children's behaviour through disciplinary power that is taken for granted and, therefore, has attained legitimacy through its effective and subtle coercive capacities (Foucault,1977). This has undoubtedly placed the interests of children secondary to that of adults across all institutions in the private and public spheres of society (Scraton,1997:164). Such discourses then, as stated by Foucault, can be said to belong to the same discursive formulation, and undoubtedly this has *real* consequences regarding the government of all children (Scraton,1997).

This chapter has explored how discourse attaches meaning to the subjects it constitutes, setting the foundations for the following chapter, which aims to explore how the ideological use of mass media discourses can be central in perpetuating dominant notions about 'child criminals', which facilitates the process of 'othering' whereby 'child criminals' are distanced, objectified and consequently receive little sympathy, empathy and tolerance (Matthews,2009:82).

The process of 'othering' was widely demonstrated by the media treatment of John Venables and Robert Thompson in 1993, in response to their involvement in the tragic death of James Bulger, whereby the boys were constructed as adult like 'monsters' through dominant discourses rooted in individual pathology (Jewkes,2004).

Chapter three, thus, endeavours to unpack media discourses by utilising critical discourse analysis (CDA), in order to reveal the *real* consequences that the discursive framing of this extraordinary event has had on children who break the law, and to consider the enduring relevance of this event, by exploring the impacts it continues to have.



### Chapter Three – ‘Child criminals’ in the media: an analysis of media constructions of ‘child criminals’ and a critical analysis of the consequences

The intention of this chapter is to show how common sense assumptions, articulated by media commentators, are riddled with misinformation and inconsistencies (van Dijk, 2008:18); they facilitate the perception that children and young people’s offending is extensive and of a serious nature. This false perception has resulted in what Brown (2005) terms as a ‘total panic’ about children and young people, who are deemed to be potential risks in need of constant regulation and control. Such common sense notions dominate and become, what Foucault termed, ‘regimes of truth’, to which the majority of people subscribe (Hall, 1997). It will be argued that this consensus can be attained through the ideological use of the mass media, whose actors are central in producing and disseminating knowledge about ‘child criminals’ (Jewkes, 2004). Such knowledge can be used to express concern, facilitate hostility and seek consensus on matters in order to legitimate harsh responses to children who break the law, common sense then clearly performs an important ideological role in relation to the maintenance of hegemony, by arguing this, this chapter will draw on Stuart Hall’s concept of Authoritarian Populism (AP) (Hall, 1980).

Critical Discourse Analysis (CDA) will be utilized, largely focusing on tabloid media discourse due to their wide readership and tendency to engage in sensationalist reporting (Jewkes, 2004), to expose the unequal power relations that are produced from media discourses. A case study approach will also be utilised, focusing on the case of two ten year old boys, Jon Venables and Robert Thompson, who were tried in an adult court for the murder of two year old James Bulger in 1993 (Scruton, 2007). It will also be argued that this specific case is still relevant to perceptions of child criminals. Jon Venables’ extensive presence in mass media coverage in March 2010, for child pornography offences, has served to remind us how this event has not faded from the public’s awareness and, therefore, how this awareness may continue to aid in constructing dominant notions about ‘child criminals’. CDA of media coverage in 1993 and 2010 will be conducted in order to reveal discursive formulations that aid in sustaining ‘regimes of truth’ (Hall, 1997), which undoubtedly results in severe consequences for all children who transgress the law.

The media provides a key location from which discourse takes place, and is amongst the most powerful forces in shaping public awareness about ‘child criminals’. (Jäger & Maier, 2009:48). State actors cannot directly command the precise nature of public consciousness; they cannot directly tell people what to think. Views expressed on particular topics will be constrained and structured, inhibiting the voices of some whilst allowing others to be heard, this can result in the ‘reproduction of dominant ideologies’ that create substantive bases in ‘reality’, to which the public continuously refer, this regulation is, therefore, discursive as it provides a particular way of talking about a given subject (Nixon, 1997:302) which rules out other opinions on matters (Hall et al, 1978:41).

