

Youth justice and the medias society criminology essay



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This essay will start by highlighting how the media may shape society's response to young people who break the law through the moral panic model. The media's role will be outlined and youth crime data summarised.

The urban disturbances of the early 1990s and the death of James Bulger will both be discussed in turn. In both cases a description of the event will be followed by an outline of the media response, identifying elements typical within the moral panic model. An attempt will be made to understand the reaction of society to media representations associated with young law breakers. Finally, in each case the action undertaken by the agents of control will be examined.

This essay will attempt to construct arguments challenging this model throughout, and suggest that moral panics may also have sources within society's elite through hegemony.

It is acknowledged that arguments surrounding hegemony may link in to the groundbreaking youth justice legislation of the Crime and Disorder Act 1998, introduced after the period discussed in this essay. The impact of this legislation is acknowledged, however for the purposes of the media and society's response to young people who break the law it will not be discussed.

The Moral Panic

A moral panic may be outlined as the identification of a threat, for example to social values. This threat is simplified by the media with distorted representation resulting in raised social anxiety. Agents of control respond,

resulting in either the panic diminishing or social changes taking place (Thompson cited in Newburn 2007 p95). The deviancy amplification cycle describes how heightened deviance may be attributed to stigma arising from media exaggeration or the treatment from agents of control (Brown 2005, Cohen 2002). Young highlights how this may quickly create problems through exaggerating an 'outsider lifestyle' (Young cited in Kidd-Hewitt 2002 p119).

Although studied by Jock Young in 1971 (Kidd-Hewitt 2002), Stanley Cohen's *Folk Devils and Moral Panics* (1972) was described as 'the first systematic empirical study of a moral panic in Britain' (Muncie 2004 p119). Cohen's study of Mods and Rockers in Clacton during the Easter bank holiday in 1964 argued a clear relationship between young law breakers, the media, the general public and the police. Cohen's work may be associated with Tannenbaum's labelling and Lemert's primary and secondary deviance, all with origins in Mead and Cooley's symbolic interactionism (Newburn 2007).

The media have constructed and processed information and ideas regarding deviancy since the industrial age, meaning society usually experience this commercially and politically constrained representation of deviance second hand (Cohen 2003). Hall et al (1978) explain how the media may have an assumed objectivity and frequently communicate an assumed social consensus, but they often have structured access to elite interests or primary definers, and reproduce their biased message.

Cohen outlines elements which may appear in the media as stereotyping and stigmatising, a moral emphasis, and the requirement for further action.

Information may be exaggerated and the use of symbols may be apparent with deviance represented through identifiable items such as clothing (Cohen 2002). Attitudes that may arise in a moral panic include the perception a disaster has occurred, the 'prophecy of doom' (Cohen 2002 p38) where it is perceived events will happen again, and how at the height of a moral panic other unrelated events may be presented as connected. Perceived origins of a panic may include behaviour being likened to a disease, spreading and infecting. Nostalgia may appear along with disillusionment at the way things have become, impulsive activities may be described as premeditated, and behaviours may be perceived as newly developed (Cohen 2002).

Youth Crime

The ability of the media to influence public views of youth crime (Allen 2004 cited in Smith 2007) is evident through a rise in crime perceived by the majority of individuals who cited the media as a key information source (Hough and Roberts 2004). This is illustrated by 89 per cent of offenders known to the police being over the age of 18 yet nearly a third of survey respondent attributed most crime to children (Smith 2007). It is also suggested respondents perceived an exaggerated risk of being a crime victim (Goldson 2002 p391).

It is advised that crime data should be treated with caution because an exact figure of occurrences does not exist (Tierney 2006). 20 per cent of the 5.4 million recorded crimes in 2006/07 were attributed to 10 to 17 year olds (Newburn 2007, Nicholas et al 2007) and approximately 80,000 crimes per

annum are accountable to other agencies. These figures are not included in official crime data, along with 40 per cent of police reported crimes (Maguire 2002). Youth crime declined overall between 1985 and 1993 (Newburn 2002 cited in France) with relative consistency between 1993 and 2000 (Flood-Page et al 2000 cited in France).

