

https://dspace.org/

# A qualitative analysis of young South African perpetrators' perceptions of their sexual offences

**Khoza, Zamakhoza**

**2021**
https://hdl.handle.net/10539/33934

Downloaded from a DSpace repository. https://dspace.org/

# A qualitative analysis of young South African perpetrators' perceptions of their sexual offences

**ZAMAKHOZA KHOZA**

**1472400**

**SUPERVISED BY DR SHERIANNE KRAMER**

This research report is submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg in partial fulfilment of the degree of Masters of Arts in Psychology.

**DECLARATION**

I, Zamakhoza Khoza, know and accept that plagiarism (i.e. the use of another's work being presented as your own) is wrong. Consequently, I declare that this research report is my own unaided work.

Signed: 

Date: 02.05.2020

**Abstract**

South Africa has one of the highest rates of sexual violence, with rape being the most dominant form of sexual violence. Normative discourses place the adult male as the primary perpetrator of sexual violence. However, approximately over a third of sexual offences committed in South Africa are committed by young perpetrators under the age of 21. This study investigates how young sex offenders frame themselves as either accepting or rejecting normative discourses on sexual violence and their juvenile statuses. Ten young South African sex offenders, incarcerated for rape, were interviewed in juvenile correctional centres. Though all of the participants were charged with rape, the constructions of their behaviours and perceptions of self were heterogeneous. The utilisation of a post-structuralist critical discourse analysis allows for the surfacing of discourses that these young offenders used to construct their offences and themselves as offenders. Childhood and youth discourses; gendered discourses; and institutionalised discourses such as legal, educational and religious discourses, were prominent in the participants' narratives. Hegemonic masculinity and subordinate masculinities, the construction of child, juvenile and adult constraints, as well as the intersectionality of gender, racial categories, and socio-economical levels, were junctures of negotiation for these young offenders. The participants thus both accept and reject the discourses and the constructions that frame their sexual offences in varying manners. The findings indicate that the adoption of normative discourses that frame youth as naïve allows for young sex offenders to reject their statuses as 'sex offenders'. However, other discourses on youth delinquency simultaneously allow for self-identification as criminal adults with agency. Self-identification as a young sex offender thus finds traction at the nexus of these two contradicting subject positions. The construction of the young sex offender is thus more nuanced and layered than normative discourses may project, and this study provides alternative insights and knowledge on young sex offenders and their criminality.

**Keywords:** sexual violence; young sex offenders; rape; critical discourse analysis; South Africa; masculinity.

**Acknowledgements**

I would like to thank and appreciate the following people, whom without them, this thesis would not be possible:

My Good Good Father, I give the highest glory to, this was your will and timing. My life is a constant testimony to your Grace. This is yet another testimony. Lonke udumo lungolwakho.

My supervisor, Dr Sherianne Kramer, your insights and knowledge have been helpful throughout this project. It's been a long road, but it has been an interesting journey. Thank you.

The Wits Psychology Department, for accepting me into the master's programme, I am so much richer for having done this specific degree. Thank you for helping me understand this world slightly better.

My mother, MaMsiya, amazwi okubonga awekho. I may be the problem child with my crazy ideas, but you are still my biggest cheerleader, thank you for being the best support. Ma, uthando lwakho lungiduduza njalo. I hope to continue being the problem child that makes you smile nonetheless.

My father, Dumisani, ngiyabonga Baba. Thank you for affording me the academic opportunities that you have, even though you did not have much, you have always provided the little you had to ensure I fulfilled my dreams. Your jokes and love have kept me going throughout the years. I love and appreciate you so much.

My brother, fam! Thank you for being the best big brother a sister could ask for. We laughed when mom cried about you paying my fees in 2016 but I get it...when we asked you to jump at the 11$^{th}$ hour, you did it with only one question, "how high?". So, as I close this amazing exhausting chapter, I'm the one getting emotional now. This degree is only possible because of you. I love you so much.

To my friends, I can't even mention you all by name, but you know who you are. Thank you so much for all the love and support. You guys are the people who keep me going daily. I love you, ladies and gents. I am so blessed to have you in my life.

To my colleagues, thank you for the encouragements, the pep talks and letting me rant when I needed to. To the Property Facultative team, thank you for letting me annoy you with my “I just need to bounce an idea”. To the HR team (both present and past), especially our honorary member Yolanda - thank you so much for your support. I appreciate you all.

Bafana - mentor, friend, counsellor and advisor. I hope I have given you plenty of practice on how to be a supervisor, as you sure gave me plenty to rethink and conceptualise throughout this study. You are going to do amazing things in Education and Psychology. I am so blessed to be able to call on you.

To the research team, Alexa and Ayoushe, thank you for the transcribing and the venting sessions when it got tough.

To the Department of Correctional Services, especially the Research Office. Thank you for your support and understanding. I was especially touched by the phone call encouraging us not to give up and complete our research study.

Kwanele, my partner in crime and all things mess. If masters gave me nothing else, at least it gave me you. Thank you for being there from day one when we decided to jump onto this research study. Sithanda izinto kodwa mngani, kade siyaphi nje? I could never have done this without you. I’m going to miss our ‘all-nighter’ date nights via WhatsApp and Instagram. It has been crazy, and we are a mess, but we are the best kind of mess. We finally reached the finish line.

Finally, to the participants, thank you for sharing your stories. Without them this paper would not exist, I hope this process has been in some ways beneficial to you too.

*I dedicate this research report to my late brother, even though I never met you, I have thought of you so much throughout this process and where your life would have been today. Your journey might have been brief but you lived. I love you so much. I hope I would have made you proud.*

**Table of Contents**

Conceptual terms: .....ix
1. Chapter 1: Introduction, background &rationale, aims and outline of research report…….1
1.1 Introduction……..1
1.2 Background and rationale .....2
1.3 Aim .....5
1.4 Structure and outline of research report.....5
Chapter 2: Literature review .....7
2.1 Power, knowledge and discourse.....7
2.2 Framing sexual violence through a constructionist paradigm .....9
2.3 Child and youth discourses .....13
2.4 Micro-levels of violence: Child and youth violence.....16
2.5 Sexual practices and South African young people……19
2.6 The intersection of gender, socio-economic and race discourses in sexual violence .....21
2.7 Media representations of sexual violence .....28
2.8 Legal discourse .....31
2.9 Positioning young sex offenders: previous research and psychological discourse.....33
2.10 Conclusion……35
Chapter 3: Methodology .....37
3.1 Research design .....37
3.2 Participants.....37
3.3 Data collection……40
3.4 Data analysis .....43
3.5 Self-reflexivity .....45
3.6 Ethics……..48
Chapter 4: Findings and discussion .....50
4.1 Gendered discourse and violence……...51
4.1.1 Patriarchal discourse: sexual entitlement and coercion……...52
4.1.2 Victimisation of subordinate black bodies: The negotiation of masculinity through rape……..57
4.2 Negotiating a young criminal status……..63

4.2.1 Constructing the young sex offender: Psychosocial discursive rationalising strategies……..63

4.2.2 Conditions for Criminality: Influence and gang membership…….65

4.2.3 Rejecting the sex offender identity…….70

4.3 Institutionalised Discourses: (De)legitimizing sexual offences by youth…….74

4.3.1 Legal discourse: The innocence of young people……..…….75

4.3.2 Religious discourse…….78

4.3.3 Educational discourse……..79

4.4 Summary of findings……..81

Chapter 5: Conclusion, study limitations and future recommendations .....84

5.1 Conclusion .....84

5.2 Study limitations .....855

5.3 Future recommandations……....87

Reference list……88

Appendices……109

Appendix 1: Inclusion questionnaire……108

Appendix 2: Information sheet for participant……..110

Appendix 3: Consent form to be interviewed……112

Apendix 4: Consent form for audio-recording……...113

Appendix 5: Interview schedule……114

Appendix 6: Santised letter to regional commissor of Department of Correctional Services……..116

Appendix 7: University of Witwatersrand ethics clearance……119

Appendix 8: DCS ethical clearance……..120

Appendix 9:Participants demographics and charges summary……..121

**Conceptual terms:**

*Child*:

Any person under the age of 18 years (Children's Act 38, 2005). However, the Child Justice Act 75 of 2008, broadens this definition and defines a child as any person under the age of 18 years and, in certain circumstances, means a person who is 18 years or older but under the age of 21 whose matter is dealt with in terms of section 4(2). (Child Justice Act 75, 2008).

*Adolescence*:

Any persons between the ages of 10 and 19 years old as an adolescent (United Nations, 2007).

*Youth:*

The United Nations defines youth as persons between the age of 15 and 24 years old (United Nations, 2007), while the African Youth Charter defines any persons between the age of 15 and 35 years old as youth or young people (African Union Commission, 2006).

*Juvenile:*

The Correctional Services Act 8 of 1959 defines a juvenile as a person under the age of 21 years (Correctional Services Act 8, 1959).[1]

*Youth sexual offender*:

A person younger than the age of 25 years who has sexually offended against another person (Coetzee & Bezuidenhout, 2016).

The following definitions are taken from the South African Criminal Law (Sexual Offences and Related Matters) Amendment Act No32 of 2007, 16 - 26:

*Sexual penetration*: includes any sexual act which causes penetration to any extent whatsoever (i.e. genital, anal or mouth)

(1) A person ('A') who unlawfully and intentionally sexually violates a complainant ('B'), without the consent of B, is guilty of the offence of sexual assault.

(2) A person ('A') who unlawfully and intentionally inspires the belief in a complainant ('B') that B will be sexually violated, is guilty of the offence of sexual assault

[1] This act has since been repealed; however, the current Correctional Services Act 111 of 1998 does not provide a definition for 'juvenile' within the correctional system.

*Minor sex offender*: a person under the age of 18, as defined by the Children's Act (2005) who has been convicted of a sexual offence.

*Sexual offences:* is any offence defined in chapters 2, 3, 4 and sections 55 and 71(1), (2) and (6) of the act. This includes sexual assault; rape and statutory sexual assault or rape,

*Sexual assault:* a person (‘A’) who unlawfully and intentionally sexually violates a complainant (‘B’), without the consent of B, is guilty of the offence of sexual assault.

*Rape:* Any person (‘A’) unlawfully and intentionally commits an act of sexual penetration with a complainant (‘B’), without the consent of B, is guilty of the offence of rape.

*Statutory Rape*: A person ('A') who commits an act of sexual penetration with a child ('B') is, despite the consent of B to the commission of such an act, guilty of the offence of having committed an act of consensual sexual penetration with a child.

*Complainant*: the alleged victim of a sexual offence.

Based on these definitions, this study will refer to young sex offenders to describe minor and youth sex offenders under the age of 21 at the time of their sexual offences.

# Chapter 1: Introduction, background, rationale and aims

## 1.1 Introduction

Sexual violence is a major global social problem (McMahon & Baker, 2011) that has profound social, psychological and health implications (Basile, Smith, Breiding, Black, & Mahendra, 2014). Historically, sexual violence has been constructed and demarcated by discourses that place females as victims (Freccero, Harris, Carney, & Taylor, 2011) and males as perpetrators (Cleere & Lynn, 2013); adults as aggressors and children as victims (Kramer, 2015). The binaries placed on the understandings of sexual violence are further influenced by intersectional discourses that place racial and socio-economic status as significant in the conception of sexual violence, especially within the South African context.

According to Potter and Wetherell (1987, as cited in Parker, 1990, p. 7), discourse can be described as "all forms of spoken interaction, formal and informal, and written texts of all kinds". Parker (1992) asserts that discourses do not just describe how the social world is, it also categorizes and defines matter and thus, discourse is concerned with knowledge production and its function in social practice. The power of discourse lies in our production and reproduction of the said discourse through repetitive enactments that become elaborated and systematized over time (Pitsoe & Letseka, 2013). Parker (1990, p.3) therefore defines discourse as "a system of statements which construct an object". It is within this systematized discourse that we construct and define sexual violence.

Historically, sexual violence was understood to exclusively mean acts of rape (McMahon & Baker, 2011). This historical construction of sexual violence placed females as the only victims and was about the chastity of a woman which belonged to her male relatives (Conley, 2014). Therefore, legally, sexual violence was only perceived as a crime against a man's property and not a violation of the victim (Tracey, Fromson, Long, & Whitman, 2012). As research (see World Report on Violence and Health, 2002) into sexual violence has developed, the continuum of sexual violence has expanded to include unwanted sexual touching, sexual harassment, denial of contraceptive rights, forced abortion, and female genital mutilation. The current definition for sexual violence, as defined by the World Health Organization (Krug, Dahlberg, Mercy, & Lozano, 2002, p.149), is "any sexual act or an attempt to obtain a sexual act, unwanted sexual comments, or advances, acts to traffic or otherwise directed, against a person's sexuality using coercion, by a person regardless of their relationship to any setting including but not limited to home and work". This shift in the construction of sexual violence

now also allows for males to be regarded as victims, and women as perpetrators, however, this shift is still fairly limited (Davies, 2002). The South African Criminal Law (Sexual offences and Related Matters) Amendment Act No.32 of 2007 is constructed as gender, age and class neutral thus placing any person(s) as being able to occupy the status of a sex offender. This shift allows for the conceptualisation of juveniles as sex offenders.

In South Africa, it is estimated that 42% of sexually violent offences committed against children are perpetrated by a person under the age of 18 (Rangasami, Stewart, & Maharaj, 2013). Similar statistics have been reported in the USA (Finkelhor & Shattuck, 2012). This statistic indicates that acts of sexual violence are not exclusively committed by an adult body. Research on young people that sexually offend is still fairly limited; a focused interest in this particular research only became prominent in the 1980s (Brownlie, 2003). This was a result of the increased number of youths who were in treatment programmes for sexual offending (Finkelhor, Ormod, & Chaffin, 2009). Much of the published research on youth that sexually offends tend to encourage the protection of the perpetrator and avoids constructing these offenders using the same criteria that would be used to understand adult sex offenders (see Mackaronis, Byrne, & Strassberg, 2014) .

It is against this backdrop that this research aims to examine the discursive conditions of young sex offenders incarcerated in South African correctional centres. Using a post-structuralist critical discourse analysis (CDA), which explores the use of language and power in social relations, this research investigates the language used by young sex offenders to frame their subject positions and their sexual offences.

### 1.2 Background and rationale

The construction of criminality implies that it is an act that is legitimate under particular conditions (Munice, 2009). These conditions include who can be regarded as criminal and who is considered a worthy victim (Gqola, 2015). If these conditions are not met, public discourse places questions on the legitimacy of the offence. In South Africa, criminality is positioned as an act that is committed by "black, male, poor and socially marginalised" (Stevens, 2008, p. 13) individuals. South African researchers also seemingly validate this perception by presenting research that is predominantly conducted in marginalised areas, usually in townships[2], as encompassing the entirety of the South African context (see Mazibuko &

[2] Township: Within the South African context, townships refer to areas that were designated to black, coloured and indian people during Apartheid to enforce segregation laws

Umjesi, 2015; Wood & Jewkes, 1997). In this way, a particular body, often black and male, becomes the signifier of violence. This type of research also positions violence as common practice in low-income communities (Kruidenier, 2015). This constitutes interpersonal violence as a phenomenon that is embodied by poor people and accepted as part of their social structure (see Mazibuko & Umjesi, 2015).

As such, public discourse on violence is not just restricted with regard to income status and racial categories. There are various limitations as to who is positioned to predominantly occupy the position of criminal, and this is especially evident when children and adolescents are the perpetrators. The construction of criminality for those under the age of 21 takes into consideration the youthfulness of offenders when determining how to understand and frame their offence (du Toit, 2006). Institutionalised discourses, such as psychological and legal discourses, aim to frame child and adolescent perpetrators as less mature, naïve and unable to fully comprehend their actions (Bakken, 2007). This framing of young perpetrators enables discursive justificatory strategies to rationalise the stripping of agency and accountability when prosecuting young offenders. It is within these discourses on young perpetrators that narratives of systematic regulation and corrective interventions are emphasised instead of enforcing punitive justice.

Seminal critical theorists such as Judith Butler (1988) argue that "social reality is constituted by social agents through language, gesture, and all manner of symbolic social signs" (p. 519). It is through language that certain versions of the world that maintain the status quo are presented as natural. As such, public discourses on sexual violence are presented as normative and thus limit the scope of exploring or constructing alternative discourses. Heteronormative discourses construct violence, and particularly sexual violence, as an act that is committed by a particular (male adult) body against (usually female and child) subordinate bodies (Frese, Moya, & Megias, 2004). When juveniles are the perpetrators, they are constructed as ignorant and vulnerable. Their offences are positioned as acts of sexual exploration and curiosity (Finkelhor et al., 2009) or as a means to negotiate their 'transitional' identities. This transitional negotiation places youths as having limited control over their behaviours or emotions (Mulvey, 2014) and therefore, when they commit offences such as sexual violence, they are exempted from maximum persecution (Finkelhor et al., 2009; Wyn & White, 2014).

Normative discourses are positioned as stable 'truths', and thus transgression from these 'truths' seem unfathomable. This is evident in the modern construction of child and youth - the

distinction of these periods is credited to developmental psychology (Wyn & White, 2014). The construction of both these periods position young people as 'not adult' implying that they are dependent, lack cognitive skills and occupy a certain age (Norozi & Moen, 2016). However, the 'universal' construction in which young people are positioned as less than adults, is contradicted by many of the lived experiences of young people. Many young people, especially in the Global South[3] countries, could be constructed as occupying spaces reserved for adults within normative discourses (Wyn & White, 2014).

A social constructionist perspective consequently does not aim to define universal truths, but rather it focuses on the social influences that construct social reality (Gablin, 2014). Social constructionism asserts that the manner in which society makes sense of the world is based on historical processes (Butler, 1993) and reinforced through language and social interaction (van Dijk, 1998). One of the main aims of social constructionist theorists is to re-examine and deconstruct constructs, positioned as intrinsic, that attempt to confine individuals to categories such as female/male or perpetrator/victim. It positions these constructs as a product of social discourses rather than as fixed entities (Gablin, 2014). It is against this backdrop of rethinking subjective 'truths', based on normative discourses, that this research seeks to examine counter-discourses on young perpetrators of sexual violence. This study examines how young offenders construct their transgressions adjacent (and opposed) to the construction of apparent vulnerability and naivety within childhood and youth.

This research utilises Fairclough's (1989-2003) critical discourse analysis to analyse the data collected from young South African sex offenders. The use of Fairclough's (1989) three-dimensional model enables analysis from various perspectives. It also emphasises that language is essential to understanding social practice and in turn, how social subjects function. Fairclough further asserts that language is "perhaps the primary medium of social control and power" (Fairclough, 1989, p. 3). Thus, by examining the discourses produced by these young sex offenders, there is an opportunity to challenge normative discourses on sexual violence. It furthermore allows for the examination of the discursive conditions in which the subject position of sex offenders can be occupied by various bodies other than the adult male body. This study should have practical implications for future research on young sex offenders, especially considering that there is relatively limited research on young sex offenders in the South African context, with current South African research mainly focusing on pathologies for

[3] The Global South constitutes broadly to the regions of Latin America, Asia, Africa and Oceania (Dados & Connell, 2012).

young sex offending (see Naidoo & Sewpaul, 2014; Omar, Steenberg, & Errington, 2012) and sexual violence that occurs to victims.

### 1.3 Aim

This research aims to investigate the discourses that inform young sex offenders' constructions of their crimes. The purpose of this study is to engage young sex offenders incarcerated for sexual offences within South African correctional centres. The analyses of the language employed by the participants' aims to surface any conflicting discourses to normative discourses. It is through discourses that subject positions are constituted and reconstituted (Parker, 1992) and thus, one does not occupy a singular identity but rather negotiates various subjectivities interchangeably (Foucault, 1980). This research thus examines how the participants navigate their subjectivities within child and youth discourses. In turn, it examines which uses of discourse support or reject their sex offender statuses. As such this research is guided by interviews with young sex offenders that centre on their perceived statuses as sex offenders in order to platform the conditions that permit young sex offenders to 'exist', and the discourses they rely on to position themselves within violence discourse. These research questions ultimately position the manner language restricts (or permits) young sex offenders as 'plausible' within discourse.

In order to establish whether young sex offenders draw on dominant discourses on sexual violence or rather produce alternative discourses that disrupt normative conceptions of violence, Fairclough's (1989-2003) three-dimensional model is employed. Fairclough's CDA aims to highlight the manner in which the participants utilise language to construct themselves alongside discourses on childhood and youth, criminality, and sexual violence. In doing so, this research demonstrates whether young sex offenders draw on the category of childhood and youth to resist criminality; or reject the young category as a means to make their crimes more conceivable given their ages.

### 1.4 Structure and outline of research report

**Chapter 2** reviews the literature concerning violence, with an in-depth investigation of the construction of violence and violence surrounding young people. The chapter provides the foundation for understanding sexual violence discourses and how the young sex offender is construed. The framing of young sex offenders is also probed through intersectional discourses based on race, gender and socio-economic status. Lastly, previous research on young sex offenders is explored to position this research study. The literature review thus forms the basis

for the analysis of the discursive conditions that constitute sexual violence, and, more particularly sexual violence perpetrated by young people.

**Chapter 3** includes the research design and methodology utilised in the research study. The sampling techniques means of data collection, and data analysis approach are described and justified within the theoretical framework. The ethical considerations are also indicated. A section on self-reflexivity is included to account for the researcher's subjectivity throughout the study.

**Chapter 4** discusses the findings emerging from the analysis by highlighting the various discourses that arose from the data. An in-depth discussion focusing on the discursive rationalizing strategies that are used by the participants is presented through the three main themes that were apparent in the study. This is inclusive of gendered discourses framing the negotiation between hegemonic and subordinate masculinity identities. Childhood/youth and adulthood discourses frame the negotiation that the participants produced in their constructions of accepting a criminal status while rejecting the sex offender status. Institutional discourses, such as legal, religious and educational discourses, constructed the normative and counter-discourses in which the participants frame themselves and their offences. Throughout the analysis of various discourses, an intersectional approach is utilised to contextualize the participants and their sexual offences.

**Chapter 5** concludes the research report with a summary of the findings. It provides recommendations that are both practical and theoretical and lastly; it highlights the limitations of this study.

## Chapter 2: Literature review

This literature review aims to surface the legal, psychological and media discourses that inform sexual violence. An intersectional approach is utilised to probe gender, race and economic status in framing young sex offenders in South Africa. This investigation of knowledge production on sexual violence drives an analysis of the discursive conditions that make young sex offenders plausible within sexual violence discourse. Previous research on young sex offenders will also be discussed to position the placing of this research study.

### 2.1 Power, knowledge and discourse

Fairclough (1995a) notes that it is within everyday social practices that power is contained. The relation between power/language is an "interactive dyadic two-way concept" (Fairclough, 1995 as cited in Negm, 2014, p. 285) in which subjects are constantly negotiating to accept and resist various discourses. Foucault (1970) emphasises this point, as he considers discourses as a "locus for power to be resisted, contended and challenged" (Foucault, 1970 as cited in Negm, 2014, p. 285). Power thus cannot be separate from its resistance. Foucault (1980b) elaborates on this point by indicating that resistance is part of every power relationship as power is constituted in knowledge. It is through resistance that knowledge is constantly being defined and redefined. Fairclough (1989) notes that power is located 'in' and 'behind' discourse. Power in discourse implies that subjects function in relation to discourse, while power behind discourse is the manner in which particular discourses are presented as the only standard. This is evident in the presentation of sexual violence.

Implicit meanings or discourses on sexual violence stem from historical ideologies on patriarchy and sexism. Patriarchy can be understood as a social system in which men have dominance both in public and private spaces. It is an institutionalised system in which both men and women are constrained (Sultana, 2011). Patriarchy assumes that men are hierarchically superior to women and thus allows for the oppression of women. It serves heterosexual men mainly as it is rooted in familial discourses and validated by religious narrations of the man being the head of the house[4] and that women should be submissive to men[5].

[4] For the husband is the head of the wife even as Christ is the head of the church, his body, and is himself its Saviour (Ephesians 5: 23. ESV Bible)
[5] Wives submit to your own husbands, as to the Lord. (Ephesians 5: 22. ESV Bible)

These discourses can be used to normalise sexism. Sexism can be defined as the promotion of inequalities between females and males (Swim, Becker, Lee, & Pruitt, 2010). The use of patriarchal and sexist discourses provide society with justificatory strategies enabling the female body to be viewed as object and subject of sexual violence (Kallvik, 2018). This construction, which places the female body as inherently inferior to the male body, places femininity at the epicentre of sexual violence (Cahill, 2000). Cahill (2000) further argues that it is within this masculine/feminine binary that all those perceived as subordinate to hegemonic masculinity[6], can be sexually violated. This is evident in the construction of sexual violence in correctional centres (Gibson & Hensely, 2013) and the reporting of sexual violence when the complainant is a male (Javaid, 2018). The sexual violation of males goes against normative discourses as to what is deemed acceptable for the male construct.

The importance of discourses is that they support institutions[7] (van Dijk, 2006) such as the government, religion and family. They maintain the status quo of institutions by legitimising them through language and text (Fairclough, 1989). Discourse reinforces power relations (Parker, 1992) even when there is resistance to certain discourses because it is not that the power dynamic disappears but rather that it reshapes itself according to the acceptance or rejection of discourse (Karlberg, 2005). Power can therefore not be understood in a hierarchal manner but rather as negotiated by various groups in various contexts (Cowburn, 2005). Power is constituted not only in discourse but also within knowledge production. Discourse and knowledge cannot be understood in isolation of each other. Knowledge is produced and distributed within discourses (Fairclough, 2014).

Knowledge can be defined as an established system of relations, which endures through the shared communication of more than one person, usually a significant number of people (Abhary, Adriansen, Begoyac, Djukic, Qin, Spuzic, Wood, & Xing, 2009). Knowledge is information that has been communicated over time, such as discourse, and it comprises representations of historical, present, and possible future contexts (Fairclough, 2014). As van Dijk (2014) notes, the production and understanding of discourse is not possible without knowledge, and knowledge is acquired and changes through discourse. It is through knowledge/discourse that certain constructs are produced as 'truth' which compels us to act in

[6] Hegemonic masculinity can be understood as the manner in which men predominately position themselves in discursive practices (Connell & Messerschmidt, 2005)

[7] Institutions are defined as customs that are self-policing. They place conditions on human behaviours (Phillips, Lawrence., & Hardy, 2004)

a particular manner, thus constituting power. It is through language that discourse, and knowledge are constructed and given meaning.

Social constructionists position language as a social process in which meaning is derived. Fairclough (1989) states that language cannot be viewed as separate from society; language is constituted by society and thus it is a socially conditioned process. Parker's (1990) criteria for discourse (see Chapter 3, p. 43) is indicative of the manner in which language is fundamental for the conceptualisation of discourse and knowledge and subsequently, power. Foucault (1984) notes that power places sex into a binary system which is positioned as both "licit and illicit; and permitted and forbidden" (Foucault, p. 83). This positioning is most evident in how young people are expected to present with sexual curiosity/exploration as a function of their social development while simultaneously being reprimanded for producing adult behaviours. It is within these contradictory discourses where sexual practice is positioned as a taboo whilst also in need of exploration for a subject to understand it; that young sex offenders can be positioned both as criminal and victim.

### 2.2 Framing sexual violence through a constructionist paradigm

According to the World Health Organization (2002), violence is defined as the "intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation" (Krug, Mercy, Dahlberg, & Zwi, 2002, p. 1084). Modernity has been constructed on the premise of a violent state therefore implying that violence is a natural part of modern civilisation (Dahlberg & Krug, 2006). This is evident in the manner in which states have been formed globally; and the socioeconomic power that countries that provide the threat of globalised violence wield. The effect of violence is seen in various contexts that impact individuals, communities, physical environments and cultures (Guggisberg & Weir, 2009) in different ways. Violence can be self-directed (inflicted on the self), interpersonal (between individuals) or collective (instrumentally used by community groups) (Rutherford, Zwi, Grove, & Butchart, 2007).

Violence is present in both the macro (institutional and systematic), and micro (agentic) social structures, with its presence being both overt and discrete. Additionally, what may be deemed violent in one context, may not always occupy the same understanding in a different context (Munice, 2009). This is most evident when dealing with interpersonal violence. Global statistics indicate that interpersonal violence is an epidemic (Slate, 2016). For example, the

2016/2017 South African crime statistics showed an increase in murder with approximately 52 people being killed daily in South Africa. This said, there was a decrease of sexual assaults in the 2016/2017 year. However, the number of rapes remained high with 109 rapes being recorded daily (South African Police Services, 2017).

The construction of violence suggests that it is a complex phenomenon. Context is not the sole constraint in the production of differing violence constructs; varying standards on violence are socially produced even when violent acts are similar in their characteristics. In Gqola's (2015) research on rape, she notes that even when an act is deemed violent by a community, it can still be nullified based on who the victim and/or perpetrator is. Thus, violence also becomes a negotiation on victim worthiness and structural power. Foucault (1982) argues that power functions to produce relations between individuals (or groups). It defines relationships between people through action which provokes further actions. Therefore, action is the means through which power exists. Structural power can be understood as the manner in which institutions are able to regulate and create a state of self-surveillance through discourses which are taken for granted as 'truth' (Phillips, Lawrence, & Hardy, 2004). Power is thus evident through language and discourse, as discourse and language compel society to self-regulate to social norms; even when there is resistance it is still restricted to the discourses framing that subject. It is through language that social meaning is encoded (Kelly, 2006) which enables us to shape and reshape our understanding of the world (Fairclough, 1989). Hegemonic discourses provide the basis in which we negotiate social norms and produce alternative discourses as ideologies[8] evolve.

Hegemonic discourses can be understood as dominant discourses which are deeply engrained and so are now taken for granted to be 'fact' or 'truth' (Bourdieu, 1977). Hegemonic discourse constructs violence as a phenomenon that is associated with people who are on the fringes of society (Smith, Baranowski, Allen, & Bowen, 2013) and is embedded in gendered discourses. The investments that subjects make in maintaining and reproducing hegemonic discourses through practice, position these discourses as fixed institutions thus creating symbolic and cultural power. Fairclough (1989) theorises that there is power within discourse which is constructed and maintained "as a hidden effect of power" (p.5). The effect of hidden power through discourse creates the perception that subject positions are stable rather than fluid and contextual (Butler, 1993,2004). Categories such as the 'innocent child', 'aggressive man' or

[8] Van Dijk (1995) defines ideologies within a CDA approach as the basic framework for organizing the social cognitions shared by members of social groups, organisations or institutions.

'nurturing woman' therefore are positioned as static and unchanging. Hence, the construction of sexual violence is positioned as an act of power assertion (Mazibuko & Umjesi, 2015) performed predominately by men. This performance of violence is embedded in hegemonic discourses concerning masculinity and patriarchy in terms of what constitutes 'manliness'. Foucault (1978) notes that subjects are regulated by the discourses in which they are positioned. The construct of traditional masculinity constrains those who identify as masculine to assert themselves over subordinate bodies. This construct of apparently stable subject positions is maintained through language, as it is articulated as the rule of law (Foucault, 1984). Normative understandings of sexual violence therefore limit the perceptions that these roles can be interchangeable, making an alternative narrative discursively unfathomable.

