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A qualitative analysis of South African child offenders' constructions of child-perpetrated crimes

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A Qualitative Analysis of South African Child Offenders' Constructions of Child-Perpetrated Crimes

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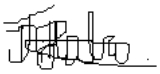
With the advent of chronic violence, terrains of material reference begin to exceed the classificatory systems that formed these domains. The sphere of material reference leaks out of institutional closures into uncharted semantic terrains. A social imaginary appears in discourse and act (sic) that tries to mediate the slippage between the social order and the internal violence. The social order draws on the revenants of residual significative systems and recombines these into new semantic configurations in an attempt to reconcile the symbolic and the Real

(Allen Feldman, 1991, p. 79-80).

Declaration

I, Petronellla Nobesuthu Jabulile Ndaba, know and accept that plagiarism (i.e., to use another's work and present it as one's own) is wrong. Consequently, I declare that this research report is my own unaided work.

Signature: 

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Abstract

Debates concerning child perpetration and the potential criminal culpability of children have been the focus of attention in academia, in the media and in the public domain in recent years. Within global discursive practices, childhood has been constructed as a uniform category characterised by innocence and purity. Contrary to that, child-perpetrated crimes have been conceptualised as an anomaly, challenging the very nature of the child as innocent. In turn, such acts are classified, studied and consequently produced and reproduced, by psychology and the law, and in this way, the child offender becomes the site for intervention and treatment. The consequential discourse on child violence and perpetrated crime is rearticulated in public domains such as the media which plays an important role in maintaining and challenging hegemonic discourse pertaining to childhood perpetration. This study therefore, through qualitatively engaging with male and female child offenders aged between 14 and 18-years old, explored the discourses that child-perpetrators employ to (re)construct and hence engage in child-perpetrated crimes. From this, four themes emerged that locates the child offender within local discursive practices; conditions that produce conceivable childhood criminality, constructions of childhood, gendered and institutionalised discourses. The aforementioned surfaced a South African child offender who engaged in a constant negotiation between childhood and adulthood. This being the very vehicle that allowed participants to commit crimes but seemingly deny doing so. Constructions of childhood (re)articulated the incapacity of childhood criminality while adulthood and occupying adult-like qualities served as a discursive strategy utilised by child offenders to demonstrate their criminality. Theoretically, this study (re)articulates normative constructions of childhood and the aetiology underpinning child-perpetration but also simultaneously makes visible a context specific child offender who occupies alternate subject positions. Thus, the implication of this study lies in contemporary constructions of culpability and future typologies of child offenders; both of which need to integrate understanding the discursive strategies utilised by child offenders in-situ to realise their criminality.

Keywords: child-perpetrated crimes, violence, critical discourse analysis, subjectivity, South Africa

Chapter 1: Introduction, Rationale and Research Aims

1.1.Introduction

Child-perpetrated crimes have been the focus of attention both in academia, the media and within society. For the 2017/2018 period, there were a total of 204 children detained in the Department of Correctional Services [DCS] correctional facilities across South Africa, of which 126 were sentenced, 78 were classified as remand detainees, with only 4 females constituting the total child detainee population (Department of Correctional Services, 2018).

Child-perpetration challenges normative constructions of childhood and 'taken-for-granted' knowledge about who can occupy the criminal subject position; historically, the former has been aligned to masculinity and blackness (Bowman, 2010). This has subsequently surfaced moral panic and concerns about the apparent breakdown of childhood as 'normally' characterised by innocence and in need of protection from the corruptible forces of society (Elfleet, 2011; James & Jenks, 1996; Okami, 1992; Swartz & Levett, 1989; Titus, 2005). The concern with the apparent breakdown of childhood is indicative of how the meanings surrounding childhood are socially constructed, fluid and are located in context (Norozi & Moen, 2016).

Within the South African context, one cannot conceptualise the child offender without acknowledging that s(he) is intersected at age, gender and race. Historically, discourse on racial difference securitised certain types of childhood as innocent and in need of protection (Bowman, 2010). During apartheid, the securitisation of Black childhood was made insignificant, thus simultaneously creating a space for the Black child to occupy criminality (Bowman, 2010; Songca & Karels, 2016; Swartz & Levett, 1989) through political incarceration. Intersectionality, the occupation of multitudes of social categories (Cole, 2009) and its positioning as a theoretical perspective to unpack privilege, merges with constructions of childhood culpability to bring into existence the child-perpetrator. In the context of this research, the South African child-perpetrator (by virtue of their detainment) cannot become such without acknowledging the multitude of social categories they have historically and contextually come to occupy.

Intersectionality further co-constitutes the social subject through discursive practices underpinned in discourse. Discourse presents ways of speaking and thus being in the world; it is language in action, both symbolic and actual (Van Dijk, 1993, 1996; Fairclough & Wodak,

1997; Parker, 1992). Critical discourse analysis, henceforth CDA, utilised as both theory and method, aims to unpack the complexity underpinning talk [and text] (Fairclough & Wodak, 1997). CDA surfaces power relations at the micro and macro-levels of society, acknowledging institutionalised power as a historical regulation mechanism (Van Dijk, 1993, 1996; Fairclough & Wodak, 1997). This study makes apparent the locality of social constructs such as child-perpetration, culpability and violence by relating its emergence in a discourse of power aimed at upholding constructions of normality through the regulation of docile bodies.

Foucauldian theories of power conceptualise bio-power as a mechanism for the subjugation of social subjects in society, while disciplinary power concerns itself with the management and control of an 'otherness' which has been made deviant (Foucault, 1969/1996; Johnson, 2008; Phillips & Nava, 2011). Disciplinary power surfaces constructions of normality where the 'other' becomes a site for control (Foucault, 1969/1996; Phillips & Nava, 2011). The functionality of disciplinary power is made most effective when invincible through the collaboration of docile bodies (Foucault, 1969/1996; Johnson, 2008). Simultaneously, bio-power is a populous activity where power is multifaceted, interrelated to other forms of power and made functional in society through institutions [such as law, medicine, psychology, etc.] and social subjects (Foucault, 1969/1996; Staunæs, 2003). This study reflects on bio-power and disciplinary power by attempting to locate the emergence of the child-perpetrator and whether the discourses child offenders utilise reflect an incitement to discourse or challenge normative constructions of childhood. The inception of The Child Justice Act (2008) and the amendment of The Sexual Offences and Related Matters Act (2015) in South Africa signifies a form of institutional power and discourse in action and represents the social constructionist nature of meanings and concepts relative to context (Moss, Dillion, & Statham, 2000). For instance, criminal culpability has been framed as an exclusive subjective concept, rooted in individual action and responsibility as determined by trained psychiatric and legal professionals rather than something that can be constructed and hence understood as structurally and socially located (Moss et al., 2000). Laws, ideology, 'taken-for-granted' knowledge and values are language in action, and present a power dynamic of who gets to decide what constitutes the norm, how those who infringe the norm get dealt with, and who gets privileged access to and thus privileged usage of certain discourse (Van Dijk, 1993, 1996). So, the very concepts and definitions used in legislature, such as criminal culpability, child-perpetrators and childhood violence, are social constructs that are contextually located, which are not only constituted but

constitute the experiences, subjectivity and actions of those who come to be subjected to those laws (Moss et al., 2000).

Thus the emergence of the child-perpetrator in literature, statistics and the media within the South African context and internationally (Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005), has shaken the very foundation of childhood as portrayed by innocence and hence, how to investigate and understand children as offenders. It is with the abovementioned concern that this research project aligns itself; with investigating child-perpetrated crimes through the constructions employed by the child offender contrary to those instances where they are not the primary stakeholders in how they are represented. In so doing, this study takes care to negotiate the tensions around realist assumptions of child-perpetration as a construct. This research report acknowledges co-construction in knowledge systems but the theoretical and methodological approach does work to ensure that I do not (re)produce the very construct that I am studying.

1.2.Rationale

There is limited research that aims to understand child-perpetrated crimes from the perspective of the child-perpetrator, paying particular attention to the use of discursive strategies that allow for the emergence of the South African child offender. Commonly, the literature available aims to categorise and describe the nature, risk factors, victims, motives and individual and family characteristics of child-perpetrators and their crimes (Vandiver & Teske, 2006; Wanklyn, Ward, Cormier, Day, & Newman, 2012). Other studies, such as the one conducted by Zolondek, Abel, Northey and Jordan (2001) used questionnaires to assess self-reported sexual behaviours of male adolescent sex offenders. An exception to the abovementioned studies was a study conducted by Da Costa, Spies and Coetzee (2014) which used an ecological perspective to investigate the motives for sexual offending from the viewpoint of the female youth sexual offenders in South Africa.

The abovementioned studies have made important contributions to knowledge regarding child and youth offenders. However, child offending cannot be explored in isolation from other societal factors and an approach that accounts for the influence of social context and discursive practices needs to be adopted. Thus, this research project will build on the abovementioned view and that of the ecological perspective as used by Da Costa et al. (2014) and will be rooted in a social constructionist account. This paradigm posits that people are social agents, who live in an interconnected society and are shaped by, and shape discursive practices. These discursive

practices are embedded in societal history and culture and have an implication on subjectivity and action (Alford, 2012). In the context of this research report, subjectivity as conceptualised by González Rey (2019) is significant; that of a human psyche and experience which is symbolic and thus historically and socially emergent. González Rey (2019) represents subjectivity as interceding culturally and enacted through emotions (Luhrmann, 2006) based on ones historical and cultural standpoint. Subjectivity includes symbolic realities implicated in intersectionality such as age, gender, race and class including education, law, beliefs, religion and morality (González Rey, 2019). Therefore, the social and individual life intercede to surface definite and alternate subjective arrangements (González Rey, 2019). Subjectivity is thus the expression of the constructed human psyche, experience and thoughts about one's self-concept (Luhrmann, 2006) as contained in individual and social life mediated by both culture and history surfacing an array of "subjective senses" (González Rey, 2019, p. 182).

Critical discourse analysis as postulated by Fairclough and Wodak (1997) is the foundational theoretical and methodological framework of this study. Fairclough (2012, p. 453) conceptualise discourse as,

> a count noun, as a category for designating particular ways of representing particular aspects of social life (e.g. it is common to distinguish different political discourses, which represent for example problems of inequality, disadvantage, poverty, 'social exclusion', in different ways).

That is, discourse is a linguistic device utilised to provide different representation of social phenomenon and objects of knowledge (Fairclough, 2012). Discourse also operates systematically within society through constructions of dominance (Fairclough & Wodak, 1997; Fairclough, 2012; Van Dijk, 1993, 1996). This means that within society, various discourse remain dominant in meaning making and the formulation of taken for granted knowledge; while others become constructed as alternate or resistant (Fairclough & Wodak, 1997; Fairclough, 2012; Parker, 1992; Van Dijk, 1993, 1996). Thus, discourse co-constitutes subjectivity and social action (Alford, 2012) and differential access to discourse is mediated by power. Such a power dynamic is not limited to institutional or organisational social interaction. It is present in everyday talk and text as accounted for by the discourses available to different social groups, such as those available to males versus females, teachers versus students, professionals versus laypersons and adults versus children (Van Dijk, 1996). In order to present a thorough analysis of discourse, as co-constituted in society at both the macro and micro-level

(Lamb, 2013), the role of social cognition as represented in discourse and (re)articulated by social actors needs to be accounted for (Van Dijk, 1993). It is from this position that the research project will conduct a qualitative analysis of the discourse used in child talk, as represented in the language employed by child-perpetrators to construct child-perpetrated crimes.

Children in conflict with the law are conceptualised as a vulnerable population in society. There is a need to take a multidisciplinary and creative stance concerning research that is geared towards investigating and understanding child perpetration. Some research concerns itself with the study of childhood violence for ultimately preventing it by proposing strategies that lead to diversion, rehabilitation and reintegration of child offenders, as opposed to incarceration (du Preez & Luyt, 2005). Although this approach has proven effective in many cases, it still views child perpetration as an individual entity, limits child autonomy to reactive behaviours and thus decontextualises the child offender and the offence (Moss et al., 2000).

Certain public perceptions of child perpetration have come to be framed by newspaper headlines such as *The kids who prey on other children* (Sunday Tribune, 2011, March 27) and *Child crime will increase* (Wilson, 2010, May 26). Such newspaper articles seldom report on child violence from the perspective of the child offender, and rather rely on police officers, expert witnesses and community members to give a supposedly accurate picture of what child perpetration is and who child offenders are. What then becomes essential is an acknowledgement that, although what is represented in the news media such as in newspaper articles is important, what is not reported is as important and warrants exploration (Davis & Bourhill, 1997).

Therefore, this research project explored child offenders' constructions of child perpetration from the perspective of the child in question within the South African context. In so doing, this study hopes to introduce a new and a context-laden framework that will enable the emergence of child-perpetrators and their victims, within local and potentially, global discursive practices.

1.3.Research Aims

The media, for instance, television media, radio broadcasts and newspaper articles have become institutionalised at the macro-level and play an important role in relaying information within society and influences people's attitudes and perceptions of social issues (Gavin, 2005). Media representations of childhood perpetration and violence have led to moral panic and public outrage, positing that the emergence of the child-perpetrator is a sign of moral decay in

society (Davis & Bourhill, 1997; Okami, 1992; Yar, 2012; Titus, 2005). Such moral decay was reported in the media as resulting from a breakdown within the family (Okami, 1992). Although most of what is reported in the media reflects hegemonic discourse, the media also serves as a site in which dominant discourses can be challenged and reconstructed. For instance, the emergence of a 'reality' that children are no longer safe in their own environments, including that of play, due the eversomore threat of children being preyed on by other children (Davis & Bourhill, 1997; Okami, 1992), challenges the construction of the universal innocent child. It is thus the aim of this study to investigate whether the discourses used by child offenders to construct child-perpetrated crimes and hence themselves as child offenders align to or challenge the discourses used to construct childhood violence at the macro-level as represented by legal institutions such as the criminal justice system, correctional facilities, the media and society.

That is, this study aims to focus on both top-down processes of discourse assimilation and the bottom-up associations of discourse and child perpetration that can either (re)produce or resist dominant notions of becoming and being (Van Dijk, 1993). Therefore, the aim is to investigate how child-perpetrators (re)articulate their position as child offenders in relation to dominant discourse and, how this (re)articulation may be positioned as a newly formed resistance discourse of how child-perpetrators come to understand and produce child perpetration and violence. Moreover, by focusing on the social construction of childhood perpetration and the co-constitutive nature of discourse, I (the researcher) am not arguing against the objective existence of childhood violence. Instead, I concern myself with how objects of knowledge are constructed and how these constructions come to be taken-for-granted knowledge. Therefore, this study intends to explore the constructions child offenders employ to understand child perpetration and hence, engage in how these constructions are the same or differ from those constituted at the macro-level of society.

Thus, the primary research question is: How do South African child-perpetrators construct child-perpetrated crimes?

The primary research question is supported by the following sub-questions:

- What discourses does the child-perpetrator employ to construct their own, and possibly others' childhood perpetrations?

- Do child-perpetrators reproduce or resist dominant discourses on childhood perpetration within the South African context?

1.4.Structure and Outline of Research Report

Chapter 2 engages with issues of discourse as both subject and object. Thereafter, an overview of childhood and the conceptualisation thereof is presented. The nature of childhood and violence is engaged with and the significance of these two constructs is located in the context of the governing social order. This is followed by a psycho-socio narrative pertaining to child-perpetrated crimes which attempts to trace the various perspectives underlying perpetration in academia. The chapter funnels down to present a contextualised representation of child perpetration within the South African context and does this by engaging with the representation of crime in the country and legislature, concluding with a review of the role the media plays in representing child offenders followed by a chapter summary.

Chapter 3 outlines the design of this research project and the reader is taken through the participant demographics and the data collection procedure. The data analysis is then located in Critical Discourse Analysis (CDA) as both a theory and method and the process which was followed which in turn resulted in the formulation of chapter 4 is engaged with. This chapter also takes care in locating the researcher within the overall project and the South African context and thus in relation to the participants as presented in the reflexivity section. The onus was to make explicit my standpoint as a researcher, to demarcate participant and researcher responsibility and to thus implicate myself as co-constructer to the narratives and knowledge provided.

Chapter 4 presents the findings of the study with the participants implicated as the knowledge-producers of the narratives offered. A summary of participant demographics is provided and child-perpetration within the South African context is explored. This includes an engagement with the principal component this study concerns itself with; that of how child offenders construct child-perpetrated crimes and what entails the *nature* of childhood for these participants. Chapter 4 concludes with the presentation of a summary of the main findings.