Offender and victim surveys highlight crimes not included in official data - the dark figure (Newburn 2007) with estimated rates varying from eleven times more crime occurrences (Sparks et al 1977 cited in Tierney 2006) to a figure 39 times greater (Farrington et al 2006). Some crimes frequently undertaken by children have a smaller dark figure meaning proportionately more youth crime may be included in crime data. Crimes associated with younger people have estimated occurrences per actual conviction of six times for burglary, 77 for shoplifting and 132 for assault. Crimes associated with older offenders have rates of 809 occurrences per conviction for fraud, and 1463 for thefts from work (Farrington et al 2006).

Early 1990s Urban Disturbances

During the 1970s ideas surrounding the majority of crime being committed by a minority of individuals emerged from the Magistrates Association (Muncie 2004) and strategies during the 1980s were partly responsible for a reduction in youth crime (Pitts 2001). This increased sharply in the early 1990s by 111 per cent (Pitts 2001) and the Criminal Justice Act 1991 introduced an increasingly desert based sentencing policy, limiting the ability to consider previous crimes (Thomas 2003).

From mid 1991 urban youth disturbances emerged from Cardiff, Oxford and in Newcastle notably on the Meadowell Estate where two young car thieves died in a police chase (Newburn 2007). These disturbances involved car related crime and resulted in conflict primarily between male youth and the police, and resulting in many arrests (Brown 2005). Individual younger children, identified by pseudonyms also appeared to be participating in unrelated activities such as domestic burglary

Wykes (2001) argues that the poverty, substance misuse and lack of opportunity particularly experienced by the socially excluded Meadowell youth was largely ignored by the media. This supports Jewkes argument that the juvenile cultural resistance suggested by Cohen's model may be exaggerated as a primary source of continued deviance (cited in Newburn 2007).

The Media

Exaggerated and distorted communication may have shaped society's perception of the level and type of offending being based on emotive, ambiguous and inaccurate information from the police and media (Garland cited in Goldson 2002). Labelling and stereotyping claimed 'hardcore child super crooks' were responsible for '90 per cent of offences' and were the 'number one crime problem' (Daily Star, 30 November 1992 cited in Muncie 2004 p28).

Reporting restrictions led to the identification of younger deviants through pseudonyms such as Ratboy, Homing Pigeon Boy, Spider Boy and The Terror Triplets (Muncie 2004). Deviant activities were distorted describing joyriding, <https://assignbuster.com/youth-justice-and-the-medias-society-criminology-essay/>

ram raiding, and hotting (Muncie 2004) with frequent use of the term 'riot' argued by Brown (2005) to be indicative of a moral panic. The graphic representation of deviance and the 'macho' urban male youth 'stunt driving' (Brown 2005 p59) supports McRobbie and Thornton's (2002) argument that moral panics may be entertaining. Moralising was also apparent with depictions of defiant youth as a ten year old in an SAS mask 'swaggered free' from court resulting in calls for further action (Brown 2005 p60), although it is argued that a moral factor may not always be evident in a moral panic (Jewkes 2004 cited in Newburn 2007).

The Terror Triplets illustrate the nature of the press coverage. The triplets were not persistent offenders with one previous conviction between them, and they all experienced health issues ranging from attention deficit hyperactivity disorder to epilepsy and a speech impediment with their education described in court as inadequate (guardian. co. uk 2002).

Society's Reaction

One panic surrounded the serious persistent young offender, frequently termed 'bail bandits' (Brown 2005 p61) which failed to recognise that persistent offenders usually engage in petty crime, many are vulnerable children who are neglected or abused, with mental health and education issues (Muncie 2004).

Vague and imprecise descriptions of youth deviance were highlighted by the police and media on an increasing basis with this lack of distinction fuelling social anxiety regarding the level and type of juvenile offending taking place (Garland cited in Goldson 2002). The inability of the criminal justice system <https://assignbuster.com/youth-justice-and-the-medias-society-criminology-essay/>

to deal with youth crime was also a source of concern with Ratboy, who had accrued 55 offences between the ages of ten and 14, symbolising the inability for law and order to be maintained (Muncie 2004 p28). Despite decarceration and diversion reducing 'known juvenile offending' in the 1980s, it was increasingly believed penal liberalism had 'gone too far' (Goldson 2002 p390).

