In this essay I will discuss some of the psychological theories of morality and moral development and link them to the issue of the incarceration of 'juvenile delinquents' as a means of punishment. I will consider aspects of a particular 'high profile' case to illustrate some of my points. In conclusion I will summarize the main arguments to demonstrate the view that imprisonment is generally an inappropriate form of punishment for children. I acknowledge that there are cultural and gender issues, in that young black males are over represented in the prison population as a whole and there is an increase in the conviction rate of females. However, given that I will focus on the case of Robert Thompson and Jon Venables, the perpetrators of the James Bulger murder, I am unable to give these issues the consideration that they deserve within this piece of work.

Morals are a set of values, principles and rules which people learn in order to function in society. They may be written down (for example, as laws) or unwritten (for example, respecting one's elders). Morality is a universal concept (Brislin, 1990), which means that it applies to all cultures. The emphasis may change but members of all societies must have a set of social guidelines in order for the structure of society to prevail. Psychologists make a distinction between moral thought and moral behaviour, that is: knowing the difference between right and wrong and acting in such a way that conforms to this knowledge. Schaffer states that this is an outcome of the socialisation process and that a person who has *"acquired a sense of morality will … behave in ways that uphold the social order and will do so through inner conviction and not because of a fear of punishment"* (1996:290).

Earlier this year Robert Thompson and Jon Venables were released from secure units, having served eight-year sentences for the murder of two-and-a-half-year-old James Bulger. The case has been notorious, with extensive media coverage, because of the fact that the boys were just ten years old when the murder was committed. As the full horrific details of the crime emerged there was widespread 'moral panic' and disbelief that children could have committed such an atrocity against another child. Media reports at the time bandied about words such as 'evil', and 'monsters' (Hyland 2000). The eight-year sentences, which were handed down to Jon Venables and Robert Thompson, were twice increased (to ten years then to fifteen years) following campaigning from the family of James Bulger and friends and supporters of the family. The European Court of Human Rights later ruled the boys had not received a fair trial and, in June 2001, the parole board made the decision to release Thompson and Venables (Guardian 2001).

This highly emotive case highlighted, for many people, the deteriorating moral standards of contemporary youth; evidenced by a perceived rise in rates of juvenile delinquency. There has been much debate surrounding the sentence that the boys received and whether or not it was a fitting punishment for the crime that they committed. Some people have argued that no account should have been made for the fact that they were ten-year-olds. There was never any dispute of their guilt, murder is murder and the boys were old enough to understand right from wrong. Furthermore it has been argued that instead of 'living the life of luxury' in a secure unit, Thompson and Venables should have been sent to a young offenders institution, and then on to prison, in order for them to pay proper atonement for their crime. It is argued that punishments for young offenders in

general - not only those who commit more serious crimes - are not tough enough and that this has implications for the morality of young people.

This view looks at wrong-doing in terms of 'good and bad' and does not take into account that there are other factors which have an implication on a persons behaviour, such as motivation, for instance, it is easier not to steal food if you are not hungry or if you have the means to obtain it legally. The viewpoint that crime can not be seen merely in terms of the wrong that has been done would lead to the argument that, in the case of Thompson and Venables, the boys' youth and background should have been seen as mitigating factors. Rather than 'lock them up and throw away the key', the empahasis in their secure units should have been on psychological intervention, both to try to ascertain more fully the circumstances behind their mental states at the time of the crime and so that rehabilitation could take place, given the fact that they would eventually be released back into society. It is arguable that, as far as juvenile crime is concerned, the main purpose of punishment is to help the offending child to see the 'error of their ways' and to learn to adapt their behaviour in accordance with this learning, not because of the fear of punishment, but through an inner conviction to do the right thing.

