

Freedom, Determinism, and the Case for Moral Responsibility: A Look Back at the Murder of Jamie Bulger

Whether or not the actions of humans are freely made or determined by causes outside of our control has become a matter of heated debate in the West during the last century and the differing stances taken, often aligned with the political winds of the times, figure in decisions on how our judicial and penal systems evolve. Some crimes add additional challenges to the debate. On February 12th 1993, British toddler Jamie Bulger was enticed away from his mother at a local shopping center and led away by his abductors on a short journey that would end in his tragic and horrific death on the railroad tracks three hours later. Evidence at the trial of the two perpetrators indicated that there were points along the way that they could have changed their course of action. Instead, they brutalized, sexually molested, and battered the child to death with bricks and an iron bar before laying his body across the tracks in hopes of hiding evidence of their involvement in his death. The two murderers, Jon Venables and Robert Thompson, were ten years old (Scott).

This and other similar crimes by juveniles add a particular challenge to the discussion of free will versus determinism. Are people morally responsible for their actions? If so, is there an age at which they become so? On the one hand, the boys have been depicted as “savages,” “evil,” and “freaks” of nature. On the other hand, they have been viewed as victims of “broader social, economic, and cultural processes that could give rise to aberrant behaviour by children” (Slaughter). Anchoring the discussion to this example, we will consider what it means to be responsible. This will require us to ask whether we believe the actions of humans in general are freely made or whether they are determined by causes outside of our control. We will also examine the related issue of punishment and decide if this means retribution for wrong acts for which one is morally responsible, or rehabilitation of damaged members of society who have no control over the forces that compelled them to commit their crime.

From a determinist point of view, Jon Venables’s and Robert Thompson’s fate was set even before their birth. Born to ill-educated, working class parents, the details of the boys’ lives constitute a veritable catalogue of social ills. Venables’s parents were unstable and depressed and the father eventually abandoned the family. The boy’s older and younger siblings were both developmentally challenged and he suffered the brunt of his suicidal mother’s physical and verbal abuse. When arrested for the murder of Jamie Bulger, Venables was described as “nearly illiterate” (Slaughter). Thompson’s environment was even worse. The second to the youngest of seven violent and aggressive boys, he was, early on, exposed to the criminal habits of his brothers, one of whom was an arsonist and another who was a master thief. Both parents were alcoholics and the father beat the mother regularly. Given the effects on the boys of the atrocious environments and their family histories of alcoholism and abuse, could Venables and Thompson be said to be morally responsible for the actions which led to the tragic death of Jamie Bulger?

The Determinist argument holds that a person’s heredity and environment fix the choice before it is made. In “The Delusion of Free Will,” Robert Blatchford argues that teaching is part of our environment and that we act as we have been *taught* that we *ought* to act. Thus, though we may act as we *choose*, we will choose as heredity and

environment cause us to choose (43). By this basic argument the two boys could easily be exonerated since they were clearly at a disadvantage by both heredity and environment. One could counter, however, that by this same argument all people raised in similar circumstances should go on to commit crimes and even, given a close approximation of conditions, commit murder. This is clearly not the case.

John Hospers goes even further in his article, "What Means This Freedom." Rejecting even the absence or presence of premeditation as a consideration for determining moral responsibility for one's action, (since some acts are premeditated but not responsible and others are not premeditated but responsible), Hospers suggests that a person is not morally responsible for his action if it is "the result of unconscious forces" of which the person knows nothing (58). In a similar vein, he argues that no responsibility falls on a person whose act is *compelled*, meaning one due to any or all of the following factors: external forces, unconscious causes inaccessible to introspection, or the inevitable consequences of infantile situations. Since Hospers believes that virtually all of our actions fall under one of these three categories, what he is suggesting is that we cannot be held responsible for any of our actions at all since, as he puts it, a person's actions "grow out of his character, which is shaped and molded and made what it is by influences . . . that were not of his own making or choosing" (60). Tellingly, Hospers highlights early parental environment as the most salient influence. And when one examines the details of the brutalities inflicted on the victim by the youngsters, the parallels to the abusive treatment they themselves were subjected to or which they may have witnessed, are striking.

Hospers and Blatchford make a good argument for determinism and when this is applied to the unfortunate circumstances of Venables's and Thompson's childhoods, it might seem to support a claim of no responsibility. Indeed, this argument worked very well in the boys' petitions for anonymity when released. As reported on the World Socialist Web Site in January of 2001, the official policy that led to the conviction of the two boys was seen to be characterized by "intolerance, prejudice and a brutal disregard for the acute social problems that produces {sic} such cases" (Hyland). The argument that "severe family adversities" such as "domestic violence, neglect, child abuse, substance misuse, maternal depression, and absence of fathers" directly influences the behavior of offenders is compelling and difficult to counter (Smith). Certainly one must have sympathy for the plight of juveniles such as these two. Yet, it seems to ignore the complex and unique gestalt of a person and suggests that a human being is nothing more than the sum of his experiences and genes. It ignores the emergent reality of the conscious Self that is more than the sum of the parts, and completely denies any real capacity of people to initiate or produce their own behavior. And it doesn't seem to hold true all of the time. These last two observations are among the objections to determinism that the argument for free will presents.