Fiction increasingly replaced factual and rational information 'to conjure up monsters that seem to lurk behind the gloss and glitter of everyday life' (Pratt 2000 cited in Goldson 2002 p390). Brown (2005) argues the moral panic had mutated into a total panic about the majority of young people's lives, making the suggestion that Cohen's model may provide an insufficient explanation. Childhood was considered to be in crisis, and as with Cohen's 'prophecy of doom' (2002 p38) idea, further deviance was expected (Pratt 2000 cited in Goldson 2002).

Jewkes (cited in Newburn 2007) argues that the cohesiveness of society's reaction may be overstated in Cohen's moral panic model. McRobbie and Thornton (2002) agree, noting how audiences may be sophisticated, understanding varying styles of interpretation which may fragment messages further, such as the ironic in-house publishing style in the Sun newspaper. Increased sources of information since the early 1990s such as the internet may cause further fragmentation.

Agents of Control

The extensive coverage escalated concerns prompting a Home Affairs

Committee in July 1992 to consider youth crime, persistent young offenders
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and the youth justice system (HAC 1993 cited in Muncie 2004). It was concluded that an increasing minority of young offenders were committing a high volume of offences, despite a lack of evidence (Farrington 2002) and the idea of a persistent group being arbitrary (Hagell & Newburn in Muncie 2004). Smith argues that the government responded through introducing the Aggravated Vehicle-Taking Act 1992, which was imprisonable for five years (Home Affairs Committee 1993; Children's Society 1993 cited in Smith 2007, Brown 2005), later increased to 14 years in the Criminal Justice Act 2003 (statutelaw. gov. uk 2008).

Hegemony

Brown agrees with Cohen's suggestion that the agents of control have no choice but to respond in their socially sanctioned manner suggesting that high media coverage prompted the police action towards joyriding which had been occurring for some time (Brown 2005). The elite-engineered moral panic model provides an alternative explanation, describing how society's powerful elite may be the source (Goode and Ben-Yehuda cited in Newburn 2007). Marxist philosopher Gramsci explains such activity through hegemony, something Hall et al include in their model of the moral panic (Hall et al 1978) and something Smith (2007) cites as significant. Hegemony describes the persuasive communication of a societal consensus of belief systems through the media, gaining legitimacy for elite actions (Althusser 1977 and Cohen 1985 cited in Smith 2007, Smith 2007, Brown 2005).

Prior to the Aggravated Vehicle-Taking Act 1992 The Lord Chief Justice and the Magistrates Association were overtly discontent with political

interference and the limited capacity to increase sentences the Criminal Justice Act 1991. A 'sophisticated campaign' (Smith 2007 p25) during 1991 by powerful members of the police also emerged relating to persistent young offenders, argued to have resulted in a media moral panic (Brown 2005, Downes and Morgan 2002).

The Death of James Bulger

In February 1993 the well documented abduction of two year James Bulger by ten year olds Robert Thompson and John Venables occurred. Taken from a shopping centre, the boys walked for two miles to a railway track where James was attacked and murdered (Muncie 2004, Brown 2005, Smith 2007). Following nine months custody and a month long trial the boys were found guilty of the murder (Morrison 1997). The boys are now living under assumed identities, understood to be outside of the UK.

27 murders of children by children have occurred in the last 250 years (Muncie 2004) with four 10-13 year olds convicted of murder between 1979 and 1992 (Cavadino 1996). Children are considered to be at greater risk from people who know to them (Morrison 1997) highlighted by sexual abuse and torture of James Bulger which it was argued suggested indicated the sexual abuse and torture experienced by at least one of attackers (Sereny 1996).

The Media

The hostile and sensationalist approach to this case contrasted sharply with a similar Norwegian case which was treated as a 'tragic accident' (Muncie 2004 p6) and a similar case from Stockport in 1861 where rehabilitation was the ultimate public response. Exaggerated and irrational labelling
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stigmatised the boys as 'spawn of satan', 'freaks of nature', and 'monsters' (Muncie 2004 p4). Sereny (1996) argues that the response to the boys as innately evil highlights how insufficiently it was attempted to understand issues in their lives, with which Morrison agrees (1997).