Fairclough's (1989) notion of power in discourse indicates how perceptions of sexual violence are produced and maintained so that alternative narratives cannot exist. Fairclough (1989) argues that "there is power in discourse" (p. 43). It is through discourse that the social subject is constrained, through their acceptance or rejection of normative discourses. Public discourses on social issues, such as gendered roles and behaviours, influence perceptions on sexual violence. Within sexual violence discourse, gendered constructs place the feminine body as the subject and object of sexual violence (Muenhlenhard & Kimes, 1999) and are predominantly evident in rape myths and culture. Rape myths that imply that young girls or women incite being sexually assaulted by their perpetrators through acts such as being incapacitated by alcohol in male company (such as in the case of the Steubenville rape[9]) is embedded in patriarchal discourses.

Developmental psychology discourses also seemingly produce discursive justifications for sexual offending amongst boys through language that frame boys as highly sexualised from an early age therefore framing some of their sexual deviant behaviour as 'not their fault' (Frese, et al., 2004). Gendered perceptions which both males and females are subjected to (and may accept) provide justifications for violent male behaviours. For example, heteronormative discourses such as a young man's right to assert dominance (Mazibuko & Umjesi, 2015), particularly in heterosexual relationships, can produce behaviours such as sexual coercion (Frese et al., 2004) as a normative act. Justificatory strategies are also evident in the manner in which juveniles are still constructed as cognitively immature in psychological discourses. As

[9] The Steubenville rape occurred in Steubenville, Ohio on 11th August 2012. A high school girl who was unable to consent due to her levels of intoxication was sexual assaulted publicly by her high school male peers. This was also recorded and shared on social media by bystanders (Kosloski, Diamond-Welch, & Mann, 2018).

such, when they exhibit inappropriate sexual behaviours against others it is framed as delinquency rather than as a sexual offence, especially when it is young offenders under the age of 16 years. Some researchers (see Finkhelor et al., 2009) argue that these offenders should not be categorised as sex offenders as that is perceived to be harmful to the child (Rasmussen, 2004). The refusal to identify young people as sex offenders is embedded in the constructions of idealised childhood.

These public discourses construct versions of the world that young sex offenders may invest in and use to rationalise their violent sexual behaviours. The use of language that labels children who sexually offend as children with sexual behavioural problems (Chu, Koh, Zeng, & Teoh, 2015) validates the need for leniency toward young sex offenders. Previous research indicates various rationalisations for young sex offending. Chu and colleagues' (2015) research, which aimed to explore the reasons and pathways for young offending, found that the majority of the participants positioned their sexual offences as a means for pleasure, relatedness and inner peace. These findings produce a construction which is opposed to the normative narrative of power, humiliation and dominance in which the adult sex offender is placed. Such research thus produces a language in which young sex offenders should be protected. This need to shelter children stems from the construct of children as innocent, in need of protection (Burman, 2008) and incapable of producing adult-like behaviours in a mature manner. The child is stripped of their agency to commit violent sexual acts and is deemed as incapable of being responsible for their actions.

In order to better understand how the young sex offender is constructed, the following sections will focus on how violence is understood by focusing on youth violence and specifically of the young sex offender. As mentioned in the conceptual terms, young sex offenders are offenders under the age of 21 years. The term 'child' will be inclusive of all those under the age of 21 years, based on the positioning of the South African Child Justice Act of 2008. The construction of developmental stages which seeks to differentiate between the stages of childhood, adolescents and young adulthood as distinct periods of development, produce much overlap and contention. The commonality of these periods however is the framing of these subjects that occupy these stages as 'not adult'. This, in turn, justifies the preclusion to occupy particular subject positions such as sex offender. The term child and young people will be used interchangeably at times.

## 2.3 Child and youth discourses

Psychological discourses place demarcations on the periods between infancy and adulthood. Childhood, youth, and young adulthood are defined as distinct periods of development (Burman, 2008). These periods are framed to correlate with biological development; however, this is not a stable determinant (Norozi & Moen, 2016). This is evident in how various discourses and social contexts define these periods according to different measures which is indicative of how heterogeneous the period of childhood, youth or young adulthood actually is. The following section will centre on childhood and youth discourses, with an emphasis on naivety which is framed as central to these periods. This framing allows for discursive justifications which reject the child as a capable subject for sexual offences.

Children are constructed by discourses that imply that they need to be protected as they are innocent and vulnerable (Burman, 2008). However, the converse discourse of 'original sin' which frames children as inherently evil (or at least anti-social) and therefore in need of discipline and socialisation is also widely prevalent (Kehily, 2008). Dominant discourses on childhood construct children as intrinsically innocent or evil, with both binaries emphasising a need for intervention by a capable adult to socialise the child (Lowe, 2009). These discourses perpetuate the construct of the child as lacking agency (Kehily, 2008) and places responsibility on the adult for either the successful or unsuccessful socialisation of children into accepting the social norms of a given community. This socialisation of children is produced through social institutions, such as schools and families (Pescaru, 2019). Institutionalised discourses, such as legal, media, psychological and religious discourses, emphasise the need for young people to be monitored and regulated for them to eventually occupy the 'capable adult' subject position (Perez-Felkner, 2013). These discourses emphasise the constant vulnerability that young people are exposed to which can either 'make or break' a child's appropriate socialisation (Lowe, 2012).

Children are always positioned as vulnerable and if they are identified as a perpetrator of a crime, there are discursive mechanisms in place to demonstrate that extraneous circumstances compelled the child to act in a deviant manner and the blame is seldom placed solely on the child (see Naidoo & Sewpaul, 2014). This construction of childhood implies that children are incapable of functioning beyond the limitations set by a capable adult (Burman, 2008). Childhood discourses also position childhood as a distinct period "idealised of play, innocence and education for children" (UNICEF, 2004 cited in Abebe & Bessell, 2011, p. 767) and

therefore they need to be protected both privately and publicly (Lowe, 2012). Dominant discourses on childhood strip children of agency and place them in a position of vulnerability, thus constructing a perception that children are incapable of occupying both a position of vulnerability and that of serious social transgressor.

However, within these dominant discourses, there is a space in which children can be understood to transgress. These discourses are evident in youth discourses and the construction of the marginalised child (Kesby, Gwanzura-Ottermoller, & Chizororo, 2006) - those who are positioned as being on the peripheral of society. Within the South African context, the Child Justice Act 75 of 2008, was put in place to provide legal guidelines to protect children "who are in conflict with the law and are accused of committing offences" (Child Justice Act 75 of 2008, p.1). The act acknowledges that prior to 1994, some children (those categorised as Black[10]) were exempted from the construct of child, and therefore were not provided the privilege of societal protection. Although there is now the Child Justice Act, there are many instances in which marginalised Black youth are subject to a construct that is separate to the idealised childhood discourse. This is evident in familial structures such as child-headed households to more deviant behaviours, marked in the demographics of those incarcerated for criminality. Acts of sexual deviancy are also mainly attributed to these children (Volkwyn, 2008). This pattern is based on the premise that sexual violence is most predominant among those of a lower social-economical context (Phipps, 2009). Social constructionists thus articulate the premise of childhood as an obscure construct that lacks a universal standard, despite the presentation of its universality (Norozi & Moen, 2016).

The construction and identification of childhood as a developmental stage has not always been apparent in history. Aries (1962) claims that until the Middle Ages there was no distinction between child, youth and adult (Zweedijk, 2014). He claims that the construction of childhood only developed in the 17th century (Munice, 2009) when the child was constructed as a fragile being who needs refinement (Clarke, 2004). Aries' (1962) claims have been challenged however by other researchers such as Pollock (1983) who argues that the idea of childhood was already evident in medieval society (Clarke, 2004). Aries' (1962) however alludes to the fact

[10] Black: A racial category used during apartheid to categorise people of African descendent. This category has implications for the socio-economic positions one was able to occupy in South Africa. The category Black is still currently in use in South Africa to denote of all those who occupy the racial categories of African, Indian and Coloured. In this research Black capitalised will refer to the current categorisation of all those defined as Black in South Africa; while black without the capitalisation refers to the generalised global racial category related to those of African descent

that the construction of the modern child is a relatively new construct and is also particular to socio-historical context. In pre-industrial societies, responsibilities between children and adults were not demarcated; instead both were able to share responsibilities adequately (Gillies, 2003). Children and adults were also subjected to the same moral codes and proprieties (Munice, 2009).

It was during the industrial revolution, in which being industrious was high on the social agenda, in which the construction of childhood began, and children were typically understood to belong to their fathers, and a father's authority was law (Burman, 2008). However, by the 19th century, children within the Global North[11] were viewed as a 'special' population that needed of protection, and hence the development of child welfare systems, juvenile courts and other special arrangements for children (Todres, 2014). A declaration for children's rights was established in 1924 at the Declaration of Geneva and even though it did not focus solely on the rights of children, children became the beneficiaries. The construction of childhood today is that of dependency and development; children are seen to be adults in the making that need to be guided into the process of adulthood (Kehily, 2008). Todres (2014) states:

> "…the dependency construction presents childhood as a site for having the needs of the child met while also limiting the agency of the child. The dependency construction of childhood views children as needing others for their survival, and so others must provide food, shelter, health care, affection and education (p. 270)."

Children are therefore constructed as dependents that are unable to reason maturely for themselves and are thus in need of socializing to conform to normative standards (Hoang & Yeoh, 2015; Todres, 2014). These discourses are based on moral and cognitive development research by theorists such as Piaget (1932) and Kohlberg (1963; 1969). Children are perceived to be unable to make informed decisions as their prefrontal cortex is considered not fully developed which affects moral reasoning (Kramers-Olen, 2015). This justifies the legal stripping of children's autonomy as the need for demarcation of what a child and adult can do is constituted as a natural process of human development. There is growing evidence however, that children do not always conform to the construct of being "innocent, dependent, incompetent beings needing guidance and protection" (Hoang & Yeoh, 2015, p. 182).

Within the Global South, many children do not fit the construct of childhood but rather negotiate multiple roles and positions in society (Kesby et al., 2006). In recent years there has

[11] The Global North refers to countries that were previously known as first world countries.

been an increase in research that questions and re-examines the universality of childhood and the 'child experience' (see Wyness, 2013). Research (see Burman, 2008; Wyness, 2013) has shown that childhood is understood differently across various contexts and that childhoods vary vastly.

This research thus constructs children as agentic and makes it possible for those defined as children to occupy roles and spaces supposedly reserved for adults (Kesby et al., 2006). By re-examining the child construct produced by idealised discourse as universal; there is an opportunity to highlight that childhoods are more context-bound (Abebe & Bessell, 2011). It allows for the child to occupy various subject positions in society and produce behaviours that are considered adult. It is within this framework in which subject positions are viewed as fluid that children can be presented as both dependent and independent and in which children produce agency to choose their behaviours, both good and bad. This positioning allows for the agentic young sex offender to be imaginable. Currently, research like Mackaronis, Byrne, and Strassberg's (2014) is willing to imagine the young sex offender by using language that perpetuates the image of the vulnerable child or inherently evil child that can be improved. A provision within this discourse is found in youth discourses in which a child is provided slightly more agency through the transition from childhood to adulthood, however the constraint of dependency and naivety is still present.

The youth construct is classified as being inclusive of those who may be legally adult but not fully mature to occupy the full status of an adult (Bushman, Newman, Calvert, Downey, Dredze, Gottfredson, Jablonski, Masten, Morrill, Neill, Romer, & Webster, D, 2016). The United Nations states that youth can be inclusive of ages 15 – 24 years old and juveniles are classified as 18 – 21 years of age (Ward, Dawes & Matzopoulous, 2012). Terms such as deviance and delinquency are usually associated with youths to express problematic behaviours that arise during this period of development. Youth discourse is both centred on young people obtaining their independence but also on being a threat to society (Burman, 2008; Jacobson & Kirby, 2012).

### 2.4 Micro-levels of violence: Child and youth violence

Research on generalised violence and crime in South Africa, shows that the peak ages of perpetration of violence and victimization are between ages 12 and 21 years (Leoschut & Burton, 2009). Ward and colleagues (2012), in their research o youth violence in South Africa, note that children as young as 11 years can affiliate with gangs or other forms of delinquent

behaviour. This places these young people at risk for being perpetrators or victims of violence. In South Africa, young people up to the age of 21 can be incarcerated in juvenile centres (Gear, Isserow, & Neville, 2006). The inclusion of all person(s) up to the age of 21 years is based on youth discourses and the framing of this age group as cognitively vulnerable. The Child Justice Act, 75 of 2008 seemingly makes provision for this group as it seeks to provide leniency to young offenders with regard to sentencing and incarceration.

South Africa has approximately 22 700 youth offenders in the correctional system, and approximately 3 000 of those offenders are incarcerated for a sexual offence (Jules-Macquet, 2014). Research conducted by the Teddy Bear Clinic (2011; 2012), an organisation in South Africa that deals primarily with sexual violence involving children who are both victims and/or perpetrators, indicates that approximately a third of sexual offences committed against children are being perpetrated by minors in South Africa (Omar, Steenberg, & Errington, 2012). Psychological, public health and sociological research construct youth violence as an effect of violent communities, high unemployment rates and poor-quality education (Barnie, Nyarko, Dapaah, Appiah, & Awuviry-Newton, 2017). Dominant discourses on youth violence construct these violent acts as a consequence of poor socialisation or as an immature transition between youth and adulthood (Goldson & Jamieson, 2002; Jacobson & Kirby, 2012; Scott & Steinberg, 2008). Theories such as Sutherland's (1973) differential association theory which focuses on youth criminality states that youth delinquency is learnt behaviour which occurs through socialization (Bosiakoh & Andoh, 2010). These theories legitimize the framing that violent behaviours are learnt through imitation and exposure (Pelser, 2008) and therefore a young person should not be held accountable for their actions.

This construction of child accountability has not always been stable in South African law or psychology. During apartheid, the National Party enforced a culture of violence through militarization of the state (Langa, Kirsten, Bowman, Eagle, & Kiguwa, 2018). Many young people were exposed to high levels of violence during the apartheid regime. For Black youths this translated to state violence while White[12] young people were exposed to conscription (Ward et al., 2012). However, Black youth were blamed for inciting violence thus their criminality, prosecution and punishment matched that of their adult counterparts (Langa et al., 2018) positioning them as fully accountable for their actions. Even with the dismantling of apartheid, violence and crime is positioned as an act enacted by young Black males. This is

[12] Classified, during apartheid, as a person whose parents are or were members of a race in which their ethnical or national home is Europe (James, 2012).

seemingly reinforced by research which establishes violence within townships; characterised by high rates of unemployment, poor infrastructure, and poverty (Mpani & Nsibande, 2015).

Many townships are also affected by gangsterism. Young people, particularly males, turn to gangs for several reasons which include a sense of belonging, and a desire for protection and financial gain (Jensen & Rodgers, 2009; Langa, 2010). Gangs become a space in which negative scripts on hegemonic masculinity are used to illustrate social belonging (Hennigan & Spanovic, 2012). Gang affiliation embodies and reproduces negative dominant masculinity traits (Hagedorn, 2005).

Within South Africa, Apartheid effectively produced a culture of violence which allowed for deviant constructs such as gangsterism to be rife in many 'non-white'[13] designated areas (Jensen & Rodgers, 2009). This produces horizontal violence, where those who are marginalized oppress each other (Friere, 2000) because of limited resources. Horizontal violence included murder and rape during Apartheid. Such acts became prevalent in townships, with little or no legal repercussions due to the state focusing on their own repressive systems (Abrahams, 2010). The lack of intervention allowed for gangs to become an established part of communities and for some a construct to aspire to (Jensen & Rodgers, 2009). This created a glamourized perception of gang affiliation which was illusive for young people and in some parts of the country remains as such today. Crawage (2005) defines gangsters as a social group whose intention is focused on violence and criminality; they are constructed along racial and economic lines within urban areas (as cited in Mncube & Madikizela-Madiya, 2014). Public discourses frame gang members as young people who have problems with substance abuse, learning problems, antisocial behaviours and being prone to peer pressure towards delinquency (Cooper & Ward, 2007). Research conducted by Langa (2010) highlights that 'tsosti'[14] masculinity during the 1980s/1990s was based on criminal activities such as robbery and rape and this became a type of masculinity that was both respected and feared. The title of tsosti occupied the space of negativity yet it also elicited power and therefore young men wanted to be associated with this ambiguous title. Barker and Ricardo's (2005) research indicates that for many young men, African masculinity is defined by older men in their various communities. This includes older men that occupy gang membership, especially those who do not have father figures in their lives (Langa, 2010). Therefore, for many young men who need a sense of

[13] Non-white was used during apartheid to differentiate all people who were not white

[14] Tsotsi is a contested term which has varying definitions. A tsotsi usually refers to people who rob or trick others and includes tsotsi subculture which includes a form of dress and language which members prescribe to (Glaser, 2000 as cited in Hurst, 2008).

belonging, turning to gangs is seen as a way to model father figures and learn about masculinity (Barker & Ricardo, 2005).

### 2.5 Sexual practices and South African young people

There has been much research conducted on sexual relations among young people in the South African context, especially in relation to HIV research (see Jewkes, Nduna, Shai, Chirwa, & Dunkle, 2012). There is evidence that sex becomes a space in which dominant masculine constructs can be exerted over young women (Salazar & Ohman, 2015). Young men believe they are entitled to demand how and when sex will happen and the practice of multiple partners is encouraged (Jewkes, Sikweyiya, Morrell, & Dunkel, 2009). Gendered discourses enable a space in which heterosexual relationships are constructed as a context where boys control relationships while girls submit to them. This permits for violent acts to be featured within these relationships (Wood, 2005). Within some of these relationships, violence is framed as in indication of love rather than malicious acts (Sigsworth, 2009). Sex is constructed as something that is a young man's right, while young women have little or no say in their sexual lives.

Acts such as jackrolling[15] by young men in the 1980s in the townships of Gauteng was positioned as a game rather than as rape (Vogelman & Lewis, 1993). It took place in public spaces and the perpetrators did not attempt to hide their identities. Jackrolling was used to correct the behaviour of women who supposedly thought themselves better than their male counterparts (Wood, 2005). It also aimed to produce fear among young girls that gender-based violence would be inevitable for these young girls (Gordon & Collins, 2013). During this period, the government utilised jackrolling through gangs such as the '1 Million'[16] to intimidate women activists (Mogale, 1999), creating the perception that the regulations of women's bodies through sexual violence and dominance was acceptable. This example of the systematic use of rape perpetuates discourses that imply that certain acts of sexual violence by certain members in communities, in certain contexts are legitimate and therefore do not require the status of criminality. Similar acts, such as streamlining[17] which is a coercive sexual act associated with the objectification and shaming of the female body (Wood, 2005) are still apparent in society. Streamlining occurs in numerous ways however, it is mainly constructed

[15] Jackrolling refers to the forceful abduction and gang rape of women in townships in public spaces. It started in the late 1980s by the Jackrollers but became widespread practice by other gang/deviant youth groups (Vogelman & Lewis, 1993).
[16] 1 Million was a gang that operated in Soweto to intimidate and terrorize people within that community. It was supposedly funded by the apartheid government (Mogale, 1999).
[17] Streamlining is also known as running the train or group sex (Wood, 2005)

as a way for boys or men to perform their masculinities (Rotham, Decker, Reed, & Raj, 2008). Research (see Wood, 2005) indicates that streamlining is present among youth especially at parties.

Research conducted by the Centre of the Study of Violence and Reconciliation (2009) involving 283 500 youth learners aged 14 and above, noted that the sexual violence schemas by some young people contribute to the acceptance of sexual violence as unproblematic. Some of the findings included that sixty percent of the learners, both girls and boys, believed that it was not sexual violence if the sexual offence was enacted by a person known to the victim. Thirty percent stated that a girl had no right to refuse sex. Fifty-one percent believed that unwanted touching is not a form of sexual violence, while seventeen percent of the learners interviewed were of the opinion that girls preferred sexually violent men. These schemas (or scripts) are indicative of the manner in which gendered, patriarchal and sexual violence discourses are disseminated in society. Sexual scripts enable subjects to derive meaning for their sexual patterns (Ryan, 2011). Sexual scripts also present a situation in which the male body can impose its sexual desires and masculinity onto those they deem to be sexually subordinate to them. Wiederman (2005) notes that the construction of early sexuality between boys and girls places demarcations on what is appropriate behaviours for the sexes. This construction provides boys with more agency over their sexuality than girls. It perpetuates a belief that sexual activity for boys is about self-pleasure while for girls, it is positioned as relationship-centric. Further research conducted on South African youth sexual practices (see Dietrich et al., 2011), notes that some of the young male participants in the study admitted that they used coercive strategies such as drugs and alcohol to obtain risky sex from young women. These narratives seemingly produce an assumption that there is a place for violence within young heterosexual relationships (Wood & Jewkes, 2001).

Research conducted by Wood and Jewkes (2001) found that among young men, sex became the means to measure their masculinity. Ratele (2008) notes that ruling masculinity is integrated with sexuality. Ruling masculinity can be understood as the dominant masculinity which a person occupies at a given time (Ratele, 2008). This concept of masculinity being measured by sex permits acts such as obtaining multiple sexual partners to be viewed as a point of pride and status for young men (Langa, 2010). Such acts can lead to sexual violence. Further research conducted by Jewkes and colleagues (2016), focusing on young men, indicated that those who identified as having committed rape, had usually been involved in other criminal offences, controlled their sexual partners, had multiple partners, and had previously engaged

in transactional sex. Sigsworth (2009) also reiterated similar findings in her research including that most of the perpetrators had a fair amount of education but had most likely not entered tertiary education. Such research highlights the complexities of sexual practices among young men. It also disputes some public discourses on sexual violence such as the implication that sexual violence is solely committed by those who occupy a low socio-economic status. This discourse frames economic status as being indicative of social and moral standing. Thus, it absolves those perceived to be of a middle and upper economic status from responsibility of socially unacceptable behaviour (Gqola, 2015). Counter-discourses, however, emphasise that violence can be attributed to all people, regardless of social economic status, gender or racial categories.

### 2.6 The intersection of gender, socio-economic and race discourses in sexual violence

The construction of the category 'sex offender' is influenced by discourses on gender, socio-economic status and race (Phipps, 2009). The concept of intersectionality is used to understand the interconnections between gender, sexuality, racial categories, age and economic status. Intersectionality, coined by Kimberle Crenshaw (1989, 1991) is a tool in which to understand the nuances of identity and systems of oppression (Carastathis, 2014). This concept was further developed by theorists such as McCall (2005) who focuses on social categories, and Hancock (2007) who focuses on identity fluidity (Walby, Armstrong, & Strid, 2012). The overall premise of intersectionality is that the human-subject cannot be understood as a singular construct (Crenshaw, 1994). The emphasis of an intersectional approach is to be cognisant of the various discourses that construct people. It is a useful tool to understand how subject positions are constructed within a macro-level framework, especially when it comes to those who are perceived as deviant (Staunces, 2003). The following section will focus on the role of gender, race and socio-economic status discourses in the construction of the young sex offender.

Sexual violence can be categorised and understood within a gender-based violence framework, and thus gendered discourses are significant in the conceptualisation of sexual violence. Gender can be viewed as a social construct which attempts to create various dichotomies between males and females and the roles in which males and females should operate (Anderson & Umberson, 2001), occupy and perform. As previously mentioned, within sexual violence discourses, females occupy the role of being the victim while males are the perpetrators of sexual violence (McCarry, 2010). This construction is however not stable and historical shifts

allow for the acknowledgement of alternative gendered discourses on sexual violence. In much of the research on sexual violence, male violence is still attributed to hegemonic masculinity identifiers. Connell (1995) first coined the term hegemonic masculinity and defined it "as the configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy which guarantees (or is taken to guarantee) the dominant position of men and the subordination of women" (p. 77). This definition has developed over the years to be more inclusive of contexts and to account for shifts within gendered discourses and cultural contexts. Hegemonic masculinity can now be better understood as the hegemony over women and over subordinate masculinities (Morrell, Jewkes, & Lindegger, 2012).

Hegemonic masculinity should thus not be understood as a monolithic phenomenon, but rather as multiple masculinities that are constantly negotiated through patriarchal discourses. South African theorist, Morrell (1994, 1998, 2001) notes that within the South African context, there are multiple hegemonic masculinities which include rural masculinity (practiced through indigenous structures), black masculinity (urban township masculinity) and white masculinity (maintained through the standardisation of whiteness). These masculine identifiers are not fixed. Men negotiate between the various masculine identifiers, however, at any given time there is a dominant masculine construct which supresses other masculine forms (Morell et al., 2012). Masculinity is thus understood as a construct in which subjects must negotiate and perform within culturally bound contexts. The construct of masculinity cannot be understood in isolation to males alone. Gender identities are negotiated, resisted and co-constructed by both males and females (Shefer, Stevens, & Clowes, 2010). It is through gender performativity that males and females accept behavioural traits as 'gender-fixed'. Butler (1988-1993) defines performativity as unconscious ritualised behavioural patterns constituted by gendered discourses. The implication is that gender exists because subjects embody, produce and reproduce behaviours that maintain and validate a gender identity (Butler, 1993). This performance of gender places constraints on both males and females as it compels the sexes to act according to the perceived social norms of their identified gender construct.

With regard to violence, these gendered discourses allow for stereotypes on masculinity and femininity to produce assumptions such as violence always happens to girls by boys. However, findings in America indicate that young men and women both perpetrate abuse and violence within their intimate relationships (McCarry, 2010).The difference cited for this violence however is in presumed intent; when a woman commits a violent act, it is usually justified as defensive while a man's actions are aggressive (McCarry, 2010). Stereotypes of gender

identities and roles constitute various associations between social categories and a set of attributes that are assumed to define every member of such category (Mandujano-Salazar, 2016). A typical stereotype is that young women have the biological predisposition for nurture while young men's predisposition is that of aggression.

Stuart Hall (1997) states that "stereotypes are a hegemonic and discursive form of power, which operate as much through culture, the production of knowledge, imagery and representation, as through other means" (p. 236). This implies that stereotypes are imposed by discourses, power and knowledge but also that they may be validated and reinforced, maintained and reproduced by those who are stereotyped (Mandujano-Salazar, 2016) through performativity. Butler (1990) states that even though gender is a social construct, subjects are still compelled by hegemonic gendered discourses that constrains agency even within resistance discourses. Young males are thus perceived as instigators of sexual violence while the involvement of young females is justified as an act of coercion by a male accomplice (Bexson, 2011). Female's actions are rationalised by the 'cycle of abuse theory[18]' (Kramer, 2015) or other psychological rationalisations while male's behaviours are positioned as deliberate acts of harm. According to Cook-Daniels (2009), females are less likely to be prosecuted or even charged for sexual assault; this is influenced by gendered discourses which position female sex offending as unlikely.

When minors are involved in sexual crimes, the stereotypes are even further entrenched. Young girls are nearly always seen as the victims of a sexual offence even though research conducted by Finkhelor and colleagues (2009) and Redpath (2003) shows that among children under age ten, girls are the most likely perpetrators of sexual offences. According to public discourse, a male child's sexual offence is detrimental to his victims; while the female child's sexual offence is not. However, Sahlstrom and Jeglic's (2008) research indicated that sex offences committed by female minors are perceived by their victims as more serious than those of male minor offenders. Public discourses attempt to downplay the seriousness of an offence committed by a female (Bexson, 2011). This is because the normative construction of girls positions them as incapable of inflicting the same degree of harm to boys, as boys can to girls. The construct of female is associated with biological essentialism which frames females as physiologically weaker than males (Hewitt-Stubbs, Zimmer-Gembeck, Mastro, & Boislard, 2016) thus entailing the entirety of the female construct as that which is ultimately weaker and

[18] The cycle of abuse premise is that those were victims of abuse during childhood become the abuser later (Allen, Tellez, Wevodau, Woods & Percosky, 2014).

unable to bring harm to the male body. These gendered assumptions concerning minors are evident in terms of prosecutions; female offenders in America are 46.5% less likely to be charged with offences then minor male offenders (Cook-Daniels, 2009).

Dichotomised discourses on sexual violence are also found in discourses on economic status and racial categories, especially in the framing of who can be deemed a sexual offender. Sexual violence, like all forms of violence, is committed by people of different races and economic status. In South Africa, a large body of research on violence is conducted in townships (Dunkle, Jewkes, Nduna, Levin, Jama, Khuzwayo, Koss, & Duvvury, 2006; Mazibuko & Umejesi, 2015), and this provides particular stereotypes on sexual violence in which Black and low socio-economic status people are positioned as the people who commit and are affected by sexual violence. Kabeer and Natali (2013) note that public discourses imply that poverty and violence are synonymous thereby insinuating a normalisation of violence, and in turn sexual violence, within lower-socio economic areas. Such research (see Mazibuko & Umjesi, 2015; Wood & Jewkes, 1997) negates to focus on how violence has been constructed differently in different spaces.

Research (see Rawles, 2010) indicates that young people in lower socio-economic areas are exposed to high levels of violence. However, in middle or upper-income communities it is perceived as a breakdown of the social fabric with reports on violence being positioned as isolated rather than as a norm (Mazibuko & Umjesi, 2015; Wood & Jewkes, 1997). This positioning is aided by a culture of secrecy on interpersonal violence which is embodied by people within middle or upper –income communities (Haselschwerdt & Hardesty, 2016). This produces a construction of interpersonal violence as a rare occurrence in these communities. The varying construction is enabled by the spatial production of violence through location; poorer urban areas are structured such that the private becomes public due to constraints of physical space (Wood, Lambert, & Jewkes, 2007). Therefore, the demarcation of what is socially conceived as private is obscured. In lower income communities, interpersonal violence occurs in public spaces thus making it a public matter providing a validation of its commonness in lower socio-economic areas. Within the South African context, this is intersected with racial categories, thus placing Black bodies at the centre of interpersonal violence. Kramer (2017) and Judge (2017) note that racial categories and gender constructs are significant in the construction of criminality and worthy victimhood, with most perpetrators and victims being categorised as Black.

