

Editorial

Hacking Acquittal

On 17 March, a nineteen-year-old student, Paul Bedworth, was acquitted of various charges under the Computer Misuse Act 1990. The accused, who had allegedly been an enthusiastic computer "hacker" since the age of 14, when his mother had bought him a £200 BBC computer, had apparently managed to gain unauthorised entry into numerous networks, in Britain and elsewhere, including ones in military installations and at the MoD. The charges were that he had conspired dishonestly to obtain telecommunications services (some 50,000 telephone calls in total); to cause unauthorised modification of computer material; and to secure unauthorised access to computer material.

His successful defence rested upon the interesting claim, supported by psychiatric evidence, that he had become so clinically addicted to hacking that he was incapable of forming the necessary criminal intent.

The acquittal was an embarrassing setback to the police and the prosecuting authorities in what they saw as an important test case under the 1990 Act, intended to administer a sharp deterrent shock to the hacking fraternity. Police spokesmen were heard to mutter darkly (no doubt for the benefit of headline writers) about the perversity of the verdict amounting to a "hackers' charter".

The case is of as much interest to psychologists and sociologists as it is to lawyers. One problem is that the computer age has not been around for long enough for us to say with much confidence what the long-term (or even medium-term) effects of constant mental interaction with computers may be. Until we are, there will be plenty of scope for ingenious psychiatric defences to raise doubts in the minds of jurors. Most jurors are older than Mr Bedworth, and in many cases their own formative years will have pre-dated the computer era.

This is just one aspect of the generation-gap that is highlighted by this case. Here we have a gifted

teenager, who grew up with computers as a day to day part of his boyhood. A teenager apparently able to by-pass advanced security systems – designed by people older than himself – with alarming ease. The technology moves forward all the time, with mind-boggling speed. And here we have legislation, prepared by lawyers, politicians and civil servants – themselves non-expert in computers and perhaps products of a pre-computer age – that fails the first time it is put to the test, less than three years after its enactment.

The law is by its very nature a ponderous instrument, ill-equipped to keep pace with the rapid growth of technology, and unable to rein in the precocious, if perverse, brilliance of a young man able to harness that technology. We wonder if, when the Act comes to be reviewed in the light of this recent fiasco, Mr Bedworth might be persuaded to offer his expert advice to the Office of Parliamentary Counsel?