As Tibor Machan points out in his essay, "A Brief Defense of Free Will," the fact that some people with bad childhoods turn out to be crooks while others are decent would seem to indicate that people can cause and are responsible for at least some of what they do (34, 35). For Machan, this is a sort of free will that is clearly demonstrable. People "make plans and revise them . . . explore alternatives and decide to follow one of them," and, perhaps most significantly in this case, "change a course of conduct" they have embarked upon or continue with it (38). In retracing the painful trajectory of the boys'

movements on the day of the murder, one cannot lightly dismiss the several opportunities the boys had to turn back from the crime they had embarked upon, a crime that grew in stages from abduction, to initial physical violence, to extreme battery, and finally to murder. Each stage would seem to present a choice, and to highlight what Machan refers to as “a locus of self responsibility” (38). While admittedly, at ten years of age, the boys would not possess the control over their impulses that adults would be expected to display, given the extended duration of the abduction and murder, and assuming that cognitively they could be expected to have had some intellectual understanding of right and wrong, it becomes very difficult to argue for a release from all moral responsibility.

In “the Problem of Free Will,” W. T. Stace provides another perspective which allows for the influence on the young murderers of their circumstances while not absolving them of responsibility for their actions. For Stace, whether or not the world is deterministic is irrelevant for free will does not imply that an action is not determined by causes. All actions, those that are freely done and those that are not, are determined by causes. The crux, then, is what constitutes an action that is freely done. When comparing Stace’s lists of actions of those freely done and those not freely done, a clear, distinguishing element emerges on the side of those freely done – desire. Stace broadens his criteria to include any sort of *internal* psychological state of the agent’s mind (51-53). Thus, for example, stealing a loaf of bread because one is hungry (a state certainly determined by the cause of not eating, and that determined by other causes perhaps out of the agent’s control) is still a free act. It rose out of the agent’s internal state and his desire to eat. Because the agent acted freely then, he is responsible for his action. In this way, determinism is not incompatible with moral responsibility. In the case of Jamie Bulger’s murderers, young as they were at the time, the drive to inflict unimaginable pain on the toddler, *at the moment they did it*, does not seem to have been externally caused. They desired to do it. They were not motivated by any external factor, such as the proverbial gun to the head. They were morally responsible for their action and thus deserved to be punished.

From a strictly determinist view, this punishment, such as it was, served not to wreak on the perpetrators pain in like measure to that which they meted out, but rather to fulfill two strictly defined purposes – that of correcting their character and deterring others from behaving in like manner. As Stace points out, following determinist logic, since criminals lack sufficient cause to behave as they should, society must “supply a cause.” That cause is punishment and punishment deters. But many people see flaws in the reasoning that criminals should not be punished but rather rehabilitated or made an example of. The uproar following the notice of Venables’s and Thompson’s imminent release in 2001 was a reminder of just how great the belief in culpability and retribution still is, though some see these concepts as a “return to Victorian [read conservative, traditional, rightwing] values” (Slaughter).

Though hardly a rightwing conservative, C. S. Lewis is an eloquent spokesman for a return to retributive punishment, not only for what it affords society but for the dignity it allows the criminal as well. In “The Humanitarian Theory of Punishment” Lewis lambastes so-called humane treatment of prisoners and labels those who think it “mild and merciful” “seriously mistaken” (74). Lewis’s main objection is the abandonment of the idea of desert, that is, what the criminal deserves for his crime. He argues that rehabilitation and deterrence over punishment and retribution rob the criminal

of his personhood and his rights as a responsible agent. Moreover, when punishment is divorced from moral considerations of right and wrong, ordinary members of society also forfeit their right to an opinion as regards the propriety of the punishment. That is, the punishment is removed from the sphere of justice and placed in the hands of the psychotherapists and penologists.

While no one would argue for a return to “Victorian values” and a justice system controlled by privilege, the anger and hostility that met the news of the release of Thompson and Venables in 2001 would seem to be an indicator of a persistent and passionate belief in culpability. If it is true that one can be culpable, it follows that one is morally responsible for one’s bad choices. When those choices cause other people to suffer, it is a rare person who does not cry out for justice. And the very existence in all of us of the outraged sense of wrong at what happened to Jamie Bulger and others like him must, in the final analysis, be a firm indicator of a universal belief in the existence of free will and responsibility.

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