Statements by key spokespersons through the media form a central platform for the construction of ‘child criminals’ (Hall et al, 1978: 41-42), selective representation is a central process in this construction since there are many possible ways in which meanings about the social world are constructed, it is profoundly important to acknowledge who and what are continuously represented in media discourse, for what we know about society depends on how things are represented to us, and this in turn informs action; what we do and what policies we are prepared to accept (Hall, 1986:9).

Media portrayals of children's involvement of crime, is thus, central in creating and reinforcing public perceptions of childhood, while this undoubtedly has consequences for children, individually and collectively, its source lies within a broad context of media and political concern over a perceived break down in law and order. Media treatment of children relies on simplistic generalizations whereby children are deemed to be at risk as victims, or as risks to adult order (Davis & Bourhill, 1997:29-31).

In chapter one we observed that there have been considerable confusions and mixed messages about childhood; nobody can be precisely sure of exactly when childhood is left behind and when adulthood starts (Jewkes,2004), we also observed that reactions to children perceived to be at risk and those who are deemed to be a risk are born of the prevailing political climate (Goldson,2002:130).

The confusion over childhood remains in contemporary Britain and is clearly exemplified in the case of two ten year old boys, Jon Venables and Robert Thompson, who were tried in an adult court for the murder of two year old James Bulger in 1993. Jewkes (2004:89) argues that this case instigated the perception that children could be adult like 'evil monsters' capable of committing the most depraved acts.

The involvement of children in serious crime is extremely rare, despite this the case amounted extensive media coverage (Davis & Bourhill,1997:45), and was a watershed in public perceptions of childhood, as well as in English law (Jewkes,2004). The early 1990's saw the development of an extensive authoritarian backlash in juvenile justice policy, the tragic death of James Bulger was one element in the process of securing this authoritative backlash (Goldson,2002). The case was represented in media discourse as evidence of a deepening crisis concerning the lawlessness of young people, and as Davis & Bourhill (1997:46) argue, the case soon became a metaphor for a structural, creeping malaise infecting the roots of British society. Childhood became redefined in almost exclusively negative terms (Jewkes, 2004:91). The word child became associated with a range of emotive and troubling connotations that had previously been reserved for terms such as 'youth', 'juvenile' and 'adolescence', such connotations are generally negative, such as; irresponsibility, dangerousness and even innate evil (Jewkes, 2004:91).

For the most part media discourse was highly sensationalist constructing Venables and Thompson as 'monsters', 'freaks', or simply as 'evil', such notions were given credence by those in positions of power (Franklin & Petley,1996:139). The trial judge Justice Morland described the murder of James Bulger as 'an act of unparalleled *evil* and barbarity' (Griffiths & Baldwin, 1993). This description is reflective of the general unwillingness to engage with anything other than populist 'common sense' assumptions that collectively aided in the demonization of Venables and Thompson (Franklin & Petley,1996,:139). This hatred and condemnation of the two boys was projected onto all children, this can be highlighted by utilizing CDA of The Times, on the 25<sup>th</sup> November 1993;

Popular reaction to the behaviour of James' youthful killers has been conditioned by the belief, prevalent since the Victorian era, that childhood is a time of innocence...But *childhood has a darker side* which past societies perhaps understood better than our own...children should not be presumed to be innately good. In the lexicon of crime there is a *metaphysical evil*, the suffering that humans cause each other; and there is *moral evil*, the *choice* of vice over virtue. *Children are separated by necessity of age from none of these* (The Times, 1993 cited in Franklin & Petley, 1996:139).

This emphasises the notion of choice, which was essential for the subtle process of ‘adultification’ (Jewkes,2004), whereby interconnecting political, legal and media discourses sought to prove Venables and Thompson’s guilt by presenting them as rational and adult like by stating that children are capable of all the *evils* that adults can exhibit and, thus, age should not preclude them from the same punishments that adults receive for criminal behaviour. This assumed rationality placed an emphasis on Venables and Thompson as mini adults, who were decidedly malicious in the choices they made (Franklin & Petley, 1996).