Chapter 5 presents both the theoretical and practical implications of the study, primarily focusing on the implication of the emergence of the child offender in local discursive practices. It further engages with the limitations and recommendations of the study and locates its significance and implication with the South African context. In light of the preceding chapters and primarily the findings section, the chapter ends with a conclusion.

Chapter 2: Literature Review

The purpose of this literature review is to locate the conceptualisation of childhood and how this aligns with how child-perpetration is constructed in the world, with particular focus on South Africa. This involves engaging and acknowledging objects of knowledge as social constructs, which are contextually relevant; rooted in CDA as both theory and method. The definition of what constitutes crime, violence, what it means to be a child and how childhood violence and perpetration is constructed has changed over time and differs contextually (Green, 2008; Moss et al., 2000; Muehlehard & Kimes, 1999). The perceptions we have and the definitions we employ to categorise or define concepts and social issues is a function of power and a given society's historical, political and socio-economic standpoint (Muehlehard & Kimes, 1999; Thibodeaux, 2014). This perspective is informed by a social constructionist account. The latter relates to how discursive practices, as social and historical functions, through social actions and interactions, employ context, culture, language and social actors, to co-constitute and organise social reality and subjectivity (Alford, 2012; Nightingale & Cromby, 2002; Moss et al., 2000). Such discursive practices, although providing a social template from which subjectivities come to be constructed, are not inherently deterministic. That is, the co-constitutive nature of discourse provides a platform by which people come to adopt but also, reconstruct and challenge hegemonic discourse (Parkes, 2007).

2.1. The social axis of existence: discourse, power and subjectivity

Discourse refers to ways of speaking and relating to the world; it is systematically linguistic in its origin but social in its intention in the sense that the use of discourse to talk about categories of subjects and objects brings such things into existence (Parker, 1992). The proposition that discourse contains both subjects and objects (Parker, 1992) brings into focus the manner in which knowledge systems come to be constructed, and how the creation of such knowledge systems not only binds social reality but is also bound by the subjects contained in it (Foucault, n.d.). Likewise, discourse is not only a way of talking or a social mechanism used to bring into existence objects of knowledge, but it is also a proponent of institutionalised power that serves to enforce hegemonic ideas and police subjects that fail to find existence in the pre-established hegemonic social order (Elfleet, 2011; Van Dijk, 1993, 1996).

Parker (1992) posits that those discourses contained in institutions are of most interest. Such hegemonic discourses are implicated in what we have come to take as knowledge and systems of truth, all the time governing what we term logic or common sense (Parker, 1992; Van Dijk, 1993, 1996); undisputedly through the historicity of childhood, children are persons under the

age of 18-years old. The conceptualisation of childhood is 18-years old and below despite whether a social actor bound to that category defines themselves as children or not. Similarly, by virtue of the promulgation of criminal laws and the enforcement of the penal system throughout the years, whether founded on British or American statutes (Criminal Law Amendment Act, 2007; Child Justice Act, 2008); the criminalised body [when sentenced] remains criminal despite whether (s)he pleads to the acceptance of such a category. Such processes of subjectification, intertwined in a reflexive exercise of power relations that guide knowledge systems on normative and non-normative, us versus them in the form of otherness is presented by Foucault (n.d, p. 211) in what he terms "transversal struggles". That is, the issue of power relations contained in subjectification is not temporally or geographically limited, rather, it presents as a discursive object of note that transcends geographical boundaries and is experienced by all countries and social actors alike albeit contextually emergent and negotiated.

The concept of subjectivity is well documented by the Foucauldian perspective. Subjectivity and the process of subjectification is co-constitutive and entails a social actor who is both acted upon and acts on, thus aligning the coordinates of the social axis of existence in both stability and reconstruction (Foucault, 1969/1996; n.d.; Staunæs, 2003). The co-constitutive subject finds basis in intersectionality. Cole (2009) outlines intersectionality in accordance with feminist thought, which places an importance on individual subjectivity as one being characterised by a multitude of social categories. This conception aligns with Foucauldian thought. Intersectionality acknowledges subjectivity as constituting different categories of being that find significance in each other's simultaneous existence. Dorthe Staunæs (2003) proposed a reconceptualisation of intersectionality by implicating it in the conception of subjectivity. The author engages in intersectionality and its positioning of different categories of people in society which are often marginalised as premised in ethnic and gendered accounts (Staunæs, 2003). The principle of reconceptualising intersectionality and the use of pluralism in accounting for the emergence of alternate subjectivities is significant within the context of this study (Staunæs, 2003).

At the micro-level, the realisation of this is brought into existence by what Foucault (n.d., as cited in Tell, 2007) terms bio-power, linked to notions of the confessional self. In it, three processes are delineated that result in the objectification of the nature of being. First, that which have been historically constructed as objects is examined, objectified, and then arranged (Tell, 2007). It is in the arrangement that systems of truth about objects come to be constructed

through mechanisms of power that structure normality (Tell, 2007). In the translated collection of his 1961-1984 interviews, *Power Affects the Body*, Foucault (1969/1996) rearticulates his stance on power as not only contained in institutions, legal mechanisms and institutionalised practices (with adverse effects) but it also involves the understanding of such as technical and tactical as utilised in the realisation of social and politicised endeavours. He positions power as a multifaceted construct that does not exist independent and external to the mechanisms that result in its production; it is a predecessor to lived experience, constructed from being party to other forms of power, a by-product of subjectivity and it is contained in the act of 'doing' in-situ (Foucault, 1969/1996; Staunæs, 2003)

In Discipline and Punish, Foucault (1977) engages with the body as a site for and object of power; he positions the docile body as that which is subjected to being used, managed, improved or changed (Tell, 2007). Punishment through penal mechanisms that govern imprisonment, justice and the management of subjects who function outside the scope of morality have been made docile by the structural system put in place to safeguard normality (Foucalt, 1977). The reconstructed penal system was to (re)emerge in the 19th century, not for the continued public display of torture but as a system that conceptualised the criminal body as a site for intervention; one that could be managed and ostensibly corrected (Foucalt, 1977).

The 'doing' in situ at the micro-level and the appropriation of emergent institutional practices such as the governing of docile bodies is governed by discourses that are co-constitutive in their mechanisms; implicating the social subject at all levels of discursive strategy (Alford, 2012; Lamb, 2013; Van Dijk, 1993; Van Dijk, 1996). The existence of objects of knowledge out there in the world is a socio-historical process, always being and becoming. The process of the criminal body emerging from behavioural displays that are counter to hegemony (Tell, 2007) neither precedes nor precludes a state of being. For there to be a criminal body there must be a criminal act and the same applies for the criminal act. An actor who has engaged in the criminal must have brought the act into conceptualisation.

Likewise, the conceptualisation of violence and the acknowledgement of it other than something quantified as material has an implication on society's undertaking of it (Jensen, 1999). This is to say that the symbolism of violence as discursively negotiated in discourse brings it into existence and therefore the coordinates by which it can potentially be altered finds refuge in the then and now social order (Jensen, 1999). Jensen (1999) posits that violence, as a social construct should not be measured on a quantifiable level when locating its significance

in the lived experience of social actors outside institutionalised spaces. Instead, its experience should be hailed as social and the process by which it comes to be (re)defined is contingent on whether the phenomenon is conceptualised as chronic in its nature or viewed as an indefinite threat to the social order (Jensen, 1999). It is here that the space for renegotiation provides many opportunities for the change in social relations pertaining to the construct of choice (Jensen, 1999). Historically, the conceptualisation of childhood to what we now perceive as normative childhood has become (re)constructed.

2.2. **Conceptualising childhood**

Throughout the centuries, childhood has been conceptualised in line with the values and beliefs of a given period; what it meant to be a child mirrored the concerns of that context in history (Ariès, 1962; Elfleet, 2011; James & Jenks, 1996). Ariès (1962) traces such an emergence of childhood by locating its conceptualisation in England and France prior to the 19th century. Unlike the modern conceptualisation of different stages of being as demarcated by age and biological milestones such as puberty, medieval temporal categories such as the differentiation between childhood and youth, often at times encapsulating what we now would consider adulthood, was marked by a state of dependence.

2.2.1. Historical constructions of childhood

During the 17th century, for the middle-class individual in France, the transition from childhood to a concept that mirrors contemporary adulthood was marked by the ability of man to supersede being reliant at some level of functioning, whichever was deemed important at the time. Ariès (1962) engages with the idea of childhood by delineating the significance of each representation as encapsulated in medieval portraits. This includes outlining the conception of the 13th century child as merely a smaller sized 'little man' who too was masculinised like their adult counterparts (Ariès, 1962). For instance, during the 13th century, children were insignificant in their difference to adults- their existence was that of an individual in likeness to adults through character and responsibility, albeit one with a smaller stature.

Contrary to earlier centuries, the 17th century marked the beginning of a clear depiction of children. Childhood was differentiated from adulthood and the child become more than just a representation of a miniature adult and embodied distinct characteristics. From then on, the conception of childhood alternated from the child as miniature, to (s)he engulfed by play, dependent, independent, labourer, depraved and to what we have now come to conceptualise as innocent, distinct and in need of protection (Ariès, 1962; Elfleet, 2011; James & Jenks, 1996;

Sreenivas, 2011; Titus, 2005). Ariès (1962) not only conceptualises childhood as pictorially depicted but takes care to trace the attire and jargon underpinning the various representations (Ariès, 1962). The use of the latter (terms/vocabulary) changed throughout time as some lost their relevance while many others were adopted and adapted to mirror the psychosocial climate of that era (Ariès, 1962). By acknowledging this, Ariès (1962) locates childhood and the qualities thereof to the linguistic and social emergence of the terms utilised as well as the significance of stature and attire that many a times were deliberate in its meaning.

2.2.2. Constructions of normative childhood

Ariès (1962) in his potrayal of historical forms of childhood played an important role in showing that childhood and the roles children were assumed to take on have changed throughout the centuries and differ according to context and culture (Ariès, 1962; Elfleet, 2011; Norozi & Moen, 2016; Steinberg, 2013; Titus, 2005). Childhood, on a global scale fortified by legal discourse, is commonly conceptualised as a category comprising of anyone 18-years old and younger and is described as a period characterised by vulnerability and innocence (Sreenivas, 2011), and constituting a temporal sequence (Abebe, 2016). The child passes through various predetermined biological developmental phases, and the child has to complete these stages successfully in order to move beyond childhood and into adulthood (Abebe, 2016; Norozi & Moen, 2016).

In psychology and psychiatry, various schools of thought present what they conceptualise to be the fundamental nature of childhood as contained in theories of childhood and adolescent development and biological milestones (Louw & Louw, 2014; Sadock, Sadock, & Ruiz, 2014). Within psychology, the proponents of childhood and adolescent development demarcate the areas that characterise childhood and map these according to a checklist that needs to be experienced and thus completed successively. Such advocates postulate a series of stages that the average child needs to pass through. These stages involve the transition from birth characterised by a fluid brain functioning on pure impulse to the development of a socialised way of being that is affected by both nature and nurture (Louw & Louw, 2014).

Erik Erikson [1972] proposed a psychosocial model of childhood divided into eight sequential stages of development; each stage marked by a challenge which a child needs to negotiate and thus successfully meet (Cross, 2001; Jordan & Tseris, 2018; Louw & Louw, 2014). According to Erikson [1972], failure to do so results in the development of alternate traits of a negative quality (Louw & Louw, 2014). For instance, for infants aged one-year old and below, the

challenge is to develop a basic trust of their world and environment and failure to do so results in issues of mistrust as experienced by the child in the later stages of life (Louw & Louw, 2014). Conversely, Piaget [1971] placed emphasis on the cognitive development of childhood (Erneling, 2013; Kaplan, 2000; Louw & Louw, 2014). He believed that placing emphasis on information processing as achieved cognitively could provide much insight into how children understand the world (Erneling, 2013; Kaplan, 2000; Louw & Louw, 2014). This was based on the view that naturally, children constantly try to make sense of their surroundings (Erneling, 2013; Kaplan, 2000; Louw & Louw, 2014).

Within such theories of childhood development, presuppositions were made on those who would deviate from the norm. The development of negative traits and (im)morality in terms of the ability to distinguish between right and wrong was essential. Like other forms of development, moral development was also said to be acquired through various sequential stages; one such stage theory was provided by Lawrence Kohlberg [1927- 1987] in his cognitive theory of moral development (Colby, et al., 1983; Hayes, 1994; Louw & Louw, 2014). Some seminal advocates of moral development such as Lawrence Kohlberg were of the view that the concept of morality and the successful sequential completion thereof was universal and constant (Colby, et al., 1983; Hayes, 1994; Louw & Louw, 2014). Given that his model acknowledged the impact of the social order, expectations of others, family and religion on individual conformity and issues of morality, such a stance of an unvarying sequence (Colby, et al., 1983; Louw & Louw, 2014) stands questionable from a social constructionist account and the standpoint of this study.

Within the theories that contain the essence of childhood as predetermined by the ability of the child to proceed through such stages without contradiction, there are variations to child development. The children who are not able to meet certain chronological milestones by a given age become defined as either possessing a neuro-biological difficulty or some kind of learning disability that can be rectified through therapy and continuous familial support (Louw & Louw, 2014). Contrary to this, on the other side of the 'unwarranted spectrum' of childhood, are children who 'bypass' the different stages of childhood. Such children go beyond what is considered 'normative child-like' behaviour; for example, being a child offender. Due to the fact that these children function outside the socially pre-established spectrum of childhood, their conceptualisation becomes confined to something beyond society's undertaking of it and thus become recipients of (at times) penal treatments (Elfleet, 2011; Titus, 2005) by society,

perpetuated by hegemonic discourse governing categories of subjects and propagated by bigotry representations in the media.

Additionally, essential to these theories on childhood development is the differentiation between childhood and adolescence. Although both these terms refer to people under the age of 18-years, the construction of each category as separate constructs particular types of people. This differentiation is important for this study because it has a direct implication on how childhood culpability has become constructed in legal discourse. According to certain institutions of knowledge such as medicine and psychology, various hormonal, physiological and cognitive changes occur in the human brain and body from 12 and 13-years old that clearly differentiate between a child and an adolescent (Kaufman, 2006; Louw & Louw, 2014; Sadock et al., 2014). Acknowledgement of such changes has been fortified in systems of knowledge and the concept of culpability in relation to child-perpetration is defined according to age. In South Africa, children between the ages of ten and 14-years old are deemed to lack criminal capacity unless proved otherwise, with those 14-years and older declared criminally liable from a cognitive and legal standpoint (Child Justice Act, 2008). Like their non-offender counterparts, adolescent offenders are said to possess the cognitive capacity to be able to differentiate between right and wrong unless proved otherwise. This category of people although conceptualised as separate from childhood remains distinct from adulthood and may be afforded labels such as juveniles or youth in conflict with the law; many a times these terms are used interchangeably.

Concerning the general population, the South African National Youth Commission Act (1996) defines youth as people between the ages of 15 and 35-years old. In South Africa, the term juvenile encompasses people under the age of 21-years old who have come into contact with the correctional system (Child Justice Act, 2008). Existing simultaneously is the acknowledgement that a child differs from a juvenile and he/she is an offender younger than 18-years old (Child Justice Act, 2008; South African Law commission, 1997). Although juveniles include people older than 18-years old, the use of this term brings into existence a different type of adolescent, one who embodies an alternate form of childhood with reference to institutionalised deviance or criminality. In this research report, the term child offender/perpetrator will be utilised to refer to offenders who are 18-years old and younger, in-line with the South African Child Justice Act (2008). Nevertheless, child perpetration including adolescent offenders in the 21st century, challenges the traditional ideology of childhood as

characterised by innocence and purity (Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005).

2.2.3. (Re)constructing normative childhood

The emergence of the child offender alongside pure and innocent childhood brings into existance two polar opposites governed by hegominic discourse discursively operating within a framework aimed at either child welfare for those that are innocent and pure and control for those that are inherently depraved (Pasura et al., 2012). Titus (2005) provides an account of this in his expansion of Girard's concept of the "sacrificial crisis" (p. 116) where instances of childhood criminality are viewed as a threat to the social order and thus a need arises for mechanisms to be put in place to rectify such ills. Such mechanisms are realised through institutionalised changes in the penal system and the reconceptualisation of childhood, usually through the introduction of a minimum age of criminal culpability and the emergence of a justice sytem aimed to solely address childhood violence and criminality (Child Justice Act, 2008; Titus, 2005). Harrikari (2013) put forth the same stance pertaining to the institutionalised governing of the criminal child. In Finland, Harrikari (2013) engages with the manner and extent of 'securitising' childhood through various initiatives implemented within the local crime prevention programmes. The onus was on both institutionalised mechanisms of control, the family and community as the gatekeepers to curtail even the slightest form of deviation (Harrikari, 2013). The objective underpinning these initiatives involved processes and principles aimed at adressing psychosocial factors that were deemed principal in underminning the development of normative childhood (Harrikari, 2013).