Many organisations, including The Children's Society, The National Association for the Care and Resettlement of Offenders (Nacro) and National Children's Homes, argue that custodial sentences should not be used for people under the age of eighteen. They argue that a whole system revision is needed, whereby young offenders are given help instead of punishment. One of the main tenets of the argument is that, when young people are sentenced, the emphasis should be on rehabilitation and not retribution. If children are incarcerated for their crimes it will reinforce the

idea that they are 'bad' and the concept of the self-fulfilling prophecy will make it more difficult for a child to alter their behaviour. Rob Allen of the Children's Society argues that children who need to be detained, because they are a danger to themselves or the public, need to be placed in appropriate institutions *"with an emphasis on care and treatment, rather than punishment and retribution."* (Dingra, 2000).

A recent television programme compared juvenile offender institutions across the world and found that the most successful, in terms of recidivation rates, was an open prison for young offenders in Ankara, Turkey (BBC, 2001). This institution focussed on 're-educating' the children; they were not merely locked up, as a form of retribution, but were given the opportunity to participate in the broader society. For example, the older children were found jobs in the community, which they did while they were in prison (and most continued with after they had completed their prison term). Half of the prison population left the prison unaccompanied each day, either to go to school or to work. They were a part of the local community; they took part in activities enjoyed, not as a privilege, but as an integral part of their rehabilitation.

This example was contrasted with the boot camp system that some American states use. The children in these military style institutions are made to comply unquestioningly with the demands of prison officers and shouted at if they get it wrong and shouted at less if they get it right. 'Bad' behaviour is punished and 'good' behaviour is rewarded. The researchers found that a few of these 'short sharp shock' systems seemed to work, as the children that had been through them show a *"marked improvement in attitude"* (BBC, 2001) while in the camp, and for a period following release. This improvement however does not usually last and most of the

children end up re-offending. Cognitive perspectives would reason that children in this type of institution are merely learning how not to be punished while in this particular situation and are not actually internalising the 'good' behaviour, so as soon as they are in a different situation they will revert to behaving in ways that are in accordance with their moral development.

Psychologist's working from a cognitive perspective see moral development in terms of a transition through stages, which are linked to stages of cognitive development (see appendix). Piaget identified three stages of moral development and Kohlberg, working from the principles of Piaget's work, identified six (Crain, 1980). The cognitive perspective places very little emphasis on social interaction as a determinate of moral development. Whereas social learning perspectives emphasise principles of 'modelling' by important adults, according to Cognitive perspectives the child is 'responsible' for learning and internalising moral reasoning. This can only be done through interaction with peers. Hoffman (2000:2) states *"relation to adults produces a heteronomous respect for rules and authority which interferes with moral development."* In other words a child must develop at his/her own rate and trying to instil a set of values or morals into a child will only complicate the process.

Kohlberg argued that the development of morality is a result of the development of an individual's thinking, *"social experiences do co-promote development, but they do so by stimulating our mental processes"* (Crain, 1980:142). Which means that teachers, parents and other authority figures, do not have a great deal of impact on a child's moral development per se, rather the way children make sense of and internalise their

experiences themselves is what determines the level of development and their progression through the stages.

Piaget emphasised that it is interaction with peers rather than interaction with adults which will have the greater effect on a child's moral development (Schaffer, 1996). This theory was advanced by Kruger (1993) when he conducted a study of eight year-olds, who were either paired with an adult or a peer and asked to discuss two particular moral dilemmas. He found that the pairs of children made more progress in their discussions than the child/adult pairs. This, he said, was because the children who were paired with another child were more active in their arguments and were able to reason with each other more than the children who had an adult partner, who were more passive in their discussions. This may be due to the equality of the relationship with another child and the assumption that the adult 'knows best', which may inhibit a child's ability to put forward an argument which is different from the adult's argument.