When such sentiments are embraced It is not surprising that England and Wales currently have one of the lowest ages of criminal responsibility at 10 years of age, in other European Countries this varies from 12, 14, 16 and even 18 (Muncie,2009). This arguably shows a complete lack of consensus over the criminal responsibility of children, and further shows how universally applied notions of childhood are wholly ineffective, since the experience of childhood is subjective, it will vary for each child. It is then important to consider that the individual child may indeed be able to determine right from wrong, but this does not necessarily indicate that they are able to fully comprehend the consequences of their actions. This point is central to how Venables and Thompson were deemed rational actors from statements given by ‘expert’ witnesses that passed judgement on intellectual maturity, not mental disturbance, which ultimately determined that they could discern right from wrong (Jewkes, 2004).

In addition to this most of the evidence provided at their trial in many other European countries would have been deemed inadmissible, evidence such as; family background, relationships with teachers and peers, and their psycho-socio-sexual make-up. Of particular note is the fact that at 10 years of age they would have in many other European countries been considered far too young to be tried at all, let alone in an adult court (Jewkes, 2004). The boys were, however, detained for nine months without counselling or psychological support on the lead up to their trial (Scruton,2007:106).

The majority of media discourse resolved to document how the boys felt no remorse for the child they had murdered; this instigated a retributive agenda from the construction of the boys as rational and ‘evil’. The retributive agenda was heavily focused upon when the boys were sentenced (Franklin & Petley, 1996), perfectly exemplified by The Daily Star’s response, on the 25<sup>th</sup> November 1993, when they ran the headline ‘How Do You Feel Now You Little Bastards’ (Jewkes, 2004:92).

Within months James Bulger’s Death became a catalyst for the consolidation of an authoritarian shift in youth justice, that was replicated throughout all institutional responses to children and young people, carrying media approval and adult consent, which arguably was representative of the Thatcherite agenda of the 1980s (Scruton,2007:111). The media sustained a discursive theme, whereby the penal system was constantly argued to be too soft; it demanded respect for the right of criminals, not victims. For example the Lancashire Evening Post (LEP) on the 25<sup>th</sup> November 1993 stated that; It is a world where juvenile crime and *tolerance* too often go hand in hand (LEP,1993).

It was strongly argued, therefore, that punishment should exist to satisfy a popular sense of just deserts, a sentiment that to date has not been vanquished (Franklin & Petley, 1996:141), and one that certainly was echoed by the Prime Minister, in 1993, John Major who declared that the time had come for ‘society to condemn a little more and understand a little less’. Child offenders had become the new ‘enemies within’, and juvenile crime was re-politicised deeply altering state policy (Goldson,2002).

The Criminal Justice Act 1993 was quickly implemented to introduce unfavourable implications for child offenders (Goldson,2002:132). The Criminal Justice and Public Order Act 1994 introduced a fierce tone of public retribution, provisions included new privately run Secure Training Centres (STC's) that are all but in name, prisons for children. Furthermore there was a doubling of the maximum sentence that could be given to 15-17 year olds in Young Offenders Institutions (YOI) (Goldson & Coles,2005:11-12).

The retributive theme was progressively carried forward by New Labour, when they came to power in 1997. Promises to be 'tough on crime' had proven to be successful for the electoral vote, as the Conservative party were deemed to have failed on this score (Goldson,2002). The Crime and Disorder Act 1998 was an extensive piece of legislation that served to increase the custodial sentences for children and young people (Goldson,2006), furthermore the presumption of *doli* incapax was removed, resulting in large numbers of children aged between 10 and 13 being exposed to the full severity of the criminal law (Bateman,2006).

The political priorities of the 1990's and electoral anxieties eclipsed penological rationality (Goldson & Coles 2005:11). Punitive urges imposed greater purchase over the shape and direction of law and order policy, criminal justice has become increasingly vulnerable to shifts in public mood and political reaction (Garland,2001), arguably through the mobilisation of consent through media discourse for electoral advantage (Davis & Bourhill,1997).

Hall (1980:3) argues that;

In difficult times, it is tempting to avert the gaze from problems whose remedy will require a profound reorganisation of social and economic life and to fasten one's eyes, instead, on the promise that the continuity of things as they are can be somehow enforced by the imposition of social order and discipline 'from above' (Hall,1980:3).