The above although not fully encompassing, presents examples of the functioning of a modern society aimed at redressing child criminality but the coordinates by which such institutionalised reconceptualisations come into existance need to be engaged with. The aim then is to debunk the taken-for-granted knowledge the researcher has been subjected to and explore the possibility of a multiple childhood coexisting in one space, as socially and historically located (Pasura et al., 2012). Contrary to this, to deny the possible coexistance of different forms of childhood would defeat the very aim of this study.

As presented earlier, the aforementioned engagement with what it means to be a child has led to different conceptions of what childhood entails. However, most of the delineations are contained in a paradigm that acknowledges the child as an entity that bears existence solely by being the 'other', distinguishable from adulthood (Titus, 2005). It as though the more scholars

engage with the nature of childhood, the more difficult it becomes to grasp the essence of such a construct. Perhaps that is the biggest fault we have been contained by; which continues to make non-normative behaviour enacted in childhood so unfathomable. It is here that an argument will be presented for a need to move beyond grasping the essence of childhood as crystalised and therefore embrace that the concept in itself is premised in social action (Bowman, Whitehead, & Raymond, 2018; Pasura et al., 2012). James' (1998, as cited in Pasura et al., 2012) typology of conceptualising childhood constructs the different meanings of childhood into four categories; the minority group child, the social structural child, the socially constructed child and the tribal child. It is the latter two that present a more fitting conceptualisation of childhood in relation to this research study. Both the tribal child and the socially constructed child presents a childhood with agency, that is contextually located which moves beyond the normative universal child (Pasura et al., 2012). The tribal child is emphasised as occupying a separate entity from adults and the socially constructed child is contained in the world as a social actor actively making meaning on what it means to be a child through the interaction with others (Pasura et al., 2012). Constructions of the tribal child finds significance in a childhood that makes normative both work and play; a childhood that is co-constitutive and implicated in the social axis of existence (Pasura et al., 2012; Punch, 2003). The tribal child is thus a social actor who negotiates constructs of childhood and adulthood through work and play (Punch, 2003).

The African child has historically been a social actor; the colonial subject was made such even in childhood through their enslavement (Diptee & Klein, 2010). Diptee and Klein's (2010) literary review on the historical conception of childhood subsribes to the child that is both acted upon and acts on; they reiterate the idea of muliple African childhoods.

> I construe 'agency' as a social phenomenon that is part of the child's natural development as a member of a family, peer group and community. At the core of this phenomenon are reciprocal processes by which culture and psyche co-construct each other to produce divergences in the praxes, intelligences and desired developmental outcomes that include levels of agency, which are valued and promoted by different peoples in different times and societies. (Nsamenang, 2008, p. 213)

The conceptualisation of childhood within a given context becomes such through the cultural determinants enacted on and negotiated by children (Diptee & Klein, 2010). African childhoods become demonstrated through agency characterised by an inclination for participation; it is from this perspective that Nsamenang (2008) presents childhood as definitively implicated in Cameroon family systems. Within the latter context, the

conceptualisation of normative childhood emerges with the child implicated in caregiving thus serving as partner to African family systems (Nsamenang, 2008).

Departing from customary definitions of childhood and vulnerability, Shalev (2011) presented an example of childhood in conflict to normative constructions of vulnerability in her article on children who repeatedly go missing and their involvement in crime in Oxford, UK. Children who go missing are regarded as a vulnerable population with various risk factors associated with such children; such as an increased risk of being a victim of crime and exposure to ill-health (Shalev, 2011). However, the conception of children who repeatedly go missing and their involvement in crime creates an alternate lived experience for these children and how their vulnerability, in turn, gets constructed. Shalev (2011) found that children who go missing on average, three times or more, are commonly arrested for crimes related to aggression than to any other category of crime. In order to intervene in such a context, Shalev (2011) proposed an "integrated approach to risk reduction and support for children who go missing" (p. 35). That is, achieving this would involve the reconceptualisation and acknowledgement of such children's vulnerabilty as not only linked to victimhood but as also incorporating perpetration. This in itself is contradictory to how normative vulnerability in childhood has been constructed globally.

Moreover, apart from reconceptualising vulnerability in childhood and as something separate from adulthood, is the intersectional stance articuated by Graham and Bruce (2006), which signifies childhood as a historical and social construct that bears relation to other categories of being such as race, gender and culture. Here, the authors articulate the importance of locating the meaning and thus significance of childhood within a particular society to other variabes such as race (Graham & Bruce, 2006). This was of particular importance in child welfare practices where the lived experiences of children were located in their subjectivities as rooted and mediated by issues of race (Graham & Bruce, 2006). The same may be said of the child offender, as historically in countries like South Africa, the construction of a criminal identity has been rooted in intersections of race and gender (Bowman, 2010; Kramer, 2011).

Graham and Bruce (2006) locate the history of Black[1] children in a reality marked by marginalisation and oppression (Bowman, 2010), from the emergence of slavery in the 17th century to other instances of modernised ostracism well into the 21st century. As postulated by Graham, Bruce (2006) and Bowman (2010), Black children's lives have historically been remarkably different and almost separate from the traditional romanticised construction of childhood. In America, this has often resulted in an overrepresentation of Black children within American welfare initiatives for one and having an implication on the lived experiences of such children and how, in turn, their childhood is experienced (Graham & Bruce, 2006). What this alludes to is that the reductionist and generalist definition of a universal [often romanticised] childhood bears little relevance in contemporay society where instances of discrimination and marginalisation, whether racialised or formalised in knowledge systems and law make up the daily experiences of different types of children (Graham & Bruce, 2006); in this instance, the child offender.

2.3. Intersectionality and constructions of culpability

Platforms that disseminate information, whether in the form of journal articles, books or media outlets like newspaper articles and television media play a pivotal role in knowledge dissemination and representation. These representations fuel public interaction and debate which are driven by particular discourses. When it comes to child-perpetration, headlines like, *Can killer girl ever be named* (Venter, 2015, July 20), *Dros rapist is a white boy* (Twala, 2018, September 27) and *The kids who prey on other children* (Sunday Tribune, 2011, March 27) are utilised. In these representations, the perpetrator is often sensationalised as an anomaly and child offender's characteristics are accentuated with less focus on the dynamics that underpin the crime. Within South Africa, the association of crime with a particular identity has historical significance and the identity of a particular perpetrator has been entrenched in public consciousness (Bowman, 2010; Graham, Bruce, & Perold, 2010; Welch, 2007).

2.3.1. Race, gender and criminal capacity

The historical response to constructions of criminality in South Africa rooted in the apartheid legacy and the continuous penal persecution of the Black population especially Black males

[1] In this report, I make use of the terms Black, White, Coloured, etcetera (etc) to distinguish between different racial groups within South Africa. My choice in the use of these terms (apart from using African, Caucasian, etc.) finds significance in my existence and relation to the South African context. Academically, all of these terms have different weightings and relevance, where African and Caucasian may be constructed as politically correct. In the literature review, I engage in some of the historical implications of social categories, including race and thus decided to utilise terms that continue to find significance in everyday talk and discursive actions. Conversely, the same may be said about the terms African and Caucasian.

continue to paint the perpetrator as predominantly Black (Bowman, 2010; Welch, 2007). In addition, society, as governed by institutionalised hegemonic discourse, aligns that Black perpetrator with masculinity, especially as it pertains to violent and sexual offences (Kramer, 2011; Kramer & Bowman, 2011). Such assumptions within the South African context are engrossed in a historical hegemonic masculinity that seemingly internalised the perpetration of social ills such as violence, abuse and precarious sexual behaviour as part of the (often Black) male psyche (Morrell, Jewkes, & Lindegger, 2012). Kramer (2011a, 2011b) engages with the emergence and (in)visibility of the female sexual offender and how her acceptance in both local and global discursive practices lies in the ability of the female offender [and experts/professionals functioning under hegemony] to displace blame and adopt a victim/maternal discourse. The emergence of the female offender only becomes fathomable through the coordinates that society has historically used to conceptualise womanhood; that of a caring, nurturing woman who was 'induced' to committing a crime which she would otherwise not have committed out of her free will (Kramer, 2011). The mere call of an ear to news of criminality in the media triggers the sight of a Black man as the offender.

Likewise, the emergence of the Dros Rapist in the South African media has provided a space for the publicised introduction of an alternate face to violence, especially violent sexual crimes (Dros rapist is a white boy, 2018, September 27). The case involved a 20-year old White male who had raped a 7-year old Black girl in the male restrooms of a public restaurant. The public emergence of a White sexual offender sparked conversations on social media, particularly in relation to the circulation of a picture where less than a handful of Black men were photographed wearing a printed t-shirt of the convicted with the words *child rapist* printed on the t-shirt. This was coupled with the emergence of commentary from a handful of White people who were of the view that the incident was fabricated, as it was not in their culture to rape (The Citizen, 2018). The latter constructs rape as a cultural act where certain racial groups have an inclination towards committing rape. Moreover, public commentary took a stance towards the now 'visualised face of a child rapist' (t-shirt). The racialisation of crime within South Africa was so deep-rooted that at the slightest opportunity, the Black man would celebrate an alternate face to rape instead of taking a general stance against the act in itself and supporting the victim. Comments on social media platforms engaged with the public emergence of the White sexual-perpetrator, constructions of a psychologised discourse that limited White men's culpability to insanity and subsequently, the role of the criminal justice system and how it would resolve the case (#dros, 2019; Cape Talk, 2018). Within contemporary

society, the justification for such a stereotypical image is reified in media representations of criminality (Dorfman & Schiraldi, 2001). In South Africa, categorical demographics such as race and gender are intertwined to constructions of criminality; this includes age and its role in constructions of childhood culpability.

2.3.2. Child offenders, age and South African legislature

In South Africa, the emergence of the child as an offender in the Child Justice Act (2008) sets out the minimum age for criminal capacity of children at 14 years. By definition, children are any persons under the age of 18-years old (Child Justice Act, 2008; Norozi & Moen, 2016). According to the Act, a child who commits an offence while under the age of 10 years is incapable of criminal capacity and thus cannot be charged with an offence (Child Justice Act, 2008). However, children older than 10 years but younger than 14 years are said to lack criminal responsibility unless the court can prove, beyond reasonable doubt, that they can be held criminally liable (Child Justice Act, 2008; Karels & Pienaar, 2015). The abovementioned criteria align with hegemonic discourses of childhood and posits that children under the age of 10 years cannot be criminally liable, hence reinforcing the child as innocent. Inevitably, the category of child offenders 10 years and younger would be invincible to the criminal cohort, with those aged between 10 and 14-years old remaining largely underrepresented in correctional facilities. The criterion on childhood culpability assumes that children's developmental trajectories and chronological age can be used as an adequate indication of criminal culpability. However, given the variation in the structural, social and economic realities of many South African children, particularly impoverished Black children; assuming that developmental trajectories correlate to chronological age can become problematic (Abebe, 2016; Norozi & Moen, 2016).

In accordance with the Child Justice Act (2008), the South African Department of Correctional Service (DCS) (2018), as of the year 2017/2018 places the total number of detained child offenders, between the ages of 14 and 18-years old at 204 of which 78 children are remand detainees. Only four of the 204 detained child offenders are girls (Department of Correctional Services, 2018).

Songca and Karels (2016), talk about childhood sexuality in relation to legislation in South Africa (Children's Act, 2005) and how, despite being constructed as victims the child can still, under The Sexual Offences and Related Matters Amendment Act (2015), mediated through the Child Justice Act (2008), come into contact with the criminal justice system. According to

Songca and Karels (2016), the concern with this is that there is a lack of clarity on how clinicians, social workers, legal representatives and society negotiate the contradictory nature of having a child's best interest and yet legally taking action against child offenders (Songca & Karels, 2016).

The victim discourse and the construction of the child as in need of protection, through the historical and local idealisation of such dominant discourses, has become embedded in professional objectives (Moss et al., 2000). Constructions of victimhood are articulated at institutional levels where legal scholars continue to address the limitations contained in the laws and procedures that are supposedly put in place to protect and deter the child-perpetrator (Hansungule, 2014; Pinnock, Skelton, & Shapiro, 1994; Songca & Karels, 2016). South African child offenders and juveniles, as perpetrators, are constructed as victims at multiple levels of society; they are victims of abuse, circumstance and the legal system they encounter (Pinnock, Skelton, & Shapiro, 1994). They thus become the object of enquiry and a site within which non-normative childhood becomes classified and thus defined as an anomaly to be rectified, often through the lens of non-African and decontextualised perspectives and interventions (Abebe, 2016). Such an approach to child perpetration, especially in relation to managing it is a by-product of historical institutional processes that have demarcated who becomes constructed as a child offender. Historically, racial dynamics within South Africa as experienced in constructions of criminality is rooted in the history of the country and the apartheid regime.

2.4. Locating children and violent offences in South Africa

Through laws and legal practice, the political oppression of Black South African children and the differentiation between Black and White children during apartheid, constructed a dual image of children (Bowman, 2010; Swartz & Levett, 1989). White children were constructed as vulnerable, victims and in need of protection, and this view was central to the formation and organisation of legal structures that were concerned with White children's wellbeing (Bowman, 2010; Songca & Karels, 2016; Swartz & Levett, 1989). Moreover, the image of White children as innocent and in need of protection was accompanied by that of a Black child who was framed as a threat and whose innocence was malleable and subject to corruption by the social and political landscape of South Africa pre-1994 (Bowman, 2010; Swartz & Levett, 1989). The emergence of this dual image of childhood as represented differentially by White and Black children was a function of institutional power as enforced by the apartheid state to control, segregate and manage subjective experiences and social action (Bowman, 2010; Moss et al.,

2000). In the 1980s, the discourse implying ‘Black children as a threat’ to White supremacy began to change, and organisations and scholars began to acknowledge the emergence of the Black child as a victim of oppression, who too, was innocent and in need of protection (Bowman, 2010; Swartz & Levett, 1989).

Post-1994, exposure to violent crime and the possibility of synonymously being victim and perpetrator (Funk, Elliott, Bechtoldt, & Pasold, 2003; Graham et al., 2010) in South Africa became a stark possibility, and even more so for children and youth (Pelser, 2008; Schonteich & Louw, 2001). According to Souverein and colleagues (2016), children and youth who form part of gangs are more likely than children who are not part of gangs to be both victims and perpetrators of abuse, violence and intimidation. This can be put into context when one considers the varying dynamics that accompany gang membership in South Africa, especially in the Western Cape (Souverein et al., 2016). Commonly, gangs are categorised as a social grouping of individuals who are driven by the will to engage in deviant or criminal behaviour (Parker, 2001; Young et al., 2014) and demarcate themselves as an excluisive entity that may or may not inculcate social fear and hostility.

Sanchez-Jankowski (2003) argues for a theoretic approach that acknowledges the gang as an organisation rather than merely as a loose constitution of deviant and distinct people; he emphasises that there are structural factors within society that lead people to join gangs and that the reasons behind gang membership should not be limited to psychological and social deficits. Instead, he views gangs as operating in response to socio-economic and structural conditions that allow the appropriation of certain resources and recourse in those situations where one would not normally be able to achieve a premeditated objective (Sanchez-Jankowski, 2003; Winton, 2014). The emergence of gangsterism is said to be rife in historically disadvantaged communities where mostly Black people congregate in neighbourhoods (Kynoch, 2016) characterised by low socio-economic status, economic segregation, high rates of unemployment, drug and alcohol use and abuse and a culture of violence, thus occupying what academics may term a ‘structurally disadvantaged location’.

Within the South African context, gangs do not only symbolise a particular collective subculture but are also organsational in a sense that they are accompanied by gang-specific occupational responsibilities (Wegner, 2016). Wegner (2016) locates gangsterism in such organisational mechanisms in her study that qualitatively engages with the purpose and meaning behind gang-related occupations of four young men from Cape Town, South Africa.

According to Wegner (2016), these organisational mechanisms were closely tied to a social reality that 'induced' the need to engage in gang-specific activities for the purpose of strengthening oneself, the unit and acquiring monetory gain.