Van Dijk (2009) notes that the term victim is itself contentious, with varying implications legally, psychologically and culturally (Arfman, Mustaers, Van der Aan, & Hoondert, 2016). Kramer (2017) highlights that victim worthiness is instilled within social constructs; Judge (2017) further notes that victim status is ratified usually by contradictory, and at times, problematic meaning that is attributed to violence/criminality and victims. It places some bodies as constantly vulnerable while excluding others. This is evident within sexual violence discourse with the varying contentious definitions framing sexual assaults. These definitions validate particular deviant sexual acts as violence when certain people commit the act while excluding other violent acts when they are produced by other people (see Kramer, 2017). Public discourses frame black masculinities as violent and aggressive (Hadebe, 2010; Mazibuko & Umjesi, 2015) globally. Placing black masculinity at the epicentre of criminality (Eberhardt, Goff, Purdie, & Davies, 2004); this positioning of black masculinity produces public discourses that imply black men are dangerous and should be feared. During Apartheid, the term *swart gevaar* was an Afrikaans term meaning black danger (Langa et al., 2018) that implied and constituted fear among white people for black people, particularly of black men. This systematisation of *swart gevaar* enabled a culture in South Africa in which black males were deemed criminal and inherently violent and thus eligible for correctional punishment. This is juxtaposed to white men's violent tendencies being framed "as a psychological disorder that can be corrected" (bell hooks, 2004, p. 83). Helman and Ratele (2016) note that this racialized framing of violence permits the invisibility of violence within spaces that are not considered 'Black' areas. It also allows for young black men to be assumed as the first suspects in criminal activity even when there is no black man present (Langa et al., 2018).

Langa and colleagues (2018) highlight Oscar Pistorius'[19] trial as an example in which these racialized discourses on violence are apparent. The authors note that discourses on black masculinities were at the centre of the case. This was apparent in Oscar's use of discursive strategies to justify why it would have been tolerable to have killed if it had indeed been the implied [black] intruder who intended to harm Oscar and [especially] Reeva. It is within these framings that the social construct of the black body becomes a site of accepted criminality, violence and hypersexuality. Public discourses therefore position black men as encouraging social ills within societies (Dube, 2016). This framing allows for the notion that violence is

[19] Oscar Pistorius is a paralympic gold medallist and first double amputee to compete against able-bodied athletes in the 2012 Olympic Games. He fatally shot his girlfriend, South African model, Reeva Steenkamp (Marais, Globler, Terblanche & Litabe, 2014).

part of the black body's state. Collins (2004) notes that for both black men and women, the Global North positions blackness as uncivilised and wildly sexual. Historically, there has been a morbid fascination mixed with disgust of the black body by white explorers and colonisers (Miles & Brown, 2003). This is in contrast with the positioning of the white body, especially that of a white woman who is seen to be pure (Collins, 2004) and in need of protection; particularly from black masculinity (Gqola, 2015). Sexual violence was used systematically during colonization as a tool to subdue slaves (Pokorak, 2007). The institutionalization of rape by slave-owners also created a space in which black women were stripped of their credibility to claim that they had been violated. The colonisers created a stereotype that black women cannot be raped due to their supposed hypersexuality which meant that they were extremely sexual and never sexually satisfied (Gqola, 2015). This systematic use of sexual violence (both the threat and enactment) as a tool for subjugation is still evident in society today and is used as a means to exercise power and dominance over women and subordinate bodies but more so to disrupt the social fabric of particular societies (Peltola, 2012). In the South African context, Black people become the subject and object of sexual violence; with media and public discourses positioning sexual violence as an inherent part of lower income Black communities (see Mabel Jansen Scandal, 2016)[20]

The disruption of communities does not occur solely through sexual violence. It is also noted in the manner of who is then legally criminalised for these violent offences. Social constructs again permit for the black body to be the negotiation site for punitive laws while seemingly exempting white bodies from the same degree of punishment. In South Africa, there is a higher number of incarcerated black offenders which certainly reflects the demographics of black people in the population. However, there is a disproportion with the number of incarcerated White offenders, with this group being only 2% of the offender population, while they make up 9% of the South African population (Jules-Macquet, 2014). The racial demographics of South African offenders are similar to other parts of the world such as America where the majority of incarcerated offenders are black men (Venable & Gauda, 2014); with a notable difference being that in America black people are the minority.

This construction places the majority of offenders as black males and emphasise males that occupy a lower economic status as being 'deviants' that sexually offend. The construction of sexual violence is thus presented as lower economic status men asserting their masculinity on

[20] In 2016, a South African High Court Judge, Mabel Jansen made derogatory remarks on social media about black men and rape.

those they regard as subordinate as they are unable to assert their masculinity in other ways (Hadebe, 2010; Mazibuko & Umjesi, 2015; Phipps, 2009; Stauffer, 2015). This construction of the lower socio-economic man that needs to assert his dominance through violence creates the perception that there are certain types of people that have a predisposition for sexual violence. In the South African and the USA context, black males are most likely to be identified as the primary suspect of a sexual offence. This is especially apparent for black male children, where they are disproportionately represented within the juvenile system in the United States (Henning, 2013) compared to their white counterparts (Fagan, 2008). This can be attributed to the manner in which black children are perceived unable to fit to the 'ideal construction of childhood' and are therefore situated as marginalised children (Wyness, 2013) thus, not fully occupying the positionality of child. This enables a construct in which it is fathomable for young black males to transgress violently and/or sexually.

Gendered, socio-economic and race discourses are significant to sexual violence discourse in the manner in which bodies are perceived. The body is significant as it is the site of violation, but moreover, through embodiment and performativity social meaning is derived. The body is thus not just a material entity, but it can be understood as text - as noted by critical discourse analysis theorists; discourse is not just seen in language but also in action (Wodak & Meyers, 2001). The body can be seen as both subject and object. It is through the embodiment of social orders and discourses constrained by social practice (Fairclough, 1989) that the body is constructed and interpreted. The signification of the body through gender, race or socio-economic status can be seen as text (Wodak & Meyer, 2001) as specific meanings and assumptions are drawn from the body.

Collins (2004) describes the black body as a prison that is inscribed with meanings of slavery, injustice, aggression and anger. The body does not need to speak in order for meaning to be derived because, as with language, there are historical discourses inscribed (Parker, 1992). Through the premise of knowledge/discourse, the body is compelled and defined by dominant discourses, even in resistance, and thus the subject self-regulates according to (or against) normalised standards. This binary placement which bounds subjects is the essential power of discourse as subjects cannot construct themselves beyond the perimeters of current discourses. As such, the production of knowledge becomes pivotal in how children are constructed and how they then perceive themselves if they transgress from the social norms and behaviours which they are expected to enact. This is most evident in media representations of generalised violence, sexual violence and young people.

## 2.7 Media representations of sexual violence

Pop culture creates a distinct impression that 'not all violence is bad'. Popular TV series such as *Game of Thrones (GoT)* which is one of the highest rating television shows to date, with approximately 23 million viewers per episode in season six (Dockterman, 2016), depicts excessive violence but that has not lessened its popularity. This violence is not just depicted in scenes of war but also in enactments of interpersonal violence, with most of it being directed at women, young girls (Orr, 2015) and those who occupy subordinate masculinities. Power is seen to be attained and maintained through the use of sex as a weapon of control, and this is depicted in both consensual and non-consensual sexual acts (Elwood, 2018). When sexual violence is depicted, consequences for the characters who perpetrate acts of sexual violence are limited to only those who commit an offence against a highborn; and even in these circumstances punishment is rarely enforced. This is in contrast to the systematic retribution for other forms of violence that are depicted in the series. It seemingly implies that sexual violence is not as important as other forms of violence. Dawn Hawkins, the executive of the Nationals Center on Sexual Exploitation in America stated that "Game of Thrones has excelled in turning brutal sexual violence into mainstream entertainment" (Otterson, 2016).

This depiction of violence as entertainment is not a new phenomenon in media. It is such depictions however, that allow acts of sexual violence to be assumed as not 'so bad'. In one of the most controversial scenes of season four (Ferreday, 2015), Jamie Lannister is seen raping his sister Cersei Lannister. However, the directors and Nikolaj Coster-Waldau, the actor who plays Jamie, disputed that the scene depicted rape (Ressler, 2014). This stance from the *GoT* team characterises how entrenched normative rape culture is and how it sets up notions of worthiness. It allows for the questioning as to who can be perceived as a credible victim and/or perpetrator. This questioning reinforces rape myths such as consent being unnecessary when it has previously been given (Gurnham, 2016). It also raises questions as to what is deemed to be 'real rape' (see Estrich, 1987)[21]. This questioning ultimately highlights the social issue of society's aversion to recognise all rape as violent (Valenti, 2008) and criminal. This in turn, effects the construction of sexually violent acts that are not defined as rape and their common acceptance which render them invisible as a criminal offence.

[21] Estrich (1987) coined the term 'real rape' in relation to how the legal system victimizes women who say no. 'Real rape' is framed as an act of violent, forceful penetration committed by a stranger in a public space (Mont, Miller & Myhr, 2003).

In South Africa, the popular and highly controversial *Yizo Yizo,* an educational programme, which ran for three seasons from 1999 to 2004 can be equated to the effect of *GoT* with regardto the influence of media in the context of violence. *Yizo Yizo* aimed to explore the complexities that were faced in township schools (and in later seasons central Johannesburg). These included inferior educational resources, substance abuse, varying masculinity identities and sexual violence within the South African context. *Yizo Yizo* drew high viewership ratings, especially in its premiere season with over a million viewers per episode (Barnett, 2004). Violence was constructed as a means to obtain and maintain dominance. *Yizo Yizo* also depicted how dominance was not a stable entity and there were constant shifts between the characters that were assumed to occupy a position of dominance. Characters would negotiate between varying subject positions at all times, and this was especially evident with the young men (and women) in the series, who had to constantly negotiate their gendered identities. Violence (or the threat of violence) thus became a means to enforce dominance and fear not just on the victims but within the community and school.

Interpersonal violence was a key theme in *Yizo Yizo,* with scenes of sexual violence being a prominent feature in the series. This included the constant sexual harassment of female learners and rape in public spaces. Three of the highly noted acts of sexual violence were of a rape which occurred in the toilets of the high school, another in a taxi and one in a correctional centre. In 2001, concerns of 'immorality' were raised in parliament because of the correctional centre rape scene which depicted the rape of a male character by an inmate. This led to calls for the cancellation of the show (Johns, 2001). The outcry for this scene versus the silence over scenes that depicted the rapes of the female students indicated the social normality of sexual violation against the female body and its normative acceptance. Public discourses on manhood and traditional masculinity undermine any conceptualisation of men as victims, especially of sexual violence. There is also a particular emphasis on the emasculation of a male that is sexually assaulted that is not present in the framing of female offences (Cahill, 2000). Language normalises the oppression the female body and hence there is no word to equate to emasculation for the female body. This is especially relevant within the South African context, as the country and its politics are embedded within a masculine hegemony.

Elwood (2018, p. 117) notes that the inclusion of "rape narratives on primetime television has reactively developed alongside rape reform". As noted by Fairclough (1989), media is important in maintaining discourses however it can also be used as a tool to produce alternative discourses. The depiction of sexual violence in *Yizo Yizo* addressed themes such as coercion as

a form of sexual violence which at the time was not a highly discussed subject matter. It depicted sexual violence on a continuum rather than solely implying that rape equates to the entirety of sexual violence. It allowed for moments in which sexual violence could be understood outside of an exclusively 'toxic and depraved' masculine construct (Moffet, 2008). *Yizo Yizo* constructed and depicted sexual violence as both an agentic and social structural issue. This positioning of sexual violence as a macro- and micro-issue was rare in the late 1990s and early 2000s. Another important aspect that *Yizo Yizo* depicted were images of sex offenders that were under the age of 21 years at the time of their offences, thus allowing for a young sex offender to be imaginable in the media. However, it also validated public discourses on black masculinity being one that should be feared.

Media discourse is important in constructing perceptions of who is deemed violent or if particular actions should be deemed violent in particular contexts. It can also influence an offender's ability to identify with or reject the status of a violent perpetrator. For young sex offenders, the media tends to reject young offenders as violent perpetrators and instead positions them as having been influenced by external factors such as abuse (Lakhani, 2010). Media articles on young sex offenders tend to sympathise with the perpetrators when they are regarded as under the age of consent. Articles such as *Sex Offenders Aren't All Monsters* by Nicole Pittman (2013), position children who are listed as sex offenders as victims. The claim is that these convictions have devastating effects on children in adulthood, hence advocating for the abolishment of placing children on the sex offender registry (Stillman, 2016). In South Africa, Zelda Venter's article *Bid to Keep Child sex offender off register* (2014) presents a similar sentiment to Pittman's (2013) article. It stated that a legal expert had indicated that it is a violation of children's rights to be placed on the sex register. Here adolescence is emphasised as a vulnerable period and therefore there should not be additional burdens on this apparently challenging period. Another article by the Independent Online entitled *What drives a child to commit sexual abuse?* (Lakhani, 2010) based on research conducted in the United Kingdom (UK) on boys ten years and younger who committed sexual offences, noted that all of the children that had been part of the study had only perpetrated because they had been victims of abuse and violence from an early age. These articles utilise the cycle of abuse theory as a discursive justification which enables the normative construct of childhood to be maintained.

These articles produce and maintain a certain bias in constructing the actions of young sex offenders as less harmful than those of adult sex offenders. As such, the articles (and media in its entirety) reproduces hegemonic childhood discourses by continuously framing the violent

child as innocent and a product of socialisation. This socialisation theory works to remove the child's agency, thus maintaining the normative construction of childhood. The two UK based articles attempt to justify the actions of young sex offenders by attributing external forces for the reasons behind their actions (Fifield, 2015; Lakhani, 2010). The other two articles attempt to create the perception that sexual offences should be excused if it is committed by a young perpetrator as the child is still developing (Pittman, 2013). These normative understandings imply that young people do not have to be accountable for their crimes/offences and provide some insight into how legal discourse is influenced by these perceptions of the innocent child.

### 2.8 Legal discourse

South African law states that a child under the age of 10 years old does not have criminal capacity (The Child Act, 2005). Children under the age of 10 may commit acts that are defined as criminal, but the actions are not legally defined as such. Children under the age of 10 years are therefore not obligated to engage in any form of formal intervention programme. Children over the age of 10 but below the age of 14 will usually not be tried in a court of law unless it can be proven that they can identify between 'right' and 'wrong' (Omar et al., 2012). This perception that a child below a certain age does not know right from wrong can possibly be attributed to Kohlberg's (1958) moral reasoning theory. Based on this premise, a child under the age of 10 would still be considered to occupy the pre-conventional stages where a child's morality would be defined by external factors of self-gain or punishment (Kohlberg, 1958). This psychological theorising constructs the young child as being unable to know between right or wrong and hence they should not be accountable.

In South Africa, which is consistent with other parts of the world, there are a considerable number of children aged 11 to 14 that commit acts of sexual violence (Redpath, 2003). However, this population of sex offenders are usually placed in diversion programmes instead of being criminally convicted (Omar et al., 2012). The child offender's subject position in discourse provides them leeway as they are constructed as vulnerable (Burr, 1995) and developing and hence their crimes and sentences should be understood with leniency.

Section 15 and 16 of the Criminal Law (Sexual Offences and Related Matter) Amendment Act (2007) states that children under the age of 16 cannot give consent to sex however there is an exception if the children are of similar ages (maximum of two years age gap) but all children involved must be above the age of 12 (Strode, Bhamjee, Toohey, & Slack, 2013). This Act aims to protect children from adult sexual predators (Beck & Boys, 2012). In many countries,

there are similar laws in place which can also be seen as a form of regulating minors' sexual activities. In many parts of the world, sexual activity is regarded as an act preserved for adults. Teenage sexuality is perceived to be potentially socially destructive throughout many societies (Walker et al., 2006 as cited in Haley & Bradbury, 2014) as teenagers that engage with their sexuality are perceived to no longer occupy the space of naivety, purity and innocence (Kesby et al., 2006). From this perspective, the construction of laws may be thought of as a means of surveillance rather than protection. Van der Merwe, Meys, and Waterhouse (2012) note that the regulations in the Criminal Law (Sexual Offences and Related Matters) Amendment Act do not fully consider how acts such as statutory rape and statutory sexual assault can also be regarded as 'normal' sexual activity which is part of adolescents' sexual development. The argument is further made that the law is required to protect children from being unnecessarily criminalised or prosecuted for engaging in consensual sexual activity.

In South Africa, the laws on sexual offences are not gendered as females and males are held equally accountable and either sex can perform an act of sexual violence. According to the Sexual Offences Act (2007), if both parties of what is deemed to be a sexual offence are minors then both should be prosecuted (van der Merwe et al., 2012). However, in reality, boys are still the first to be identified as perpetrators over girls (Omar et al., 2012). Even when a girl is the instigator of the sexual offence, in most cases, the boy will be categorised as the instigator while the girl is viewed as the victim. Though statutory laws seem to be well-intended in their objectives to protect children, these laws may be problematic when one child is positioned as the perpetrator and the other as victim even when both have consented to what is deemed as a sexual offence by law (Beck & Boys, 2012). The gendered construction of a sex offender limits the perceptions and interventions that can be employed in dealing with young sex offenders.

Discourses that are inclusive of both females and males equally being capable of committing sexual offences will allow for new social constructions on sexual violence which will better inform laws and applications of laws with regard to young sexual offenders. When dealing with criminality, there needs to be an understanding as to what constitutes a criminal act in a particular context. Common-sense understandings present the notion of crimes as acts that can be commonly agreed upon (Muncie, 2009) through normative constructions of criminality. However, what is deemed as a crime in once place might be not be seen as a criminal offence in another space and there are constant changes as to what is deemed a crime over time (Uggen & Blahnik, 2016). An example of this can be found within child-marriages which are illegal in many countries, including South Africa. The common framing of this practice is that of it being

a sexual violation of the girl-child. This is contradicted by practices such as *ukuthwala* in Xhosa communities (and known by other names in other communities), which is the cultural practice of abducting young girls with the aim to marry them. This is not necessarily deemed a criminal offence within a cultural context (Kheswa & Hoho, 2014).

### 2.9 Positioning young sex offenders: Previous research and psychological discourse

Research on young sex offenders gained much prominence in the 1980s however it is still an under-researched subject. The majority of research on young sex offenders has focused on treatment programmes and recidivism. Clinical literature positions youths and pre-teen offenders as 'different' offenders (Finkelhor, et al., 2009) from adult offenders; with young sex offenders being perceived to be a heterogeneous group from those who offend generally (Mackaronis, et al., 2014). The main emphasis that is reiterated in the literature is that young offenders cannot be understood in the same manner as adult offenders (see Finkelhor, et al., 2009). There is also much controversy in labelling young sex offenders as offenders (Rasmussen, 2004). Most sexual violence researchers choose not to use this label as it seemingly places young offenders in the same construct as adult offenders. The discursive rationalisation for the exclusionary language that exempts young sex offenders from being identified as sex offenders is based on the idealised child construct. The identification of young people as capable of a sexual offence goes against the normative construction of young people.

Previous research (see Boyd & Blomfield, 2006; Finkelhor et al., 2009; Kjellgren, 2009; van der Merwe et al., 2012 ) on young sex offenders position these offences as anything from non-contact offences such as exhibitionism and voyeurism to contact offences such as penetration and touching (Becker & Hicks, 2003 as cited in Kjellgren, 2009). Some researchers frame young sex offenders as being in one of two categories. The first category frames young sex offenders as 'child offenders' defined as those who offend against a child where there is a five-year age gap between the perpetrator and victim (Lussier, van Den Berg, Bijleveld, & Hendricks, 2012). More so, child offenders are said to be most likely to offend against male children and use less force than peer offenders.

The second category of offenders is 'peer offenders' who offend against their own age group or older. Peer offenders tend to offend against females or strangers and commit the offence in a public space (Kjellgren, 2009). Research also indicates that many young offenders sexually violate their victims in groups (Finkelhor et al., 2009). Within group offences, there is usually a group leader and the rest follow (Kjellgren, 2009). Sexual violence can be used as a means

to produce group belonging or approval. Comparative studies on single and group offenders highlight that single offenders rate higher on impulsivity and neuroticism and lower on sociability (van der Merwe et al., 2012) compared to group offenders. Group offenders also tend to have no previous sexual offence records and do not report being victims of sexual abuse (Kjellgren, 2009). Coetzee (2016) notes that research (see Seto & Laluiere, 2010) has indicated that offenders that have previously been sexual abused have distorted conceptions of sexual activity and experience their sexual arousal from coercive sex and children.

Further research (see Finkelhor et al., 2009; Silovksy & Niec, 2012) indicates that deviant sexual behaviour in children under age 12 is more frequent than childhood and developmental discourses would indicate (Rasmussen, 2004), with girl sex offenders more commonly being found in this age group (Finkelhor et al., 2009). Research by Kubik and colleagues (2002) highlight limited differences in the criminal and psychosocial histories between female and male offenders. The differences that are cited include female offenders being more likely to come from dysfunctional homes and more likely to have psychological difficulties, abuse drugs and participate in promiscuity than male offenders. This construction that places emphasis on the conditions in which a young female may perpetrate a sexual offence validates both gendered and childhood discourses on deviant behaviours, and seemingly rationalises the lack of female perpetrators within the juvenile system for sexual offences besides prostitution. This ultimately maintains the normative construct of femininity. Most of the research mentioned on young sex offenders is positioned within psychological discourse. Psychological discourse thus further propagates discursive justifications for the lenient treatment of young sex offenders when compared to adult offenders.

As previously mentioned, institutionalised discourses on sexual violence committed by young sex offenders produce a narrative that sexual deviations are the result of environmental factors and poor socialisation. Psychological discourses on young sex offenders frame them as victims of circumstance rather than as offenders with agency. Psychological research aims to produce reasons as to why and how young sex offenders are understandable while still seemingly stripping them of accountability for their sexual transgressions. Discursive justifications for sexual offences by young people are framed as either a result of pathological or social effect. Pathologies such as conduct disorder, oppositional defiant disorder and attention-deficit hyperactivity disorder (van der Merwe et al., 2012) have been placed among the types of disorders which young sex offenders tend to exhibit.

Antisocial personality disorder has also been attributed as being one of the psychological disorders that is most commonly exhibited among sexual offenders (Sigler, 2017). Cognitive distortions are positioned as facilitating sexual offending. Psychological research (see Coetzee, 2016) has indicated that young offenders tend to have distorted perceptions about the assignment of responsibility for their sexual offences, assigning partial responsibility to the victim (van der Merwe et al., 2012). These children are also portrayed as exhibiting an external locus of control which is concurrent with cognitive distortions (Ward & Beech, 2006). Psychological research indicates that almost all young people who sexually offend have been abused in some way previously (Naidoo & Sewpaul, 2014) thus constructing sexual offending as a form of social learning - as mimicking behaviour that has been perpetrated against these young offenders. Social theorists argue that violent behaviours do not have to be enacted on a young offender for them to imitate behaviours. Therefore, sexual deviance can be learnt through observation and exposure to violence by witnessing intrafamilial violence. This further works to strip the young offender of accountability and seemingly maintains the idealised child construct.

The construction of young sex offenders by developmental theorists draws on dysfunctional families, which produce poor parenting models as a discursive reason for young sexual offending (Naidoo & Sewpaul, 2014). This includes poor sexual boundaries of parents where children witness sexual activity between parents. These factors are framed as indicators for early onset sexually violent behaviour (van der Merwe, et al., 2012; Vizard, Hickey, French, & McCory, 2007). The influence of pornography, which depicts rough sexual acts as desirable, has also been noted as having an influence on young people, where children are said to use pornography as a sexual learning tool and want to emulate such behaviours (Naidoo & Sewpaul, 2014). These perspectives position young offenders as unable to differentiate between 'normal' and pervasive sexual behaviour. These institutional discourses further construct young sex offenders as children that have limited agency in their choices to sexually offend. This reinforces the construction that young people cannot be positioned to have the same criminal agency that is attributed to adults.

### 2.10 Conclusion

The literature review places the construction of the young sex offender as embedded in the various discourses which frame violence, childhood and youth. The nuances within each of these discourses produces contentions in which young sex offenders are seen as both

fathomable and unfathomable within the same construct. The unlikelihood of youth-perpetrated violence is especially evident in previous research which constructs young sex offenders as essentially naïve and incapable of intentional sexual violations. However, as evidenced by the treatment of black youth as potentially capable of criminality, the positioning of the unfathomable sex offender is not universally applied to all young people, in turn highlighting that subject positions are unstable.

The discursive conditions that construct young South African sex offenders are not exempt from the historical contexts of the country. It is within this historical context that particular young people are positioned as conceivable sex offenders while excluding others and this positioning occurs at the nexus of gender, race, age and socioeconomic status. Fairclough (1995) notes that discourses function in an interconnected manner; they complement and resist each other at various junctures. As noted by Parker (1992), discourses are influenced by other discourses and are realised in text. Throughout the literature review, the manner in which discourses influence each other has been evident; for example, childhood and youth discourses are influenced by institutionalised discourses and thus the construction of young offenders cannot be understood on a singular spectrum. This research attempts to identify the discursive coordinates which both enable and disable a youth sex offender subject position.

## Chapter 3: Methodology

### 3.1 Research design

This research is situated within a qualitative research paradigm which aims to explore the social world (Mason, 2002) through various methodologies. An exploratory and cross-sectional research design was utilised for this study. A cross-sectional study was appropriate for this project as the purpose for a cross-sectional study is descriptive and seeks to understand a subject group at a given point in time (Levin, 2006). In addition, an exploratory design investigates unexplored phenomena (Durrheim, 2006). This is appropriate given that this research study thus made use of juvenile offenders as participants in order to investigate how the participants placed themselves within hegemonic and alternative discourses on sexual offences and juvenile criminality in the South African context. Through a social constructionist framework, this research used Fairclough's (1989-1995) critical discourse analysis to explore how young sex offenders construct their subject positions in relation to their sexual offences. The use of CDA was pertinent for this particular study as it provides a means to interrogate the discursive conditions that allow for young sex offenders to be fathomable. Fairclough's (1989-1995) CDA aims to examine the use of language and how through language, particular power relations are created and sustained. The use of CDA provided an opportunity to focus on current language and its role in social and psychological life (Willing, 2001) and how it is used in framing sexual violence perpetrated by young offenders.

### 3.2 Participants

This research study forms part of a larger research study by Dr Kramer[22] titled *Cultural conditions for identity disruptions in violence: Possible perpetrators and worthy victims?* The participants recruited for the primary study included female offenders, child offenders and male victims of serious transgressions. Overall, there were 76 participants (Appendix 9) interviewed for the primary study, with 44 participants being juvenile offenders; of which 8 female participants were convicted on charges of attempted murder or murder while 36 male participants were convicted for an array of offences including attempted murder, robbery, murder and rape. From the 36 male participants, 13 were either currently or had previously been incarcerated for rape or statutory rape. The majority of participants incarcerated for rape were repeat offenders of other offences such as robbery. Ten participants' transcripts were

[22] Principal researcher on larger primary study: Dr S Kramer

purposefully selected from the data corpus for analysis in this specific research study. This selection was based on the quality of the transcripts which included length of transcript and inclusion of appropriate data of a sexual offence committed under the age of 21.

As the research population was atypical, the participants needed to meet the inclusion criteria. All of the participants were currently serving their sentences for a violent offence and, in addition, for this specific study were or had served a sentence for a sexual offence. All of the participants had committed their sexual offences under the age of 21 and therefore they occupied the category of juvenile as defined by the South African Department of Correctional Services (Department of Correctional Services, 2009). All of the participants interviewed for sexual offences had been charged with a rape-related offence. The table below provides information concerning the participants that were purposely selected for the data corpus. This information includes racial demographics, their offences, previous offence, age of committing their sexual offence and the age at the time of the interview[23]:

Table 1: Summary of participants:

| Participants' demographic Status | Current sentence and offence | Previous crimes | Current Age | Age at time of sexual offence |
|---|---|---|---|---|
| Participant One – Black Male (P1) | 8 years – Rape | Stabbing, theft, hijacking, kidnapping and murder | 21 | 18 |
| Participant Two – Coloured Male (P2) | 10 years – Rape | Shoplifting and theft | 20 | 19 |
| Participant Three – Coloured Male (P3) | 8 years – Rape, Assault, Kidnapping and Attempted Murder | Kidnapping, firearm and attempted murder | 20 | Not stated |
| Participant Four – Black Male (P4) | 10 years – Rape | Attempted murder and murder (never charged) | 19 | 17 |
| Participant Five – Coloured Male (P5) | 8 years – Armed Robbery | Assault, rape, robbery, housebreaking, and stabbing | 19 | 17 |
| Participant Six – Coloured Male (P6) | 5 years – Rape | Robberies | 17 | 15 |
| Participant Seven –Black Male (P7)* | 6 years – Rape | N/A | 22 | 20 |
| Participant Eight – Black Male (P8)* | 8 years – Rape | Robbery and hijacking | 22 | 20 |
| Participant Nine – Black Male (P9)* | 18 years – Rape and robbery | Drug possession and robbery | 21 | 19 |
| Participant Ten – Black Male (P10)* | 15 years – Robbery | Rape | 22 | 15 |

[23] All participants with an asterisk had their interviews conducted in isiZulu

In order to obtain access to the participants, Dr Kramer submitted her research proposal to the University of Witwatersrand's ethics committee. An ethics clearance (see Appendix 7) was obtained from the University of the Witwatersrand by Dr Kramer (protocol number: H15/11/11). The research proposal and ethics clearance certificate were approved by the DCS Research Office, which allowed for the issuing of an ethics clearance certificate from DCS (Appendix 8). This enabled the researchers to obtain permission to access the participants. Meetings were held between the DCS Research Office and Dr Kramer's research team to clarify the requirements which included allowances and limitations of access for the research team. Access to five correctional centres in the Western Cape and Gauteng was granted to Dr Kramer's research group, namely, Boksburg Juvenile Correctional Centre, Emthonjeni Juvenile Correctional Centre, Johannesburg Female Centre, Leeukop Correctional Centre and Pollsmoor Correctional Centre. The selection of these centres was based, firstly, on the convenience of access for the researchers as they were all based in Johannesburg; Dr Kramer was the only researcher who went to Pollsmoor Correctional Centre. Secondly, these were the centres in which the DCS research office identified as having detained offenders that met the inclusion criteria for the study.

The participants were identified using Dr Kramer's inclusion questionnaire (Appendix 2). This enabled the DCS to identify the qualifying offenders. The purpose of an inclusion questionnaire was to ensure that the appropriate participants were recruited for the study. The inclusion questionnaire was provided to DCS prior to the arrival of the researchers. There were three main inclusion points to identify participants for the primary research study. This included that participants needed to have been convicted of a serious transgression, which included grievous bodily harm, homicide and sexual offences. This specific study focused solely on participants that had been convicted of sexual offences. The criteria were inclusive of both females and males however, only male participants were identified as sex offenders by the DCS. This could be attributed to gendered and sexual violence discourse that construct the sex offender in a way that positions the male body as the primary instigator of sexual violence while seemingly making female offenders invisible. Female offending is constructed as rare (Wijkmans, Biljveld & Hendriks, 2014) and as posing less risk to society (Embry & Lyons, 2012). This creates discrepancies between male and female offenders' prosecution and incarceration patterns, with fewer females being incarcerated for sex offences than males (Embry & Lyons,

2012). This was evident in the lack of female offenders within South African correctional centres, this accounting for no female participants in this study.