This is what he termed Authoritarian Populism (AP). Hall contends that media discourse and political processes are bound in a symbiotic relationship, and, thus, the media is an ideological state apparatus (Muncie & McLaughlin,2006). The ideological use of media discourses socially constructs a 'truth' about 'child criminals', exercising power by rationalising punitive responses to children who contravene the law (Davis & Bourhill,1997), by articulating concerns of a regression of morals, that instigates fear, and thus facilitates a 'moral panic' (Cohen,2003).

In constructing 'truth' about 'child criminals' it is unsurprising to find that previous coverage of a phenomena, such as the death of James Bulger, can be used to frame future stories on the subject of 'child criminals', this is what Hall et al (1978) termed 'inferential structure'. One of the most recent examples of this is the reporting on two young brothers aged 11 and 12, who in April 2009 carried out a 90 minute attack on two younger boys (Messenger Davies,2010:6). Reporting on the case in various news papers made reference to Venables and Thompson, and demonised the boys in much the same way, they were for example termed 'The Edlington torture boys' and/or 'devil boys' (Taylor, 2010), it is therefore an indication that Venables and Thompson have obtained a mythic status, constant reference to their actions eighteen years after the incident occurred, serves to promote punitive responses to children who contravene the law, by maintaining the armour of the myth that 'child criminals' are a prolific and serious problem, prompting statements like the one that David Cameron made in January 2010 about the 'devil boys'; 'it is not an isolated incident but evidence of a broken society' (Webster 2010:9). The two young brothers were, like Venables and Thompson, tried in an adult court. They were sentenced to a minimum term of 5 years in [www.internetjournalofcriminology.com](http://www.internetjournalofcriminology.com)

custody, raising further concerns about the status of childhood, and the extent to which young children can be held accountable for their actions. Much like the sentencing of Venables and Thompson, their sentence was deemed to be far too lenient and tolerant to be effective in punishing and deterring young offenders (Taylor,2010:1-5). This is a point that has proven to be of continuing relevance; in March 2010 Jon Venables was recalled to prison on charges of possessing child pornography, it was not long before the media latched onto this immediately reminding the public of his role in the murder of James Bulger. CDA of this coverage highlights a number of concerns.

The Sun's legal 'expert' claimed on the 5<sup>th</sup> March 2010 that;

'His crime redefined the extremes of *evil*. Yet we, the system, and the British public, gave him unique *privileges*. An *Easy comfortable regime inside* followed by total protection and a new identity on the outside' (Crone,2010:5).

Such a statement serves to reinforce the common sense notion that juvenile crime is not punished harshly enough. Child custody is assumed to be too lenient coming with far too many privileges, which, arguably, is utilizing the notion of less eligibility which states that the conditions in custody should be no better than those endured by the lowest paid labourer in society, otherwise members of the lowest socio-economic group will not be deterred from offending (Matthews,2009:9). Venables is, therefore, from this statement deemed to have had an easy and comfortable regime; he had been placed in a privileged position, which he has abused by reoffending. This discursive manoeuvre undoubtedly shifts the blame onto the failure of the child, as opposed to the failure of the Criminal Justice System (CJS).

In addition to this a former prison *doctor* commented in The Sun;

'A visitor from mars might think a child in Britain is *rewarded rather than punished for killing* toddlers. Jon Venables lived a life of *luxury* after his crime and was much *better off than if he had never killed*. Harsh treatment may have reinforced his brutality. But it wouldn't be surprising if *spoiling him* made him almost proud of what he had done. *Release came too early* without much introduction to the real world. If reports are true, he quickly found the wrong path. He was probably scared and arrogant while supervisors probably bent over backwards to forgive his misdemeanours. *Success in such a case is more surprising than failure*' (Daniels,2010:5).