In South Africa, the culture of violence including the emergence of gangs (Charlton, 2018; Graham, Bruce, & Perold, 2010; Kynoch, 2016), is long-standing (Schonteich & Louw, 2001) and its legacy continues to be apparent through the process of socialisation (Mampane et al., 2014; Pelser, 2008 ; Souverein et al., 2016; Walters, 2017). The culture of violence, especially pertaining to how children construct violence and come to act violently, is (re)produced and reinforced through social interaction (Clark, 2006; Mampane et al., 2014; Pelser, 2008). For instance, in talking about childhood and by telling or showing children born into a particular social context how to behave, we are co-constructing their reality and subjectivity by providing a framework as represented in hegemonic discourse, from which they can construct themselves as children (Mampane et al., 2014; Nightingale & Cromby, 2002). Thus, violent behaviour and a violent identity can be learned through association and appropriation, encouraged by appraisal or lack of punishment, and acted out in a particular social context (Mampane et al., 2014; Patchin et al., 2006 & Pelser, 2008; Walters, 2017). This speaks to the discourse children and youth have access to, and relates to van Dijk's (1993) idea of how authority, dominance and social cognition shapes and is shaped by the type of access one has to discourse and hence constitutes knowledge, action and subjectivity.

2.5. Interpreting contextual violence

Traditionally, violence is thought of primarily in terms of physical assault, but it embodies not only physical acts, but also includes verbal acts, psychological harm and represents a fluid social construct with different meanings (Allen & Allen, 2000; Parkes, 2007). Thus, violence as commonly but not always accepted refers to acts as defined in the World Report on Violence and Health as (WHO, 2002, p. 5),

> 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.

The above conceptualisation of violence is not exclusive. Like childhood and other social constructs, violence remains permeable to discursive practices as deemed locally relevant. In an article that explored how South African children, aged between eight and 13 years, talked about violence in their neighbourhood, Parkes (2007) posits that in contexts where violence

can be seen as a form of capital, violence can become both repulsive and exhilarating, indicating ambivalence in how children construct violence. Such an ambivalence rooted in attitudinal factors (Funk et al., 2003) represents, how in different situations, children may act accordingly, taking up hegemonic discourse and rejecting others (Parkes, 2007). For instance, older boys, aged 13 to 15 years, within the school context tend to embody traditional notions of masculinity and violence but when these children are confronted with violence in the community, they embody the discourse of a child as vulnerable and powerless (Parkes, 2007). Mampane, Ebersohn, Cherrington, and Moen (2014) in their analysis of how South African grade nine pupils who attended a rural school in Mpumalanga understood violence in school, found that the adolescents framed violence as representing authority and power and as justified when used as punishment, for discipline or justice (Parkes, 2007). Children, through narrating their understanding and experiences of violence, constructed violence as both problematic and as a tool that can be used by children to reposition themselves within relatively disempowering contexts (Parkes, 2007). Children, through socialisation, come to construct violence as "a means to enforce power, shift power and resist power" (Mampane et al., 2014, p. 741). This ambivalence in how concepts such as violence are framed, and how they are reconstructed relative to context and time is also present at institutional levels (Alford, 2012; Muehlehard & Kimes, 1999).

For instance, the definition of rape in South Africa has been altered legally from exclusively defining rape as involving penis-vaginal penetration (Criminal Law Amendment Act, 2007). This reconstruction of what constitutes rape now accommodates males as victims of rape and other forms of rape that are not limited to penis-vaginal penetration (Criminal Law Amendment Act, 2007). This amounts to a shift within rape discourse and hence how the victim discourse may be reconstructed. Men, like women, can be (and are) victims of rape. Such a reconstruction at an institutional level eventually permeates the micro-level and may then be reformulated as a resistance discourse. For instance, the definition of violence or violent offenders, even if it is affirmed by legislation, does not always result in the acceptance of that definition by those who have been afforded that label (Muehlehard & Kimes, 1999). This might be due to a social actor taking up a resistance discourse. By accepting or rejecting the way a concept or social issue is constructed, we are essentially rejecting and moving out of one discourse and occupying an alternative discourse (Alford, 2012; Surette, 2015). This social/linguistic migration, for lack of a better word, between and across hegemonic discourse and counter-discourse represents the dynamic interaction between society and people as social agents (Parkes, 2007).

However, the emergence and appropriation of a resistance discourse, especially in childhood, may be stunted by the acceptance of hegemonic discourses as taken-for-granted knowledge. Such socially located knowledge, concepts and the categories by which 'categories' of people are placed in is an act of power at a societal level (Moss et al., 2000). Power as enforced through hegemonic discursive strategies, is employed at institutional levels to construct, categorise, manage and regulate social actors and by implication, define normality and structure social experience (Gore, 1998 as cited in Moss et al., 2000).

The apartheid regime in pre-democratic South Africa is a historical example of how power was utilised at the institutional level to construct different categories of people in order to systematically categorise and oppress certain groups of people. Its effects in terms of the racialised, gendered and socio-economic lived experiences of its people still linger on (Kynoch, 2016);

> White minority rule in South Africa was maintained through different forms of violence. Controlling and exploiting the Black population required an extensive and interlinked bureaucratic, judicial and coercive apparatus that directly subjected Black South Africans to state violence and marginalisation. (Kynoch, 2016, p. 65)

In post-apartheid South Africa, the experience of violence, although not premised on the explicit principles of apartheid, is complex and continues, both institutions and localities are subject to imposing and being on the receiving end of violence. Kynoch (2016) engages with alternate forms of socio-politicised violence; those mechanisms which are now based on the inability of the state to prioritise adequate law enforcement in historically Black communities, the socio-economic effects thereof, the perpetuation of xenophobia and the practice of mob justice. According to Kynoch (2016), in such a context, violence is a social tool used to rally against the expectations the government has failed to deliver on. Violence, apart from inter- and intrapersonal interactions (homicide, femicide, gang-related violence and other violent crime), has found a footing in civic unrest (Kynoch, 2016). However, such experiences of violence as contained in civic unrest appear to be a phenomenon experienced primarily in Black contexts. What then becomes of such a contextualised enactment and experience of violence? What is noteworthy from it all is the ability of institutions and people alike to alter the premise of violence as historically significant and to align and thus utilise it as only mirroring the concerns [nature] of those social actors who have come to be historically over-surveilled and policed. Essentially, the nature of violence as a social construct linked to acts such as mob justice and xenophobia is not a Black experience. Its emergence in literature and the media

where most of the stakeholders have a Black face has particular linkage to the social reality of largely Black people and given the context, is always discursive in its intent. The same applies for the emergence of the (violent) criminal offender in literature and the media as one who is Black and male.

2.6. Constructing aetiologies

The co-constitutive nature of discourse, adopting objects of knowledge as socially constructed and the idea that access to varying discourses shape systems of knowledge in particular contexts (Fairclough & Wodak, 1997; Moss et al., 2000; Van Dijk, 1993, 1996), alludes to attributing cause to social action through linguistic devices that shape discursive practices. Psychology, medicine and the law has played a prominent role in demarcating what brings rise to child-perpetration. Much of childhood criminality remains inconceivable because it goes against normative constructions of the child as innocent (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005) and unable to inflict harm with the same capacity as an adult, especially in relation to violence or actions considered harmful to one's bodily integrity. In those instances, where childhood and violent criminality are contained in one body, psychological discourse, historically constructed aetiologies and the media continue to demarcate the parameters that make child-perpetration fathomable. These discourses are utilised either to reinforce the subject position of the child as innocent, as one driven by external factors or to dislocate the 'inherently' depraved child offender from normative constructions of childhood. For instance, child-perpetration, especially if it involves grievous bodily harm or the murder of one child by another, such as in the case of the 1993 Jamie Bulger case in Britain where two ten year old boys kidnapped and murdered, Jamie, a three year old child, is constructed as disturbing, evil and inconceivable (James & Jenks, 1996; Nightingale & Cromby, 2002).

2.6.1. Psychological discourse

Siemens (2009) provides a perspective of the constituents of crime as potrayed in his analysis of German media rhetoric on how the factors that bring rise to criminality were conceptualised. During that time (1920s), the populist German narrative used to explain crime was rooted in a psychological discourse where criminals were viewed as victims of a society characterised by poor and stress-inducing social conditions (Siemens, 2009). For the court-room reporters of that time, defendents were met with increasing sympathy which was only made possible by the emotive language that located their offence outside of the person and instead attributed their crimes to an inevitable 'bomb' that was bound to explode given the situation the defendents

were in (Siemens, 2009). What this aims to show, is how the conceptualisation of crime and therefore the criminal, mirrors dominant ideologies governing the principles and values of the time. Siemens (2009), in his first introductory paragraphs, introduces us to the seminal thoughts that paved the way for such a distinct criminal narrative; it was the works inspired by Sigmund Freud (1856- 1939) rooted in psychological quandary and 'evenhanded' victimhood that inspired the media narrative of that time in Weimar, Germany.

In psychology and psychiatry, the formulation of what is termed "disruptive, impulse-control and conduct disorders" (see Sadock, Sadock, & Ruiz, 2014, p. 1245) in the Diagnostic Statistical Manual of Mental Diosrders V (DSM V) (2013) has led to an association between delinquency, children and youth and pathology as rooted in abnormal psychology. The use of the word abnormal in global academic rhetoric already constitutes the lived experiences of many social actors by means of demarcating those who are normal and those classified as abnormal. A mental health diagnosis or any other form of diagnosis is based on a particular aetiology (Sadock et al., 2014). Acknowledging the presence of cause within a particular context constraints agency in the appropriation of certain attributes. With regard to criminality, constructing aetiologies as underpinned in psychologised discourse serves to diplace blame and justify the actions of a social actor as consequential. Simkins and Katz (2002), in their study of female juveniles, presented an argument that the juvenile justice system is increasingly criminalising abused girls. They (Simkins & Katz, 2002) found that these female juveniles were commonly diagnosed with oppositional defiant disorder although the girls' narratives, as presented in their inteviews, would point to their devianace as having stemmed from trauma. Within this study, criminalising the abused girl offender is contested, this is accompanied by the rejection of a mental health diagnosis that could arguably limit the constructions these girl children can utilise to construct their criminality. Experiencing trauma is rooted in theories on the cycle of abuse (Tener, Tarshish, & Turgeman, 2017); here victimhood is essential to constructions surrounding some of the possible conditions that produce conceivable childhood criminality.

The criminal child who is said to have conduct disorder within Westernised knowledge systems falls under constructions of abnormality and pathology (Sadock et al., 2014). However it is not all criminal children that are afforded the basis to have their criminal behaviour understood within such psychologised discourse even though their behaviour may be said to meet the minimum criteria for clinical diagnosis. Historically, within the South African context, the White child-perpetrator as opposed to the Black child-perpetrator would have been constructed

according to such psychologised discourse as this ensured their innocence and integrity (Bowman, 2010), which in turn allowed such children to occupy the victimhood and preserve White childhood purity. The preservation of White childhood despite his/her relation to criminal acts was rooted in dicursive strategies implemented through hegemonic discourse that governed the social climate of the time. Such discourses which function at the macro/micro level and are thus implicated in institutional practices such as law, medicine and psychology govern definitions of normality, hegemony, and (sometimes) the unconscious process of knowledge production and consumption. This is true of the category of the child in question; the nature and manner by which child-perpetrators have come to be conceived is driven by legal and psychological discourse which functions to manage (Elfleet, 2011; Moss et al., 2000) and police the social bodies of those who have been singled out as anomalies.

Moreover, building on the conceptualisation of violence and violent analytic work, in some studies on youth sexual and violent offending, authors (Wanklyn, Ward, Cormier, Day, & Newman, 2012; Wijkman, Bijleveld, & Hendriks, 2014) tend to be interested in investigating whether there is a difference between male and female youth offenders, whether offenders within each gender category differ from other offenders of the same gender and if there are consistencies and differences in the overall offender characteristics. Such studies argue for a gendered pathway toward a cycle of violence, oftentimes distinguishing between the different delinquent paths adopted by boys as opposed to girls (Walters, 2017). Likewise, Walters (2017) aimed to explore whether there were gendered differences in how participants perceived parental tolerance toward violence and whether this affected participant association with violent peers. He found no significant associations for girls on the abovementioned factors but found that boys who perceived parental attitudes toward violence were more inclined to associate with violent peers (Walters, 2017). Walter (2017) argues that this may in turn have an effect on their involvement in succesive violent behavior. The abovementioned study continue to align violent criminal behaviour with the male gender. By so doing, issues of gender become intertwined in constructions of culpability. Not only does this reinforce the binary representations of males as the violent offenders, but it also cements that from a young age and potentially by design, females remain 'incapable' violent offenders even though they may be exposed to contexts that may be approving of violence.

Additionally, youth violent and sexual offenders in academia become classified into typologies such as pure sex offenders (PSO), violent non-sex offenders (VNSO), versatile violent sex offenders (VVSO), juvenile female sexual offenders (JFSO), adolescent-limited offenders and

life-course-persistent offenders (see Allen & Allen, 2000; Wanklyn et al., 2012; Wijkman et al., 2014). Such a categorisation of youth and child offenders, although not always rigid, assumes that young offenders can be classified into relatively homogenous groups which attribute cause and possibly 'cure' to child-perpetration. Deranek and Gilman (2003) engaged with the factors present in American juvenile sexual offenders' lives prior to them engaging in their first sexual offence. The authors (Deranek & Gilman, 2003) draw on various theoretical frameworks that postulate that the presence of adverse factors such as unhealthy familial settings and structures, being a victim of abuse, exposure to explicit sexual content and the presence of poorly established boundaries linked to sexuality, would have an effect on the development of deviant behviour and thus increase the likelihood that such male children would enage in sexual offending.

Here, pathways to the development of criminality are defined, intertwining criminality with victimhood. Child-perpetrators are constructed as children who come from pathological backgrounds that may become foundational to criminality by adversely affecting the development of normative behaviour. Notwithstanding constructions of victimhood, the aforementioned categories of child-perpetartors, as produced in academic, psychological discourse and legislature serve to organise, manage and control (Moss et al., 2000). This is done by differentiating youth offenders from non-offenders and constructing them as diverging from the norm and pathological and hence, the site for intervention and treatment (Moss et al., 2000).

2.6.2. Structural Disadvantage

Apart from the psychologised child offender, other factors have been attributed to the formation of behaviour that has been considered deviant or criminal, and various schools of thought have played a role in demarcating the emergence of such a child within society. In sociology and criminology, as populated by theories such as strain theory and social disorganisation theory; structural factors linked to environmental disadvantage, poverty, abuse and lack of socio-economic development have been stated as perpetuating criminality (Graham, Bruce, & Perold, 2010; Patchin et al., 2006) particularly in youth delinquency and in the development of contextually located deviance.

In reference to the above, Kaufman and collegues (Kaufman, Rebellon, Thaxton, & Agnew, 2008) talk about general strain theory and how this perspective may be engaged with to understand racial differences in offending. General strain theory postulates that various socio-

economic strains such as structural disadvantage, poverty and disintegrated homes characteristic of certain social conditions may be conducive to crime, mediated through perceptions of inequality (Agnew, 1992; Kaufman et al., 2008). The perspective presented by Kaufman et al. (2008) is that Black people, focusing on Black Americans are more likely to experience various forms of strain than their White counterparts based on their residency in areas characterised by high strain. Social disorganisation theory builds on the assertions of strain theory and postulates that the varying forms of contextual structural disadvantage observed have an impact on the level of informal social order thus subsequently creating a potential space for deviance and criminality (Weatherburn & Lind, 2006). A reduction in informal social order may be observed through lack of parental engagement, discipline, supervision and other forms of communal order and instability which in turn may have an indirect or direct impact on adolescent delinquency (Parks, 2014; Weatherburn & Lind, 2006). The aforementioned perspectives contextualise the aetiology of delinquency and crime by engaging with various mitigating factors that sit outside individual accountability. The emergence of criminal behaviuor is located and thus realised through social conditions that make criminalilty possible. Here, the emergence of the child offender is in direct reponse to an environment that plays an integral role in constructing the child-perpetrator as a reactive social actor.

Moreover, the seriousness and nature of an offfence committed by youth offenders is said to be associated with an early onset of conduct and violent offences (Allen & Allen, 2000), experiences of abuse and violence, a history of criminality in the family, family disruption, victimisation and below average academic achievement (see Da Costa et al., 2014; Souverein, Ward, Visser, & Burton, 2016; Wanklyn et al., 2012; Wijkman et al., 2014). From this, the presence of an unconducive social environment, either in the form of opportunity or structuaral disadvantage is said to play an important role in creating potential child offenders. Tonkonoff (2014), building on the foundational works presented by Tarde (1903, as cited in Tonkonoff, 2014), expands on the concept of crime as a social phenomenon and implicates the coordinates by which crime is realised in three sociological processes; crime as invention, imitation and opposition (Borch, 2005; Niezen, 2014; Toews, 2003, 2013; Tonkonoff, 2014). Tonkonoff (2014) defines invention as the social act contained in the desire to enact new beliefs as realised through original invention or one that is imitative in nature. Accordingly, within such an invention, the motivation called upon to enact crime, new or distinguished, results in the formation of a new crime albeit whether the manner of the crime committed by

two separate people is conceptualised as the same by the penal system (Borch, 2005; Niezen, 2014; Toews, 2003, 2013; Tonkonoff, 2014).