Another criterion for the primary study was that participants needed to be under the age of 18 years at the time of offence. For this study, this inclusion criteria were negated as some offenders identified by DCS to participate in the study who had been convicted for a sexual offence were older than 18 years at the time of their offence. The inclusion of offenders who were over the age of 18 years, was based on the perimeters in which this study defined a young offender as inclusive of all people under the age of 21 years. The last criteria (as per a requirement of the DCS) was that all of the participants to be interviewed had to be currently serving their sentence and not awaiting trial for their alleged offence. The purpose of providing an inclusion criterion was to enable researchers to utilise purposive sampling. This enables researchers to focus on participants that have the characteristics to provide data which is relevant to the research study (Etikan, Musa, & Alkassin, 2015). Purposive sampling which is widely used for qualitative studies assists with identifying and selecting participants that are specific to the topic of interest (Palinkas, Horwits, Green, Wisdom, Dauan, & Hoagwood, 2015). The purpose of using a purposive technique is to ensure a level of homogeny, in this case having committed an offence that was considered to be of a violent sexual nature. The utilisation of purposive sampling ensured for the exclusion of participants that had been convicted for sexual offences that were not violent, such as prostitution.

### 3.3 Data collection

Data was collected by various members of the larger study including the primary researcher, Dr Kramer. Three of the researchers focused solely on juvenile offenders and conducted interviews with the participants selected by DCS at the designated juvenile correctional centres in Gauteng. From the 44 juvenile offenders that were interviewed, participants that were serving sentences of a sexual nature were identified. As such, 10 participants were purposively selected from the full data corpus based on these criteria. Of the 10 participants, six of the interviews selected were conducted by other members in the larger research group. While this could be considered secondary data in some contexts, Boslaugh (2007) argues that research collected in a group for a specific purpose should be treated as primary data. One of the challenges using group data was eliciting relevant data from the sex offender transcripts. This placed limitations on the use of some of the transcripts, as there were important follow-up

questions that were not addressed. This was also a reason for the selection of only ten transcripts for this study.

Before each interview commenced, the researcher(s) explained the research study and the interview process to the participants. The researcher(s) spoke through the information sheet (Appendix 2) and consent forms (Appendix 3 and 4) to ensure that the participants understood the research process; that they consented to take part in the study and consented to being audio-recorded. The participants had to sign the consent forms as confirmation that they understood and were willing to participate in the study. If there was a need to re-explain any of the research procedures, then the researcher(s) re-explained. Once a clear understanding of the research and interview process was established, the researcher(s) initiated the interview. An interview schedule (Appendix 5) assisted in guiding the interviews. Data collection was gathered by conducting semi-structured interviews which enabled the researcher(s) to develop a space, with the participants that was conversational while still probing the required subject matter (Patton, 2000).

Semi-structured interviews are best suited for investigating opinions and perceptions of respondents regarding complex and sensitive issues (Rabionet, 2011). This was essential for this research study as the subject matter was sensitive. Semi-structured interviews also allow for discourses to become apparent (Oliver, Serovich, & Mason, 2005). The questions specifically aimed to surface the discursive conditions that allow or restrict the possibility for violent perpetration by young people. In addition, the semi-structured interviews allowed the participants to fully engage with their versions of their offences, how they perceived their offences and the possibility of their identities being categorised as criminal. As such, the participants' self-constructions of their offences enabled the process to elicit various discourses which they relied on to frame their subject positions.

The study interviews ranged from 15 minutes to 90 minutes in duration; the 15-minute interview was discarded after transcription due to its short length. The interviews were guided by the objectives of this study as well as the key questions in the primary study. The interview questions were guided by literature on environmental factors influencing sex offenders, legal discourses on childhood, and gendered constructs. Some of the exploratory questions from the interview schedule included the following: if the participants thought that it was fair to label their actions as criminal; if the charge was an adequate description of their actions, and how they thought they were perceived by the legal and correctional system in relation to their

offences. This allowed for the participants to construct themselves within (and against) current constructions of young sex offenders embedded in the literature. Rabionet (2011) notes that follow-up questions are the most important component of interviews as they elicit relevant information for the participants' perspectives on the subject matter. As such, the researcher was significantly guided by how the participants responded to the core questions in order to produce effective follow up questions.

The interviews were audio-recorded on a digital recorder and notes on key information such as charge information and previous offences were taken to assist the researcher's thought process during analysis. Most of the interviews were conducted in English as the primary medium of communication for the research group was English. IsiZulu was a secondary option for the participants that were interviewed by myself, Zama Khoza and another student, Kwanele Masuku[24]. The participants were given the choice of either having the interview in English or IsiZulu from the start of the interview process. All of the participants that were interviewed by me preferred to conduct the interviews in IsiZulu. It must be noted that participants did, at times, rely on their home languages when they felt that they could not adequately express themselves in IsiZulu or English. Whenever this occurred and I did not understand, I would disclose that there was a language barrier and required an explanation that would best serve what was trying to be expressed. Language is crucial to all the phases in the data collection process as meaning is derived through language (Nes, Abma, Jonsson, & Deeg, 2010).

A further note must be made that due to these communication limitations there is a possibility that certain information was lost in translation. This is also relevant for some of the questions posed to the participants because if they did not understand precisely what was being asked of them, there could be possible discrepancies in the framing and construction of their narratives. Conceptual equivalence which is a "technically and conceptually accurate translated communication of a concept spoken" (Squirres, 2009, p. 278) became an important aspect to consider when framing questions and eliciting responses. When data saturation had been obtained and the data collection was completed, all of the audio-recordings and consent forms were uploaded to the shared Google Drive folder created for the primary research group. A shared excel spreadsheet was also uploaded onto Google Drive to track the collected data and for each research member to know which participants were applicable to their individual study.

[24] A member of the research group in Dr. Kramer's research study

The interviews were then transcribed verbatim, translated and uploaded to the shared Google Drive.

For the interviews that were conducted in IsiZulu, these were first transcribed verbatim in IsiZulu and then were further translated into English by myself, and the other student, Kwanele Masuku. It must be noted that there are limitations with translations as not all words or phrases can be adequately translated verbatim. When there is a requirement for translation, interpretation becomes essential as meaning must be translated in a manner that retains the message while still producing adequate understanding for the reader (Nes, et al., 2010). This meant that the transcripts were no longer verbatim as they have to be translated in a manner that makes sense to the reader. Researchers who conduct cross-cultural work note that the purpose of translation is not to simply transfer words from one language to another but rather to derive social meaning (Squirres, 2009). The translation process thus becomes a space in which the translator must draw the social and cultural nuances of the participants' home languages while still adequately ensuring it is coherent for the reader (Choi, Kushner, Mill, & Lai, 2012).

### 3.4 Data analysis

The transcriptions formed the raw data to be analysed using Critical Discourse Analysis (CDA). CDA "questions the relationship between discourse and how people think or feel (subjectivity), what they may do (practice), and the material conditions within which they have experiences" (Willing, 2001, p. 107).

The use of Fairclough's (1995) three-dimensional model drove the methodology for analysis. It aimed to analyse the process of discourse production and its effects on social practice. Parker (1990) identifies seven criteria that discourse occupies, which assists in better understanding the function and use of discourse. Firstly, discourse can be seen to be "a coherent system of meaning" (Parker, 1990, p. 191); in order for discourse to have its dominance, people need to have some familiarity of the discourse being employed. Secondly, discourse is "realised in text" (Parker, 1990, p. 191). In this context, text is not limited to the written word, but text can be understood as a variety of materials from which we derive certain meanings such as pictures, film, speech and non-verbal behaviour. The third point is that discourse reflects on its own way of speaking (Parker, 1990). Fourthly, a discourse refers "to other discourses" (Parker, 1990, p. 193); discourse is not just one idea. For every discourse there are other discourses that work against or in favour of the discourse being presented. The fifth point is that discourse is about

objects (Parker, 1990), it constructs reality and objects. As Woolgar (1988) states, "discourses are a set of meanings which constitute objects, and discourse is a representational practice" (p. 93). The next point is that discourse creates subjects. Within dominant sexual violence discourse, young people occupy the subject position of victim even when they are the perpetrators. The final point is that discourses are historically located (Fairclough, 1989; Parker; 1992, van Dijk, 1998). Discourses are not static, they shift and reconstruct constantly; they are filled with contradictions and resistances that challenge dominant discourses (Hall, 1997), enabling them to mutate and fit the context of that time. It is within this understanding of discourse in which Fairclough's (1989-1995) three inter-related dimensions of discourse are rooted.

Fairclough (1989-1995) argues that the three dimensions for CDA are the object of analysis (text analysis); the process which objects are produced and acknowledged by subjects (process analysis); and the socio-historical conditions which govern these processes (social analysis). Within this research, the literature review and transcripts formed the basis for the text analysis. The manner in which the participants constructed their positionality within gendered, identity and sexual violence discourse provided a means for process analysis. An intersectional approach also thus became essential to compliment Fairclough's (1995a) social analysis as it contextualises the participants socio-historical conditions. Thematic clusters, themes and subthemes were used to identify important subject matter. Fairclough's (1995) three-dimensional model on discourse enables an identification of the participants' language use to analyse how young sex offenders frame themselves in relation to discourses on sexual violence. Fairclough's (1995) model further aims to examine the constructions of the participants' experiences by illustrating how subject positions are limited by normative social constructions. This approach highlights whether the young sex offenders reject or accept the discourses which frame their sexual offences and their subject positions as young sex offenders. CDA aims to dismantle 'truths' that are perceived as norms (Potter, 1996) and thus an analysis of the discourses which frame sex offenders and their offences could broaden the conceptualization of young sex offenders. Currently, language and discourse places constraints on the discursive conditions which would permit the young sex offender to be deemed likely. This research thus produces some of the discursive conditions in which the young agentic sex offender is imaginable.

### 3.5 Self-reflexivity

Nagata (2000) states that self-reflexivity is an ongoing conversation with the self about experiences as a researcher throughout the research process and therefore the researcher must continually evaluate their own positionality within a study and the perceptions that one holds concerning the research. A researcher should also think of ways in which they may use reflexivity in their analyses (Mauther & Doucet, 2003). Using a social constructionist framework, I will highlight three aspects that I considered personally fundamental in this research process as a researcher.

The first aspect was the conceptualization of critical discourse analysis which requires the researcher to critically engage the various contentious subject/object matter that influences discourses. Fairclough (1989) positions discourse as a social practice; meaning that it is both produced and reproduced by and within social structures. The relation between language and social structures is thus dyadic and cannot be conceptualised in isolation of each other (Negm, 2014). This negotiation of understanding discourse as social practice and thus a fluid concept that is constantly negotiated and reforming was challenging as normative educational structures position particular discourses as the *only* form of knowledge. CDA also requires one to rethink the use of language beyond the simplistic understanding of linguistic communication.

A challenge in this reconceptualization of language from a CDA perspective is that there is no single approach in which to understand or analyse discourse. CDA theorists such as van Dijk (1998) note that CDA approaches are rather related on similar overall concepts and frameworks. Three aspects of discourse are emphasised by these theorists: discourse is positioned as a communicative event (van Dijk,1998); discourse is intertextual (Fairclough, 1995); and lastly, discourse is subject to interpretation (Wodak & Ludwig, 1999). By understanding discourse on the basis of these three concepts, as a researcher, I was required to constantly examine the nuances of the literature; and the impact of the various sexual violence discourses on the positionality which both the participants and I framed ourselves within. As with any examination of discourse, this was a contentious exercise as it required me to negotiate between hegemonic discourses and alternative discourses which was challenging.

Hegemonic discourses are engrained into our social understandings. Even when we, as researchers, challenge particular aspects of various discourses, by doing so we reinforce those discourses and so, in some way, we accept, or at least unintentionally reify, hegemonic discourse. Throughout the interviews I had to be very cognisant of this and the implication it

could possibly have when conducting interviews. Qualitative research enables an understanding of social beings' experiences thus requiring a genuine rapport between researcher and researched to elicit meaning (Serrant-Green, 2002). In order to create this relationship with my participants, as a master's student, I had to constantly negotiate my privilege while still feeling as if I occupied a subordinate status as a black female. This negotiation highlighted the second aspect of importance - that positionality is not a stable construct and that normative discourse disciplines the body into self-regulation. I had to be cognisant of this negotiation and come into the interview space to co-construct knowledge rather than impose assumptions. I was also aware that my psychological background shaped my preconceptions of young sex offenders.

Ortlipp (2008) notes that researchers should consider the ethics of their power knowledge relationships with the participants as it influences the interview process. According to Fairclough (1989) social subjects are "constrained to operate within the subject positions set up in discourse types" (p. 39). Within the research I was still constrained by the discourses that frame my social being while actively trying to deconstruct the very concept of normative discourses and the manner in which it frames social beings. This led to another consideration for the interview space in relation to the questions posed to the participants and the manner in which the questions could reproduce the very knowledge which we were attempting to deconstruct. In this case, the research wanted to explore serious transgressors in South Africa. The research aimed to be inclusive of participants from all socio-economic, racial and gendered backgrounds in the South African context. However, as noted by other South African researchers (see Shefer, Kruger, & Schepers, 2015), the construction of violence places a particular body (black, young and male) as the subject and object of violence. This public construction ultimately restricted the participants to those who are normatively positioned as criminal, irrespective of the research aims. Thus, the research ultimately reproduces similar discourses to the discourses which the study aims to deconstruct.

Parker notes (1992) the importance of familiarity in the production of discourses in order for a social agent to draw significant social meaning from text. Social agents are able to produce meanings that can be understood without explicitly verbalising subject-matter. Language and contextual commonalities, such as racial categories, become important for analysis especially when participants relied on colloquial language and non-verbal communication to produce meaning. This was evident in the interview space, as the researcher and participants relied on contextual commonalities to better understand each other.

As a Black researcher, I was also cognisant of my racialised bias towards the participants especially within the interview space. All of the participants were considered Black, and from lower socio-economic backgrounds. I had to be aware of my entrenched disdain towards institutionalised discourses and the manner in which I believe they serve to discredit young Black men. Institutionalised discourses seemingly produce narratives that justify the positionality of low socio-economic young black men as criminal; while seemingly protecting 'white privilege' even when there is a lack of evidence (see Central Park Five)[25]. By acknowledging and accepting that I had these biases, I was careful throughout the interview and analysis process to avoid projecting my own perceptions onto the study.

The last aspect was based on the manner in which the research required me to be introspective about my own problematic social practices which propagated stereotypical sexual violence myths and perceptions of young Black men as criminal. As a Black student, I battled with the conflicts of having to centre Black young men as subjects/objects (and by default Black pain) of sexual violence in the name of research. From the offset there was a conscious acknowledgment of the possibility that the participants identified for the study would be Black participants. This outcome reinforces particular discourses on who is perceived to be a sexual offender; who can be excluded from the construct of childhood and who should be regulated by institutional discourses. This perpetual reinforcement that produces young black men at the centre of criminal activity in research globally produces a distorted narrative that black men are criminal and violent while negating the macro-level discourses that nullify white criminality and violence.

Langa and colleagues' (2018) article on Oscar Pretorius' trial and the effects of *swart gevaar* highlights these exclusions. This research, however, did not require me to solely focus on the macro-level issues of research but also required a micro-level examination of my own behaviours in which I (re)produce discourse. By constructing language as a communicative event that is open to various interpretations, I now have to be extremely cognisant of the manner in which I speak which can validate (or invalidate) problematic sexual behaviours. A social constructionist framework requires one to be conscious of the manner in which discourse and power are constantly shifting and reconstituting. It requires the social agents, specifically researchers, to be both subjects and antagonists of hegemonic discourses in order for social

[25] On the 19th April 1989, a female jogger was raped in Central Park. Five teenage boys were wrongfully arrested for her rape and attempted murder. Find attached link for further information on the case http://interactive.nydailynews.com/project/central-park-five/original-investigation-and-prosecution/typed-notes/

change to occur. This for me was essential for this research process and continued investment in this type of research.

### 3.6 Ethics

An ethics certificate (Appendix 7) was obtained from the University of Witwatersrand and the Department of Correctional Services (Appendix 8) by Dr Kramer for the overall research project. The ethical considerations that were taken into account for this particular research study were therefore aligned to the scope of Dr Kramer's ethical clearance. Applicable APA ethics were also consulted as a reference for the research study. Permission from the DCS for the research was obtained for access purposes; and the interviews were guided by the requirements set out by the DCS. The department required that the interview schedule (Appendix 6) was submitted for vetting prior to the interviews commencing. However, none of the original questions were restricted during the interviews. The researchers were expected to be familiar with the DCS internal guidelines as per the DCS research agreement[26] for executing research within the correctional facilities which were based on safety and security considerations.

The participants received consent forms to be interviewed (Appendix 4). The information sheet was explained and read out to the participants; all questions were addressed prior to requesting the consent from the participants to partake in the study. The information sheet (Appendix 4) explained that participation was voluntary and that the participants could withdraw at any time or refuse to answer any question they chose not to. It also explained that the interviews would be audio-recorded and therefore they were also required to consent to being audio-recorded in order to participate (Appendix 6). The researcher positioned the interview space as a non-judgemental space in which the participants could speak freely. Therefore, anonymity was noted as important within the research study, albeit only final anonymity was guaranteed, as the research team had access to the recordings. Accordingly, the researcher removed all possible identifying information without comprising the data. This included the removal of all names or specific locations which would enable the participants' identifications as well as the change of names used in Chapter 4. Due to the use of direct quotes within the research study, confidentiality was not possible however the quotes were positioned without any identifying information and thus anonymity was assured.

[26] http://www.dcs.gov.za/wp-content/uploads/2017/12/Research-Agreement-Form-2.doc

The participants were also informed that if they required counselling, they could ask the researcher(s) to request counselling services from the DCS psychologists. None of the participants interviewed requested the counselling services. The researcher(s) also noted that there were no benefits, such as payment, for the participants at any time during the research study. Lastly, with regard to interviews, the researcher(s) noted that should any of the participants have questions and concerns about the research project; they were free to contact the researcher and Dr Kramer. The ethical considerations for the storage of data included that the audio data and the transcriptions were kept on the researcher's personal computer which was protected with a login password. The data was also stored on Google Drive which is a cloud-based system. All databases required a password and only the researcher, research team and Dr Kramer had specific access to this data. The participants were informed that the research would be accessible to these parties prior to initiating the research and that it would be destroyed at the end of 2018.

## Chapter 4: Findings and discussion

According to Fairclough (1995), discourse "is a way of signifying a particular domain of social practice from a particular perspective" (p.14). Fairclough's (1989) aim is to analyse how power is exercised in various contexts through discourse and how different subjects react to that power dynamic. He notes that the relationship between discourse and power is more than merely how power is produced through language but includes how it is exercised and enacted in spaces by subjects (Fairclough, 1989). The power of discourse is that we embody the discourse and its conventions. There are investments made by everyone who accepts the discourse which requires one to respond in a particular manner through language and performance (Butler, 1993). The context of the spaces that we occupy are charged with particular discourses and we are signalled by those discourse (Parker, 1990) and thus we perform within contextual parameters. Hall (1997) notes however, that this power is not stable because through discourse, power shifts historically and contextually. There are constant contentions between hegemonic discourses and resistant discourses (Foucault, 1984).

It is with this understanding that Fairclough's (1989-1995) critical discourse analysis was utilised to analyse the data. Fairclough's (1995) three-dimensional method served as the foundation of the analysis. Parker (2005) stresses that a CDA should highlight how subjects "use and are used by language in society" (p. 88). The discursive themes that were key to this study and effectively both legitimatised and delegitimised the construct of a young sex offender included gendered discourses on violence; negotiating between a juvenile and adult criminal status; and institutionalised discourses, such as legal, educational and religious discourses. The table below provides a summary of the discursive themes and the subthemes.

**Table 2: Discursive themes**

| **Overarching discursive themes** | **Discursive subthemes** |
|---|---|
| Gendered discourses on violence | Patriarchal discourse: Sexual entitlement and coercion |
| | Victimisation of subordinate Black bodies: The negotiation of masculinity through rape |
| Negotiating a young criminal status | Constructing the young sex offender: Psychosocial discursive rationalising strategies |

| | |
|---|---|
| | Conditions for criminality: Contextual environment and gang membership |
| | Rejecting the sex offender identity |
| Institutionalised discourses: (De)legitimising sexual offences by youth | Legal discourse: The 'innocence' of young people |
| | Religious discourse |
| | Educational discourse |

### 4.1 Gendered discourses on violence

The construction of masculinity and femininity was significant with regard to the manner in which participants framed their understandings of their offences. The negotiation between the performance of hegemonic masculinity that they were accustomed to and finding alternative masculine definitions was a constant point of contention. As noted by Hadebe (2010), being Black requires Black males to negotiate between hegemonic masculinity identifiers as well as those of marginal masculinity identifiers. This is based on them occupying hegemonic identifiers as men but also marginal identifiers because of their racial categories. This is further compounded by the participants occupying a lower socio-economic status. This construction echoes Kabeer and Natali's (2013) sentiments on the perceived normalisation of violence within lower-socio economic areas.

The participants reinforced and maintained many of the public discourses which frame violence. The manner in which they constructed themselves and their offences maintained the normative (hegemonic) construction of the perpetrator subject position - as being male, black and occupying a low socio-economic status. An intersectional examination of this revealed the patterns in which identity categories function to position subjects and the inequalities that these patterns create when these categories interact (Walby et al., 2012). Thus, the subject position of being black intersected by male and lower socio-economic status produces particular structural inequalities compared to a white, male, lower socio-economic person. These inequalities are evident by the participants' demographics within this research study, with all of the participants being classified as coloured or black (generalised as Black) from peripheral areas. The participants also drew on hegemonic discourses on sexual relations to rationalise

their sexual offences. Historical gender binaries imply that sex is an act reserved for men and enacted on women. This is evident in the normative association of masculinity with sexual prowess (Bell, Rosenberger, & Ott, 2015). Regardless of the shifts and advancements in understanding sexuality and sexual relations in many spaces, sex is still mainly understood through a patriarchal lens.

### 4.1.1 Patriarchal discourse: Sexual entitlement and coercion

Most of the participants emphasised the patriarchal lens throughout their narratives of their sexual offences. Pemberton and Wakeling (2009) note that it is the male body, mapped by hegemonic masculinity discourses, that has the power to dictate how, when, and with whom sex happens. Participant 9 (P9) stated that his co-accused was the one who decided on the sexual violation of the complainant and her friend: *Grootman[27] told me, ekse[28], we raping these things* (P9). P9 and Grootman thus felt entitled to their complainants' bodies even though they did not know the girls. Grootman perceived himself and P9 to be the dictators of sex, entitling them to do as they pleased with the girls' bodies because of their masculine identities. Participant 10 (P10) also produced a similar narrative, in which he indicated that his friends made the decision to have sex with their fellow classmate regardless of her being intoxicated and unable to consent.

> *And the other guys that we came with have decided that they are also going to have sex with this girl* (P10).

The above extracts demonstrate how the participants assumed sexual entitlement over the female body. This included the idea that the male body does not believe that consent is necessary from the female body. This belief is aligned to research on adult offenders, which cites that one of the justifications that adult sex offenders (re)produce when rationalising their sexual offences is their entitlement over the female body (Dunkle et al., 2006). This correlates with the historical construction of gendered bodies which positions the female body as the property of men or boys (Tracey et al., 2012). Although this construction has shifted over time, in many contexts the female body is still perceived to be an object for the male body. The above extracts also resonate with Wood and Jewkes' (2001) research that demonstrates that Black youth masculinity is positioned as controlling young females. It is within this understanding of young women as objects which P9 and the *Grootman* are able to reduce their complainants to

[27] Grootman is a termed used in Townships, to show respect to a male figure who is older
[28] Ekse, is a South African slang word in Afrikaans meaning 'I say'.

*things*, and that the boys with P10 are able to proclaim their sexual entitlement over their female schoolmate. The objectification of the female body thus becomes a means for the young men to assert their masculinity. For both P9 and P10, the rape of their complainants can be hypothesised as their means to identify with the ruling masculine construct which includes assertive domination over subordinate bodies.

Further entitlement narratives embodied by the participants included sexual dominance over partners as a male's birth right, and this further aligns to Pemberton and Wakeling's (2009) research on adult sex offenders. In their research, they indicate that adult sex offenders claim that their victims should have been aware that the offender wanted to have sex and therefore the complainant should not have resisted. Participant 8 (P8) spoke to this when he noted that his complainant had shown interest in him at a party, and that he had propositioned her, thus entitling him to have sex with her.

> *I talk to the girl, we talk and I decide this one, I'm leaving with her. Then the guys came, encouraging me, 'this one we leaving with?' And I agree, we're going with her* (P8).

The assertion made by P8 to his peers, reinforces the manner in which ruling masculinity confines those that want to occupy it, to perform in a manner that reflects ruling masculinity identifiers, such as dominance. P8 further demonstrated this in his description of the sexual offence:

> *She was begging me, she said she is on her periods. I told her, I didn't care. She was trying to fight then I slapped her. This is me; I start. I did it, did it, did it until I was okay* (P8).

Within this construction of dominance, P8's positionality is prescribed by traditional patriarchal constructions which the complainant must comply to. Again, this aligns to Pemberton and Wakeling's (2009) research regarding the male's birth right construct; which places the female body as subordinate to the male thus enabling male power over the female body. P8's disregard of his complainant's resistance and his entitlement to her body is embedded in the manner in which traditional patriarchal structures deem the female voice as subordinate to the male's voice. These constructions, which place the offender as the subject of sex, are rooted in sexual scripts which are informed by ruling masculinity hegemonies (Ratele, 2008). These scripts produce narratives in which girls should resist sex and boys need to 'conquer' that resistance as indicated by Participant 4 (P4):

> *Some girl we just play with them, you see. We play with them, ok, they love us you see. Now when we say ok, take advantage* (P4).

P4's sexual scripts were not necessarily framed as violent however, such scripts can be used to rationalise violent behaviours by young men. P4's statement that "*we play with them*" position the girls as toys in which young boys can do as they please, reinforcing patriarchal discourses that position females as the objects of male desire (Gmeiner, 2014). P4's statement also highlighted the nature in public discourse which allows boys to explore their sexuality thus an ability to position it as a game. The inverse of that discourse is that which restricts girls from the same exploration. As such, P4's use of "*they love us*" was indicative of how girls' sexuality is constructed to only be explored within relationships. This construction is evident of distorted perceptions among the participants which conflate a man's desire for sex with girls loving them. Thus, participants position their sexual entitlement as something that the girls want as a signifier of love.

This construction also allows for the maintenance of rape culture through the normalization of negative sexual scripts as part of young heterosexual relationships. These sexual entitlement narratives are embedded in patriarchal discourses. Dominant patriarchal discourses which are still predominant in the South African context, preserve power imbalances between males and females (Morison, Lynch, Essop, & Tolla, 2017). This allows for many males to exert their dominance over the female body. These patriarchal prescriptions of genders allow for sex offenders to justify their behaviours as 'normal' social relations. These prescriptions also permit a culture in which male promiscuity is framed as a performance of their ruling masculinity. Some participants therefore mentioned having multiple sexual partners, thus positioning themselves as incapable of committing a sexual offence. The participants reduce rape to sex, thus implying that their multiple partners nullify their need to rape.

> *I can't rape, me because of what, I know I have girls, so many girlfriends* (P4).
>
> *She [the mother of P7's child] asked me how could I do such a thing? She said a lot of things. But I told her, she knew how I lived, she knew that I was a person that liked girls…that I slept with her and other girls. I never used to hide it; I would tell them straight* (P7).

Being able to have multiple partners to justify why the participants were incapable of committing a sexual offence was not only explicitly stated, as in P4's statement, but it was also

constructed as a discursive justification for the objectification and more so, violation of these female's bodies. The objectification and violation of the complainants becomes a representation of the "systematic, sexualized control of women" (Cahill, 2000, p. 45) which is present in society through the constant sexual regulation of girl's and women's bodies. It enables a validation of hegemonic masculinity, which places constraints on the female body as 'less'. This constraint is reproduced by both genders and is most evident in sexual scripts of coercion.

Coercion is presented as a significant element in the framing of the sexual offences by the participants. For many of the participants, coercion seemed to be a more fitting description for their offence than 'real rape'. Research by Jewkes and colleagues (2009, 2011, 2012) on South African masculinity and sexual practices indicates that for many young men, heteronormative masculinity is displayed by the ability to control young women (Jewkes et al., 2011). Sexual coercion is one form of sexual control which many young men deem acceptable as there are contextual ambiguities with its relation to 'actual' sexual violence. P8 described his sexual interactions with numerous girls where he frequently used violence or the threat of violence to coerce girls into having sex with him, and this was also the case with his complainant:

> *She didn't want to go but she couldn't say "I don't want to go with you" because [eh] she was scared that I would hit her, break her arm. So, we went with her.* (P8).

The acceptance of violence by some young females is an embodiment of the manner in which patriarchal knowledge produces social bodies. P8's complainant thus seemingly accepts leaving with him as she knows the consequences of not abiding to patriarchy. The construction of assumed violence is embedded in traditional patriarchal narratives of heterosexual relationships and the framing of sexual coercion. Research by Wood and colleagues (1997, 2001, 2005, 2007) on youth and sexual relationships indicates that for many youths in townships, the heteronormative concept of relationships includes the discourse of violence. Young females are positioned as the objects of physical and sexual violence. Foucault (1978) asserts that power produces social bodies, in that it can produce and constrain knowledge, and permits for particular inscriptions to be associated with particular subjects. Thus, deviant sexual acts, such as streamlining in the context of relationships and love, becomes normalised for young people. P4 described how he and his friends would regularly partake in streamlining:

> *So, that things, that thing, I do it, is the thing that I I always do it like this, I don't get arrest, you see. I do it like this, both of us, we sleep with one girl like this, so many times, you see* (P4).

The language which P4 employs to describe this coercive act as a normative sexual act implies that these young men are the ones in control of the sexual encounters with the young females, they have sex with. P4 also stated that he was the first one who had sex with the complainant. This is in line with research done by Rotham and colleagues (2008), which found that most boys expressed a need to be first in the train sequence and how this was associated with the assertion of hegemonic masculinity.

> *Ja, no that night you see, when he got in the room, I sleep with that girl first. We are both, we are two of us, I sleep with that girl first you see* (P4).

P4's assertions were entrenched in the manner in which young males are compelled by patriarchal discourses to project superiority over the female body. His assertion also highlighted how some of the participants constantly reinforce that they were the ones in control of the sexual act, similar to P8's statement of how he 'took' his complainant. Foucault (1978) notes that power disciplines subjects through various discourses and by doing so regulates the body to conform to the discourses which hail one's subject position. Within the ruling masculinity construct, Ratele (2008) notes that men (and some women) are limited to social practices which exhibit this ruling masculinity. This is evident in the manner in which P4's complainant supposedly agreed to the streamlining act, "w*e don't fight, we just agree"* (P4). This normalisation of a particular understanding is an example of Foucault's (1977) concept of disciplinary power which unknowingly forces its subjects to abide by normative 'truths'. Within the participants' constructions of their manhood, they accept but are also constrained by this disciplinary power inherent in ruling masculinity discourse. Participant 7 (P7) exhibited this in his 'a man must provide' narrative:

> *When she wanted money, I said I don't have. She said, you got your bonus when, in December, you got your bonus, you can't not have money after you got your bonus. You can't not have money. What does she do, she says she will get me arrested* (P7).