Again the notion of less eligibility is utilized, as the statement refers to Venables being in receipt of a better life for transgressing the law, indicating that punishment wasn't severe enough, custody is deemed to be easy time as Venables is argued to have been spoilt. This comment from a prison doctor, who undoubtedly has a position that grants him an 'expert status' serves to support the construction of irretrievable childhood 'innocence'. If success is rare in such a case as Venables, we can deduce from this statement that it is the fault of the individual child for their lack of success in rehabilitation, not the failure of punishment. In addition to this, the recall of Jon Venables no doubt provides confirmation and reinforcement of 'regimes of truth' about 'child criminals' in terms of the identification of children who are likely to remain offenders into adulthood and, thus, this adds legitimacy to the 'at risk' paradigm/discourse (Goldson, 2002).

Constant repetition of simplistic basic elements of the case serves to constantly disseminate the notion that we do not punish child offenders who transgress the law harshly enough, attaining a status of disciplinary common sense and, thus, it becomes no surprise that



oppressive penal apparatuses expand (Hall,1980:3) drawing more children into the CJS. It is, furthermore, hardly surprising that recent proposals to increase the criminal age of responsibility from 10 to 12 were refused, and as Berlins (2010) suggests, Venables emergence in the media (again) during this time likely did not provide a good platform for such proposals, and it is here that one could contend that Venables has become a signifier of a discourse of 'child criminals', the form/image of the 'child criminal' often triggers associations with Venables and Thompson actions in 1993 (Hall, 1997:31).

Media discourses sustain simplistic notions of 'child criminals', often referring to them as 'evil', 'rational', and 'disrespectful'. It is therefore unsurprising that they are subjected to a process of 'othering', whereby they are; distanced and objectified, and as a result receive little sympathy, empathy or tolerance (Matthews,2009:82). For Jenks (2005:128), there are two forms of 'otherness', one that frames the 'child criminal' as possessing an inherently evil nature, and one that frames the child as possessing adult like qualities, both were notable in the construction of Venables and Thompson as 'evil' and rational in media discourse (Jewkes,2004).

'Othering', furthermore, is a process that is arguably used for electoral gain, since implemented policies to deal with offenders are known to be unsuccessful (Goldson & Muncie, 2006), 74% of those sentenced to custody reoffend (Bardardo's,2010:5), yet the law and order campaign continues to cause unnecessary suffering (Goldson & Muncie,2006:210). Within this context evidence of declining youth crime is often disregarded, furthermore evidence that the majority of offences are (arguably) of a non serious nature, such as property related not against the person, are again disregarded. Within contemporary politics of youth (in)justice, appeasing public concern for electoral gain takes precedence, resolving social disorder by enforcing harsh regimes and discipline is deemed to be the only solution and, thus, alternatives to 'authoritarian populism' are disregarded, as a result children who transgress the law are 'othered' (Goldson & Muncie,2006:210). Common sense notions of youth offending as an ever expanding problem has resulted in a total panic about children and young people (Brown,2005), such disinformation has progressed a politics of disposability aimed at underprivileged youth (Giroux, 2009:165). Inequality has deepened through the retrenchment of welfare support whilst, at the same time, advancing repressive penal apparatuses that undermine the needs of poor youth, largely through the vilification of the poor, by constructing them as undeserving through the ideological use of media discourse (Schram,2006).

Conversely research has revealed that if the public receive detailed facts about a given case they are not always likely to have punitive responses, in fact when greater detail is provided people are less likely to favour custodial sentences (Hough & Roberts,2004:x-xi). This is an essential point, since the majority of children who are defined as 'problematic' are those suffering adverse social conditions and multiple disadvantages. Therefore the government should place a greater emphasis on informing public opinion by revealing the complex problems faced by many young offenders (Goldson & Muncie, 2006:211).

Further to this the socially constructed nature of childhood needs to be widely recognised (Jenks, 2005:134), in order to fully register and appreciate the views of children, and to not devalue them as citizens (McKechnie,2002). The dominant conceptions of 'child criminals' as 'evil' and 'adult like' sweeps all 'child criminals' into such categories, undoubtedly resulting in harsh treatment of children who come into contact with the CJS (Jenks, 2005:134).