The argument presented here is that any social activity is duly transformed on the basis that it serves different social functions (Borch, 2005; Niezen, 2014; Toews, 2003, 2013); so common assault resulting from acquiring material possessions and common assault emanting from (incidental) self-defence according to this perspective, may be profoundly different although conceptualised as the same at an institutional level (Tonkonoff, 2014, p. 66).

> Thus it is possible to assert that, in the moment of his criminal invention, the most solitary transgressor finds himself captive of a radical otherness. That otherness, however, is nothing but the cultural currents present in his social milieu: collective judgements and purposes that, co-adapted in a new manner, overwhelm his subjective space and lead him to act in a new (prohibited) way.

In view of the above quote, Tonkonoff (2014) postulates that like any other social activity, crime presents a phenomenon rooted in imitation, discursively realised through appropriation, that can either come to be demarcated as incidental or habitual and therefore may result in a criminal culture (Mampane et al., 2014; Patchin et al., 2006 & Pelser, 2008; Walters, 2017). However, unlike other forms of social phenomena, even though it is also realised through the coordinates of invention and imitation, criminality does not represent 'normal' social behaviour, but is instead constructed in opposition to normal social behavior. That is, certain types of social action becomes constructed as crime because it deviates from the hegemonic values and desires underpinning normative behaviour in that particular society (Jensen, 1999; Tonkonoff, 2014). So, given what has been presented above and despite the theoretical underpinning, crime and in this instance child-perpetrated crime, has been conceptualised as presenting that which is separate and thus non-normative in comparison to apparently 'normal' behaviour. The construction of crime as unormative social behaviour is built on the premise of being caused by something. How this 'cause' becomes constructed is dependent on issues of intersectionality and the resultant subject position, tied to access one has to varying discourses.

All of these risk factors mentioned prior; abuse, familial violence, exposure to violence and so forth, are grounded in an offender's subjective experiences and their immediate family. Even though some of these risk factors [have been] may be empirically validated, they still decontextualise the offender and the offence (Moss et al., 2000). They also serve to reinforce the view that childhood is characteristed by innocence and in the instance where children deviate from the norm; criminality can be attributed to external factors that serve to reinforce

childhood as impressionable and in need of protection. The viewpoint is that the very knowledge systems we have come to utilise in psychiatry, psychology and law that govern the conceptualisation of child-perpetration, find basis in these risk factors and experiential propositions which in turn have found footing in the hegemony of penal reform, reintegration and child justice.

The paradigm of choice in this study asserts a particular ontology on the topic of interest; one that acknowledges the role of hegemonic disourse and historically significant discursive practices in the emergence of child-perpetration and the accompanying narratives of being. That is not to say that other world views are insignificant. It is rather to present what has been done and what can still be done inorder to engage with child-perpetration within the South African context from a different epistemological position that acknowledges the influence of historical constructs on subjectivity and the 'emergence' of non-normative behaviour. By removing the act of child perpetration and childhood violence from its context, we fail to acknowledge that childhood perpetration is socially constructed and thus contextually located, and the coordinates by which it comes to be realised and defined serve particular functions in society, such as informing rules and practice at institutional levels (Moss et al., 2000) and governing subjects of being.

2.7. The role of the Media

When we think about the role of the media and how various forms of media have become institutionalised as the site on which 'objects of knowledge' can be accurately represented, we come to view the media as an important agent in how social issues and subjects are portrayed. When it comes to certain social issues, or areas of engagement, few people have direct access to topics of concern and the media acts as the main informant for relaying information (Kupchik & Bracy, 2009). However, the criteria by which social issues and subjects are represented in the media is not clearly delineated. When reporting child perpetration, the media becomes sensationalist in its representations of the child-perpetrator, often calling attention to the offender's age and the nature of the violent act (The Kids who Prey on other Children, 2011, March 27; Venter, 2015, July 20), in so doing, challenging the idea of the child as innocent and pure (Davis & Bourhill, 1997).

The sustenance of media and its hand in influencing public consciousness lies in its ability to engage in systematic discursive tactics that are governed by an imbalance in power as experienced at the macro/micro-level but presented as impartial, all the while being the

pedagogues behind so-called systems of 'truth' (Elfleet, 2011; Parker, 2001). Broadcasting news agencies and newspapers generally, report on content that they believe will be newsworthy, wherein worthiness is socio-politically determined and reflects current affairs. Sensational news content reflected in incidences of violence, child-perpetration, high-profile murder and political cases, get prioritised (Dorfman & Schiraldi, 2001; Reiner, 2002; The Centre for the study of Violence & Reconciliation, 2007). More often than not, such representations are based on an individual or an institution's account, and sometimes are unintentionally one-sided (Reiner, 2002).

The emergence of the violent child/ adolescent offender in the South African media has marred the conventional definition of childhood as innocent and in need of protection. The presence of smartphones and social media platforms such as Twitter and Facebook has surfaced previously 'invincible' forms of child-perpetrated crimes whether committed by one child-perpetrator or occurring in a group setting. February 2019 ushered in the tragic death of 27-year old Thoriso Themane who was brutally assaulted and killed by a group of high-school adolescents who were between 15 and 16-years old (Hlungwani, 2019; Nicolaides, 2019). The assault was recorded and subsequently circulated on social media platforms and the media. The video made evident the culpability of the offenders. The level of violence and trauma inflicted by the adolescent perpetrators echoed sentiments of a wider social ill; one that garnered a hashtag on twitter aimed to seek justice for Thoriso (Hlungwani, 2019; Nicolaides, 2019).

Katz (2016) in his analysis of the Rodney King Riots[2] of Los Angeles, placed particular emphasis on the narrative constitution of crime by differentiating what he conceptualises as the "culture in crime and the culture about crime" (p. 233). The former refers to the constituents and the narratives presented by the perpetrator "in situ" (p. 248) in order to make sense of the crime and thus perform accordingly in order to align his actions as a crime and to have them percieved as such by other offenders, victims and bystanders. On the contrary, the culture of crime is based on representations of crime made by the mass media including fictional potrayals of perpetration as seen in movies and descriptions provided in retrospect by offenders on how and why they become criminals (Katz, 2016). Here the concern is not so much on differentiating the two but on where your knowledge sytem of the constituents of crime is

[2] The riots that occurred in 1992 in Los Angeles, America, as a subsequent response to the acquittal of four police men who were recorded beating and using excessive force in the arrest of Rodney King.

derived from. It is about having an awareness of the processes by which 'common' understandings of crime come to be formed within society.

Conversely, Gill (2012) raises concerns about how the media is represented as a solid and uniform entity. By representing the media as standardised, we fail to acknowledge the differences between different kinds of media content and the accompanying different implications thereof (Gill, 2012). Furthermore, characterising media influence as achieved through imitation is problematic as it limits and emphasises only one side of a reciprocal interaction between the media and the public (Gill, 2012). In so doing, it sets aside how people continuously (re)negotiate themselves in relation to media content and social context. People who orient to the media are not mere consumers of media subculture but are co-constructors of knowledge, and in reading and interpreting what is relayed in the media, they understand, construct and actively change what they have come into contact with (Surette, 2015; Yar, 2012).

Within South African media, especially news media and newspaper reports, child offenders are seldom given the platform to actively engage in and construct public knowledge (primarily because they are deemed vulnerable and their interests need to be protected). Child offenders' social agency and how they actively (re)negotiate that which they come into contact with in the media, becomes confined to personal space. Although not a media platform, this study aims to provide a platform from which child-perpetrators can engage in talk and tell their story from their own perspective.

2.8. Conclusion: the child-perpetrator

The emergence of the child offender in academia and in the public domain deviates from society's conventional defintion on what constitutes a criminal offender. Within society, constructions of criminality are tied to definitions of culpability and central to this is the ability of age to serve as a determinant for prosecution. By their very 'nature', children are conceptualised as incapable of being wilful perpetrators but there is always an exception to the rule. In South Africa, children aged ten-years and below, presumably encompassing the essence of childhood in its purest form are exluded from the child-perpetrator category. This is because children are conceptualised as innocent and pure (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005), so to many their crimes especially their violent and sexual crimes remain unfathomable. In the instance where the nature of one's childhood is brought into question due to their actions, external factors rooted in a psychological and

justificatory discourse is utilised to make child-perpetration conceivable and thus preserve the essence of childhood. However, such reactions to the emergence of the child offender in society is not consistent. When constructions of normality and the essence of childhood is challenged to such an extent that they do not fit into the parameters of the pre-established knowledge systems; child-perpetrators become constructed as depraved and inherently evil; sometimes with issues of intersectionality such as race, class and gender intertwined in this (re)constructive process.

Chapter 3: Methodology

3.1. Research Design

This research project is a non-experimental cross-sectional qualitative study and is rooted in a social constructionist account of child-perpetration. Undertaking a comparison between macro-level and micro-level discourse is not without its complications, as van Dijk (1993) so clearly puts it. Thus for the purpose of undertaking this comparison, it is important to unpack how discourses that are implicated in institutional practices such as law and 'systems of truth' are intertwined in the construction of different subject positions, and how this in turn leads to a cyclical process of knowledge (re)construction. This was achieved by adopting the stance put forth by van Dijk (1993) that, "…we need to examine in detail the role of social representations in the minds of social actors" (p. 251). This relates to the concept of shared representations as represented in talk and text, at a societal level that act as a go-between, between micro- and macro-level discourses (Lamb, 2013; Van Dijk, 1993). Therefore, this research project made use of the rich qualitative data obtained from the interviews conducted with the participants in order to unpack the discourses utilised by participants to construct themselves and their crimes, and how this (re)aligned to constructions of normality as socially prescribed in dominant knowledge systems of 'truth' (Lamb, 2013; Van Dijk, 1993).

3.2. Participants

The participants were purposively[3] selected from two South African child (secure) care centres located in Gauteng province that are accommodating children awaiting trial and/or children that have been sentenced for diversion programmes. The South African Children's Act (2005, p. 148) defines a care centre as "a facility for the provision of residential care to more than six children outside the child's family environment in accordance with a residential care programme suited for the children in the facility". These two care centers make up a number of facilities in South Africa that aim to provide residential care and therapeutic services to children awaiting trial or sentence (Children's Act, 2005). Diversion programs within such care facilities are rehabilitative initiatives that intend to appropriately deal with child offenders as opposed to having them come into contact with the formal criminal justice system (being detained in a prison) (Child Justice Act, 2008). These rehabilitative programs are implemented through various diversion orders in accordance with the Child Justice Act (2008). Fifteen interviews were conducted with the child offenders distributed across the two secure care

[3] Interviews were conducted with the participants between June- September 2017.

centres but only 13 interviews are included in the write up of this research study. One female participant withdrew from the study and another female participant was excluded based on inclusion criteria.

Inclusion criteria included any child offender between the age of 14 and 18-years old that was accommodated at the centres for having committed a crime as defined in the Child Justice Act (2008) and Criminal Law Act (2015) of South Africa. This included participants who were detained at the two secure care centres for theft, robbery, house break-ins, rape and other violent or sexually related crimes.

Both female and male participants were included in the study to reflect current patterns of child-perpetration research. Furthermore, the extent of harm caused or motive of the offence was not pre-specified, thus allowing for a more heterogeneous group of participants to partake in the study. This was also a means to account for the fact that the researcher did not know how the various types of child offenders were distributed across the different child centres and to ensure that the researcher did not pre-empt the characteristics (and hence how child-perpetrators construct child violence) of the child offenders.

The first group of participants (N=12) were purposively recruited from Father Smangaliso Mkhatshwa (FSM) Secure Care Centre in Soshanguve, Pretoria. From that group of 12 participants, three were girls aged between 16 and 17-years old and nine of the remaining participants were boys aged between 16 and 17-years old. Ten participants were Black, seven males and three female participants, two of whom were excluded from this research report. Only one female participant from the centre in Pretoria was included in the analysis. One of the girls displayed signs of irritability and discomfort during the interview process, with the interview lasting just over 7 minutes and as a result was withdrawn from the study during the data collection phase. The other female participant was interviewed but was not included in this study. This participant was detained at the secure care centre only because there was no space to accommodate her at the place of safety in the same vicinity; her encounter with the court was on the basis that she had absconded from a place of safety. One boy was classified as Black but reported to be of Coloured descent, so he was reported as Black-Coloured. The other male participant did not know his racial category when asked [he had grown up in foster homes/orphanages since seven months old and had no knowledge of his demographic

background], but based on his physical appearance[4] he was classified as Asian-White. The other children at the centre even referred to him with an Asian nickname. Racial categorisation is important for this study as issues of race have a central place in the findings. One of the aims of the study is to explore how child-perpetrators construct child-perpetrated crimes. This cannot be done without acknowledging the various subject positions taken up by the participants so it is important to reflect on how they would categorise themselves.

The second group of participants were purposively recruited from Walter Sisulu (WS) Child and Youth Care Centre in Noordgesig, Johannesburg that comprised of three female participants aged 14, 17 and 18-years old. Two of the female participants were Black and the other female participant was Coloured. The second centre was approached solely for obtaining female participants in an attempt not to provide a one-sided gendered account of child-perpetration.

3.4. Data collection Procedure

This research project falls under the larger multidisciplinary Thuthuka-funded Research Project at the University of the Witwatersrand (WITS), titled, *Cultural conditions for identity disruptions in violence: Possible perpetrators and worthy victims?* The overall study and this Masters research report obtained ethical clearance from the University of the Witwatersrand ethics committee titled, *A qualitative analysis of South African child offenders' constructions of child-perpetrated crimes*; [Protocol number: H15/11/11; see Appendix 1] and [Protocol number: MASPR/ 17/ 004; see Appendix 2], and the Gauteng Department of Social Development (see Appendix 3). The implication of viewing children as incapable of distinguishing between right or wrong, or making knowledgeable decisions, in essence, the "dumbing-down" (Pillay & Willows, 2015, p. 96) of children was challenged in the study. This was taken as a reference point for justifying the use of a semi-structured interview schedule (see Appendix 10) in order to solicit in-depth qualitative data from participants that could be subjected to CDA. This approach acknowledges that a child may serve as an informative source of knowledge on how they construct and talk about child-perpetration and thus, what they have to say should not be taken-for-granted (Pillay & Willows, 2015; Bhana, 2006). It was thus the explicit aim of the researcher to work with the child offenders in understanding child-

[4] This is by no means the correct way to make representations about people, as mere physical appearance does not mean a person belongs to one racial category as opposed to another.

perpetrated crimes as opposed to working 'on' them as anomalies to childhood (Wilson, 2006); herewith reiterating the role discourses play in the co-construction of knowledge.

At first departure, the centre managers were contacted via telephone and follow-up communication was established with both telephone and e-mail. Once communication had been established, an appointment was set to visit each centre and a briefing was given to the relevant stakeholders at the centres; this included the centre managers, support staff, social workers and in one centre, a nurse. Each centre manager was emailed a copy of the research study proposal and was provided with the hardcopies of the various ethics clearance certificates, information leaflet and consent forms. At the first centre where data was collected, which was located in Pretoria; I was invited to present a brief of the study at one of the weekly meetings with the staff. During that time, a multidisciplinary team that ensured the effective running of the secure care centre was present. Once the briefing was complete, the centre manager suggested that, in line with the objectives of the study, and given that the staff were well acquainted with the children; personnel should propose names of potential participants that could partake in the study and thereafter such a list was compiled. Once the briefing was complete, I was introduced to all of the children detained at the centre, where I met the boys and girls separately from each other as they were housed in separate wings. At the time of data collection, there were only three girls detained at the Pretoria centre, all of whom were interviewed with only one included in this report. During that time, I informally presented my study, my objectives and myself to the participants, which was followed by a question-and-answer session. Once the questions were answered, participants were asked by show of hands, to indicate who would be interested in the study. It was interesting to see that the children who showed interest in participating in the study were almost the same children who were on the list that was compiled by the staff. This was such with the exception of one boy who did not want to partake, two boys who had been released a few days prior and another who had been excluded on the basis of the inclusion criteria. The actual data collection phase commenced the following week and the participants were asked to organise themselves by compiling a list of names and stating who would be interviewed first.

The second secure care centre located in Johannesburg was approached solely for the purpose of gathering female participants in an attempt to include a more gendered distribution of the participant group as opposed to the one obtained at the first centre. The same data collection procedure (in terms of distributing relevant documents and providing hardcopies) was followed at the second centre but the study briefing was conducted individually for the centre manager,

followed by the second in charge alongside two social workers. A social worker then went to the girl's section and informed them of my presence and study objectives, returning with three girls. I then had a briefing session with those three girls informing them of the study and that, by virtue of having returned with the social worker, they were not inclined to partake in the study if they did not want to. All three participants indicated that they wanted to partake in the study and they were asked to organise themselves in terms of who would interview first.