Even though P7 did not have the means to provide in this circumstance, both his complainant and P7's contextual understanding of heteronormative relationships involved the giving of

money and gifts. This positioning of young men as being obliged to provide young women with money or gifts is engrained in traditional patriarchal discourses on gender roles that a man must provide (Dietrich et al., 2011). It is not only young men that are expected to conform to these gendered roles. The supplementary narrative is that of girls then being unable to reject sexual advances by the young men who provide for these girls. P4 noted how he provided for his complainant after the offence:

> *There in the morning, I give her fifty rand to go get eeh taxi to go back to his [her], ja see, and he[her] will buy a eh, a quarter, the fish and chips or what* (P4).

This account of providing the complainant with money after the sexual offence can be framed as a reaffirmation of normative gender roles. It could, however, also be perceived as an act of transactional sex. This has been noted by South African researchers (see Dietrich et al., 2011; Dunkle et al., 2006) as a means for males to affirm their masculinity. The act of being able to provide money, alcohol or gifts is seen as both a means for coercion but also more widely understood as the manner in which heteronormative relationships are supported and maintained, as evidence by P7 with his comment that, "*sometimes I would give her money...I told her, let's go, let's go get you clothes on my card, I told her, take this R1000, you see"*. This concession is produced and maintained by both young girls and boys in their normative sexual relations. This concession also maintains the negotiations that the young offenders have to make as part of their masculine identities.

### 4.1.2 Victimisation of subordinate Black bodies: The negotiation of masculinity through rape

The language in which the participants described their masculine positionalities is indicative of a negotiation between hegemonic masculinity identifiers and subordinate masculinity identifiers which were further constrained by racial identifiers. As already evidenced, this is in many instances conflated with the need to negotiate these identifiers by imposing on those bodies which they deem to be subordinate. Considerable amounts of research in South Africa (see Gqola, 2015, Jewkes et al., 2016) places the female body, particularly Black female bodies, as objects of sexual violence (Gqola, 2015).

The participants' narratives were indicative of young men who were attempting to assert their masculine identity and what it meant to be a 'man'. The sexual offences were framed as a means to emphasise the power of their masculinity over their victims and at times over their

peers. Rape is thus positioned as the embodiment of this negotiated masculinity, while subordinate black bodies became the site to enact this negotiation. In P9's assertion of why he committed the sexual offence, he noted that he was being judged by his peers for failing to take an interest in girls previously:

> *my friend asked, why don't you get feelings [for girls*]…*When Grootman told me...I first thought, rape is something I would never do but then I thought about it and thought it's all the same* (P9).

In P9's narration, he would rather be associated with a serious transgression than have his masculinity nullified by other males around him. The rape thus became an extension of what it means to be a man and was positioned as a tool to assert and reinforce his masculine identity to his peers and himself. The performance of masculinity was not only present in the manner in which the participants' sexual offences were constructed but also evident in how they presented themselves to have exerted their 'manliness' on all those they constructed as subordinate to them. P8 narrated his offence as an event in which he dictated the conditions of the rape.

> P8*: They said we want to sleep with her.*
>
> Researcher*: All of you wanted to sleep with her?*
>
> P8*: Ja…but she bribes me. I don't let them sleep with her. I refuse.*

In P8's description, he positioned both the complainant and his peer group as the subordinate bodies that were compelled to obey him. As the group leader, he perceived his peers as occupying a subordinate positionality to him and thus he was able to dictate the conditions of the complainant's rape. His statement also placed him as his complainant's protector as he refused to allow a gang rape to occur, however this protection was rooted in the assertion of his ruling masculinity. As noted by Morrell (1998), hegemonic masculinity is not solely the subordination of the female body but also the domination of other men. It additionally compels those who claim to occupy it, to perform hegemonic masculinity; this was evident in both P8 and P9's narrations. P8 performed the rape as a means to prove his masculine dominance over the complainant and the other gang members and to validate this ruling masculinity. P9, who was initially positioned as occupying a subordinate masculinity in contrast to *Grootman,* had to perform the rape so he could perceive himself as an equal to *Grootman*. Even though he claims he was uncomfortable with the rape and thus ultimately positions the rape as 'fake'.

> *It was a fake rape; I was faking it actually. So that he could think that we are doing the same thing. I never got the idea of rape* (P9).

The implication made by P9 here is that there are times in which the performance of masculinity requires the participants to negate their desired agency. Hegemonic discourses thus compel those who subscribe to its construct to conform to the contextual standards of a given time. For the participants, they would rather accept a criminal status than a status that would position them outside of hegemonic masculinity. P7 emphasised this in his interaction with his complainant when she demanded money of him: *I told her 'if you want to get me arrested go get me arrested'* (P7). This notion that he would rather have been arrested than to give in to his complainant's demands is embedded in hegemonic understandings that a woman cannot dictate terms to a man (see Wood & Jewkes, 2001).

The manner in which the participants negotiated their masculinities was also evident in the manner in which they construct their victims; and the 'othering' which takes place to emphasise the binaries between the two sexes. The participants seemingly reinforced patriarchal discourses on the (un)worthiness of the female body by using terms such as *things* (P9) and implying they were toys to *play with* (P4). Sexual violence discourse centres on victim worthiness. Victim worthiness is not only dependent on who the victim is but also on the conditions of the violent sexual act. This was evident in P10's description of the rape:

> *I could see that they had… that like they… like they got along with her. They rape-. It's not that they raped her, there was a mutual getting along. It becomes rape when… you can't say they didn't rape her because they took advantage because she was drunk* (P10).

P10 placed doubt on identifying the transgression as rape. He attempted to negotiate if the actions that took place were indeed a sexual offence or not. The implication is twofold; the first is found in his statement that there was "*a mutual getting along"* - hence the act does not constitute rape. Secondly, he implied that because she was drunk, she allowed herself to be in a vulnerable position which the boys only capitalised on, therefore again nullifying her claim of rape. P10 ultimately placed the responsibility of the sexual offence on the complainant rather than on the boys as he positions her actions as confusing to the boys. Even in court when P10's friends admit to the rape, one of the friends cite *I didn't know she was young; you can see her body [is developed]*. This further emphasises the narrative of male confusion by the female body (Collins, 2004). This imagery is reinforced in media portrayals, especially in American

television shows, such as GoT, and hip-hop music videos which are highly consumed in the South African market. The imagery elicits notions of young, especially black, women being the cause of their own sexual offences. This allows for boys to place young black female bodies as a site to negotiate their own struggles with their masculine identities. This occurs with and without violence at varying times as evidenced by P4.

> *But there is some girls we just play with them, you see…we just use them, you see…I don't know that thing is a rape* (P4).

Both P4 and P10 framed their sexual actions as non-violent which creates a perception that young women's bodies can be a ground for negotiation and that not all forms of sexual violence are worthy of being deemed as such. Post-structuralist theorists such as Friere (2000) and bell hooks (2014) emphasise that social beings are created through one's own understanding and construction of their social and cultural reality. The participants constructed their social realities within traditional patriarchal discourses which enabled them to understand sexual activity as serving males. Even when the participants attempted to negotiate outside of a patriarchal understanding, such as P10 eventually conceding that *you can't say that it wasn't rape because they took advantage;* the participants still struggled to produce a language of resistance. They did, however, pose questions on the varied contextual and subjective nature of definitions and the manner in which legal practice and social practice are not always aligned. This is indicated by P4 in his claim that the sexual act was consensual between him, his friend and the complainant:

> *Now this one when we take, I take it [her] and call my friend let's go, you see, and have sex with him[her]. We don't fight, we just agree, you see…* (P4).

Participant 5 (P5) also constructed his narrative around a similar framing with regard to his friend and the complainant in his case:

> *He want him to have sex with him again you see…both of them did come out and they were smiling. So, me I didn't think this matter is so serious coz they were smiling…* (P5).

P5 inferred that the complainant and the offender had had sex previously and that *they were smiling* hence his perception that the act was consensual. P5 positioned the complainant as not exhibiting any identifiers of a 'typical' sexual assault victim. It can also be hypothesised that

because the complainant was male, P5 could not construct the complainant as a victim of a sexual offence which is embedded in normative discourses on sexual violence. Both P4 and P5 noted that it was institutionalised knowledge embedded in the police and court system that ultimately positioned their sexual acts as criminal:

> *…the police say you can't do it like that* (P4).
>
> *…now because ah I did not report the court also think I'm guilty* (P5).

Both P4 and P5 considered the sexual acts as normative sexual behaviours regardless of their legal definitions as criminal acts. This again places subordinate bodies as sites to negotiate contextual social practice, such as contextual normative sexual acts, and disciplinary power of institutional discourses, such as what constitutes as rape. This use of the subordinate body as a site of negotiation was also evident in the manner in which the participants proclaimed to protect their victim in one space and then violate them in another. P10 recalled the manner in which he protected the complainant on the night of the rape:

| | |
|---|---|
| P10: | *So, I start pulling this guy. I start fighting with these guys who are taking advantage of her because she is drunk.* |
| Researcher: | *Hmhm. How were they taking advantage, were they touching her?* |
| P10: | *Ja, they were touching her and dancing with her. But she was already like passed out. She was drunk. And she was about 13 or somewhere there.* |

However, this presumed protection of the complainant was later contrasted to his complacency in preventing the rape of the complainant by his friends:

> …o*kay, so while these boys are still raping, I end up let it go, and this girl is not crying, so I get beer* (P10).

P10's narration of protecting his complainant from the boys that he believed were taking advantage of her is once again embedded in patriarchal and male birth right discourses. The manner in which he constructed the protection of the complainant from the other boys, was not entirely positioned as the need to protect her. It implied that the defence was rather embedded in the perceived disrespect for him and his friends, which can be deduced as an imposition on their masculinities. This understanding enabled P10's later reaction when it is his friends that rape the complainant. He was able to reconfigure his stance through sexual entitlement

discourse, positioning the complainant as property for him and his friends to do as they please. This interpretation was also reinforced within the complainant's account of the rape:

> *She told the court…surecase*[29]*, the person I saw was *Thato (P10) who started and then the other two followed. Then Thato repeated himself.* (P10)

This description of events, places P10 as the one who initiated the rape thus allowing a hypothesis that the act was a way for him to reinforce his ruling masculinity over the other boys who had tried to harass the complainant, his friends and the complainant. P8 also produced a similar account concerning male protection. While P8 did not directly protect his complainant, he also notes that he had protected a girl from other men harassing her at the party in which he met his complainant:

> *So, some guys, what does he do? He takes a chain from a girl who lives in my neighbourhood, *Charlene, her necklace. Charlene is crying. I tell him give Charlene her necklace. I swear him. Then I beat him beat him beat him until I leave him. All the girls were watching me* (P8).

This incident became the grounds for P8 and his complainant to initiate a conversation as she witnessed him protecting the other girl. In P8's construction, he also centres his masculinity as primary to protecting the girl he helped. The language employed by P8 implied that his masculinity was key to the reason in which he protects the girl (*all the girls were watching me*). These young men alternate between being protectors and abusers which is an embodiment of hegemonic masculinity (see Langa, 2010). The embodiment of these gendered discourses constructs normalised narratives in which the masculine form can embody both; and the feminine form must, in many cases, be submissive to this embodiment. Szymanski and colleagues (2011) note that the objectification of the female body has become engrained in social practice such that females have internalised this objectification. This was evident in P8's later narratives with two underage minors who were cohabiting with him.

*They wanted to stay with me because I protected them…so they couldn't say anything* (P8).

The young girls, who were legally unable to consent to sex, allowed for P8 to use them as he pleases in order to obtain his affection and protection. It can be assumed from P8's narration that the relations were from their perspective hypothetically consensual even though coercion was a dominant part of the relationships. This heteronormative gendered dynamic allows young

[29] Township slang term for certainty

males to produce justifications as to why the female body can be perceived and treated as subordinate to the male body, and in turn positions male-to-female sexual violence as normative.

### 4.2 Negotiating a young criminal status

Fairclough (2003) argues that people are regarded as social agents proposing that people are socially constrained by social practice, knowledge and discourse. That, however, does not imply that people lack agency (though they are constrained within existing knowledge); rather there is relational power between agency and structure, as neither work in isolation from the other. Fairclough (2001) further notes that it is through social practice, in which structure and agency are combined (Fairclough, 2001 as cited in Dremel & Matic, 2014) and social meaning is derived. It is through contextual socio-cultural discourses and values that one is able to infer meaning and understanding (Meyer, 2017). In turn, this allows one to unconsciously construct themselves either as accepting or rejecting these discourses. This process is normally presented as a negotiation, as a person may accept aspects of a particular construct while rejecting others.

The participants presented this negotiation in the construction of their sexual offences and general criminality. The participants' narratives produced varying accounts in which aggression and violence were positioned as a means to assert their manhood. They therefore accepted the criminal offences that reinforce their masculine identities, especially criminal offences that occur through gang membership. Within this construction, they were able to position themselves as men rather than as boys, which is a recurrent theme throughout their narratives. This need to negotiate between adult and juvenile status was also positioned as the reason some of them embrace a life of crime, as it constructs them as agentic. This theme explores the construction of a young sex offender; and the conditions which permit the participants to accept their criminal statuses and negotiate an adulthood status over their juvenile statuses. This is juxtaposed to the participants' rejections of their sex offender statuses. They attempt to rather position themselves as victims of macrostructures, through the utilisation of victimhood, childhood and youth discourses.

#### 4.2.1 Constructing the young sex offender: Psychosocial discursive rationalising strategies

Foucault's (1984) arguments on the pedagogy of children's sex places the construct of young people's sexual activity as one that is framed with contradictions; it is positioned as both natural and unnatural and as both a dangerous social ill and a necessary developmental milestone

within the same discourse. Psychological discourses further entrench this conceptualisation through its theories on morality, identity formation (Erikson,1968) and developmental stages. Language is significant in defining and constraining what is 'acceptable' childhood psychosocial development. The psychological language used to refer to young perpetrators draws on terms such as 'mistake' and 'normal sexual exploration'; while rejecting words such as 'sex offender' and 'violent' (Finkelhor et al., 2009). This allows for young sex offenders to employ the same language to frame their sexual offences. Furthermore, within psychosocial discourses, youth criminality is positioned as a tool for the negotiation of identity formation and social status, from juvenile to adult, rather than as a serious transgression. This positionality allows for a language that permits young people to deviate without punitive consequences for their deviation from social norms, as they rely on psychosocial factors to justify their behaviour. Most of the participants position themselves within unstable home settings and lack of resources to explain their entry into criminal activity:

> *I didn't grow up to my mother, I grow, I grow up to my sister* (P1).
>
> *Growing up with people with with guns you see, everything like that* (P5).
>
> *Fighting with my mother, fighting with my father always, you see bring problems to the house you know* (P6).

These various narratives by the participants reinforced discourses which position childhood and youth offences as the effects of environmental factors, thus limiting the accountability of the young offender for their transgressions. P5 and Participant 6's (P6) employment of *you see* and *you know* respectively in the quotes above imply the inevitability of their association with violence. P10 was the only participant that constructed his childhood within a normalised nuclear family construct:

> *I grew up living with my mother and father, my older sister, the first born; second born my brother; and third born, me, I am the last born…my life was a life, just a normal life…ordinary life…It's not that my parents did not support me, I would get money from my mom and dad. I lived an ordinary life* (P10).

This 'normal' family life stands in stark contrast to the risk factors which are usually constructed to be associated with young sex offenders (see Naidoo & Sewpaul, 2014). It does however maintain and reinforce the childhood and youth discourses which positions deviant behaviours by young people as a means to negotiate and transition into young adulthood. P10's

inference to this is noted in his statement that *I was captured by [istage][30], I was smoking cigarettes and dagga.* P10 placed himself within identity formation discourse. This discourse (Erikson, 1968) provides allowances for deviancy to be accepted as part of psychosocial development. Within psychosocial development discourses, it is assumed that sexual patterns are learnt from familial structures. P6 and P8 eluded to this, in their accounts of negative sexual behaviours exposure.

> *Ay, that time my father was also drinking you see, he was coming drinking, go buy ah prostitutes and all that you see* (P6).
>
> *My mother, my mother…I grew up with her selling her body* (P8).

P8 further continued to describe an incident in which *I met this other girl, she was a prostitute, she worked with my mom. I talk to her talk to her and decide I'm taking her*, this indicating the manner in which he had internalised prostitution as a normative sexual practice and consequently, the objectification of the female body. Psychological discourse would imply that the exposure to deviant behaviours, such as prostitution (and most likely violence), at a young age for P6 and P8 produced negative perceptions of the manner in which the female body should be treated in relation to sex. The participants thus positioned environmental factors as significant to their discursive justifications as to why they occupied a criminal status.

### 4.2.2. Conditions for criminality: Contextual environment and gang membership

Some of the participants cited an exposure to violence either within their homes, communities or through gang membership, suggesting the normalisation of violence as part of their socialisation:

> *In my area, always they kill people in front of me you see. I see all bad things you see. Now I got[that] affected me, I do it myself, I do it for myself, I do it for myself, you see* (P4).

P4 framed his social space as one that is violent and where criminality was part of the social fabric of the community, thus constructing violence as a social norm. Even though he positioned the violence as bad, he still partook in the violence, implying that he could not escape participating in violence. Pesler (2008) notes that there is a significant number of South

[30] Istage is a colloquial Zulu term to describe when an adolescent produces deviant social behaviours.

African youth that have learnt and internalised, (and thus replicate) violent behaviours. In these cases, young people tend to occupy the position of child while apparently simultaneously transgressing the childhood subject position. Discourses that place juveniles' behaviours as the result of socio-ecological factors (Naidoo & Sewpaul, 2014) such as poverty, lack of resources and substance abuse, creates the perception that childhood transgression cannot be accounted for by the children or youth themselves. This was reiterated by the participants in the manner in which they utilise these socio-ecological factors to create their understandings of the world.

> *With my family so there was always fighting and you see… my brothers is ruling there is ruling the house. He was slapping my mother other time… I fall in the footsteps of my brother* (P6).

P6's description of the familial situation implied that violence was an engrained part of the familial structure. He was able to place himself within a construct of learned violence. This implies that these transgressions should rather be attributed to the socio-historical circumstances surrounding the child (Ojo, 2012), limiting young people's social agency. Fairclough (2003) notes that language defines possibilities and subject positions while simultaneously excluding others. This is evident in the construction of childhood and youth violence. Its reliance on social-ecological aetiologies as a means to provide justifications for child and youth transgressions mitigates the responsibility for young offenders. The participants produced these discourses in varying degrees to rationalise their crimes.

> *I gonna to tell him you see man my background see…[it's] not a life…gangster you see* (P2).
>
> Researcher*: Okay, was there lots of violence there?* [in his neighbourhood]
>
> P6*: Ey too much violence*

In Participant 2's (P2) extract, he spoke of his plans to explain his violence as a result of his socio-environment when he is eligible for parole. His rationalizing strategy is rooted in the same aetiologies that psychological researchers use to position young offenders as being victims of circumstance. P6 also reinforced this discourse as he highlighted the excessive violence in his neighbourhood which he was exposed to. This creates the impression that violence is internalised by young people, within these communities, as normative. P8 recalled an incident involving his mother being beaten in which his intervention was later dismissed by his mother:

> *I find two men beating up my mother , so I get in, when I get in get in get in, they see that this boy can fight so they stab me…when my mother told our family, she told them that it's not her problem that I got stabbed* (P8).

The dismissal by P8's mother indicates that his mother is a victim but also complicit in the normalisation of violence for P8. This normalisation of violence consequently produces justifications that restrict the construct of agentic violent behaviour among young people. This is emphasised in the participants' narrations, as they tend to position themselves as victims of their environments as evidenced by P4.

> *Now aah like in my area where I staying there lot of gangsterism you see… I see my brother do this, I want to do it* (P4).

P4 placed his need to reproduce violent behaviours as a means for social belonging among his brothers but also within the community. All of the participants were from various townships or peripheral urban areas in Cape Town and Johannesburg. South African townships have been marred with violence stemming from the apartheid era (Kooijmans, 2015). Gang membership was referenced by most of the participants as being part of their social identity. Gang membership is positioned as a means to attain belonging and social status, within an agentic framework (Hennigan & Spanovic, 2012).

> *I was 13 year, I joined a gang. 2009. And then after joining the gang I become to use drugs… lots of crimes. Making lot of crimes…They* [neighbours] *couldn't come to me and just grab me like that. They couldn't come to me because they know what my friends do in that area* (P1).
>
> *I was starting at 17* [in a gang] *… Everywhere we go, we go with a group you see* (P5).

These narrations of gang membership indicated how the participants were able to elicit social cohesion and fear within their communities. P1 also made use of his gang membership status to navigate himself beyond that of a child by being able to elicit fear and intimidation within his community. This aligns with the normalised associations of gang membership of fear, respect and social power (Bouwers Du Toit, 2014). The social conditions from which many of these youths emerge are characterised by economic instability and social neglect. Therefore, inference is made that gang membership provides them with a means for a group identity that implies power and social status. A further hypothesis can be made that it allows them to both escape and occupy the child-at-risk subject position. The intersectionality of racial categories and socio-economic status places the participants as those who would most likely occupy the

subject-position of gang member, and in turn criminality. However, their gang membership status allows them to see themselves as adult.

The participants viewed 'gangs' as a place for agency, as the rules were defined by them rather than social standards. As gang members, the participants were able to produce adult performances of masculinity which were antithetical to both victimhood and childhood discourses. P2 recalled being able to assist his mother, "*I get alotta money, I give my mother you see my mother take it, I say mother this money you can buy something to eat*". This capacity to provide resources for one's family was strongly associated with being a 'real man' (Meyer, 2017) and thus occupying an adult subject position which further enables the participants to maintain their experiences of masculinity.

However, they also positioned gangs as a social ill and thus the gang membership is a complex negotiation of benefits and downfalls for the participants. The participants presented as youth that lack educational and social resources, good family structures and have had early exposure to violence and substance abuse, hence their reliance on gang membership:

> *When I grow up, eish my mother he[she] used to drink. Used to drink, and when he drink, even me* (P4).
>
> *[They]was smoking drugs fighting with my mother, fighting with my father…Ay, that time my father was also drinking you see, he was coming drinking go buy ah prostitutes and all that you see* (P6).
>
> Researcher: *Were all of your brothers also involved in like crime and stuff?*
> P6: *Yes, they in prison now*.

Most of the participants produced similar narratives to these of P4 and P6. These narratives were rooted in psychological and sociological discourses which imply that young people model behaviours such as substance abuse and gang membership as they perceive this to be rewarded (Ward et al., 2012) and promoted by older members of their communities as reiterated by P6: i*t was big people who I was walking around* that taught him criminal activity. Much research (see Mncube & Madikizela-Mayida, 2014; Ward et al., 2012) draws on these discourses, which in turn rationalises youth violence. The production of fear, intimidation and dominance are constructed as the aims of gang membership. Both Participant 3 (P3) and P4 recalled the 'everydayness' of violent transgressions as a normalised gang construct:

> *We were gangs, and always, always fighting you see. Kill people you see, you you we compete, you see* (P4).

> *Every day we smoke weed, selling drugs, when we see our enemies we shoot each other* (P3).

Similarly, P9 disclosed that *even when we met street kids, on the street, we killed them* solely because he and his gang have the ability to do so. Other acts within gangs such as selling drugs were also common practice and gave the participants a sense of being industrious and economically gainful. The general belief that gang membership produces independence enables these young men to negotiate their masculine identities within this membership. Ward and colleagues (2012) note that many social researchers frame gangs and deviant youth groups as a medium for transition between youth and adulthood. This is apparent in some of participants' accounts, in which they are able to occupy specific moments of hegemonic masculinity traits, which are adult rather than youthful:

> *The police asked me "why don't you want to live at home? I told them I live for myself, I hustle for myself. They told me to go back to school, and I told them no, I'm not going back to school* (P9).

Accounts such as P9's, in which he refused to return home from Potchefstroom after disappearing with one of his *tsotsi* friends, are constructed within hegemonic masculinity discourses of a 'real man' (hooks, 2004). These constructions include that a 'real man' is able to provide for himself and his family and demands respect and control of their lives. P9's stance towards the police can be understood as his assertion of independence to claim his 'real man' status. P2 reiterated this in his decision to leave school with "*then there's a time I coming I say no man I'm gonna go my own way man*". Both P2 and P9 navigate themselves outside of the childhood construct, which was dependent, and in need of adult socialisation and institutional regulation (Burman, 2008), thus rather placing themselves as young adults who were able to choose their own actions.

Within P6's narrative, he highlighted how he positions himself outside of the child construct by being dominant over his gang members. Gang membership becomes the means which many of the participants are able to negotiate themselves as adult, masculine and criminal and those outside of their gangs as subordinate. Within this construct of gang membership, the participants also highlighted the negativity associated with gang membership and at times rely on childhood and institutional discourses to justify them partaking in gangs:

> *I get I get wrong friends, you see, wrong friends* (P2).

> *And then I was falling in drugs, that's when I now start, I did not have money to smoke, that's when I start getting wrong friends and start going the wrong way* (P6).

Both P2 and P6 placed their gang membership as a consequence of peer pressure. P6 also relied on the substance abuse narrative to extend his discursive rationalising. The participants thus seemingly struggle with fully accepting their gang membership status. This is further highlighted by P9 and the conflicts he had at times:

> *We robbed him but afterwards I thought, this person, this money we took, this is a father has children, because in his bag he was carrying mealie meal, White Star. It came to me; this man has children and this money was meant to ensure that they would go to sleep having eaten* (P9).

P9 had to dismiss his feelings of guilt (*you know Satan, I told himself as long as we are alright)* in order to justify his actions and avoid deviating from his subject position of a gangster. Fairclough (2003) notes that social practices define specific ways in which a social agent is expected to perform. It is through discourse that performance and representations are derived. However, positionality is not a fixed construct (Butler, 1993), and thus the resistance from the participants to construct themselves as entirely criminal. This is most evident in their negotiation and rejection of the sex offender identity.

### 4.2.3 Rejecting the sex offender identity

The resistance by the participants to accept labels such as 'rapist' or 'sex offender' are rooted in childhood and institutionalised discourses that allow the participants to construct themselves as criminal but not criminal enough to be sex offenders. Only one participant openly admitted that his actions are rape however, he still negotiated around his sex offender status. This is juxtaposed to the participants' acceptance of their criminal statuses for non-sexual offences. The participants provided justifications as to why their actions were either not sexual offences at all or should not be positioned as serious sexual offences that would warrant them being categorised as a sex offender. Some of the participants were conflicted and were required to negotiate between their contextual understandings of 'normal' sexual practices and legal definitions of sexual offences. As noted in the literature (see Gqola, 2015; Kramer, 2017) acts of sexual violence are not regarded in the same manner across contexts or given the same weight within the legal system. Within these definitions, there are particular stereotypes as to who can be considered a perpetrator of a sexual offence (Gqola, 2015). Research (see Jewkes et al., 2012) indicates that even when one is convicted of a criminal offence, people are

reluctant to construct themselves as violent, especially in respect to an offence of a sexual nature. This is evident in some of the participants' descriptions of their sexual offences, such as P1 and P6 denying all sexual liability by claiming that their only offence was being present while the incident occurred.

> Researcher: *Okay, um, so you didn't rape a girl?*
> P1: *No, I didn't.*
> Researcher: *Okay, so how did you come to be charged with rape?*
> P1: *Because the time that thing happens I was there.*
>
> *Ja neh, my my only mistake that I did, it was not to go and report now because ah I did not report the court also think I'm guilty* (P6).

P1 and P6's act of separating themselves from the offence, is not only an attempt to proclaim innocence from the specific offence but also a means to distance themselves from the type of behaviour that could be construed as sexual misconduct. This need to distance oneself from criminal acts of a sexual nature is embedded in criminal discourses. Sexual offending is constructed as more heinous than other physical assaults, and this is evident within legal and criminal code:

> *I ask them what coz I don't mos*[31] *know man…then no rape and that's the case I very very bang*[32]*, coz I know what in that case you can get a lot of sentence* (P2).

In South Africa, the minimum sentence for rape is 10 years when prosecuted as an adult. There is no clearly defined minimum sentence for juveniles, however, aggressive crimes still carry a heavier sentence than non-aggressive crimes, hence P2's initial fear when he finds out that his actions were considered to be rape. The limitations in sexual violence discourse also allow the participants to take a restricted view on who can be considered a sexual offender. In these instances (such as P2's claim above that he did not know it was rape), participants used their ages to imply that young people (and thus themselves) were incapable of committing a sex crime. This understanding by the participants is aligned to psychological discourses which frame sexual deviance among young people, especially with children, as a means for sexual exploration (Finkehlor et al., 2009). When framing young sexual offending, psychological deficits such as antisocial behaviours and impulsivity (van der Merwe et al., 2012) are attributed to why young people sexually offend. It is within this understanding that young

[31] Mos is an Afrikaans slang term implying that what has been said is self-evident.
[32] Bang is an Afrikaans word meaning afraid.

people position themselves as incapable of producing behaviours that are sexual offences. The participants also utilised discursive justifications to present their behaviours as normative contextual behaviour rather than as criminal:

> *Now when we say ok, take advantage, they love us ok, we just use them, you see…I don't know that thing is a rape cos I do so many times* (P4).

This construction of contextual normative sexual behaviour refers back to the conceptualisations and definitions of sexual violence. P4's construction of his offence, alluded to a conflict between his contextual understanding of what was permissible during sexual acts, and those deemed to be acceptable by the law. It further alluded to gendered relationships in which females are constrained by normative understanding that sex equates to love for females while for males it is about pleasure. P4 further reiterated the concept of sex as a means for pleasure for males in how he constructed the events that led to his incarceration:

> *Now this one [the complainant] when we take, I take it [her] and call my friend let's go, you see, and [she] have sex with him. We don't fight, we just agree, you see. And and them [the girls], they like that style, also them* (P4).

P4's version of the sexual offence directly indicated that this is common behaviour but also implied that all parties consented to this sexual act of 'running the train'. Definitions on sexual violence rely on information provided by lawmakers, activists and complainants. Normative discourse places the female body as the object of sexual violence (Gqola, 2015), placing them in a victim subject position, thus permitting an easier acceptance of a female being sexual violated. This positioning thus defaults young (black) males as the perpetrators of sexual violence. P3 indicated that he was informed by the police that arrived on the scene of the incident that his actions were a sexual offence.