A consensus regarding a new type of deviance was evident as 'we will never be able to look at our children in the same way again'. Concerns of reoccurrence were evident with 'parents everywhere are asking themselves and their friends if the Mark of the Beast might not also be imprinted on their offspring' (Sunday Times cited in Muncie 2004 p4) advising 'For Goodness Sake Hold Tight To Your Kids' (Sun 16 February 1993 cited in Mason 2003 p197).

Blurring of the boundary between the media and the audience (McRobbie & Thornton 2002) may be seen with the widely broadcast CCTV footage of James Bulger in a shopping centre with his assailants. The Bulger family created a petition in conjunction with the Sun newspaper and a television phone in of nearly 300, 000 names demanding Thompson and Venables never to be released (Morrison 1997). Retributive comments broadcast on television included James' father Ralph stating 'one day they'll be out of jail and I'll be waiting for them' and James's uncle Jim threatening 'when we get hold of them, we will fucking kill them' (Morrison p234). McRobbie and Thornton (2002) also explore the idea of pressure groups or the folk devils themselves blurring this boundary further and widening the debate by either appearing in or producing their own media, although this is not evident in this case.

By 1995 young people were being represented as the 'savage generation' (The Sunday Times 5 February 1995 cited in Kidd-Hewitt 2002 p117).

Cohen's 'it's not only this' (Cohen 2002 p39) idea was evident through frequent and omnipresent panics which blamed the breakdown of the family, the availability of drugs and the crimogenic media (Kidd-Hewitt 2002, Thornton cited in Newburn 2007). McRobbie and Thornton (2002) argue unlike the novelty described in Cohen's model, this has become a basic media response.

Society

Despite this crime's unusualness, societal anxiety increased surrounding both the government's capacity to control the crimogenic capacity of younger children, and the protection of younger children (Pitt 2001, Muncie 2004, Brown 2005). Crime data suggests a trend of younger children's involvement in crime through a fall in the peak age of offending, but this is also accompanied by earlier desistance (Criminal Statistics 1995 cited in Coleman 1997, Criminal Statistics 2005 cited in Coleman & Schofield 2007).

Adult perceptions regarding age-appropriate behaviour were challenged (Brown 2005) and with 'childhood on trial' (James & Jenks cited in Muncie 2004 p4) innocence shifted to potential evil and hate (Muncie & Hughes 2002). It is also argued that resulting public and legal attitudes towards children have become more punitive as a result of this case (Hendrick 2002 p39) with misrepresentations fuelling harsher measures (Smith 2007).

The well established panic surrounding crimogenic media also emerged

(Brown 2005), a youth culture anxiety as seen as early as 1917 when the <https://assignbuster.com/youth-justice-and-the-medias-society-criminology-essay/>

deteriorating influence of cinema was highlighted (Russell cited in Pearson 1983). In the Bulger case the film *Child's Play 3* was the subject of this panic despite evidence in court suggesting this film had not been viewed by the boys (Morrison 1997). Brown (2005) argues that the film's character Chucky who physically represented a child but behaviourally represented an adult was used as a symbol of the challenge to age-appropriate behaviour. More tenuous associations include the use of batteries in James Bulger's attack (Morrison 1997).

Agents of Control

It is argued that *doli incapax* (incapable of crime) where it must be proven that a child understands right and wrong was reviewed for ten to thirteen year olds in response to this case. Although the principle was initially retained it was later revoked in the Crime and Disorder Act 1998 (Bandalli 2000 cited in Gelsthorpe & Morris 2002).

Despite protection under the 1989 United Nations Convention on the Rights of a Child (UNCRC) mental health provision was limited during the boys nine months in custody and minimal allowance was made for their age with the trial in an adult court and their identities exposed to the international media, argued to have heightened the 'campaign of hate' (Scraton & Haydon 2002 p313). Upon release Dame Butler-Sloss favoured the 1998 Human Rights Act over freedom of expression, granting anonymity to Thompson and Venables for the risk of retributive injury or death (cited in Scraton & Haydon 2002).

The UK government breached articles relating to a fair trial, fixing sentence and periodic review of sentence in the European Convention of Human
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Rights (Muncie 2004, Scraton & Haydon 2002). The sentence had already been increased from eight years to ten by the Lord Chief Justice. Final sentencing authority rested with Michael Howard (Sereny 1996) who increased it for a second time to 15 years, citing public concern and the Bulger petition (Morrison 1997). This illustrates Cohen's argument that sometimes agents of control have to act. Once overturned, the Criminal Justice and Court Services Act 2000 removed the capacity for the Home Secretary to intervene in sentencing decisions (Muncie 2004).