The semi-structured interview schedule comprised of open-ended questions with the aim of getting participants to provide in-depth explanations for their answers based on their own perspective and understanding. The schedule included questions that were framed to probe the participants to talk about their life histories, violence and/or perpetration and childhood. This was structured in a manner that probed participants to provide a narrative of their lives and their understanding of such around certain incidental events (Loannou et al., 2017), such as their backgrounds and the events that led to their detainment at the centre. This included asking questions like; *how would you personally describe your actions, which resulted in your incarceration, and do you think it is fair to label your actions as a "crime"? Explain your answer.*

Prior to data collection, an information leaflet about the study (see Appendix 4) was distributed and presented within the child centres and to potential participants. Participants who agreed to participate in the study were informed of the nature and objectives of the study, issues pertaining to anonymity and confidentiality and the right of participants to withdraw from the study without any negative consequences. Furthermore, participants and the secure care centre manager or social workers were provided with three consent forms (see Appendix 5, 6, 7, 8 and 9): a parental or guardian consent form, an informed assent form to be interviewed and an informed assent form to be audio-recorded. Participants received two copies of each form to be signed, one copy of each to be kept by the researcher and a copy each for the participants to keep (these were kept on site by the secure care centre managers for their own record keeping purposes). Furthermore, the participants' social workers in addition to the three consent forms also received a copy of the information leaflet which included my contact details as the researcher where they could contact me if they had any questions pertaining to the study.

Ideally, the interviews were supposed to be conducted in English. However, this was dependent on whether the participants were comfortable communicating in English. Not all the participants were comfortable speaking in English and so, the majority of the interviews were

conducted in the home language of the participant given that I was proficient in that language. This included one interview that was conducted exclusively in English; two that interchangeably made use of English and isiXhosa/isiZulu and the rest that were conducted in either Setswana (Pretoria dialect), Sesotho or isiZulu. However, prior to the commencement of the interview, the participants were asked about their proficiency in English and those who were comfortable with the language were asked to proceed in English; but were informed that they could switch to any language they were comfortable in at any point and should the researcher not understand, this would be communicated to them. Each interview ran for approximately 30 minutes to over an hour, with one lasting just over two hours. The participants were taken through the information leaflet and the various informed consent forms and were debriefed at the end of the interview about the nature of the study once more, and any other questions and expectations were settled at this point. In addition, participants were informed that they have an option of speaking to an intern counselling psychologist for a session about anything either relating to the research conducted or other concerns they had, and that an appointment would be set up if they so wished. Once all the interviews were conducted, the data was transcribed and translated verbatim in English with the assistance of an Independent Research Consultant(s) who signed an anonymous and confidentiality contract, where the data was stored in a password-protected computer.

In relation to the abovementioned, a pilot data collection phase was conducted with the first two participants. This was to investigate if there were any problems that would arise during the interview phase that should be resolved in order to ensure that the interviews were conducted properly and thus yield satisfactory data. Furthermore, it was an opportunity to apply and refine my competence regarding conducting interviews with children. These two pilot interviews were conducted satisfactorily and are thus included in the data. It was from these two interviews that I realised that the best approach to interview the participants was an informal, relatable approach that acknowledged the participants as the knowledge producers in this context. Continuously showing interest, reserving judgement, and giving credit and compliments when due. Essentially, I identified myself as someone from the same socio-political background who just wanted to know and learn about the participants' lived experiences (Clark, 2006). This approach was also made possible by capitalising on the different psychology categories in South Africa. Prior to the commencement of the interviews, the participants were informed of my category as a student research psychologist and a brief description of the roles and responsibilities of the other categories in psychology were stated (Department of Health, 2011).

In so doing, I affirmed to the participants that my role in this research was not to judge, diagnose or relay the information given to their social workers, lawyers or centre manager. My aim was to provide a platform in which they as participants can articulate anything and everything they wanted to speak about (albeit directed in the form of a semi-structured interview schedule).

3.5. Data Analysis

Critical Discourse Analysis as offered by Fairclough and Wodak (1997) was used to analyse the rich in-depth qualitative interview-based data. The primary role of CDA is to make apparent the relationship between discourse and social power (Van Dijk, 1993, 1996; Fairclough & Wodak, 1997). It relates to how power is produced and reinforced by institutions, organisations, and groups/categories of subjects through discursive practices that invoke the use of text and talk (Fairclough & Wodak, 1997; Van Dijk, 1996). In addition, CDA takes into account the discursive practices and linguistic devices used in the portrayal, realisation or challenge of power as presented at multiple levels in society (Fairclough & Wodak, 1997; Lamb, 2013). Furthermore, CDA accounts for the presence of ideologies in text or talk, and thus acknowledges the social effects of such a presence (Fairclough & Wodak, 1997; Fairclough, 2012).

With that in mind, after the data collection phase was completed, the audio-recordings were forward translated and transcribed verbatim from a native language (Setswana, IsiZulu, IsiXhosa) into English by an outsourced and thus external independent research consultant. Translation and transcription involve an interpretive exercise that fully implicates the researcher in the process of knowledge production (Bucholtz, 2000; Temple & Young, 2004). Interpretations are made based on the representations one has with various knowledge systems and people become inclined to construct meaning based on how they view the world (Bucholtz, 2000; Temple & Young, 2004). This represents a challenge concerning translation as it is never a neutral process (Bucholtz, 2000). This tension should be addressed by engaging in a reflexive exercise throughout the entire research process (including data collection, translation and transcription) and having a thorough understanding of the participant's talk from a linguistic point of view. It is important that the people involved in the translation and transcription process are well versed in the original and target languages. That way, the researcher is able to ensure that the participants' words take precedence over their own assumptions. This is achieved by continuously ensuring that no interpretation is being undertaken during the translation and transcription phase; it is about relaying the words verbatim while having an

awareness of the nuances that are present in each language as located in a particular context (Bucholtz, 2000; Jefferson, 2004).

It is for this reason that anyone who is implicated in the translation and transcription process is well informed about the implications of translation and how to weave out such tensions. Thus, a research consultant who was fluent in Setswana, IsiZulu, IsiXhosa, and English and had a similar academic background as the researcher was utilised to ensure that the abovementioned implications were engaged with. The consultant has a Master's degree in research consultancy and was thus well versed with issues pertaining to qualitative research, transcription, translation, anonymity and confidentiality. The consultant worked with a colleague on the transcriptions who also had the same qualifications. Prior to the commencement of the translation and transcription process, expectations pertaining to the transcripts were defined. This included translating and transcribing verbatim, paying attention to the nuances of the different languages including the different meanings present in each spoken dialect. In line with principles of CDA (Fairclough & Wodak, 1997), nothing was viewed as incidental. Once the audio-recordings were transcribed verbatim, following the same principles outlined in the previous paragraph, the audio-files alongside the transcripts were listened to by the researcher and re-read continuously. This was done as a criterion for inter-listener reliability in order to validate the translation and transcription process.

Although the method of analysis was demarcated as CDA, as a point of departure, the principles of thematic analysis as presented by Braun and Clarke (2006) were foundational to the analytical process. At the beginning, each transcript was taken on its own merit and the data was allowed to speak for itself. At this point, any expectation of making associations between and across the qualitative dataset was set aside. The aim was to engage with the individual components as presented by the participants in and around themselves and their worlds. The guiding analytical principle utilised here was to code the data presented in each transcript at both an explicit and interpretative level (Braun & Clarke, 2006). This was achieved by making note of the particularities of participants' narratives, each pertaining to what was deemed essential in their subjective beings and lived experiences. Systematically, an element of the data as presented by each participant would be taken note of (on hardcopy paper); the criteria of which elements were highlighted were based on whether this was articulated as important to the participant or was viewed as interesting by the researcher (Braun & Clarke, 2006). Each element was then analysed on its own merit to provide an interpretative account of it, one that placed importance in the intention underpinning the talk [text] (Braun & Clarke, 2006;

Fairclough & Wodak, 1997). The interpretative level was guided by a theoretical knowledge base, which was acquired through my academic exposure and immersion in the literature pertaining to this study. The interpretative level consisted of unpacking the surface meanings the participants were referring to and contextually relating and understanding them; its bases was rooted in discourse analytical work (Van Dijk, 1993, 1996; Foucault, 1969/1996; Fairclough & Wodak, 1997; Moss et al., 2000) as presented below.

CDA acknowledges discourse as language in action; how it constitutes and is constituted by human culture, and how it positions the social subject in social context and informs social action (Van Dijk, 1993, 1996; Foucault, 1969/1996; Fairclough & Wodak, 1997; Moss et al., 2000). It relates to the concepts people have access to and how the rules, which are restrictions by definition, govern the usage of such concepts (Foucault, 1969/1996). Moreover, in addition to rules that govern access to concepts, particular attention was paid to the positioning of the social subject in a social context as mediated by the power social actors have relative to hegemonic discourse (Van Dijk, 1993, 1996).

This perspective of looking at the utilisation of linguistic devices by social actors on a more systematic but primarily social level was applied to all the transcripts. This was the first stage of the analytical process. The second phase required the integration of the individual components as presented by each participant into more holistic themes. Here both confirmatory and contradictory codes across the data set was engaged with. From this, twelve components emerged; abandonment, agency and responsibility, childhood, childhood and violence, children and gang membership, children and religion, crime as socially induced, family in crisis, gender and crime, meanings of tattoos, perception of the crime, and rehabilitation and reformation. These codes were populated into the ATLAS.ti (trial version) software and quotes relevant to those codes were elicited for providing detailed and relevant extracts as presented in the findings section. It is from this that the codes were refined into the 4 overarching themes and the 10 discursive sub-themes as presented in chapter 4.

The principles of CDA as both theoretical and methodological were used as guiding analytic tools to thoroughly analyse the data. (Fairclough & Wodak, 1997). That is, once the global themes had been established, their latent meanings were located in discursive practices and their significance was thus engaged with (Fairclough & Wodak, 1997). The significance of doing this was not only to show that constructions of childhood and reformation (as will be shown in chapter 4) for instance were prominent, but to articulate such a prominence as being

linked to various notions of power, social resource and the meaning underpinning each discursive practice (Van Dijk, 1993, 1996; Foucault, 1969/1996; Fairclough & Wodak, 1997). In essence, because CDA was viewed as both theory and method; at every stage of the analysis and the write-up, I paid attention to the way things were said by both the participants and myself as the researcher in order to account for the various discursive strategies utilised in achieving particular narratives. The knowledge production at all phases of this research study was co-constitutive and that could not be denied (Willig, 2013).

Despite the technical aspect of how the data was engaged with; the driving principle behind engaging in both confirmatory and contradictory themes was that talk or text content can be interpreted differently due to prior knowledge, emotions, cognitive schemas and how invested a person is in the topic (Fairclough & Wodak, 1997). It therefore becomes the role of CDA, through analysis, to show the varying interpretations that can be inferred from the text or talk, and to recognise that neither of the abovementioned principles can be applied in the analysis if the context in which they occur is not acknowledged (Fairclough & Wodak, 1997).

3.6. Ethical Considerations

Prior to the commencement of data collection, participants were informed about the nature of informed consent and what it entails and issues pertaining to anonymity and confidentiality were addressed as stipulated in the National Health Act (2014). Generally, because participants were under the age of 18-years old and many had dropped out of school, participants were asked if they would prefer that I (the researcher) go through the information leaflet with them or instead, they would first like to read it on their own and at their own pace. Despite whether participants opted for the latter, I went through the information leaflet and the various consent forms with the participants, explaining each sentiment as stipulated on paper often in participants' home languages. Participants were shown an example of a hardcopy log-register to articulate that their names will not be used throughout the study; they were referred to as P1, P2, etc. and any other personal information and names that could potentially identify them were replaced with pseudonyms and fictional names thus ensuring anonymity and protecting the identity of participants. However, limited anonymity was maintained because I met with the participants and interviewed them face-to-face. In addition, participants were informed that anonymity might be compromised if a participant's case was reported in the media and the stories or information relayed by a participant made their identification possible. Participants were further informed that I would be quoting directly from the interview transcripts in the research report so limited confidentiality would be maintained when it came to the write-up of

the study as I would be using their words verbatim; meaning that my readers would have access to a portion of the data. Thus, both confidentiality and anonymity were maintained to a certain extent.

Furthermore, this research project made use of participants from a vulnerable population. Not only are these participants children, but they are children who have been identified as child offenders. Although, the research project caused no direct physical harm to participants, the potential for psychological harm remained as childhood violence is a sensitive subject and the questions asked could have affected sensitive participants. Participants were thus informed of their right to withdraw from the study and the right to refuse to answer any questions they were uncomfortable with, without experiencing any negative consequences. In light of the potential for psychological harm, an intern Counselling Psychologist from the University of the Witwatersrand was made available to provide free counselling services to the participants at their request or as deemed necessary by all the relevant parties. In this instance, only the participants who communicated that they would like to talk to the intern counselling psychologist for any reason [there were no restrictions placed on the content participants wanted to talk about whether related to the research project or not; they were informed that they could speak about anything they wanted to] were scheduled to see her. However, not all the participants scheduled to meet the intern psychologist were seen as many of them were released or moved around from one centre to the next; one participant was actually released minutes before he was to meet the intern psychologist. This made it difficult to maintain ethical procedures such as providing additional debriefing sessions and following-up with participants, especially if it involved access to the participants more than once and across a specified period. In total, the intern counselling psychologist saw two participants. Additionally, the child centres where participants were obtained, prior to the commencement of the data collection phase, were informed of the possibility that participants may feel troubled after the interview, and consequently, were also asked to provide counselling services or any other services of need to participants. None of the participants following the conclusion of the interviews required counselling services from the relevant staff at the secure care centres.

As previously indicated, an independent and qualified research consultant(s) was outsourced to assist in the transcription and translation of the audio-recorded interviews. Due to the nature of the research study and the use of vulnerable participants, the independent consultant(s) had to sign a non-disclosure agreement form in order to ensure that issues of confidentiality were maintained. In this instance, that included the researcher, supervisor and the consultant(s) who

were only included in the translation and transcription process. Following the transcription of the audio-recordings by the consultant, I went through the transcriptions and audio-files to ensure that no errors had been made and that the transcriptions accurately reflected the content articulated in the interviews. Moreover, because the interviews were conducted in African languages, when it came to translation, the English language could not capture certain nuances in the African language. Thus in some instance, *parenthical insertions '(( ))'* were made use of in order to explain the narrative presented by the participants, especially in those instances where they made use of figures of speech and rhetorical questions. Moreover, because this research study falls under the larger Thuthuka-funded research project, all of the audio-recordings and transcripts were collated into one folder accessible only by researchers working on the project. Following the completion of the research project, all the audio-recordings will be deleted with only the transcripts serving as data references.

One of the ethical challenges experienced was when participants asked me for advice. Ethically my category of registration in psychology does not provide counselling services (Department of Health, 2011) or legal advice, which I refrained from doing. Participants were informed of this and were given the option to speak to the intern counselling psychologist as requested by themselves or their social worker(s) if the matter was urgent and particularly pressing that the participant could not wait for the counselling sessions. However, most of the participants wanted advice on what to do pertaining to their academic advancement and career development after their release from the centre. Participants were informed that advice was only given in a personal rather than a professional capacity and were once again informed to consult with their social workers. Given the current technological advancements, participants were advised to utilise the World Wide Web (www) as a means to obtain information related to future academic prospects. However, access to this may have been limited due to their detainment, financial limitations or lack of access to the relevant resources such as a computer, cell phone and internet connection. Also, those who had indicated that they wanted to further their education but that attending a conventional school was not an option due to their age; were informed of Adult Basic Education and Training (ABET)[5] facilities or other courses they could explore depending on their skill set which was usually linked to technical and artistic qualities. For the

[5] In South Africa, an ABET qualification can be obtained by adults who have not obtained their National Senior Certificate/ finished their High School qualification (grade 12). It has different levels and individuals who do not want to go back to a conventional school and attend classes with children / people of high school-going age can obtain it.

most part, participants were told to get as much information as possible and that included asking anyone around them who was willing to listen and provide valuable information.