> *Then they come there we see then we see the police come. Police get me, police get me police stasie*[33]*, they hold me there, they keep me there* (P3).

Throughout P3's description, there was no indication that the complainant was questioned by the police if the act had been consensual. However, according to P3, it was the complainant that initiated the sexual activity:

[33] Stasie: Afrikaans word meaning station

> *He [she] ask me if I ever have sex see sex. I say no I have see sex but I never do it. Then me and him [her], see me he [she] asks hey you want to*? (P3).

P3's description therefore highlighted the biases which can be present with identifying who is a sexual perpetrator. This contention on who is able to define if a sexual offence has been committed, is also evident when the actions could legally be defined as a sexual offence, but the complainant does not define the action as a sexual offence:

> *I refuse, yes, he [she] refuse that he didn't rape*[34]*… his [her] mother…is her who open the case* (P4).

P4's account questioned who is permitted to classify a sexual offence as such. This is further complicated when both perpetrator and 'victim' are considered to be minors (Omar et al., 2012), or where both parties deny that a sexual offence has occurred, but charges are still brought forward by an adult. The implication of this, is that young people do not have the agency to define what constitutes as sexual violence against them. This is embedded within childhood and youth discourses which frame young people as cognitively incapable of reasoning in the same manner as an adult (Burman, 2008). For many of the participants interviewed, the age discrepancies between the offender and victim was not more than five years, thus occupying the peer-offender category (Kjellgren, 2009). Public discourse, however, solely places the responsibility of sexual action on males when youth are implicated in sexual acts. Young males are seemingly disadvantaged within this framework as they are projected to be the initiators of the sexual acts and therefore if it is regarded violent, they are the ones that are usually prosecuted for a sexual offence. Within this gendered constraint of perceived perpetrator, one participant noted that he was falsely accused by his girlfriend of rape:

> *That was the time she told me that if I did not give her that money she would get me arrested* (P7).

P7 stated that the reason his girlfriend falsified a rape charge was because he would not give her the money that she required. Sexual violence is constructed as a traumatic act that happens to female bodies by male bodies, therefore limiting the language in which falsified charges are common practice. It should be noted however, that within male discursive justifications, claims

[34] Interpretation for clarification: P4 indicates that he denied the rape charge, and the victim also denied that she was raped. The girl's mother opened the case.

of falsification are often utilised to enable a perpetrator to escape the sex offender construct. P7 did not rely on a childhood status to position his victimhood status, instead he produced counter-discourses to that of the child narrative by framing his victimhood within an adult framework:

> *Sometimes I would give her money, sometimes she didn't want money…but she was my girlfriend…I can't hate all girls for her actions* (P7).

In this statement, P7 once again emphasised 'the man must provide' narrative embedded within patriarchal discourses. Even though P7 was only 20 at the time of the offence, he heavily identified himself within the adult construct. The participants' negotiations of their criminal statuses follow a pattern of inconsistent subject positions – when the participants perceived themselves as occupying a childhood position, they constructed themselves as innocent, victimised and naïve. However, when they perceived themselves as occupying an adult masculine position, they constructed themselves as accountable and criminal. As both Fairclough (1989) and Parker (1992) note, subject positions are fluid and, in this case, this fluidity ensures that while the youth criminal offender can be imagined, the youth sex offender cannot yet be fathomed, at least not by the offenders themselves.

### 4.3 Institutionalised discourses: (De)legitimising sexual offences by youth

Sexual violence is a contentious subject (Gqola, 2015; Vetten, 2014). This is even more so, when the offenders are considered young people. Institutionalised discourses such as psychological, media and legal discourses are the (re)producers of social meaning and perceptions. It is through these discourses that subject positions are acquired, maintained and reproduced (Fairclough, 2003). It is also through these institutions that contradictory discourses are produced and maintained. In many instances, institutionalised discourses produce a narrative in which young sex offenders are exempted from the sex offender construct based on constructions of youthfulness.

Previous research (see Finkehlor et al., 2009) on young sex offenders seemingly produces a narrative which 'protects' these offenders. The use of psychological discourses to rationalise young sex offenders' behaviours influences other discourses such as legal discourses that minimise the seriousness of youth sex offending. As Parker (1992) notes, discourses relate to other discourses. There is no one discourse that stands alone, and discourses are constantly working reciprocally (and in opposition) to one another to maintain social order. To conclude

this analysis, the final theme highlights the manner in which institutionalised discourses specifically frame young sex offenders. The theme also positions the manner in which the participants place themselves now that they have been identified as a young sex offender; this is achieved by exploring religious and educational discourses.

The exploration of these discourses allows for the analysis of the language utilised that constrain the framing and fathomability of young sex offenders. It also allows for the participants to frame themselves as young sex offenders, and their imagined futures. These discourses thus delegitimise the criminality of young sex offenders by constructing a narrative that implies that child/youth sexual offending is 'not serious' and therefore punishment should be less punitive than that of an adult. They also allow the participants to rely on the child construct while still actively positioning themselves as adult. This resonates with psychological and media discursive justifications for why young sex offenders should not be incarcerated for their sexual offences.

### 4.3.1 Legal discourse: The 'innocence' of young people

This section briefly examines the manner in which the participants view the legal and correctional systems in framing their offences and juvenile statuses. The framing of young sex offenders within legal discourses relies heavily on psychological discourses in positioning young sex offenders as impressionable and naïve children. Young sex offenders are provided with the 'benefit of doubt', which implies that if their subject position had been that of the adult, they would not have offended. This framing implies that young people are still developing and do not occupy the subject position of 'capable adult'.

Much international research (see Finkelhor et al., 2009, 2012) on young sex offenders is focused on low recidivism in young incarcerated populations. This provides the justification that sentences for young offenders should be constructed as restorative rather than as punitive. The psychological framing that implies that juveniles have reduced cognitive competencies to evaluate the consequences of their actions when compared to adults (Naidoo & Sewpaul, 2014) provides the discursive rationalisation to lower juvenile sentences. For example, P9 noted that he was given a lighter sentence compared to his accomplice:

> *So, they ended up saying what, they said I must serve fifteen, you see. Grootman, they gave him, gave him twenty-one.*

P9's accomplice received an additional seven years even though they both had committed the same crime. The justification for the lessened sentence is based on P9's juvenile status at the time of the offence while *Grootman* was considered to be an adult. These disparities in sentencing aim to protect juveniles as they are constructed as person(s) with future potential which punitive sentencing could alter (Omar et al., 2012). However, not all of the participants felt that the limited sentencing functioned in their favour. P6 was overtly disgruntled with his sentence as he believed it was a waste of his time and possibilities:

> *Because they don't think that me I'm still young I have a future in front of me for one small mistake outside I can go sit for three years in prison you see so me I think it's unfair but there is nothing I can do you see*.

P6's claim that criminality produced by young people should be regarded as *"one small mistake"* draws on psychological and legal discourse. Particularly, the use of minimising language frames young people as a vulnerable and 'unknowing' group, that did not 'know better' and, in turn calls for lighter sentencing trends in this population. P6's statement that he felt the sentence was "*unfair"* not only further minimises youth criminality, but it also trivialises the violation of young Black female bodies. This again reinforces the entrenched nature of traditional hegemonic patriarchal understandings within the South African context.

A predominant narrative produced by the participants was their belief that their incarceration is a waste of time. The participant's accounts of their incarceration involved "*eat sleep eat sleep"* (P2) and "*just lying and looking"* (P3). Only one participant indicated that his incarceration had a purpose:

> *There was nothing right I was doing outside, there was nothing I was doing that made sense. I will leave prison with some sense, knowing what I want to do* (P9).

The participants thus produce two discourses on youth incarceration. The first discourse implies that the correctional system enables offenders to be reflective of their decisions and change their behaviours. The nature of the correctional facility being able to facilitate change as reflected by P9, relates to Foucault's (1977) understanding of disciplinary power and its relationship to institutes such as the correctional centre. The function of disciplinary power is to compel the subject to adhere to societal norms, and thus when subjects deviate, correctional facilities correct the subject to abide by social norms. The second discourse implies that

correctional system is a non-effective tool (Karrim, 2018) in which nothing productive is achieved within the correctional system.

The participants also produced narratives on perceived criminality and legal biases. Some of the participants argued that the reason for their incarceration was based on environmental factors and their previous offences rather than on their sexual offences:

> *But you see, the magistrate because I look like a naughty person and I I push gangsterism there where I come from the reports were poor so that's why they say they they give me five years* (P6).

P6's framing of himself as "naughty" reinforces his childlike status, thus resisting the need for incarceration and implying the need for mild punishment instead. His framing also highlighted his perception that the legal system places judgement on certain individuals regardless of their crimes. This is also evidenced by the manner in which some of the participants believed that their lawyers did not adequately assist in their court cases. Psychological discourses on children at risk place them as mostly likely to commit a criminal offence therefore placing their guilt as inevitable. P1's account of his experience with his lawyer implied that his lawyer had already constructed him as a criminal, thus disregarding his version of events:

> *…because each and every time, you see, she told that things the other way. She make it other way. She couldn't speak the straight that thing I have tell him...She take there take there, she talks his thing. He doesn't talk my thing* (P1).

P7 also framed his incarceration as a failure of the legal system thus stripping himself of accountability for the offence. He spoke at length of the discrepancies between the complainant's version and his version:

> Researcher: *So, uhm, I also don't understand, so this girl claimed not to know you. But she could call you to meet up to get you arrested?*
>
> P7: *I also asked the police and the courts that how could she have called me, where did she get my number?*
>
> Researcher: *What was their response when you asked them?*
>
> P7: *The magistrate, the judge said, you forced her. You know her, even if you know each other, you forced her.*

He also criticised the manner in which his lawyer represented him as guilty before presenting the case:

> *I felt, I thought that he wanted me to take the forcefully take the sentence* (P7).

The manner in which both P1 and P7 narrated their experience with the legal system is indicative of the manner in which the 'child-at-risk' is positioned within legal and psychological discourses. An intersectional approach is pertinent in understanding the system's framing of these offenders as criminal. The positionality of the participants as black, male and occupying a lower socio-economic status enables an 'easy to perceive' criminal and thus the participants' guilt is framed as fathomable, in turn, warranting their incarceration.

### 4.3.2 Religious discourse

Even though normative discourses on black masculinity place the participants as those 'most likely' to be guilty of a criminal offence, the participants still produced their subject-positions as youth capable of positively contributing to social structures. It is within institutionalised discourses, which stress the need for institutions such as religion and education to develop the ideal normative person (Perez-Felkner, 2013) that the participants frame their present and future subject-positions:

> *I'm old now, I must learn. It's a part of, it's a part of life. Maybe God, he she choose for me to be like this, see. Because when I was outside I can't see positive and negative, you see. I will always do negative like this, negative negative, you see* (P4).

P4's positioned himself as older (and thus wiser) since his offence, and thus he is now able to identify between negative and positive behaviours, which he was not privy to before his incarceration. His statement also presented his discursive reasoning, which places God at the centre of his criminality, nullifying himself of personal agency for his criminality. His use of *I must learn. It's a part of, it's a part of life* also implied that he viewed the institutionalised knowledge within the correctional system as enabling him to learn to be a better person. This could be related to Foucault's (1980) disciplinary power, in which institutionalised discourses produce discursive practices of surveillance, forcing the body to conform to normative social practice. This desire to conform to normative social practice is evident among most of the participants, and is mainly utilised in wanting to prove to their families that they can be capable adults:

> *Yes, going to church, all that stuff you see. Making a nice family you see me like that…And I gonna work for him to the time I coming out, you see, that time I coming*

> *out gonna make him gonna see him proud of me, that is me son, I like my son like that* (P2).

> *Even my mom she says, no I see that you change, I see. I change, I born again, you see...I know how to read a bible, I understand about I must choose a life, no, I'm, I'm a son of evil or I'm a son of God, you see, I choose now where I where I'm going, I born again* (P4).

Both P2 and P4 spoke to now being able to make agentic choices for their lives, furthering the subject-position as adult. P2 envisioned having a family in the future, relying on language that elicited the heteronormative nuclear family setting. His association of *going to church*, *making a nice family* and making his son proud is embedded in patriarchal discourses of the ideal man (hooks, 2004), and thus the participants once again relied on traditional institutional knowledge to position themselves. For P4, he relied on religious discourses as a discursive enabler for having purpose and direction in his life. His use of *I know how to read a bible*, also highlighted that he now constructs himself as a 'good' person therefore disassociating himself from the criminal construct. These framings by P2 and P4 once again highlight the manner in which disciplinary power produces certain knowledge as 'truth' (Foucault, 1980). The participants equate their proximity to religion as a means to absolve themselves from their subject-position as criminal. This was most evident in P9's narration of his violent activities within the correctional facility.

> *Here, there person that I have stabbed, it's only one since I got here…but you know now, you know now I go to church now* (P9).

This framing that P9 relied on allows him to distance himself from having seriously transgressed. He was able to be dismissive of his offence because he now goes to church. He thus ultimately positions himself as religious and therefore innocent.

### 4.3.3 Educational discourse

The participants did not just rely on religious discourses to position themselves, but they also drew on educational discourse that further supported their apparent 'growth'. This was primarily achieved through participation in psychological and educational interventions and programmes provided by the DCS. Psychological and educational discourses position the child as in need of adult and expert intervention in order to produce the ideal socialised subject (Lowe, 2012). P6 positioned the programmes as improving his positionality in society:

> *It's only good things, good programmes, going to church in prison all that stuff you see. that's the reason we can go home you see* (P6).

This framing of *good programmes* relies on psychological discourse that emphasises that institutional experts such as psychologists and social workers are equipped to re-socialise a person into a capable citizen (Burman, 2008). P6's use of *it's only good things*, *good programmes* can also be seen as his way of implying that the programmes were working, therefore further inferring that he had changed and so entitling him to go home. Another implication that is found in P6's use of language is the effects of biopower. As noted by Foucault (1978), biopower focuses on self-regulation. P6's (self-)regulation was evidenced by his perception that the corrective system would enable him to be 'good'. This was also evident for participants that had not yet participated in the programmes:

> *I want to do* [a programme], *for that rape case, I want sexual offence and I want anger management* (P3).

Even though P3 had not entered any of the programmes, he also relied on the idea that expert knowledge will enable the change that is required for him to be a capable adult. The participants did not just refer to psychosocial educational programmes but also spoke of their desire to educate themselves in order to produce the subject-position of a capable adult.

> P1*: I want to be an engineer.*
>
> Researcher*: Okay. Do you want to go to university?*
>
> P1*: Yes* (P1).
>
> *I'm gonna start to go back school* (P2).
>
> *I want to continue where I am in school* (P4).

Within these accounts, the participants position themselves as young people capable of normative futures. This aligns with psychological research (see Finkelhor et al., 2009) and media reports on young sex offenders (see Pittman, 2013; Venter, 2014) that emphasise limited criminalisation of young sex offenders. Within educational discourse, education is positioned as key to human socialisation and thus all of the participants disclosed their desires to complete their education. Hegemonic discourses reiterate this need for education as it is positioned as the only way to secure employment and therefore to be a capable adult (Burman, 2008). Most of the participants thus relied on this construction to imagine their futures. Only one participant

stated that he did not see himself completing school, however he provided an alternative, by implying that he could perhaps enter an FET[35] for tradesmanship.

> P6: *Ha I can't cope with school work that's why I was if at least if I can start working with my hands*
>
> Researcher*: Ja*
>
> P6*: Maybe plumbing or boiler making you see panel-beating.*

Institutionalised discourses allowed the participants to see themselves both within a childhood and an adult subject position simultaneously. Institutionalised discourses further allowed the participants to construct themselves as outside of their subject-position as a sex offender because they construct futures of being normative capable adults. The above quotes also reinforced their naivety. For example, P1's statement that he wanted to be an engineer was embedded in childhood discourses that place children as capable of any future they can 'imagine'. This naivety of not understanding that a criminal record will restrict one's professional choices reinforces media discourses, such as Zelda Venter's (2014) article, calling for the protection, rather than the persecution of young sex offenders to ensure their future statuses. The language used by the participants indicated that even though the participants relied heavily on the adult-construct to position themselves before and after their offences, in many instances, they could not escape the child-construct. Statements like *I'm old now…you know I change now* (P4); *I'm a better person for them* (P2); and *tell her* (mother) *lot of things about changing my life* (P1) emphasise the participants' subject positions as children that still require the familial structure to validate them becoming capable social beings.

### 4.4 Summary of findings

The use of Fairclough's (1995) three-dimensional critical discourse analysis approach evidences the dialectical manner in which discourse and social practice function. The first dimension of the data analysis reveals the manner in which normative discourses operate to complement and validate each other. In many of the narratives produced by the participants, there are multiple intersecting discourses relating to race, gender, context and economy. The data reveals this most prominently in the participants' constructions of 'manliness' and juvenile identity.

[35] FET: Further Education Training: this is used for those who want to do trade training. One can choose to enter an FET college from Grade 10 in South Africa.

Butler (1993) argues that the first juncture of identity formation is found in the binary lexis of gender; identity formation thus starts with a gendered identity. The second dimension of the data analysis demonstrates that this is evident across all the participants' narrations. The negotiation of contextual hegemonic masculinity and subordinate masculinities was central in the discursive rationalization of their sexual offences. The young sex offenders thus position their sexual offences as a tool to negotiate these conflicting masculine constructs. Butler (1993) and Foucault (1978) both assert that discourses place femininity and masculinity as asymmetric which allows for the 'othering' of the female body and hegemony of the male body. Traditional patriarchal discourses embedded in South African landscapes further entrench this othering and more so permits for the subordination of the female body. This asymmetry of gendered discourses permits the young female body to be positioned as a site of sexual exploitation, violence and domination. The participants thus draw on these normative discourses which position the female body as less than the male body.

The participants root themselves within the traditional heterosexual masculine construct, however, they also rejected their sex offender status. Previous research (Pemberton & Wakeling, 2009) on adult sex offenders seemingly produced the same results. The third dimension of Fairclough's (1995) CDA presents the manner in which discourses constitute identities for social actors. The positionality in which the participants frame themselves is that of capable agentic *adult* social actors. However, the participants did not negate the child/youth construct completely. As social constructionist theorists emphasise, no subject is constrained by a singular construct. Subjects are constantly negotiating, rejecting and accepting various subject positions at any given time (Butler, 1993). This positionality allowed for the participants to seemingly reject and accept aspects of the child/youth construct. Criminality and gang membership are positioned as a means for the participants to escape the child/youth construct and occupy an adult subject position, while rejecting the sex offender construct allows them to reclaim their child/youth status. The manner in which they frame their criminal offences, which include acts such as murder, kidnapping and grievous bodily harm indicate that the participants perceive themselves as being capable of inflicting dominance over people's lives. As P 9 stated when describing why he killed homeless children: *"because I could"*. The criminality of the participants was embedded in the notion that as agentic heterosexual males they could dominate those they considered to be subordinate to them. However, this rejection of the child/youth construct did not apply when it came to identifying as sex offenders. Rather, the participants then relied on constructions of naivety and immature

cognitive inability to rationalise their sexual offences. This framing, which places young offenders as victims of their lack of cognitive and moral reasoning due to biological and psychological development, is reinforced in institutionalised discourses. Psychological and legal discourses permit leniency towards young sex offenders based on these child/youth discourses. The participants indicated these leniencies in their narratives but also had the perception that their gendered subject positions work to their disadvantage. Gendered discourses enable a justification for the sentencing of male offenders while simultaneously reinforcing female subordination. The language employed in sexual violence discourse reinforces this gendered binary as something that is fixed. This binary framing is rearticulated in the participants' accounts such that they reify contemporary gendered discourses, whilst simultaneously using childhood discourses to invisibilise their capacities to sexually offend.

# Chapter 5: Conclusion, study limitations and future recommendations

## 5.1 Conclusion

This research aimed to investigate the discourses that young sex offenders draw on to construct their crimes. Ten young sex offenders incarcerated within South African juvenile centres were purposefully selected for the study. An investigation on the manner in which the participants framed themselves and their sexual offences alongside or against normative discourses enabled some insights into the nature of sexual violence within the South African context.

Through a social constructionist framework, an exploration of whether young sex offenders drew on dominant discourses on sexual violence or produced alternative discourses that disrupt normative conceptions of violence was investigated. This was achieved by using Fairclough's (1989-1995) critical discourse analysis. Fairclough's (1989-1995) CDA approaches highlighted the use of discourses on childhood and youth; criminality; and sexual violence in the construction of young sex offenders. In doing so, this research demonstrated whether young sex offenders drew on the category of childhood and youth to resist criminality; or alternatively rejected the childhood category as a means to make their crimes plausible given their ages.

Throughout the data corpus, masculinity was a central theme for the participants, partly because all of the participants are males and are constituted by their masculine constructs. The participants surfaced this negotiation as they attempted to reinforce their masculinity by identifying with gang membership and violent criminal acts. This need to maintain their subjectivities within a ruling masculinity framework is connected to their simultaneous rejection of the child/youth construct. When accounting for their criminal pasts, the participants seemingly all attempted to position themselves within an adult construct. However, when talking to their sexual offences in particular, the participants rejected their subject positions of sex offenders and relied on the varied childhood discourses which they generally accepted in order to reaffirm their positionality of being young. Foucault (1984) notes that subject positions are not stable and Parker (1992) further notes that subjects understand discourses which are familiar. Public discourses that frame sexual violence as normative in South Africa are prominent in the participants' communities. However, even though they are able to draw on these public discourses, the participants also pose questions on the various definitions and standards applied to identifying and prosecuting youth sexual violence. This enables the participants to negotiate their sex offender subject positions both within childhood innocence and adult criminality.

Language is thus essential in analysing the various subject positions and discourses which frame young sex offenders in the South African context. Fairclough's (1995) three-dimensional model provides insights into the various discursive conditions that subject young sex offenders to be both fathomable in some cases, and completely unfathomable in others. Overall, the participants position themselves outside of the construct of a *sex* offender by relying on the youthfulness and cognitive immaturity of childhood to depict the apparent non-sexual nature of their crimes. However, when talking to other (*non-sexual) crimes*, the participants generally construct their subject positions as adult. This implies that sexual offences by young people is not a simplistic phenomenon and further research is needed on the subject. This research has provided some insights into a topic that is of much interest in the South African context. Cases of sexual violence between young people has received much coverage in the media but there is not enough research on the matter academically. This study thus contributes to the corpus of this area of study.

### 5.2 Study limitations

There are some limitations that are present in this study. One of the most significant limitations was the paucity of previous research on young sex offenders in South Africa. This makes it difficult to draw broad literature comparisons on this topic. Research that has been conducted in this regard is extremely clinical and aims to provide discursive justifications on pathology in young sex offence cases (see Naidoo & Sewpaul, 2014).

The framing of young people within generic child and youth literature (see Lowe, 2009; Munice, 2009) also presents several challenges as it presents them as subjects that lack agency. Young people are therefore always positioned as subjects of socialisation rather than as active agents of society. This constrains young people to being incapable of producing behaviours which are positioned for adults. This limits the manner in which young people can be understood as agentic and capable of being active young sex offenders. Normative discourses place demarcations that restrict the capabilities of adults and young people, however in many instances adults and young people produce similar behaviours. The demarcations that normative discourse produces can be problematic as this implies that full accountability is not always necessary for young people's actions. When the onus is placed on a young person, it is usually only the child-at-risk that is held accountable. Sexual violence discourses also produce restrictions on who can be considered a sex offender with the majority of those who are incarcerated being Black, male and from a lower socio-economic background. This research

seemingly reiterates this narrative as all the participants were classified as Black in the South African context. This knowledge production thus (re)produces racialised biases on criminality in South Africa. Thus, further research needs to take into account a more diverse group of participants to enable a richer spectrum for the study of sexual violence in South Africa.

This particular study did not investigate the disparity between those convicted for sexual offences in youth centres and correctional centres. However, some of the participants had been convicted to a correctional centre as young as the age of 15 years on their first offence. This begs the question as to who is deemed fit to occupy the status of child (i.e. too young for a correctional centre) and who is constructed as being able to occupy both child and adult status, thus justifying incarceration within a correctional facility. Further research should account for how young sex offenders are categorised within the legal and correctional systems. This study also did not interrogate the participants regarding group offending. Group offending was highlighted within the literature as prevalent both male and female among young sex offenders (Kjellgren, 2009, Embry & Lyons, 2012), and seemingly reiterated by the participants in their descriptions of their offences. This would be important with regard to better understanding sexual offending by young offenders, judicial implications, and the construction of recidivism for young sex offenders.

Another consideration for further research, was the gender limitation of this particular study. No female participants were identified for this research study which results in the narrative that the construct of the young female sex offender is at worst ‘impossible’ and at best unlikely. As the research was conducted with participants that were currently incarcerated in designated correctional facilities in South Africa, it excluded offenders that do not enter the legal or correctional system. Therefore, further research must aim to be more inclusive of offenders that are not processed within the legal system. It must also be noted that Gauteng and Western Cape, have higher gangsterism than other areas within South Africa (see Ward et al., 2012). This effects this research as the majority of the participants were gang members and their sexual offences were constructed as junctures of membership validation. Therefore, further research needs to be inclusive of other locations. As the study is an exploration of discourses that frame sexual offenders and uses a qualitative approach, it cannot be used to generalise all young people who sexually offend. It adds to the knowledge on the subject, but it needs to be interpreted with caution and understood as the narratives of a limited number of individuals.

### 5.3 Future recommendations

Future research on young people that sexually offend should be inclusive of children who are in secured centres and those that have been reported for sexually offences but, due to their age, are not in the legal system. This will assist in producing knowledge of sex offenders that fall outside of the normative constructions of sexual violence. It would also assist in producing literature directly related to children that sexually offend instead of conflating them with youths which could possibly enable richer data on the phenomenon of young people and separate the two constructs. Future research could be conducted at schools as many cases reported on sexual violence are reported to occur at school. The school environment will account for those young sex offenders that are not in the legal system and they may produce varied discursive coordinates for young people who sexually offend.

Future research should also be inclusive of female participants as sexual violence is not limited to male offenders (Kramer, 2017). The invisibility of young female perpetrators in both the literature and within correctional facilities limits the knowledge production of this group. A possible solution would be to expand geographical reach that includes areas that do not have high levels of gangsterism. This would also allow for an inclusion of participants that are not solely from lower income communities. It would further be useful to compare these South African discourses to those emanating from participants in other countries in both the Global North and South. Another recommendation would be to explore the manner in which offences occur. As mentioned, group offending is common among young sex offenders. This could provide interesting further understandings into the manner in which young sex offenders construct themselves and their offences. These recommendations will provide varying insights into discursive conditions that make young sex offenders fathomable in the public consciousness.

**Reference list**


Abebe, T., & Bessell, S (2011) Dominant discourses, debates and silences on child labour in Africa and Asia. *Third World Quarterly, 32*(4), 765-786.

Abhary, K., Adriansen, H., Begoyac, F., Djukic, D., Qin, B., Spuzic, S., Wood, D., & Xing, K. (2009). Some basic aspects of knowledge. *Procedia Social and Behavioural Sciences, 1*, 1753-1758.

Abrahams, D. (2010). A synopsis of urban violence in South Africa. *International Review of the Red Cross*, *92*(878), 495-520.

African Union Commission (2006). African Youth Charter. Retrieved 22 May 2018 from https://www.un.org/en/africa/osaa/pdf/au/african_youth_charter_2006.pdf.

Anderson, K., & Umberson, D. (2001). Masculinity and power in men's account domestic violence. *Gender & Society*, *15*(3), 358-380.

Arfman, W., Mustaers, P., Van der Aa, J., & Hoondert, M. (2016). The Cultural Complexity of Victimhood, Cultural Studies, 163, 1-19. Retrieved 1 July 2018 from https://www.tilburgburguniversity.edu/upload/cb3113e2-dd41-43af-9cfe-2835f01cff2_TPCS_163_Arfman-Mutsaers-VdrAa-Hoondert.pdf.

Aries, P. (1962). *Centuries of Childhood: A social history of family life*. Vintage Books.

Barker, G., & Ricardo, C. (2005). Young men and the construction of masculinity in Sub Saharan Africa: Implications for HIV/Aids, conflict, and violence. *Social Development Papers*, 26. Conflict prevention and reconstruction series. Washington, DC: World Bank. Retrieved 15 February 2017 from http://documents.worldbank.org/curated/en/481401468101357773/Young-men-and-the construction-of-masculinity-in-Sub-Saharan-Africa-implications-for-HIV-AIDS-conflict-and-violence.

Bakken (2007). *You do the crime, you do the time: A socio-legal history of the juvenile court and transfer waivers*. International Foundation for Protection: University of Delware. Retrieved 17 May 2017 from www.ifpo.org/articlebank/Bakken_Juvenile_Justice.pdf

Basile, K., Smith, S., Breiding, M., Black, M., & Mahendra, R. (2014). *Sexual violence Surveillance: Uniform definitions and recommended data elements* (version 2). National Center for Injury Prevention and Control: Division of Violence Prevention.

Barnie, A., Nyarko, A., Dapaah, J., Appiah, S., & Awuviry-Newton, K. (2017). Understanding youth violence in Kumasi: Deos community socialization matter. A cross sectional study. *Urban Studies Research*, 1-10. Retrieved 19 November 2018 from https://doi.org/10.1155/2017/1565602.

Barnett, C. (2004). Yizo Yizo: Citizenship, commodification and popular culture in South Africa. *Media, Culture & Society*, *26*(2), 251-271.

Beck, V., & Boys, S. (2012). Romeo & Juliet: Star-Crossed lovers or sex offenders? *Criminal Justice Review*, *24*(6), 655-675.

Bell, D., Rosenberger, J., & Ott, M. (2015). Masculinity in adolescent males' early romantic and sexual heterosexual relationships. *American Journal of Men's Health*, *9*(3), 201-208.

bell hooks, b. (2004). *We Real Cool: Black Men and Masculinity*. New York and London: Routledge.

Bexson, L. (2011). 'The ultimate betrayal' female child offenders: An exploration of theories, media representations and the role of the internet in relation to female perpetrators of child sexual abuse. Retrieved 3 March 2016 from https://www.semanticscholar.org/paper/%27THE-ULTIMATE-BETRAYAL%27-FEMALE-CHILD-SEX-OFFENDERS%3A-Bexson/2448bacbefd8bbdfbf69e1e3dbfb4f13dd5acefa

Bosiakoh, T., & Andoh, P. (2010). Differential association theory and juvenile delinquency in Ghana capital city – Accra: The Case of Ghana Borstal Institute. *International Journal of Sociology and Anthropology*, *2*(9), 198-205.

Boslaugh, S. (2007). Secondary data sources for public health. St Louis: Washington University.

Bourdieu, P. (1977). *Outline of A Theory of Practice*. Cambridge University Press

Brownlie, J. (2003). 'An unsolvable justice problem'? Punishing young people's sexual violence. *Journal of Law and Society*, *30*(4), 506-531.