There have been many psychological studies to try to find a link between moral understanding and delinquency. It seems logical that those people who have a lesser moral understanding would be more likely to commit offences. Various studies by psychologists such as Kohlberg, Blasi and Nelson have found that delinquents do tend to have a lower level of moral understanding (by Kohlberg's stages) than non-delinquent children, who were matched for similarities in age, social class and intelligence. The relationship however has not been found to be significant and there was *"considerable variability between subjects and, ... also within subjects in their reasoning about different moral dilemmas"* (Schaffer, 1996:302). The links between moral judgements and delinquency are complex; other

factors, such as an individual's personality and temperament and the situation in which they find themselves are also contributory factors to their actions Dusek (1980). Thus, *"attempts to increase the level of moral thinking ability of delinquents which can be done … may not translate to reductions in delinquency"* (Dusek, 1980: 128).

Social learning theories take the stance that moral behaviour is learned in much the same way as any other behaviour. Maccoby (1980:355) states: *"social learning theorists do not support the idea of any sort of general behavioural cluster called moral character"*. Unlike the cognitive perspectives, social learning theory does not see moral development in terms of a framework or scale, whereby a child's stage of development can be 'plotted'. Children can learn a response to any given situation but may be unable to transfer this behaviour into another situation. So, if we take the example of the boot camp, a child may learn a set of responses in order to conform to the idea of what is 'good' behaviour while they are in the institution, but be unable to stay out of trouble once they are back in the community, because the idea of what is desirable behaviour may be different.

Another difference between social learning and cognitive perspectives is that social learning theory places much greater emphasis on the role that important adults, such as parents and teachers, take in demonstrating appropriate behaviour; that is, they act as role models. Crain (1980) points to studies that have been done whereby children are shown examples of altruistic behaviour. In one such study children played a bowling game with a model who donated some of his winnings to charity. When the children played the game alone, many more donated their winnings than the children in the control group, who had not seen the model. Crain

(1980) goes on to point out that coercion can seem to have the same effect because children who were ordered to share their winnings in another study did so as much as those who had been shown through example. The effect however was short term and in a later test far fewer of the children who were ordered to share did so, while many of the children who learned by example continued to share.

Role models can also be other people who are important to a child, for example friends, mentors or even media figures. Television programmes depicting dangerous activities sometimes carry warnings for children of 'don't try this at home'. Recently there have been instances of children being injured because they have been mimicking behaviour seen on popular television programmes, for example The World Wrestling Federation. At the time of the James Bulger murder there were media reports that Venables and Thompson had been regularly exposed to 'video nasties'. This is merely speculation but it has been shown, for example in Bandura's 'Bobo doll' studies, that watching aggressive behaviour can affect levels of displayed aggression in children. Crain (1980) however states that as children get older they rely less on models and more on their own standards of behaviour. This means that considerations about the kinds of images that children see in the media may be less important the older children become.

The other main emphasis of social learning theory is of reward and punishment. A child is rewarded for desirable behaviour – this may be as simple as a person expressing pleasure at a child's deeds - and is punished for bad behaviour – and again this punishment may take many forms, ranging from physical punishment, through to withdrawal of privileges. Schaffer (1996:307) states: *"when the predominant technique is the use of*

power the child is likely to develop a moral orientation that is based on fear of detection and punishment." Again parallels could be made with the boot camp system of punishment and reward, in that children who were forced to comply with demands were likely to comply while in the institution – where detection was more probable – but less likely to continue with the 'good' behaviour long-term.

By all accounts, the secure units in which John Venables and Robert Thompson were placed set an emphasis on education, care and rehabilitation and the boys are no longer thought to be a danger to society. There are many factors which might have influenced them and caused them to carry out the actions which they did. However this can only be supposition because of the lack of public insight into circumstances prior to the crime and even details of the crime itself. The only thing that can be surmised with any degree of certainty is that it is not simply a matter of them being inherently 'evil'.

The public have a right to be protected from violent individuals, but if we are to assume that young people who commit violent acts will be set free into the community eventually, then it makes sense that some form of intervention should take place which will minimise the risk of these people perpetrating violence again. If psychological understanding and treatment can help people to act in more socially acceptable ways, then surely this is more desirable than simply putting people into prison and hoping that they will emerge morally sound at the end of their sentence.

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