3.7. Reflexivity

Reflexivity is an ongoing process that involves acknowledging the researcher's position, values and ideas relative to the research project (Macbeth, 2001). It is about how the researcher's socio-political stance may influence how the participants respond and hence, how the data collection and the analysis phases unfold (Macbeth, 2001; Speer, 2002). This research study adopts a theoretical and methodological framework (CDA) (Fairclough & Wodak, 1997) that is cyclical in nature. The process of deconstructing taken-for-granted knowledge systems and unpacking them as social constructs, constructs the very same objects of knowledge it sets out to challenge (Macbeth, 2001; Speer, 2002), and the researcher is directly implicated in the knowledge production process. Due to such a cyclical process of co-constructing knowledge, the data presented in this report may be interpreted in a different way by another researcher based on his/her socio-historical context, paradigmatic departure and exposure to other knowledge systems. Thus, researchers implicating themselves in such a process need to be cognisant of their own preconceptions about objects of knowledge and continuously engage in a reflexive exercise. It is for this reason that I state my subject position in relation to the study objectives, and engage in how this may have affected the research process and outcome.

My reflexive process began when I was writing my research proposal. I had not worked from a social constructionist paradigm, CDA and the assertions it makes prior to writing my research proposal and adopting such a theoretical position was quite challenging but equally liberating. From the onset, I had to rethink and redefine some of my preconceptions. The literature I read on CDA challenged my ideas about what was 'truth' and how, for the longest time I perceived certain constructs such as childhood as existing independently from society's conception of it. I understood childhood to be a fixed universal construct. I too conceptualised childhood as one characterised by innocence and purity. My paradigmatic departure had realist undertones and my interpretation of knowledge and truth was rooted in a psychologised discourse. What I understood to be truth was engaged with through a lens that was also (re)directed by my upbringing and my socio-economic background, which also reinforced normative

constructions of childhood. For me, child-perpetrators[6] (*with exceptions and apart from the 'inherently depraved'*) were mostly victims of circumstance and from unfavourable conditions that ripped away their childhood by forcing them to engage in deviant behaviour to survive. I was of the opinion that their truth was just that. A reality that they had to live with every day, one where decontextualised academia could not locate or explain away as the consensus was that certain contexts make child-perpetration possible.

I am a Black female researcher in my mid-twenties and prior to data collection, my assumption was that the participants would welcome me. This preconception was because I come from a Black middle-income household. I lived in the township for most of my life and thus assumed that most of the participants would come from the same socio-economic background given the location of the two care centres (where data was collected) in the township. I have been exposed to deviance and criminality, whether perpetrated by adults or children and thus never found it difficult to engage with people who have been in conflict with the law. This proved to be both beneficial and challenging as the participants afforded me an insider position. I also found myself sympathising with participants, especially those who were Black and female. During the interview process, I continuously renegotiated the various subject positions (researcher/outsider, insider/Black female co-constructor) I was taking up. Reflecting on the implications of my various social categories and vocabulary in order to ensure that the participants were implicated as the primary stakeholders of the knowledge provided with me serving as co-constructor. The latter is reflexive of the nature and impact of intersectionality. When conducting research, the separation and thus exclusion of related social categories from others segments a social actor's subjectivity and the complexity of their lived experience (Cole, 2009). For instance, you cannot separate issues of race from that of class, gender or sexual orientation. The same applies to an interactive data collection procedure - you cannot separate the power and hierarchical undertones governing the interview as both participant and researcher relate to each other's membership categories. Such a relation involves the acknowledgment of both an insider and outsider subject position contained in one body (Obasi, 2014). During the course of this study, I continuously reflected on the nature of intersectionality by not only acknowledging the multitudes of categories occupied by the

[6] My construction of what constitutes an exception and an 'inherently depraved' child offender is rooted in the institutionalised knowledge systems perpetuated by psychology, psychiatry and the media. The emergence of child-perpetrators who challenge normative childhood are (re)constructed outside the scope of childhood. They embody distinct characteristics such as possessing an evil nature thus allowing society to preserve the essence of childhood all the while categorising the alternative as anomalies.

participant(s) but by also implicating myself as party to a "multiple category group membership" (Cole, 2009, p. 170), in the process of knowledge production.

Additionally, it is important to note that the linguistic repertoires utilised by participants in their accounts are of significance and that these can speak into existence a particular social category. Nothing is minimal and without meaning and this include nuances within the African language(s) that are used to orient to a particular context and thus govern how the interaction unfolds and how the researcher and participants relate to each other. For this, I provide an explanation for the use of the word(s) "ma'auntiza, mamzo and di'mamzo" as utilised in largely (but not exclusively) Black communities and familial settings in order to provide context of the relation between participants and myself as the researcher. The three words presented above are slang for a female figure who is older than the person who is being addressed. There are variations in how older and elder women would be addressed. Ma'auntiza is a socially flexible term usually utilised to refer to a female who is older but slightly subordinate to that of a motherly-figure, and (di)mamzo usually refers to an elder woman who epitomises a motherly-figure. However, these terms are used interchangeably and are usually dependent on individual preference and the context; in the data, the terms were utilised interchangeably by male participants, with the female participants making use of the word '*ma'am'*. Above all, what the use of these words mean is that one is acknowledged as a female figure who is older than the participants are. It is a term used to show respect and it is accompanied by an expectation that the one being addressed is mature, older, has particular knowledge linked to their age and thus is an adult to whatever social category the participant(s) may occupy in relation to age. In the context of the secure care centre, these words were used to refer to female employees at the centres who were viewed as older and as a way to show respect. The above description reiterates that the participants oriented to a category (child, adolescent) younger than what I occupied as an individual. There was an acknowledgement of a hierarchical relation between the participants and myself, but this was also accompanied by the realisation that such an age difference did not limit the interaction process. The age difference, racial categories and socio-historical background between the participants and myself, allowed the existence of multiple social categories to share in the knowledge production process.

Such knowledge production and the subsequent analysis based on social constructionism involves a reflexive exercise. It is the responsibility of the researcher to be aware of this at every point of the research process (Parker, 1992). Co-construction is not contamination (Van Dijk, 1993, 1996); it acknowledges the discourses in talk and text and how this in turn affects

how the narratives within that context are presented. It is how, at the micro-level, social subjects get to portray, realise and challenge power as presented at multiple levels in society (Fairclough & Wodak, 1997; Van Dijk, 1993, 1996). This challenge of power at the micro-level plays out during an interview, where the power to influence and affect the course of the interview rests on both researcher and participants (Edwards & Holland, 2013).

Thus, reflexivity is the act of consciously looking back on the researcher's text, writing style and the assumptions made (Macbeth, 2001). It involves actively engaging with the research aims and methodology and ensuring that the researcher accurately applies method in their quest for knowledge (Macbeth, 2001). Moreover, as much as CDA aims to be critical in its aims, it forces the researcher to accept the very constructs she is analysing. Thus, I acknowledge(d) the existence of childhood perpetration. It is through this acknowledgement that I was able to explore it from a social constructionist perspective.

Chapter 4: Findings and Discussion

4.1. Introduction

The intention of this report is to explore how South African child offenders construct child-perpetrated crimes. In so doing, the study aims to not only explore the discourses child-perpetrators employ to construct their own but possibly, others' childhood perpetrations. The study seeks to explore whether such discourses align with the hegemonic discourses as institutionalised in law, psychology, society, family systems and used in the media to construct child offenders. It pursues to engage in the contextual occurrence of child-perpetrators including the emergence of child-perpetrators as 'evidence' of a decline in the moral fabric of society or as a conceptual challenge to the social order that govern subjects of being (Elfleet, 2011; Van Dijk, 1993; 1996). The importance lies in how the participants (re)articulate their position as child offenders and how this (re)articulation may be positioned as a newly formed resistance discourse that allows for the emergence of the child offender in local discursive practices. From this, four overarching themes emerged; conditions that produce conceivable childhood criminality, gendered discourse, constructions of childhood and institutionalised discourse. Each theme conceptualises various discursive subthemes utilised by participants to locate themselves and their actions within the South African context. See Table 1 below for a description of the discursive subthemes.

Overarching Themes	**Discursive Subthemes**
Conditions that produce conceivable childhood criminality	Constructions of a violent context
	Familial disruption and structural disadvantage
	Psychological discourse: rationalising and explaining culpability
Gendered discourse	Gendered relations of masculinity
	Femininity and culpability
Constructions of childhood	Childhood and impressionability
	Vulnerability and blame attribution

	Denial discourse
Institutionalised discourse	Detainment and corrective institutional practices
	Constructions of religion

Table 1: Findings: Overarching themes and discursive subthemes

As a means to provide context and an indication of participant orientation to not only the interview process but also to the category of the child offender, I present a disclaimer concerning a sub-group of child offenders. Six males, out of the 13 participants were detained at one of the centres for rape but only one of those participants actually stated that they had raped the victim. Another participant acknowledges engaging in sexual activities with other female peers and those younger than him but he does not construct such interactions as rape and this includes the current case he is being detained for. The Criminal Law (Sexual Offences and Related Matters) Amendment Act (2015) defines a consensual sexual act involving a minor between the ages of 12- years old and 16-years old as statutory rape. Legally, the classification of a consensual sexual act as statutory rape may be waived given that at the time of the alleged offence, all involved parties were between 12-years old and 16-years old (Criminal Law Amendment Act, 2015). In the instance where one of the individuals is 16 or 17-years old, a limit of a two-year age gap applies and neither of the consenting individuals should be two-years older than the other (Criminal Law Amendment Act, 2015). The other three participants state that they were framed and maintain that they did not rape anyone. Despite the narratives of accusation, the abovementioned participants accounts are included in the analysis because it is not the judicial responsibility nor the aim of the research to establish who is telling the truth (Brennan, Swartout, Cook, & Parrott, 2016) but to discursively locate the emergence of the child offender and how (s)he comes to be. This includes how they orient and negotiate their identity in light of being assigned a category of child offender by virtue of being detained at a secure care centre.

4.1.1. Participant demographics and offender profiles

Participant (P)	Age of offence	Age of interview	Gender	Race	Centre	Offence
P1	17	17	Male	Black	FSM[7]	Damage of property
P2	16	16	Male	Black	FSM	Rape
P3	17	17	Female	Black	FSM	Shoplifting
P4	15	17	Male	Black	FSM	Rape
P5	16	17	Male	Asian/ White	FSM	Rape
P6	17	17	Male	Black	FSM	Malicious damage to property, assault
P7	15	16	Male	Black	FSM	House break-in/robbery, hijacking, murder
P8	15	17	Male	Black	FSM	Rape
P9	15	17	Male	Black/Coloured	FSM	Rape (detained at the centre from 2015 until he turns 18 years old. He will then be

[7] FSM: Father Smangaliso Mkhatshwa Secure Care Centre

						sentenced to do time in a correctional facility)
P10	17	17	Male	Black	FSM	Rape
P11	14	14	Female	Coloured	WS[8]	Common assault, Malicious damage to state property
P12	18	18	Female	Black	WS	Common assault, malicious damage to state property
P13	17	17	Female	Black	WS	Theft

Table 2: Participant demographics and offence summary

Participant 1 (P1) is a 17-year-old boy detained at the centre for damage of property when he was at a drug rehabilitation centre. At the time of the offence, he got into a verbal argument with one of the female employees at the rehabilitation centre who he reports to have hit him with a dishwashing cloth while also kicking him. He then retaliated by attempting to hit the female employee with a fist but missed and smashed the window instead; this led to his detainment. Prior to his detainment, P1 lived with both of his parents who he states are supportive of him and give him everything he needs and wants. Apart from the abovementioned offence, P1 has been detained at another secure care centre for assault with a knife and sodomy, for which he says he was framed. He reports to have been involved in various criminal activities such as assault, house break-ins, theft and the use of illegal drugs such as nyaope[9] and black

[8] WS: Walter Sisulu Child and Youth Care Centre

[9] Nyaope is a type of illegal drug smoked in South Africa. It is a mixture of heroin, cannabis and other various substances including tar, sugar, bicarbonate of soda, etc.

dots. Moreover, before his detainment, he was an active member of the *Rough 4* gang and appeared knowledgeable about gang subculture.

Participant 2 (P2) is a 16-year-old boy detained at the centre for the rape of a male peer at a place of safety where he lived, which he denies committing. At the time of the offence, P2 states that he was in a physical fight with a group of boys where he fought back and defeated one of the boys. In retaliation, the boy whom P2 hit reported that P2 had raped him. Before he was detained, he lived with his grandmother and other relatives following the death of his mother. He ran away from home and was sent to go live in a place of safety. Prior to the offence he is currently detained for, while living at the place of safety, he stabbed a male peer with a scissor during an argument and was sentenced for assault but was given a 5-year suspended sentence while located at the place of safety. He states that he was involved in various delinquent behaviour such as underage drinking and the habitual use of weed; he also engaged in many fights with his friends and as part of a crew. Participant 2 was also moved from one place of safety to the next due to his misbehaviour and continuous fighting.

Participant 3 (P3) is a 17-year-old girl who is detained at the centre for shoplifting, committed alongside an adult female accomplice who she states she had not known prior to the incident. She stole two t-shirts and put them into a sports bottle and inside a bag handed to her by the accomplice. She has no other criminal record but prior to her detainment; she smoked both nyaope and weed. She started smoking nyaope after she was raped and found out that she had contracted a life-long illness. Prior to her detainment, her parents were separated and she opted to live with her father instead of her mother who she reports as a snitch and someone who does nothing for her. She was occasionally living on the streets and spent most of her time there. However, there was a time when she was living with her boyfriend, who is now also arrested and is in prison.

Participant 4 (P4) is a 17-year-old boy who is detained for the rape of a 16-year-old female neighbour who he states he did not rape. He has been detained at the secure care centre since late 2015 awaiting trial and has no other criminal record. Prior to his detainment, he lived with both his parents, who he says are supportive of him. He is the only participant with a private lawyer. He has several affiliations with peer groups/squads that have a common identity; either related to leisure activities or lavish lifestyle. This includes the group that consider themselves *Skothani's*, who famously became known for dressing in elaborate and highly expensive designer attire and later resorting to burning those items as a sign of status. In addition to this,

P4 reports to have been involved in several delinquent behaviour such as partaking in underage drinking, instigating or being part of fights with peers and people much older than himself.

Participant 5 (P5) is a 17-year-old boy detained at the centre for the rape of a 12-year old girl who was a housemate at the foster home he lived in. He is awaiting trial and has been at the centre since early 2016. He says the case that brought him to the centre was consensual, with the girl being the instigator of the sexual act, which resulted in penis-vaginal penetration. He states that it was painful for the girl who reported it as rape. Participant 5 has several offences linked to sexual acts with his peers and sometimes-younger girls between the age of 11 and 16 years. In one specific case, he had a sexual relation with a 7/8-year-old girl when he was 13/14 years-old. He reports to have been under the care of foster homes and care institutions since 7 months, as he has no recollection of his parents growing up. Participant 5 has mental health illnesses. Additionally, P5 is taking medication for problems associated with aggression and attention.. Growing up, under the care of his caregivers, P5 reports being a victim of abuse including but not limited to verbal and physical abuse.

Participant 6 (P6) is a 17-year-old boy detained at the centre for malicious damage to property. Prior to his detainment, he lived with his mother and his father passed away in 2013. His mother opened the case for malicious damage to property. Shortly before his detainment, his mother had taken out a restraining order against him. Participant 6 is also detained at the centre for assault. He has a prior incident of assault with a knife (panga/machete), which he was previously detained for at the same centre for five days and then released on condition that he sign-in daily at a local magistrate court. Participant 6 has five cases against him including one for rape, which occurred in a group setting. However, the rape case never continued because the case file was stolen from the police station. Growing up, P6 was intrigued by people who fought and would follow people around when they were about to fight. As a result, he opened a group that was solely aimed at beating people up where other male teenagers would pay P6 R150 to join the group. Participant 6 dropped out of school when he was in grade 8 after an incident that lead him to mistakenly slap a teacher twice; the slaps were intended for a female classmate but he missed and hit the teacher instead. That was the last time he went to school.

Participant 7 (P7) is a 16-year-old boy detained at the centre for hijacking and assault with two adult co-accomplices. He was initially detained at the centre for a few days for hijacking and assault but released. Shortly after his release from the centre, he committed a house-break-in. In the former case, P7 tied up and assaulted the homeowner where during the process; he took

R5000, two laptops, a phone and obtained access to the homeowner's firearm. He is also being tried for murder, which he says he did not commit but was actually committed by his adult co-accomplices. Participant 7 was also orientated to the *28 Number Gang* while at the secure care centre by another child offender who was part of the *28's*. He has tattoos related to the *28's* but has never been acquainted with other *28* members outside the centre.