Butler, J. (1988). Performative acts and gender constitution: An essay in phenomenology and feminist theory. *Theatre Journal*, *40*(4), 519-531

Butler, J. (1990). *Gender trouble*. New York: Routledge

Butler, J. (1993). *Bodies that matter: On the discursive limits of sex*. New York: Routledge

Butler, J. (2004). *Undoing gender*. Oxfordshire: Routledge

Bushman, B., Newman, K., Calvert, S., Downey, G., Dredze, M., Gottfredson, M., Jablonski, N., Masten, A., Morrill, C., Neill, D., Romer, D., & Webster, D. (2016). Youth violence: What we know and what we need to know. *American Psychologist*, *71*(1), 17-39.

Burr, V. (1995). *An Introduction to Social Constructionism*. London and New York: Routledge.

Burman, E. (2008). *Deconstructing Developmental Psychology* (2nd ed). London: Routledge.

Cahill (2000). Foucault, Rape and the Construction of the Feminine Body. *Hypatia*, *15*(1), 43-63.

Carastathis, A. (2014). The Concept of Intersectionality in Feminist Theory. *Philosophy Compass*, *9*(5), 304-314.

Children's Act 38 (2005). (South Africa). Retrieved 20 April 2016 from http://www.justice.gov.za/legislation/acts/2005-038%20childrensact.pdf.

Child Justice Act 75 (2008). (South Africa). Retrieved 20 April 2016 from http://www.justice.gov.za/legislation/acts/2008-075_childjustice.

Choi, J., Kushner, K., Mill, J., & Lai, D. (2012). Understanding the language, the culture, and the experience: Translation in cross-cultural research. *The International Journal of Qualitative Methods*, *11*(5), 652-665.

Chu, C., Koh, L., Zeng, G., & Teoh, J. (2015). Youth who sexual offended: Primary human goods and offense pathways. *Sexual Abuse: A Journal of Research and Treatment*, *27*(2), 151-172.

Clarke, J. (2004). Histories of childhood. In Wyse, D (Ed). *Childhood Studie*s: *An Introduction* (pp. 3-12). London: Wiley-Blackwell.

Cleere, C., & Lynn, S. (2013). Acknowledged versus unacknowledged sexual assault among college women. *Journal of Interpersonal Violence*, *28*(12), 2593-2611.

Coetzee, L., & Bezuidenhout, C. (2016). An assessment of youth sex offender empathy levels for general victims of child-on-child sexual abuse. *South African Journal*, *17*(1), 10-23.

Collins, P. (2004). *Black Sexual Politics: African Americans, gender and the new racism.* New York & London: Routledge.

Conley, C. (2014). Sexual violence in historical perspective. In Gartner, R., McCarthy. B. (Eds). *The Oxford Handbook of Gender, Sex and Crime*. (pp. 207-224). New York: Oxford University Press.

Connell, R. (1995). *Masculinities*. Cambridge: Polity Press

Cook-Daniels, L. (2009). Atypical sexual abuse survivors and perpetrators: Where are the male victims and female perpetrators? Retrieved from https://forge-forward.org/wp-content/docs/female-perpetrators-and-male-victims-facts-and-resources.pdf

Cooper, A., & Ward, C. (2007). *Prevention, disengagement and suppression: A systematic review of the literature on strategies for addressing young people's involvement in gangs.* Report to RAPCAN (Resources Aimed at Preventing Child Abuse and Neglect). Cape Town: Human Sciences Research Council

Correctional Services Act 8 (1959). South Africa. Retrieved from http://www.justice.gov.za/legislation/acts/2008-075_childjustice.

Cowburn, M. (2005). Hegemony and discourse: Reconstructing the male sex offender and sexual coercion by men. *Sexualities Evolution & Gender*, *7*(3), 215-231.

Crenshaw. K. (1994). Mapping the margins: Intersectionality, identity politics, and violence against women of color. In: Martha Albertson Fineman, Mykitiuk, R. (Eds). *The Public Nature of Private Violence*. (pp. 93-118). New York: Routledge.

Criminal Law (Sexual Offences and Related Matter) Amendment Act (2007). South Africa. Retrieved from http://www.justice.gov.za/legislation/acts/2007-032.pdf

Dahlberg, L. & Krug, E. (2006). Violence a global public health problem. *SciELO Public Health*, *11*(2), 277-292. Retrieved from http://dx.doi.org/10.1590/S1413-81232006000200007.

Davies, M. (2002). Male sexual assault victims: A selective review of literature and implication for support services. *Aggression and Violent Behr*, 7(3), 203-214.

Department of Correctional Services (DCS), South Africa. (2009). *National offender population profile in the Department of correctional services: Using statistical data up to 30 June 2009*. Department of Correctional Services (DCS). Retrieved from http://www.dcs.gov.za/AboutUs/StatisticalInformation.aspx

Dietrich, J., Khunwane, M., Lather, F., de Bruyn, G., Sikkema, K., & Gray, G. (2011). Group sex parties and other risk patterns: A qualitative study about the perceptions of sexual behaviours and attitudes of adolescents in Soweto, South Africa. *Vulnerable Children & Youth Studies*, *6*(3), 244 – 254.

Dockterman, E. (2016, June 28). Game of Thrones Finale Rating Record Proves It's the Last Consensus Show on TV. *Time.* Retrieved from https://time.com/4385886/game-of-thrones-final-record-ratings/

Dremel, A., & Matic, R. (2014). Discourse and/as social practice – the analysis of the problem of resistance and hegemony. *Mediterranean Journal of Social Sciences*, *5*(22), 155-166.

du Toit, C. (2006). A measure of last resort: child offenders and life imprisonment. *Crime Quarterly*, *17*, 13-18.

Dube, S. (2016). Race silence: The oversignification of black men in "the crisis of/in masculinities" in post-apartheid South Africa. *Acta Academica*, *48*(1), 72-90.

Dunkle, K., Jewkes, R., Nduna, M., Levin, J., Jama, N., Khuzwayo, N., Koss, M., & Duvvury, N (2006). Perpetration of partner violence and HIV risk behaviour among young men in the rural Eastern Cape, South Africa. *Aids*, *20*(16), 2107-2114.

Dunkle, K., & Decker, M. (2012). Gender-based violence and HIV: Reviewing the evidence for links and casual pathways in the general population and high-risk groups. *American Journal of Reproductive Immunology*, *69*(1), 20-26.

Durrheim, K. (2006). Research design. In Terre Blanche, M., Durrheim, K., Painter, D (Eds). *Research in Practice: Applied Methods for the Social Sciences* (2nd ed). Cape Town: UCT Press.

Eberhardt, J., Goff, P., Purdie, V., & Davies, P. (2004). Seeing black: Race, crime and visual processing. *Journal of Personality and Social Psychology*, 87(6), 876-893.

Elwood, R. (2018). Frame of thrones: Portrayals of rape in HBO's Game of Thrones. *Ohio State Law Journal Furthermore*, 79, 113-137.

Embry, R., & Lyons, P. (2012). Sex-based sentencing: Sentencing discrepancies between male and female sex offenders. Feminist Criminology, *7*(2), 146-162.

Etikan, I., Musa, S., & Alkassin, R. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, *5*(1), 1-4.

Fagan, J. (2008). Juvenile crime and criminal justice: resolving border disputes. *Future Child*, *18*(2), 81-118.

Fairclough, N. (1989). *Language and Power*. New York: Longman

Fairclough, N. (1995a). *Critical Discourse Analysis: The Critical Study of Language*. New York: Longman

Fairclough, N. (1995b). *Media Discourse*. London: Edward Arnold.

Fairclough, N. (2001). Critical discourse analysis as a method in social scientific research. *Methods of Critical Discourse Analysis* (pp. 121-136). London: Sage Publications.

Fairclough, N. (2003). *Analysing Discourse: Textual Analysis for Social Research*. London & New York: Routledge.

Fairclough, N. (2014). *Language and Power* (3rd ed). Routledge.

Ferreday, D. (2015). Game of Thrones, rape culture and feminist fandom. *Australian Feminist Studies*, *30*(83), 21-36.

Fifield, N. (2015, June 15). *A rapist aged FOUR is among almost 800 children investigated for sex crimes*. Retrieved 8 May 2016 from www.mirror.co.uk.

Finklelhor, D., Ormrod, R., & Chaffin, M. (2009). *Juveniles who commit sex offenses against minors*. Office of Juvenile Justice and Delinquency Prevention. Retrieved from https://www.ncjrs.gov/pdffiles1/ojjdp/227763.pdf

Finklelhor, D., & Shattuck, A. (2012). *Characteristics of crimes against juveniles*. Crimes against Children Research Centre. Retrieved from http://www.unh.edu/ccrc/pdf

Foucault, M. (1970). *The order of things: an archaeology of the human sciences*. London: Tavistock

Foucault, M. (1977). *Discipline and punish: The birth of the prison*. London and New York: Penguin Books.

Foucault M. (1978). *The History of Sexuality: An Introduction*. New York: Pantheon Books.

Foucault, M. (1980b). Two lectures. In Gordon, C (Ed). Power/ Knowledge: selected interviews and other writings by Michel Foucault, 1972 -1977. (pp. 78-108). New York: Pantheon Books.

Foucault, M. (1981a). The order of discourse. In Young, R. (Ed). *Untying the text: A post-structural anthology*. (pp. 48 -78). Boston: Routledge & Kegan Paul

Foucault, M. (1982). The subject and power. In Dreyfus, I., & Rabinow, P. (Eds). *Michel Foucault beyond structuralism and hermeneutics*, (pp. 208-226). New York: Harvester Wheatsheaf.

Foucault, M. (1984). *The Foucault Reader*. Rabinow, P (Ed). New York: Pantheon Books

Freccero, J., Harris, L., Carnay, M., & Taylor (2011). *Sexual Violence: Medical and Psychosocial Support.* Human Rights Center: University of California Berkley.

Frese, B., Moya, M., & Megias, J. (2004). Social perception of rape: How rape myth acceptance modulates the influence of situational factors. *Journal of Interpersonal Violence, 19*(2), 143-161.

Friere, P. (2000). *Pedagogy of the oppressed*. New York: Continuum.

Gablin, A. (2014). An introduction to social constructionism. *Social Research Reports, 26,* 82-92.

Gear, S., Isserow, M., & Neville, C. (2006). Situational analysis of Boksburg youth centre: Sexual violence in prison pilot project (Dec 2004 – Jan 2005). Centre of the Study of Violence & Reconciliation.

Gibson, L., & Hensely, C. (2013). The Social construction of sexuality in prison. *The Prison Journal, 93*(3), 355-370.

Gillies, V. (2003). Family and intimate relationships: A Review of the Sociological Research. Families & Social Capital ESRC Research Group Working Paper 2. Retrieved from https://www1.Isbu.ac.uk/ahs/downloads/families/familieswp2.pdf

Goldson, B., & Jamieson, J. (2002). Youth crime, the 'parenting deficit' and state intervention: A contextual critique. *Youth Justice*. *2*(2), 82-89.

Gordon, S. & Collins, A (2013). "We face rape. We face all things": Understanding of gender-based violence amongst female students at South African university. *African Safety Promotion Journal*, *11* (2), 93-106.

Gmeiner, L. (2014). Discourse of sexual coercion in the talk of university students. Unpublished thesis. University of Witwatersrand.

Gqola, P. (2015). *Rape: A South African Nightmare*. Jacana Media

Guggisberg, M., & Weir, D. (2009). *Understanding Violence*: *Contexts and Portrayals*. Inter-Disciplinary Press. Retrieved from http://www.inter-disciplinary.net/publishing/id-press/

Gurnham, D. (2016). Victim-blame as a symptom of rape myth acceptance? Another look at how young people in England understand sexual consent. *Legal studies*, *36*(2), 258-278.

Hadebe, L. (2010). Zulu masculinity: culture, faith and the constitution in South African context. Unpublished Masters thesis. University of Kwa-Zulu Natal: Pietermaritzburg.

Hagedorn, J. (2005). The global impact of gangs. *Journal of Contemporary Criminal Justice*, *21*(2), 153-169.

Hall, S. (1997). *Representation: Cultural Representations and Signifying Practices*. London: Sage Publications

Haley, J., & Bradbury, J. (2014). Child-headed households under watchful adult eyes: Support or surveillance. *Childhood*, 1-15. Retrieved 18 June 2016 from chd.sage.pub.com

Haselchwerdt, M., & Hardesty, J. (2016). Managing secrecy and disclosure of domestic violence in affluent communities. *Journal of Marriage and Family*, *79*(2), 556-570.

Helman, R., & Ratele, K. (2016). *Gender (In)equality in South African families: A call for policies and programmes to promote egalitarian gender relations in the home.* (Policy Brief). Lenasia & Parow: ISHS, University of South Africa & VIPRU, South African Medical Research Council & University of South Africa.

Hennigan, K., & Spanovic, M. (2012). Gang dynamics through lens of social identity theory. In Esbensen, F., &Maxson, C. (Eds). *Youth Gangs in International Perspective*. (pp.127-149). New York: Springer

Henning, K. (2013). Criminalizing normal adolescent behaviour in communities of color: The Role of Prosecutor in Juvenile Justice Reform. *Cornell Law Review, 98*(383), 383-462.

Hoang, L., & Yeoh, B. (2015). Children's agency and its contradictions in the context of transnational labour migration from Vietnam. *Global Networks, 15*(2), 180-197 Retrieved from https:// doi.org/10.1111/glob.12057

Hewitt-Stubbs, G., Zimmer-Gembeck, M., Mastro, S., & Boislard, M. (2016). A Longitudinal study of sexual entitlement and self-efficacy among young women and men: Gender differences and associations with age and sexual experience. *Behavioural Sciences, 6*(4), 1-14.

Jacobson, J., & Kirby, A. (2012). *Public attitude to youth crime report on focus group research.* Occasional Paper 105. Institute for Criminal Policy Research. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/116266/occ105.pdf

Javaid, J. (2018). *Male Rape, Masculinities, and Sexualities: Understanding, Policing, and Overcoming Male Sexual Victimisation*. London: Palgrave Macmillian

Jensen. S., & Rodgers, D. (2009). Revolutionaries, Barbarians or War Machines? Gangs in Nicaragua and South Africa. *Socialist Register*, 220-238.

Jules-Macquet, R. (2014). *State of South African Prisons*. NICRO Public Education Series.

Jewkes, R., & Abrahams, N. (2002). The epidemiology of rape and sexual coercion in South Africa an overview. *Social Science & Medicine*, 55(7), 1231-1244

Jewkes, R., Sikweyiya, Y., Morrell, R., & Dunkle, K. (2009). *Understanding Men's Health and Use of Violence: Interface of Rape and HIV in South Africa*. Pretoria: Technical Medical Research Council.

Jewkes, R., Sikweyiya, Y., Morrell, R., & Dunkle, K. (2011). Gender inequitable masculinity and sexual entitlement in rape perpetration South Africa: finding of a cross-sectional study. *PLoS ONE, 6(12):e29590.doi:10.137/journal.prone.0029590*

Jewkes, R., Nduna, M., Shai, N., & Dunkle, K. (2012). Prospective Study of Rape Perpetration by Young South African Men: Incidence & Risk Factors. *PLoS ONE*, 7(5): e38210. Doi:10.1371/journal.pone.0038210

Jewkes, R., Nduna, M., Shai, N., Chirwa, E & Dunkle, K. (2016). Understanding the Relationships between Gender Inequitable Behaviours, Childhood Trauma and Socio-Economic Status in Single and Multiple Perpetrator Rape in Rural South Africa: Stuctural Equation Modelling.*PLoS ONE*, *11*(5): e0154903.doi:10.1371/journal.pone.0154903

Johns, L. (2001, March 28). Rape OK, but not men having sex? –Yizo Yizo. *IOL South Africa*. Accessed on 21st July 2018. Retrieved from https://www.iol.co.za/news/south-africa/rape-ok-but-not-men-having-sex-yizo-yizo-63097

Judge, M. (2017). *Blackwashing Homophobia: Violence and the Politics of Sexuality, Gender and Race*. London: Routledge

Kabeer, N., & Natali, N. (2013). Gender equality and economic growth: Is there a win-win? *IDS Working Papers*, *103*(417), 1-58.

Kallvik, E. (2018). A critical discourse analysis of sexual violence and power: #me too in Swedish media. Unpublished Masters thesis. Linkoping University

Karlberg, M. (2005). The power of discourse and the discourse of power: Pursuing peace through discourse intervention. *International Journal of Peace Studies*, *10*(1), 1-25

Karrim, A. (2018, February 12). National prison shutdown due to parole backlogs. *Daily Maverick*. Retrieved from https://www.dailymaverick.co.za/article/2018-02-12-op-ed-national-prison-shutdown-due-to-parole-backlogs/

Kehily, M. (2008). *An Introduction to Childhood Studies*. Maidenhead: Open University Press.

Kelly, K. (2006). From encounter to text. In Terre Blanche, M., Durrheim, K., Painter, D (Eds). *Research in Practice: Applied Methods for the Social Sciences*, 2nd Edition, 285-319. Cape Town: University of Cape Town.

Kesby, M., Gwanzura-Ottemolller, F., & Chizororo, M (2006). Theorising other, "other childhoods': Issues emerging from work on HIV in urban and rural Zimbabwe. *Children's Geographics*, *4*(2), 185-202.

Kheswa, J., & Hoho, V. (2014). "Ukuthwala" the sexual-culture practice with negative effects on the personality of adolescent females in Africa. *Mediterranean Journal of Social Science, 5*(20), 2808-2813.

Kjellgren, C. (2009). *Adolescent sexual offending. Prevalence, risk factors and outcome*. Lund University.

Kohlberg, L. (1958). *The development of modes of moral thinking and choice in the years 10 to 16*. Chicago: University of Chicago

Kooijmans, F. (2015). The politics of youth and violence in the townships of Johannesburg. Unpublished thesis. University of Birminghman

Kramers-Olen, A.L. (2015). Neuroscience, moral development, criminal capacity, and the Child Justice Act: justice or injustice. *South African Journal of Psychology, 45*(4), 466-479.

Kramer, S. (2015). Surfacing (im)possible victims: A critical review of the role of gender, sexuality and power in constructing the conditions of possibility for South African victims of female sex crimes. *Sexualities, 18*(3), 346-372.

Kramer, S. (2017). *Female-Perpetrated Sex Abuse: Knowledge, Power and the Cultural Conditions of Victimhood*. London and New York: Routledge.

Krug, E., & Dahlberg, L. (2002). *World Report of Violence and Health*. Geneva, Switzerland: The World Health Organization. Retrieved 5th March 2016 from http://who.int/violence_injury_prevention/vioelence /global_campaign/en

*Kruidenier, C. (2015). Trying for better circumstances (Zama Zama): Exploring ubuntu amongst marginalised women in an informal settlement. Verbum et Ecclessia, 36(2).*

Kubik, E., Hecker, J., & Righthand, S. (2002). Adolescent females who sexually offended: comparisons with delinquent adolescent female offenders and adolescent Males who sexually offend. *Journal of Child Sexual Abuse, 11*(3), 63-83

Lakhani, N. (2010, October 24). What drives a child to commit sexual abuse? Retrieved 23 May 2016 from https://www.independent.co.uk/life-style/health-and-families/health-news/what-drives-a-child-to-commit-sexual-abuse-2114974.html

Langa, M. (2010). Contested multiple voices of young masculinities amongst adolescent boys in Alexandra Township, South Africa. *Journal of Child & Adolescent Mental Health*, *22*(1), 1-13.

Langa, M., Kirsten, A., Bowman, B., Eagle, G., & Kiguwa, P. (2018). Black masculinities on trial in absentia: The case of Oscar Pistorius in South Africa. *Men and Masculinities*, *XX*(X), 1-17

Leoschut, L., & Burton, P. (2009). Building resilience to crime and violence in young South Africans. Centre for Justice and Crime Prevention Research Bulletin, 4.

Levin K. (2006). Study design III: Cross-sectional studies. *Evidence Based Dentistry*, *7*(1), 24-25.

Lowe, R. (2009). *Childhood in Ages. An Introduction to Early Childhood Studies* (2nd ed). London: Sage Publishers.

Lowe, R. (2012). Children deconstructing childhood. *Children & Society*, *26*(4), 269-279.

Lussier, L., van Den Berg, C., Bijlveld, C., & Hendricks, C. (2012). A developmental taxonomy of juvenile sex offender for theory, research and prevention: The adolescence-limited and the high-rate slow disister. *Criminal Justice and Behaviour*, *39*(12), 1559-1581.

Mackaronis, J., Byrne, P., & Strassberg, D. (2014). Assessing sexual interest in adolescents who have sexually offended. *Sexual Abuse: A Journal of Research and Treatment*, *28*(2), 96-115.

Mandujano-Salazar, Y. (2016). Gender stereotypes for the re-naturalization of discourse on male and female traditional ideals in Japan media: The case of Samurai Blue and Nadeshiko Japan. *Scientific Journal of Humanistic Studies*, *8*(14), 1-10.

Mason, J. (2002). *Qualitative Researching* (2nd ed). London: Sage Publications.

Mauther, N., & Doucet, A. (2003). Reflexive accounts and accounts of reflexivity in qualitative data Analysis. *Sociology,* 37(3), 413-431. London: Sage Publication.

Mazibuko, N., & Umjesi, I. (2015). Domestic violence as a "class thing": Perspective from a South African township. *Gender & Behaviour*, *13*(1), 658 -6593.

McCarry, M. (2010). Becoming a 'proper man': young people's attitudes about interpersonal violence and perceptions of gender. *Gender and Education*, *22*(1), 17-30.

McMahon, S., & Baker, K. (2011). *Changing Perceptions of Sexual Violence Over Time*. Harrisburg, PA: VaWnet, a project of the National Resources Center on Domestic Violence. Retrieved from https://vawnet.org/material/changing-perceptions-sexual-violence-over-time

Meyer, J. (2017). Dominant discourses on what it means to be a 'real' man in South Africa: The narratives of adolescent male orphans. *HTS Teologiese Studies/Theological Studies*, *73*(2), a4951. http://doi.org/10.4102/hts.v73i2.4519

Miles, R., & Brown, M. (2003). *Racism* (2nd ed). Routledge: London

Mpani, P., & Nsibande, N. (2015). *Understanding Gender Policy and Gender-Based Violence in South Africa: A Literature Review*. For Soul City: Institute for Health & Development Communication.

Mncube, V., & Madikizeula-Madiya, N. (2014). Gangsterism as a cause of violence in South African schools: The case of six provinces. *Journal of Sociology and Social Anthropology*, *5*(1), 43-50.

Moffet, H. (2008). Sexual violence civil society and the new constitution. In Britton, J., Fish, J., & Meintjes, S. *Women's Activism in South Africa*, 155-184. Scottsville: University of KwaZulu Natal Press.

Mogale, N. (1999). Best-kept secret. *Index on Censorship*, *28*(4), 34-36

Morrell, R. (1998). Of boys and men: Masculinity and gender in southern African studies. *Journal of Southern African Studies, 24* (4), 605-630.

Morrell, R. (2001). *Changing Men in Southern Africa*. Pietermaritzburg: University of Natal Press.

Morrell, R., Jewkes, R., & Lindeggar, G. (2012). Hegemonic masculinity/ masculinities in South Africa: Culture, power and gender politics. *Men and Masculinities*, *15*(1), 11-30.

Morison, T., Lynch, I., Essop, R., & Tolla, T. (2017). Dating rules and intimate partner violence in township schools: Findings from SeVissa baseline study. Retrieved from https://www.ru.ac.za/media/rhodesuniversity/content/criticalstudiesinsexualitiesandreproduction/documents/SeViSSA%20full%20report_29%20November.pdf.

Moser, C., & Mcllwaine, C. (2000). Urban poor perceptions of violence and exclusion in Colombia. *Conflict Prevention and Post-Conflict Reconstruction*, Washington, DC: World Bank. Retrieved from https://openknowledge.worldbank.org/handle/10986/15182 License: CC BY 3.0 IGO.

Muenhlenhard, C., & Kimes, L. (1999). The Social construction of violence: The case of sexual and domestic violence. *Personality and Social Psychology Review*, 3(3), 234-245.

Mulvey, E. (2014). Using developmental science to reorient our thinking about criminal offending in adolescence. *Journal of Research in Crime and Delinquency*, *51*(4), 467-479.

Munzer, A., Fergert, J., Ganser, H., Loos, S., Witt, A., & Goldbeck, L. (2014). Please tell! Barriers to disclosing sexual victimization and subsequent social support perceived by children and adolescents. *Journal of Interpersonal Violence*, 31(2), 355-377.

Munice, J. (2009). *Youth and Crime* (3rd ed). Thousand Oaks: Sage Publications.

Nagata, A. (2000). Promoting self-reflexivity in intercultural education. *Journal of Intercultural Communication*, *8*, 139-167.

Naidoo, L., & Sewpaul, V. (2014). The life experiences of adolescent sexual offenders: factors that contribute to offending behaviours. Social Work, *50*(1), 84-98. Retrieved 31 August 2016 from http://socialwork.journals.ac.za

Negm, M. (2014). Resisting power in discourse. *Procedia Social and Behavioural Science*, 192, 284-289.

Nes, F., Abma, T., Jonsson, H., & Deeg, D. (2010). Language difference in qualitative research: is meaning lost in translation? *European Journal of Ageing*, *7*(4), 313-316.

Norozi, S., & Moen, T. (2016). Childhood as a social construction. *Journal of Educational and Social Research*, *6*(2), 75-80.

Oliver, D., Serovich, J., & Mason, T. (2005). Constraints and Opportunities with Interview Transcription: Towards Reflection in Qualitative Research. *Soc Forces*, *84*(2), 1273-1289.

Omar, S., Steenberg, E., & Errington, S. (2012). *Children who sexually abuse other children*. Sun Press.

Ortlipp, M. (2008). Keeping and using reflective juvenile in qualitative research process. *The Qualitative Report*, *13*(4), 695-705.

Otterson, J. (2016, April 25). Game of thrones accused of promoting rape culture, torture pornography. *The Wrap.* Retrieved 18 July 2018 from https://www.thewrap.com/game-of-thrones-accused-of-promoting-rape-culture-torture-pornography/

Parker, I. (1990). Discourse: definitions and discourse. *Philosophical Psychology*, *3*(2/3), 187-204.

Parker, I. (1992). *Discourse Dynamics: Critical analysis for social and individual psychology.* London and New York: Routledge.

Parker, I. (2005). Lacanian discourse analysis in psychology: Seven theoretical elements. *Theory and Psychology*, *15*, 163-182.

Patton, M. (2000). *Qualitative Research and Evaluation Method*. London: Sage Publications.

Pelser, E. (2008). Learning to be lost: Youth crime in South Africa. Centre for Justice and Crime Prevention.

Peltola, L. (2012). Rape as a weapon of war and genocide: An examination of its historical and contemporary tactical uses, effects on victims and societies and psychological explanations.

Pemberton, E., & Wakeling, H. (2009). Entitled to sex: attitudes of sexual offenders. *Journal of Seual Aggression, 15*(3), 289-303.

Pescaru, M. (2019). *The importance of the socialization process for the integration of the child in society*. Retrieved from https://www.researchgate.net/publication/330076266.

Perez-Felkner, L (2013). Socialization in childhood and adolescence. In De Lamater, L., & Ward, A (Eds), *Handbook of Social Psychology*, 2nd Edition: Springer

Phillips, N., Lawrence, T., & Hardy, C. (2004). Discourse and institutions. *The Academy of Management Review*, *29*(4), 635-652.

Phipps, A. (2009). Rape and responsibility: Ideas about sexual violence and social Class. *Sociology*, *43*(40), 667-683.

Pitsoe, V. & Letseka, M. (2013). Foucault's discourse and power: Implications for instructionist classroom management. *Open Journal of Philosophy 3*(1): 23-28

Pittman, N. (2013, May 7). *Sex offenders aren't all monsters*. Retrieved 15 June 2016 from https://www.thedailybeast.com/sex-offenders-arent-all-monsters.

Pokorak, J. (2007). Rape as a badge of slavery: The legal history of and remedies for, prosecutorial race-of-victim charging disparities. *Nevada Law Journal*, 7, 101-158

Potter. J., & Wetherell, M. (1987). *Discourse and Social Psychology: Beyond Attitudes and Behaviour*. London: Sage Publications

Potter, J. (1996). Discourse analysis and constructionist approaches: theoretical background. In Richardson, JTE (Ed). *Handbook of Qualitative Research Methods for Psychology and Social Sciences*. Liecester: British Psychological Society, 125-140

Rabionet, S. (2011). How I learned to design and conduct semi-structured interviews: an ongoing and continuous journey. *Qualitative Report*, *16*(2), 563-566

Rangasami,J., Stewart, M., & Maharaj, S. (2013*). An impact evaluation of the teddy bear clinic's support programme for abuse reactive children (SPARC)*. Retrieved 18 July 2016 from http://www.ttbc.org.za/wp-content/uploads/2014/07/TTCB_SummaryReport.pdf

Ratele, K. (2008). Analysing males in Africa: certain useful elements in considering ruling masculinities. *African and Asian Studies*, *7*, 515-536.

Rasmussen, L. (2004). Assessing sexually abusive youth: Identifying and treating youth who sexually offend. *Journal of Child Sexual Abuse, 13*(3/4), 57-84.

Redpath, J. (2003). Sex crimes and child offenders: some trends. *SA Crime Quarterly*, 4.

Ressler, T. (2014). *What that game of thrones scene says about rape culture*. Retrieved 16 September 2018 from http://Think Progress.com.

Rotham, E., Decker, M., Reed, E., & Raj, A. (2008). “Running a train” Adolescent boys’ account of sexual intercourse involving multiple males and one female. *Journal of Adolescent Research*, *23*(1), 97-113.

Rutherford, A., Zwi, A., Grove, N., & Butchart, A. (2007). Violence: A priority for public health? *Journal of Epidemiol Community Health*, *61*(9), 764-770.

Sahlstrom, K., & Jeglic, E. (2008). Factors affecting attitudes toward juveniles sex offenders. *Journal of child sexual abuse*, *17*(2), 180-196.

Salazar, M., & Ohman, A. (2015). Negotiating masculinity, violence, and responsibility: A situational analysis of young Nicaraguan men’s discourses on intimate partner and sexual violence. *Journal of Aggression Maltreatment & Trauma*, *25*(3), 315-332 .

Scott, E., & Steinberg, L. (2008). Adolescent development and the regulation of youth crime. *Future of Children*, *18*(2), 18-33.

Serrant-Green, L. (2002). Black on black: methodological issues for black researcher working in minority ethnic communities. *Nurse Researcher*, *9*(4), 30-44.

Shefer, T., Stevens, G., & Clowes, L. (2010). Men in Africa: Masculinities, materiality and meaning. *Journal of Psychology in Africa*, *20*(4),511-518.

Sigler, A. (2017). Risk and prevalence of personality disorders in sexual offenders. CUNY Academic Works. Retrieve 21 May 2018 from https://academicworks.cuny.edu/jj_etds/23.