The current total panic about children and young people (Brown,2005) has created an entirely pessimistic view of children and young people; a sense that there is no hope for the next generation. This has resulted in a society that is entirely undemocratic for children and young people, particularly those who are poor (Giroux, 2009:187). It is here then, as Foucault suggested that discourse can be a site of resistance (Foucault,1980). It is in this resistance that alliances can be made that collectively place the needs of children and young people first, by exposing the myths and conditions that are constantly circulated through simplistic media discourses, which sustain 'regimes of truth' (Weedon,1997), resulting in excessive punitive treatment of underprivileged children who transgress the law, which can be described as nothing other than institutional child abuse (Goldson & Coles, 2005).

## Conclusion

The intention of this research was to examine the emergence of childhood as a separate social category from adulthood, and the subsequent varying version of childhood that have emerged since the 19<sup>th</sup> Century, In doing so the objective was to highlight that ‘childhood’ is socially constructed; we cannot be entirely sure what ‘childhood’ is, since it is a lived experience that is always determined by cultural and economic contexts (Davin,1999). By arguing this it has been argued that childhood cannot be precisely pinned down as one thing or another.

The findings within have indicated that the numerous versions of childhood that have emerged over time (as noted in chapter one) are indicative of the socially constructed nature of childhood (Hendrick,1997). In addition to this it has been strongly argued that children from underprivileged backgrounds, who contravene the law, are consistently perceived as being ‘a risk’ to society and, thus, have found themselves increasingly subject to surveillance and social control (Brown,2005).

Central to initiating extensive surveillance and social control of children who are perceived to be ‘a risk’ is how such children have been constituted by discourse. It has been the contention here, therefore, that discourse is central in the production and reproduction of knowledge about children who contravene the law, and that this knowledge can be used to meet particular ends, namely exercising power over children who do not display ‘normal’ and accepted characteristics associated with ‘childhood’. This has unveiled a conflict between innocence and experience (Brown,2005) that has instigated notions of individuality and rationality that are often associated with ‘child criminals’ through the ideological use of discourse. In addition to this it has been argued that the media is a central and powerful location from which discourses about ‘child criminals’ are produced and reproduced, the concerns of ‘respectable figures’, who often possess an ‘expert status’, are continuously expressed whilst the voices of others are inhibited. It has, thus, been argued that this selective representation is central in framing dominant common sense assumptions (Hall et al,1978) about ‘child criminals’.

By focusing on the actions of John Venables in 1993 and in 2010, as a case study approach, I have endeavoured to reveal how media discourse can determine responses and reactions to children who contravene the law and have, thus, demonstrated through CDA that in determining action, discourse has a discursive aspect (Hall,1997). In addition to this by analysing (largely tabloid) media discourse generated from Venables reoffending in 2010, I have endeavoured to demonstrate how his recall to prison has been hijacked to confirm and reinforce the regime of truth regarding the identification, at a young age, of future adult criminals, and further to this, how his reoffending reinforces common sense assumptions that we are too lenient in our current approach to punishment of children and young people who transgress the law (Hall,1980), which undoubtedly could prove all too dangerous for all children and young people who transgress the law.

By revealing this it has been argued that media discourses sustain simplistic notions of ‘child criminals’ as ‘adult like’ and/or ‘evil’ (Jenks, 2005:128), and, furthermore, that children and young people’s offending is constantly on the rise and out of control, this misinformation has instigated a ‘total panic’ about children and young people (Brown,2005) that subjects all children who transgress the law to the process of ‘othering’ that legitimises harsh and punitive treatment. It has, thus, strongly been argued that media discourse is riddled with misinformation and inconsistencies (van Dijk,2008:18), that generates consent to excessive

punitive treatment of underprivileged children who transgress the law (Hall,1980). The ‘total panic’ about children and young people has created an entirely pessimistic view about children and young people (Brown,2005), which has progressed a politics of disposability aimed at underprivileged youth (Giroux, 2009:165).

The main accomplishment of my research has been, therefore, to expose and consider the harms caused by the production and reproduction of knowledge(s) regarding ‘child criminals’ through media discourse, in order to create a counter discourse (resistance) that challenges media discourse by highlighting discursive practices (inaccuracies) (Howe, 2009), that has created a sense of disposability, resulting in excessive punitive treatment of underprivileged children and young people (Giroux,2009).

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