With crime becoming second only to unemployment on the agenda (Pitts 2001), the intention to incarcerate 12 to 14 year olds through secure training units and secure training orders was announced, ten days after James Bulger's death and only months after ending custody for 14 year olds in the Criminal Justice Act 1991 (Smith 2007). More punitive measures were introduced in the Criminal Justice and Public Order Act 1994 where the maximum sentence for fifteen to seventeen year olds doubled to two years (Newburn 2002).

Hegemony

The end of the bi-partisan consensus on crime was apparent in the 1970 Conservative Party manifesto (Pitts 2001) with punitive rhetoric becoming associated with political success (Smith 2007). By the 1992 general election a return to bi-partisanship was argued in the form of being tough on crime as a means to political victory (Downes & Morgan 2002).

Following Labours 1992 defeat policies were transferred from the reinvented and electorally successful Democrats (Pitts 2001) argued to have 'rescued
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the Labour Party from perpetual opposition' (Pitts 2001 p18, Hudson & Lowe 2004) which included a punitive approach towards crime. This was evident the month before James Bulger's death when the Shadow Home Secretary, Tony Blair declared how New Labour were 'tough on crime, tough on causes of crime' (cited in Pitts 2001 p19). Political posturing is argued to have become part of youth justice continuing throughout the 1990s with Labour's new approach suggested to have heightened Conservative government punitiveness.

It is argued that rather than being a catalyst for policy change, the murder of James Bulger may have accelerated the 'punitive turn'. The abolition of *doli incapax* may be associated with this event but it is argued that events prior to James Bulger's death were already influencing youth justice policy (Smith 2007). The tone of political communication highlights the argued political exploitation of youth fear with labels like 'vermin' (Goldson 2002 p392). John Major illustrated an assumed punitive consensus (Hall et al 1978), saying how 'society needs to condemn a little more and understand a little less' and Kenneth Clarke called for increased court powers, emphasising hostility towards 'really persistent, nasty little juveniles' (Smith 2007 p25).

McRobbie and Thornton argue hegemony is overstated due to the potential 'plurality of reactions' (2004 p72), something Jewkes also points out, describing how public and media cohesion is overstated (cited in Newburn 2007 p100), although it is noted that fragmented hegemonic activity may be seen, for example with Thatcherism and the Daily Mail (McRobbie & Thornton 2004).

Following on from the deviance amplification model, it may be argued that in some cases governments may increase deviancy through the interventions they initiate (Brown 2005).

Conclusion

It has been suggested that the media is powerful in shaping society's response to young people who break the law, being a primary information source. One of the ways in which the media shapes society's response is by creating the impression that youth crime is more widespread than really is the case. The problems that some deviant youth experience are grossly under represented such as the health issues of The Terror Triplets and the potential that at least one of James Bulger's attackers may have also been a ten year old victim of sexual abuse. Problems also include the failure to circulate general information such as the dark figure of crime for fraud, the adult age of most known offenders or a fall in the peak offending age.

The simplified and exaggerated way in which youth are represented is argued to cause widespread societal panic and irrational fears, for example the anticipation of similar repeat activity in the case of rare crimes such as the murder of James Bulger. Explanations for the activity such as 'it's not only this' may feed the panic, resulting in greater fears about unrelated factors and in the case of the early 1990s lead to a total panic about youth. Authority action may be influenced by the public interest generated by a moral panic, and in the case of hegemony society's response to the media may be the provision of consent for authority action.

It was argued that moral panics also have the potential to be entertaining and do not always include moralising. The cohesiveness of response to a moral panic may be overstated with the plurality of media highlighted. The idea of a total panic about youth was considered and the blurring of boundaries illustrated as having the potential to diffuse anxieties through debate widening, or heighten concerns and inform state action, as with the petition in the Bulger case.

In conclusion, evidence may support the model described by Cohen, it is suggested however that other perspectives highlight that the way in which the media and society interact with respect to young people who break the law is more complex.