Sigsworth, R. (2009). *Anybody can be a rapist…an overview of sexual violence in South Africa*. Centre for the Study of Violence and Reconciliation. Retrieved 25 September 2016 from https://csvr.org.za/images/docs/sexualviolence.pdf

Smith, L., Baranowksi, K., Allen, A., & Bowen, R. (2013). Poverty, crime seriousness, and the politics of disgust. *Journal of Poverty*, *17*(4), 375-393.

South African Police Services (2017). Crime situation in South Africa. Retrieved 3 November 2017 from https://www.saps.gov.za/services/final_crime_stats_presentation_24 october_2017.pdf

Squirres, A. (2009). Methodological challenges in cross-language qualitative research: A Research Review. *International Journal of Nursing Studies*, *46*(2), 277-287.

Stauffer, C. (2015). The Sexual politics of gender-based violence in South Africa: Linking public and private worlds. *The Journal for the Sociological Integration of Religion and Society*, *5*(1), 1-16.

Staunce, D. (2003). Where have all the subjects gone? Bringing together the concepts of intersectionality and subjectification. *NORA*, *2*(11), 101-110.

Stevens, G. (2008). Men and meanings of murder: Discourses and power in narratives of male homicide in South Africa. Unpublished Doctorate

Stillman, S. (2016). When juveniles are found guilty of sexual misconduct, the sex-offender registry can be a life sentence. *The New Yorker*. Retrieved 21 June 2017 from https://www.newyorker.com/magazine/2016/03/14/when-kids-are-accused-of-sex-crimes.

Strode A., Bhamjee, S., Toohey, J., & Slack, C. (2013). Reporting underage consensual sex after Teddy Bear case: a different perspective research. *South African Journal of Bioethics and Law*, *6*(2), 45-47.

Sultana, A. (2011). Patriarchy and women's subordination: A theoretical analysis. *Arts Faculty Journal*, *4*, 1-18.

Swim, J., Becker, J., Lee, E., & Pruitt, E. (2009). Sexism reloaded: Worldwise evidence for its endorsement, expression and emergence in multiple contexts. In Landrine, H., Russo, N. (Eds.), *Handbook of diversity in feminist psychology*, 137-721. Washington, DC: American Psychological Association.

Tracey, C., Fromson, T., Long, J., & Whitman, C. (2012). *Rape and sexual assault in the legal system.* Paper commissioned by National Research Council Panel on Measuring Rape and Sexual Assault in the Bureau of Justice Statistics Household Surveys. Retrieved 30 August 2018 from

http:// www.womenslawproject.org>2016/04.

Todres, J. (2014). Independent children and the legal construction of childhood. *Southern California Interdisciplinary Law Journal*, 23, 261-304.

Uggen, C., & Blahnik, L. (2016). The increasing stickiness of public labels. In *Shapland, J., Farrall., & Bottoms, A. (Eds). Global perspectives on desistance: Reviewing what we know and looking into the future*. (pp. 222-243).

United Nations. (2007). United Nations expert group meeting on social and economic implications of changing population age structures. Retrieved 17 May 2017 from: https://www.un.org/en/development/desa/population/events/pdf/expert/9/full_report.pdf .

Valenti, J. (2008). *Yes Means Yes! Visions of Female Sexual Power & a World Without Rape*. New York: Seal Press

van der Merwe, A. (2012). In Ward, C., van der Merwe, A., & Dawes, A. (Eds), *Youth Violence: Sources and Solutions in South Africa*, (pp. 1-20). Cape Town: UCT Press.

van der Merwe, A., Meys, U., & Waterhouse, S. (2012). Youthful sex offending: The South African context, risks and effective management. In Ward, C., van der Merwe, A., & Dawes, A. (Eds), *Youth Violence: Sources and Solutions in South Africa*, (pp. 276-20). Cape Town: UCT Press.

van der Merwe, H. (2013). Violence as a form of communication: Making sense of violence in South Africa. *African Journal on Conflict Resolution*, 13(3), 65-84

van Dijk, T. (1998). Critical discourse analysis. In the *Handbook of Discursive Analysis*. (pp. 352-371). Oxford, England Blackwell Publishing.

van Dijk, T. (2006). Discourse, context and cognition. *Discourse Studies*, *8*(1), 159-177.

van Dijk, T. (2009). *Society and Discourse: How Social Contexts Influence Text and Talk*. Cambridge: Cambridge University Press.

van Dijk, T. (2014). *Discourse and Knowledge: A Sociocognitive Approach. Cambridge*: Cambridge University Press.

Venable, V., & Gauda, J. (2014). Culturally components practice with African American juvenile sex offenders. *Journal of Child Sex Abuse*, *23*(3), 229-246.

Venter, Z. (2014). Bid to keep child sex offenders off register. Retrieved from IOL News, 4th February 2014.

Vetten, L. (2014). Rape and other forms of sexual violence in South Africa. *Institute of Security Studies Policy Brief*, 72, 1-8.

Vizard, E., Hickey, N., French, L., & McCory, E. (2007). Children and adolescents who present with sexually abusive behaviour: A UK descriptive study. *Journal of Forensic Psychiatry and Psychology*, *18*(1), 59-73.

Vizard, E. (2013). Practitioner review: The victims and juvenile perpetrators of child sexual abuse – assessment and intervention. *Journal of Child Psychology and Psychiatry*, *54*(5), 503-515.

Vogelman, L., & Lewis, S. (1993). Gang rape and the culture of violence in South Africa. Published in German under the title, Illusions der Starke: Jungenbanden, vergewaltigung und kultuur der gewalt in Sudafrika, in Der Uberblick, *2*, 39-42. English version retrieved 21 November 2018 from https://www.csvr.org.za/index.php/about-us/funding-and-affiliation/1631-gang-rape-and-the-culture-of-violence-in-south-africa.html

Volkwyn, H. (2008). Life stories of Perpetrators of Child Sexual Offences in a Community based Treatment Programme in the Western Cape. Unpublished Masters thesis. University of Western Cape.

Walby, S., Armstrong, J., & Strid, S. (2012). Intersectionality: Multiple inequalities in social theory. *Sociology*, *44*(2), 224-240.

Ward, T., & Beech, A. (2006). An integrated theory of sexual offending. *Aggression and Violent Behavio*ur, *11*(1), 44-63.

Ward, C., Dawes, A., & Matzopoulous, R. (2012). Youth violence in South Africa: Setting the scene. In Ward, C., van der Merwe, A., & Dawes, A. (Eds), *Youth Violence: Sources and Solutions in South Africa* (pp. 1-20) Cape Town: UCT Press.

Wiederman, M. (2005). The gendered nature of sexual scripts. *The Family Journal: Counselling and Therapy for Couples and Families*, *13*(4),496-502.

Willing, C. (2001). *Introducing Qualitative Research in 4: Adventures in theory & method*. Philadelphia, USA: Open University Press.

Wijkmans, M., Biljveld, C., & Hendriks, J. (2014). Juvenile female sex offenders: Offender and offense characteristics. Juvenile female sex offenders: Offender and offence characteristics. *European Journal of Criminology*, *11*(1), 18-28.

Wodak, R., & Ludwig, C. (Eds.) (1999). *Challenges in a changing world: Issues in Critical Discourses Analysis*. Vienna: Passagenverlag.

Wodak, R., & Meyer, M. (Eds.) (2001). *Methods of Critical Discourse Analysis*. London: Sage Publications.

Wood, K., & Jewkes, R. (1997). Violence, rape, and sexual coercion: everyday love in a South African township. *Gender & Development, 5*(2), 41- 46.

Wood, K., & Jewkes, R. (2001). 'Dangerous' love: Reflections on violence among Xhosa township youth. In Morrell, R. (Ed). *Changing Men in Southern Africa* (pp. 317-336) Pietermaritzburg: University of Natal Press.

Wood, K. (2005). Contextualizing group rape in post-apartheid South Africa. *Culture, Health & Sexuality*, *7*(4), 303-317.

Wood, K., Lambert, H., & Jewkes, R. (2007). Showing roughness in a beautiful way? Talk about love, coercion, and in South Africa youth sexual culture. *Medical Anthropology Quarterly*, *21*(3), 277-300.

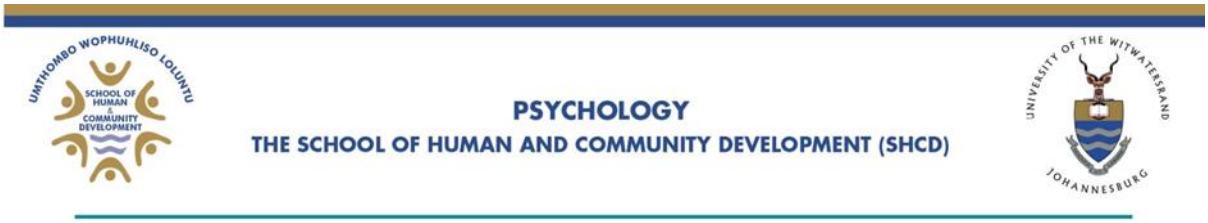
Woolgar. S. (1988). *Knowledge and reflexivity: New frontiers in the sociology of knowledge*. Thousand Oaks: Sage Publications.

Wyness, M. (2013). Global standards and deficits childhoods: the contested meaning of children's participation. *Children's Geographies*, *11*(3), 340-353.

Wyn, J., & White, R. (2014). *Rethinking Youth*. Sydney: Allen & Unwin.

Zweedijk, M. (2014). The Influence of Aries' discovery of childhood on the historical pedagogics. *Social Cosmos*, *5*(1), 36-40.

**Appendix 1: Inclusion questionnaire**




Private Bag 3, Wits, 2050• Tel: 011 717 4541 • Fax: 011 717 4559 • E-mail: psych.SHCD@wits.ac.za

QUESTIONNAIRE: CHILD OFFENDER RECRUITMENT

The participant must fulfil all of the following criteria in order to participate in this study:

- The participant must NOT be awaiting trial
- The participant must be under the age of 18 years old at the time of offence
- The participant must be sentenced for AT LEAST ONE of the following:
    - Sexual assault
    - Rape

Please note that we would like to access an equal number of girls and boys if that is possible.

Kind Regards

Dr. Sherianne Kramer

E-mail: sherianne.kramer@wits.ac.za

**Appendix 2: Information sheet for participant**

PSYCHOLOGY
THE SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT (SHCD)

Private Bag 3, Wits, 2050 • Tel: 011 717 4541 • Fax: 011 717 4559 • E-mail: psych.SHCD@wits.ac.za

Dear Potential Participant,

My name is Zama Khoza, and I am a student researcher at the University of the Witwatersrand. My work will fall under a larger study by Dr Sherianner Kramer who is my supervisor for this study. The aim of my work is to try and understand the self-perceptions of child sex offenders. Usual understandings of violence focus on adult male perpetrators and child victims. This work will therefore give child perpetrators an opportunity to tell their story in their own words. The outcome of my work, or research, will allow for a better understanding of sexual violence committed by children in South Africa. I would like to invite you to participate in this research.

Participation will involve being interviewed or questioned by myself, at a time and place that best suits you and the correctional centre. The interview will last about two to three hours. With your agreement this interview will be recorded in order to make sure that whatever you tell me can be analysed and understood correctly. Participation is voluntary – you may choose to participate or not to participate - and you will not be advantaged or disadvantaged in any way for choosing to participate or not to participate in the study. Everything that you tell me will be kept confidential, and no information that could identify you will be included in the final research reports and publication outputs. However, if at any point your story was public knowledge or appeared in the media, you may be identifiable. This said, I will do whatever I can to make sure that it remains unlikely that anything written in the final reports point toward your identification. Also, the interview questions and research process attempt to present little risk or harm to you as a participant. The questions asked during your time with the researcher may sometimes be difficult to answer or you may find that your discussions with the researcher may upset you and remind you of hard times. If you feel sad or troubled after the interview, you will be given counselling or psychological services, free of charge. You may also find that

the discussions with the researcher help you to understand your situation better and allow you to know more about children that commit violent acts.

The interview material (case file documents, audio files and transcripts) will not be seen or heard by any person in this organisation at any time, and will only be seen and studied by myself and my student research assistants. All audio recordings will be destroyed immediately after they have been transcribed and these anonymous transcriptions will be kept in a secure place by the University of the Witwatersrand throughout the research. You may refuse to answer any questions you would prefer not to, and you may choose to leave the study at any point.

If you choose to participate in the study please fill in your details on the form below. For any further information Dr Kramer can be contacted telephonically on (011) 7178325 or via e-mail at sherianne.kramer@wits.ac.za. The chairperson of the Human Research Ethics Committee (non-medical), Tommasso Milani, can be contacted telephonically on (011) 7174262 or via email at Tommaso.Milani@wits.ac.za should you want to discuss anything with him. This research will contribute both to a larger body of knowledge on violence committed by children, as well as to your own understanding of your circumstances. A one-page summary of the research results will be made available on request.

Sincerely,

Zama Khoza

I have read and understood the Information Sheet

Signed _____ Date_____

**Appendix 3: Consent form to be interviewed**

PSYCHOLOGY
THE SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT (SHCD)

Private Bag 3, Wits, 2050 • Tel: 011 717 4541 • Fax: 011 717 4559 • E-mail: psych.SHCD@wits.ac.za

**Informed consent to be interviewed**

I_____ hereby consent to being interviewed by Zama Khoza for her study on child perpetration.

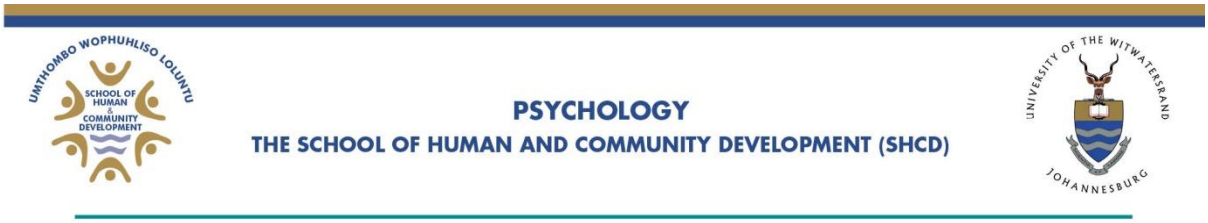
I understand that:

- Participation in this interview is voluntary.
- I may refuse to answer any questions I would prefer not to.
- I may withdraw from the study at any time.
- No information that may identify me will be included in the research report, and my responses will remain confidential.
- Direct quotes from this interview may be used in the research report.
- There are no direct risks or benefits involved in my participation.

Signed_____

Date_____

**Appendix 4: Consent form for audio-recording**




Private Bag 3, Wits, 2050 • Tel: 011 717 4541 • Fax: 011 717 4559 • E-mail: psych.SHCD@wits.ac.za

**Informed consent to be audio-recorded**

I_____ hereby consent to my interview with Zama Khoza for her study on child perpetration being audio recorded.

I understand that:

- The audio recordings and transcripts will not be seen or heard by any person in the Correctional Facility at any time, and will only be processed by the researcher.
- All audio recordings will be destroyed after the research is complete.
- No identifying information will be used in the transcripts or the research report.
- The transcriptions will be kept in a safe place throughout the research process.
- Direct quotes from the interview may be used in the research report.

Signed_____

Date_____

**Appendix 5: Interview schedule**

**INTERVIEW SCHEDULE: CHILD OFFENDERS**

INTRODUCTION

Thank you for agreeing to participate in my study. The main aim of this interview process is to allow you the space to tell your story in your own words. We will talk about your experience and how you have dealt with it. Additionally, there will be questions concerning any effects that the incarceration has had on your life. Finally, we will cover your background life, relationships and your own understandings and ideas about perpetration (and specifically the particular type of perpetration as indicated by the correctional facility).

I would also like to assure you that all of the information that you give me during the interview will be kept anonymous and your identity will remain confidential. When I transcribe this interview, no identifying details concerning you, your family or others involved in your story will appear in the document. As soon as I have completed the transcription, the digital recordings will be deleted. Do you understand this?

If you are happy to proceed, please read the consent forms for your participation as well as for the digital recording and then sign them as an indication that you both understand these forms and accept what is written on them. Please feel free to ask me anything concerning these forms, the information sheet and your interview.

I know that some of the questions I am going to ask you may be difficult for you to answer. Please take your time and feel free to indicate any discomfort that you may have. You are also free to refuse to answer any of my questions. I assure you that I will conduct the interviews with respect for both you and your circumstances and I will attempt to make you feel as relaxed as possible. Should you feel that you would like to speak to a counsellor after the interview, I will make provision for that. At the end of the interview I will ask you if you need a counsellor and we can set up a meeting for you if need be.

I will now switch on the recorder.

<u>QUESTIONS*</u>

• Please describe your background life history.

• What offence(s) were you charged with? What were you found guilty of? What sentence(s) were you given?

• Do you believe this finding is an adequate description of your actions? Explain your answer.

• How would you personally describe your actions, which resulted in your incarceration?

• Would you describe your actions as a "crime"? Explain your answer.

• Describe life inside a juvenile correctional centre.

• How do you think the correctional staff think of you?

• How do you think the other offenders think of you?

• Describe your experiences in the courtroom. How do you think the legal system views you? Do you think your case was handled well by your lawyers? Did you have your own lawyer or was one appointed for you? How do you think he/she perceived you? Did you have any public, family or community support during the trial?

• Is there rehabilitation available to you in the correctional service for your offence? If so, describe the rehabilitation treatment procedure. Do you believe this treatment is necessary? How do you think the available psychologists or social workers think of you?

• Have you ever seen media coverage on similar crimes to your own? Describe your feelings when experiencing these.

• How do you think of children? How do you think children think of you?

TERMINATION

Thank you for sharing your story with me. I really appreciate your honesty and the fact that you trusted me enough to talk to me. I know how difficult it must have been to talk about this. Is there anything else you would like to share with me? How did you feel during the interview? How do you feel now that we have come to the end of the interview? Do you feel that you require counselling as a result of the interview process?

* The questions in this schedule are to be treated as guidelines and the order and content do not necessarily need to be followed rigidly. Some of the questions can simply be used as prompt questions where the respondent has left out detail. The questions outlined in the schedule serve as ideal points to be covered in the interview.

**Appendix 6: Sanitised letter to regional commissioner of department of correction services**

PSYCHOLOGY
THE SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT (SHCD)

***Private Bag 3, Wits, 2050 • Tel: 011 717 4541 • Fax: 011 717 4559 • E-mail: psych.SHCD@wits.ac.za***

To: Department of Correctional Services, Regional Commissioner

Dear _____,

My name is Dr. Sherianne Kramer and I am currently conducting research report as part of my job requirements as a researcher at the University of the Witwatersrand. My research involves the investigation of incarcerated female and child offenders and, as such, requires me to interview female and juvenile inmates. Accordingly, I made an application to the research office at the DCS. I have recently received permission to conduct my research from the research office (see attached permission letter). This letter intends to inform you about the general purpose of my research and what it will involve in terms of methodology. Consequently, I hope to receive your permission to proceed forward with my research and contact the relevant area commissioners.

My research is titled Cultural conditions for identity disruptions in violence: Possible perpetrators and worthy victims? Violence is understood in terms of male perpetrators and female and child victims. This research aims to interrogate the cultural and social conditions that make possible forms of violence that disrupt our understandings of this apparent 'truth' about transgression. The study thus turns to female and child perpetrators of physical and

sexual violence as targets for data collection. These configurations of the child-transgressor and woman-transgressor offer an opportunity to decipher the elements of society that have contributed to the surfacing of these 'new' transgressions in the psychological, legal and criminal disciplines and, in turn, the public consciousness. The critical framework lends itself to in-depth critical discourse analyses based on participants' narratives, case files, court proceedings and interviews. This process will surface those constructions and understandings that make them 'real' and fathomable perpetrators in the current South African landscape. By calling into question the universality of 'truths' about gender, sexuality, age and race and identifying the cultural conditions of possibility for victimhood and perpetration, this research intends to demonstrate how social, contextual and political categories define, limit and demarcate possibilities for identity in violent encounters. Apparently 'atypical' transgressions are thus highlighted as a research priority so that they can be utilised to explore new understandings of violence and victimhood and, in turn, to support infrastructures, interventions and resources relating to female and child-perpetrated violence.

I have requested permission to conduct interviews with approximately ten incarcerated female offenders and ten juvenile offenders at correctional centres in the Gauteng and Western Cape regions. The criterion for participation is incarceration in a female or child correctional centre for charges of sexual offence, grievous bodily harm, assault, or homicide. Every potential research participant will receive an information sheet with details concerning the aim and rationale of the study, my contact details, the data gathering procedure as well as the statement that participants are free to withdraw themselves or their information from the study at any point in time or to refuse to answer any questions they choose not to. To make this possible I will provide the participants with both telephonic and mailing contact details. The information sheet also includes details about privacy regarding the fact that although confidentiality cannot always be fully protected in correctional centre contexts, participant confidentiality will be upheld as much as possible throughout the research documentation and all documented data will remain anonymous. As there are a small number of incarcerated South African female and child offenders, the results may allow for the identification of participants which may have negative consequences for the inmates. In light of this, the final report and any subsequent reporting will pay special attention to anonymization of identity possible. However, the participants will be made aware of possible breaches of privacy as well as the fact that the DCS will have access to the final report. After participants have acquired information concerning the study they will be given the opportunity to either accept or decline the invitation to

participate. Each potential participant will receive a consent form, which they can choose to sign if they agree to participate in the research. On giving informed consent to participate, participants will also be required to consent to the recording of the interviews, which may be quoted from directly and will be made aware that no identifying information will be drawn from them. Further, it will be explained that the audio recordings will be destroyed immediately after the completion of transcription. Thereafter, transcriptions will be kept in a safe place and be seen by only myself and my student research assistants. It will also be clear that there are no advantages or disadvantages in participating in the study as well as no direct benefits. The interviews will last approximately two to three hours and will take place in a time and space negotiated with the area commissioner and the head of correctional centre with regard to their convenience.

In accordance with the Correctional Services Act (1998), I have signed an agreement form for the DCS in which I agree to comply with all correctional service conditions. In terms of this agreement, I will not give or receive money from participants, supply participants with any benefits or rewards, enter correctional services without authorisation or interfere with any inmates. I will also bring my own stationery, identity card and permission letter every time I enter the correctional centres. Further, I will request that a warden be present during every interview so that protection and security is ensured throughout the data collection process for all parties involved.

This research serves an important starting point in the recognition of female and child perpetration. This is significant as recognition will, in turn, allow for the development of treatment programmes aimed at the reduction of recidivism rates. As such, I hope you will permit me to proceed with this research.

Kind Regards

Dr. Sherianne Kramer

E-mail: sherianne.kramer@wits.ac.za

**NOTE**: This letter has been sanitised in order to ensure that the relevant parties involved in the research process remain anonymous

## Appendix 7: University of Witwatersrand ethics clearance

Research Office

**HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)**
R14/49 Kramer

| | |
|---|---|
| **CLEARANCE CERTIFICATE** | **PROTOCOL NUMBER: H15/11/11** |
| **PROJECT TITLE** | Cultural conditions for identity disruptions in violence: Possible perpetrators and worth victims? |
| **INVESTIGATOR(S)** | Dr S Kramer |
| **SCHOOL/DEPARTMENT** | Human & Community Development/ |
| **DATE CONSIDERED** | 23 October 2015 |
| **DECISION OF THE COMMITTEE** | Approved unconditionally |
| **EXPIRY DATE** | 19 January 2019 |

**DATE** 20 January 2016 **CHAIRPERSON** _____
(Professor J Knight)

cc: Supervisor : N/A

---

**DECLARATION OF INVESTIGATOR(S)**

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

_____ _____/_____/_____
**Signature** **Date**

**PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES**

## Appendix 8: DCS ethical clearance

correctional services
Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA
Tel (012) 307 2770, Fax 086 539 2693

**Dr S Kramer**
**PO Box 650367**
**Benmore**
**2010**

Dear Dr S Kramer and the research team

**RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: "CULTURAL CONDITIONS FOR IDENTITY DISRUPTION IN VIOLENCE: POSSIBLE PERPETRATORS AND WORTHY VICTIMS"**

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- The relevant Regional and Area Commissioners where the research will be conducted will be informed of your proposed research project.
- Your internal guide will be **Deputy Director: Social Work Services, Dr Z Mosoma, Head Office.**
- You are requested to contact her at telephone number (012) 305 8638 before the commencement of your research.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity document and this approval letter should be in your possession when visiting.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) e.g. "Offenders" not "Prisoners" and "Correctional Centres" not "Prisons".
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc) of the report.
- Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number (012) 307 2770 / (012) 305 8554.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

**ND SIHLEZANA**
**DC: POLICY COORDINATION & RESEARCH**
**DATE:** 15/09/2016

**Appendix 9: Participant demographics and charges summary**

| Original Participant ID | Gender | Race | Centre | Offences | Interviewer |
|---|---|---|---|---|---|
| *Participants 1 to 6: Adult Female Offenders – N/A to this study* | | | | | |
| 7 | Female | Coloured | Pollsmoor | Domestic violence; attempted murder; armed robbery; human and drug trafficking; assault | Dr. Sherianne Kran (P.R) |
| 8 | Female | Black | Pollsmoor | Murder | Dr. Sherianne Kran (P.R) |
| *9(1) | Male | Black | Pollsmoor | Rape (undisclosed: murder; robbery; gangsterism; drug trafficking; kidnapping) | Dr. Sherianne Kran (P.R) |
| 10 | Male | Black | Pollsmoor | Attempted murder, prison escape; shootings; robberies, assault | Dr. Sherianne Kran (P.R) |
| 11 | Male | Coloured | Pollsmoor | statutory rape (Undisclosed: gangsterism, kidnapping, hijacking, murder) | Dr. Sherianne Kran (P.R) |
| *12(2) | Male | Coloured | Pollsmoor | Rape; Drug Trafficking; shoplifting | Dr. Sherianne Kran (P.R) |
| *13 (3) | Male | Coloured | Pollsmoor | Rape, armed robberies; gangsterism; drug trafficking; assault; attempted murder; murder | Dr. Sherianne Kran (P.R) |
| *Participants 14 to 18: Adult Female Offenders – N/A to this study* | | | | | |
| 19 | Female | Black | Jhb Female Centre of Excellence Juvenile | Murder | Zama Khoza |
| 20 | Female | Black | Jhb Female Centre of Excellence Juvenile | Murder | Zama Khoza |
| 21 | Female | Black | Jhb Female Centre of | Murder | Zama Khoza |

| | | | | | |
|---|---|---|---|---|---|
| | | | Excellence Juvenile | | |
| 22 | Female | Black | Jhb Female Centre of Excellence Juvenile | Murder | Kwanele Masuku |
| 23 | Female | Black | Jhb Female Centre of Excellence Juvenile | Murder | Kwanele Masuku |
| 24 | Female | Black | Jhb Female Centre of Excellence Juvenile | Attempted Murder | Kwanele Masuku |
| *Participants 25 to 28: Adult Female Offenders – N/A to this study* | | | | | |
| 29 | Male | Black | Leeuwkop Juvenile Correctional Centre | Attempted Murder | Alexa Mostert |
| *30 (4) | Male | Black | Leeuwkop Juvenile Correctional Centre | Rape | Alexa Mostert |
| 31 | Male | White | Leeuwkop Juvenile Correctional Centre | Assault | Alexa Mostert |
| 32 | Male | Black | Leeuwkop Juvenile Correctional Centre | Murder | Alexa Mostert |
| 33 | Male | Black | Leeuwkop Juvenile Correctional Centre | Current Conviction: Housebreaking and Theft - Repeat Offender | Alexa Mostert |
| 34 | Male | Coloured | Leeuwkop Juvenile Correctional Centre | Drug Possession with intent to distribute | Alexa Mostert |
| *35(5) | Male | Coloured | Baviaanspoort - Emthonjeni Juvenile Correctional Centre | Armed Robbery; Five previous charges of assault, rape, robbery x3 -- all dropped | Alexa Mostert |

| | | | | | |
|---|---|---|---|---|---|
| 36 | Male | Coloured | Baviaanspoort - Emthonjeni Juvenile Correctional Centre | Murder | Alexa Mostert |
| *37(6) | Male | Coloured | Baviaanspoort - Emthonjeni Juvenile Correctional Centre | Rape | Alexa Mostert |
| 38 | Male | Black | Baviaanspoort - Emthonjeni Juvenile Correctional Centre | Armed Robbery | Alexa Mostert |
| 39 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Murder and Attempted Murder | Alexa Mostert |
| 40 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Attempted Murder | Alexa Mostert |
| 41 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Murder | Alexa Mostert |
| 42 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Robbery- Aggressive Assault (repeat offender) | Zama Khoza |
| 43 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Robbery | Zama Khoza |
| *44 (7) | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Rape | Zama Khoza |
| 45 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Current Conviction: Murder & possession of a firearm. Previous: Attempted murder & Robbery (repeat offender) | Zama Khoza |

| | | | | | |
|---|---|---|---|---|---|
| *46 (8) | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Rape | Zama Khoza |
| 47 | Male | Black | Baviaanspoort – Emthonjeni Juvenile Correctional Centre | Murder and Robbery | Zama Khoza |
| 48 | Male | Coloured | Boksburg Juvenile Correctional Centre | 2x Murder and 2x Robbery | Alexa Mostert |
| 49 | Male | Black | Boksburg Juvenile Correctional Centre | Murder, Robbery, gun possession with ammunition | Alexa Mostert |
| 50 | Male | Black | Boksburg Juvenile Correctional Centre | 2 x Murder | Alexa Mostert |
| 51 | Male | White | Boksburg Juvenile Correctional Centre | Murder and Robbery | Alexa Mostert |
| 52 | Male | Black | Boksburg Juvenile Correctional Centre | Rape | Alexa Mostert |
| 53 | Male | Coloured | Boksburg Juvenile Correctional Centre | Murder | Kwanele Masuku |
| 54 | Male | Black | Boksburg Juvenile Correctional Centre | Attempted Murder, Kidnapping and Rape | Kwanele Masuku |
| 55 | Male | Black | Boksburg Juvenile Correctional Centre | Robbery and Rape | Kwanele Masuku |
| 56 | Male | Coloured | Boksburg Juvenile Correctional Centre | Murder | Kwanele Masuku |
| *57(9) | Male | Black | Boksburg Juvenile Correctional Centre | Current Conviction: Rape. Previous conviction: drug possession & robbery | Zama Khoza |

| | | | | | |
|---|---|---|---|---|---|
| 58 | Male | Black | Boksburg Juvenile Correctional Centre | Current conviction: Murder & Attempted Murder. Previous: Robbery | Zama Khoza |
| *59 (10) | Male | Black | Boksburg Juvenile Correctional Centre | Current Conviction: robbery, possession of a firearm and ammunition (and a forgotten charge). Previous: Rape | Zama Khoza |

***Final data corpus with their rearranged numbers in brackets**