Participant 8 (P8) is a 17-year-old-boy detained at the centre for the rape of his six-year old half-sister, whom he states he did not rape. Participant 8 states that there was discharge coming out from his sister's vagina where he informed his mother to take the child to the clinic but his mother refused. Shortly after that, his mother passed away, and then his aunt saw the vaginal discharge from the child (sister) and opened a case against P8. He was then detained in December 2015 but was released on bail where he lived with his older sister. However, following complaints from his older sister about his deviant behaviour, he was brought back to the centre in February 2016 to await trial while being detained. Participant 8 reports being involved in various crimes and deviant behaviours such as robbery, house break-ins, theft, assault, underage drinking, smoking weed and being a member of deviant crews, all of which he has not been detained for apart from the current rape case.

Participant 9 (P9) is a 17-year-old boy detained at the centre for the rape of a 12-year-old girl when he was 15 years old; he has been detained at the centre since 2015. Prior to his detainment, he lived with both his parents and his younger sister. Participant 9 is awaiting trial until he turns 18-years old so that he can be sentenced to a correctional facility. Participant 9 dropped out of school in grade 10 after getting into a fight with his peers for humiliating (laughing) him about not being able to write. From then on, he decided not to go to school again. He has engaged in some deviant behaviours including habitual weed use, which he started when he was 10-years old. He has no criminal record apart from the rape he committed. However, P9 reports being involved in habitual bicycle theft, where he kept the stolen bicycles for personal use.

Participant 10 (P10) is a 17-year-old boy detained at the centre for the rape of his 3-year-old niece, which he sates he did not commit. An object used in the perpetration of the rape was captured as a 'finger and ball(point)-pen' on the case file according to the participant. He reports engaging in deviant behaviour such as habitual weed use, underage drinking and gambling (dice). Participant 10 was initiated into one of the *Number Gangs* (before being detained) at his own request but did not follow through with the cultural expectations of the gang. His relationship with his brother was characterised by turmoil where his brother would

resort to beating him up every time he made a mistake; such mistakes included the theft of money from home even in those instances where P10 was not the culprit. At the time of the interview, P10 was repeating grade 8 when he got detained, but he was supposed to have been in grade 12 given his age and the fact that he started grade 1 accordingly. Participant 10 had repeated certain grades multiple times.

Participant 11 (P11) is a 14-year-old-girl detained at the centre for malicious damage to state property and common assault, where she was sentenced to a six months' diversion programme. Prior to her detainment, P11 was living in a place of safety since 2013. She joined the *Rough 3* gang while detained at another secure care centre in 2016. She states that she was attracted to the gang by the sub-culture and the specific dialect used by gang members. Apart from this attraction, P11 was not initiated into the gang as would be expected of potential members and she did not fully orientate to the gang life and subculture.

Participant 12 (P12) is an 18-year-old girl detained at the centre for malicious damage to property and common assault, where she was sentenced to a six months' diversion programme. Prior to her detainment at the secure care centre, she lived at a place of safety. Her friends introduced her to smoking nyaope and as a result, left home and lived on the streets. Participant 12 was raped several times growing up and contracted a life-long illness. In 2013/2014, P12 was arrested twice for breaking into her own home and stealing household items that she sold in order to buy nyaope. In addition to that, in 2014/2015, P12 was arrested for possession of drugs (nyaope) and was once again detained at a secure care centre.

Participant 13 (P13) is a 17-year-old girl detained at the centre for the theft of her deceased father's possessions including a television set, new aluminium windows, suits and her aunt's suitcase which she sold at Cash Crusaders[10] in return for money. Prior to being detained, she lived with her grandmother and did not have a criminal record. However, P13 states that she was a habitual weed smoker. Participant 13 was once admitted to hospital for an attempted suicide.

[10] Cash Crusaders is a South African retail store where various goods/products are pawned or sold for money.

4.2. Conditions that produce conceivable childhood criminality

Assertions made in literature, the media and the public domain about child offender typologies and underlying risk factors (Allen & Allen, 2000; Da Costa et al., 2014; Souverein, Ward et al., 2016; Wanklyn et al., 2012; Wijkman et al., 2014) aligns child-perpetration to a form of aetiology. Conditions such as exposure to a violent context, negative psychosocial factors and structural disadvantage construct the emergence of the child offender as reactive (see Da Costa et al., 2014; Souverein, Ward et al., 2016; Wanklyn et al., 2012; Wijkman et al., 2014). This allows for the preservation of the nature of childhood in the wake of the emergent child offender. That is, constructions of an underlying aetiology as contained in hegemonic discourse and (re)articulated at the micro-level limits culpability and serves to (re)construct child-perpetrators as impressionable social actors who remain victims of circumstance (Shalev, 2011; Pinnock et al., 1994).

4.2.1. Constructions of a violent context

Within the context of this research report, the culture of violence in South Africa finds relevance in participants' constructions and evidently, their reiterations of occupying space within a violent South African context. Understanding how participants constructed their upbringing was essential to locate the (re)articulation of discourses pertaining to conditions that 'produced' childhood criminality. What emerged was a context specific child offender that found relevance in familial and societal dynamics that provided a discursive template from which childhood culpability was made possible. These characteristics are framed as instrumental in the construction of divergent forms of childhood (Vandiver & Teske, 2006; Wanklyn et al., 2012).

The culture of violence in South emerges within the family unit serving as a microcosm of a greater social climate (Charlton, 2018; Graham, Bruce, & Perold, 2010; Kynoch, 2016). Participants articulate an upbringing characterised by beatings and physical abuse, some of which emerge as instrumental in cultivating a context that allowed for the emergence of the potential child offender.

> *uhm (.) I was uhm from 7 months I was abused till 12 years old. So after that I stayed in….in…in…what you call it Durban, Durbanville. Then they took me away to other place in Heidelberg and I went to school there. It was uncle Lucius and uncle…Auntie Bellatrix they were put in jail for us because they were abusing us for2 years* (P5, male)

Various Authors (see Allen & Allen, 2000; Da Costa et al., 2014; Souverein, Ward et al., 2016; Wanklyn et al., 2012; Wijkman et al., 2014) in their literary works talk about various

characteristics that can be used to understand and thus classify child-perpetrators. These identifiable characteristics are denoted as risk factors linked to experiences of child abuse, familial neglect, a disintegrating society marred by violence and the structural conditions that make it possible for child and youth offenders to simultaneously occupy both victim and perpetrator subject positions (Funk et al., 2003; Graham et al., 2010). Participant 5 dedicated the beginning of the interview to articulate his experiences of abuse. Participant 5 narrates how he moved from one foster home to the next, reiterating his experiences of abuse with each move, *"and then I stayed by her friend's house, I was abused there also"; "and then we went to the new house I was also abused there".* Participant 5 cements his subject position in victimhood thus limiting his culpability. Participant 5's construction of his upbringing has discursively made possible the simultaneous embodiment of both victim and perpetrator. Similarly, other participants conceptualised an upbringing characterised by beatings as received from their parents and guardians.

> *And eh (3.7) I grew up (.) ↑My father didn't want nothing. He was always beating me. Eish*[11]*, like when you are under your parents, like they control you too much…I was running away from these beatings* (P3, female)
>
> *I was beaten when I was growing up ma'antiza you see. When I did a mistake they would beat me at home* (P9, male)

For these participants, physical punitive measures undertaken by their parents/guardians is embedded in their life history. What is also significant in the above extracts is participants' choice of words when articulating being hit by their parents when growing up. Participant 3 and P9's choice of wording seldom constructs their physical encounters with their parents as physical abuse. Instead, these beatings are constructed as actions that accompanied parenthood and the subsequent unwritten rule that allows parents to use physical punishment as a means to rectify behaviour or as a tool to instil parental control (Mampane et al.,2014). This aligns to the perspective of participants in Parkes' (Parkes, 2007) study where violence was viewed as a tool to enforce, resist or shift power. The discursive practices by which parents operate from allowed participants to justify their subsequent behaviour- running away from home.

The detachment of some of the participants from home was constructed as foundational to their delinquent behaviour. For P12, the transition from living at home, then moving to a temporary placement centre because of breaking into her own house too was centred on constructions of

[11] The word "eish" is South African colloquial slang and has various connotations attached to it ranging from anger to excitement. It can be used to express excitement or to show ones' discontent towards something or someone.

victimhood. "*I was taken into a temporary placement in Midrand just for temporary cause they were supposed to take me to (Emersdal), and then I ran away there because of (certain reasons) they were mistreating me*". Participant 12's abscondment from the care facility is embedded in constructions of victimhood.

The accompanying aetiology of victimhood (re)constructs a subgroup of child offenders that embody vulnerability. The articulation of a climate characterised by interpersonal violence and mistreatment as experienced in care facilities and familial contexts allowed participants to occupy victimhood as a foundational subject position. In so doing, participants constructed a reference point that would allow their perpetration to exist within their vulnerability. This aligns with literary constructions of child-perpetrators vulnerability as linked to experiences of abuse and exposure to nonconductive contexts (Graham et al., 2010; Patchin et al., 2006; Vandiver & Teske, 2006; Wanklyn et al., 2012).

4.2.2. Familial disruption and Structural disadvantage

Constructions of victimhood were not only linked to narratives of abuse and mistreatment but were also embedded in participants' accounts of family disruptions that consequently resulted in financial constraints. The presence of a non-conducive environment and the impact of the absent family unit in the emergence of child-perpetrators is centralised in academia as postulated in theories of social disorganisation, relative deprivation and the risk factors that accompany an environment characterised by poverty, economic disadvantage and disorganisation (Graham et al., 2010; Patchin et al., 2006). With regards to the former, P8 constructs his criminal behaviour as arising from not having money at the time. In so doing, P8 positions his criminal behaviour as made necessary by situational determinants; he makes explicit in talk the aetiology embedded in hegemonic constructions on the determinants of child-perpetration.

> *I don't have anything on that day ma'auntiza you see. ˚I have to you know…..I have to….rob someone ma'auntiza* (P8, male)

Below, P2 locates his construction of a meaningless life to lack of support and experiences of minimal financial resources which he too ultimately links to his delinquent behaviour.

> *I went to school studying-studying-studying then I found new friends (.) I ended up giving up telling myself that (.) it doesn't matter-my life doesn't matter. I went to school without pocket money, you know in those schools there are feeding schemes there is no one that is supporting me, I started smoking* (P2, male)

The latter extract is encompassing of what may be characterised as a non-conducive environment that may breed rise to delinquency which continue to construct the child offender as non-culpable. Participant 2 positions himself as a victim and discursively attributes blame to his circumstances.

Familial disruptions that manifest as instrumental in the rise of delinquent behaviours serve to absolve responsibility and provide participants access to discourse aimed at maintaining victimhood. For P8, P11 and P13, such a breakdown within the family was experienced in the form of loosing a loved one. Moreover, P8's conceptualisation of the disrupted family is intertwined to constructions of masculinity; where his conceptualisation of a financially supportive family unit is linked to the presence of a father as a provider.

> *I grew up with no father basically you see. So then at home it's not like we have money you see. We couldn't afford a lot of things. From the death of my father that's when I started becoming naughty.* (P8, male)

> *I had to live my own life because (.) I (.) seen that God took the loved one away from me* (P11, female)

In the latter quote, P11 conceptualises living her life as engaging in delinquent behavior such as smoking drugs and dropping out of school in grade six; *"and then I started smoking and I don't care anymore ↓about school".*

> *I was getting everything that I wanted at home =until this happened-what happened here. My dad passed away* (P13, female)

Participant 8, P11 and P13 construct death as a psychosocial trigger coupled with negative financial implications that resulted in their deviance. Death is inevitable and associating its occurrence to the emergence of delinquent behavior allowed participants to locate their deviance in external factors thus removing responsibility from their subsequent deviant actions.

4.2.3. Psychological discourse: rationalising and explaining culpability

Psychology and psychiatry have a foundational role in constructions of normality and what is deemed fathomable behaviour as undertaken by various social categories (Louw & Louw, 2014; Sadock, Sadock, & Ruiz, 2014). Behaviour that falls outside definitions of normality is constructed as counter to the hegemony and is thus afforded alternate labels that align such behaviour to pathology and beyond society's undertaking of it (Elfleet, 2011; Titus, 2005).

Continuing on constructions of a violent South African context, participants link the presence of childhood violent and sexual behaviour to a psychologised discourse. That is because on a

global scale, childhood has become conceptualised as innocent and pure (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005) and thus not capable of violent and sexual offences. Behaviour that falls outside the prescribes of normative childhood and thus inevitably threatens the nature of childhood becomes constructed as alternate , often embodying concepts of abnormality and pathology as delineated in psychology and psychiatry (Louw & Louw, 2014; Sadock, Sadock, & Ruiz, 2014). Below, P8 rearticulates hegemonic discourse linked to constructions of normative and un-normative childhood behaviour.

> *Yes. Ma'auntiza you see the township I come from is rough you see ma'auntiza. Maybe children around 15 rape grandmothers, things like that. ˚Someone who is mentally disturbed you see* (P8, male*)*

The emergence of children aged 15-years old raping elderly women is not conceptualised as normal behaviour. Such behaviour is made fathomable by completely dislocating its occurrence to something outside normative constructions of childhood. Participant 8 attests to the former and limits childhood culpability by placing its presence in pathology and as enacted by those who are mentally disturbed. This serves to explain childhood culpability by rationalising its occurrence to un-normative behaviour which in turn continues to preserve normative constructions of childhood as innocent and incapable.

In addition, when talking about themselves and the subject positions they occupy, participants align to constructions of normality and abnormality as embedded in a psychologised discourse. When asked about whether he has seen a psychologist before, P1 shakes his head and states, *"I used to tell them that I am not crazy, I am not going there"*. Participant 1 rearticulates hegemonic ideas about who can and should see a psychologist. Within society, there are perspectives and viewpoints that have constructed the discipline of psychology as one concerned with the treatment of 'crazy' people. Participant 1 further cements himself as occupying a 'normal' subject position by pointing out another participant (P5) who he says is 'crazy' as that participant walks across the room from where the interview was being conducted.

> *I will show you people that are crazy, he will pass here-here is one ((points at one of the boys at the centre through the window as he passes by))* (P1, male)

Subsequently, during his interview and in response to his views about what other children think of him, P5 stated *"uhm (4.5) ˚˚they think I'm mad".* Participant 5 states that other children view him as 'mad' because he is on medication to stabilise his mood and at some point,

underwent chemical castration; "*[I got injection here=for sexual treatment =here on my bum"]*. Participant 5's construction of being 'mad' echoes hegemonic ideas about what it means to be mad and how people classified as such are on medication. In relation to culpability, P5 absolves responsibility for his (sexual) actions by locating his subject position as one that can be conceptualised from a psychological perspective and thus the site for treatment and intervention. However, not all social actors align nor accept such categorisations. Participant 11 and P12 who were co-accomplices, got detained for retaliating when staff at the care facility they were placed in wanted to take their friend to a mental health institution.

> *They wanted to (.) take her to (.) (psychiatric hospital). Yah, and then after that (.) we took the-by the car went out-I wanted to go out with her and then my friend-she hit the window.* (P11, female)

> *I was-I felt guilty you see ma'am, cause we used to do things together but at the end of the day (.) she must be the one who must be taken away, not us. And we had to fight=and then then they had to-to fight for her so that she-she can't go to the mental institution you see ma'am.* (P12, female)

In separate interviews, P11 and P12 narrate how they were detained for damage to public property by trying to defend their friend from being taken to a mental health institution. In fighting, both participants justify their actions as emerging from rejecting constructions of pathology (as linked to their friend). This rejection is tied to principles of loyalty and friendship, which in turn serve to absolve responsibility by locating their actions to external factors. In light of the above, some participants do not locate their deviance in pathology but to constructions of childhood such as victimhood and impressionability. In the instance where the former does not apply, participants surface an alternate form of childhood that finds relevance in criminality by embodying adult-like qualities.

4.3. Gendered discourse

Within global discursive practices and the South African context, definitions of culpability are tied to age (Child Justice Act, 2008) and gender (see Kramer, 2011; Kramer & Bowman, 2011). The criminalised body, as reflected in statistics and media rhetoric is said to be adult-like and male, often at times occupying a Black face (Bowman, 2010; Morrell et al., 2012). The emergence of the child offender within society remains unfathomable with those who are female still occupying femininity and vulnerability as a subject position serving to absolve responsibility (Kramer, 2011a, 2011b). However, the nature of intersectionality and the manner in which social subjects orient to their different membership categories surfaces alternate forms

of gender dynamics as (re)articulated by participants. These emerge as resistance discourse that surfaces the potential child offender within the South African context.

4.3.1. Gendered relations of masculinity

The conceptualisation of childhood as separate from adulthood assumes that there are certain characteristics children do not embody. These are linked to masculinity and femininity as the terms in themselves bring into existence particular social actors who are no longer contained by childhood. Traditional masculinity is tied to familial dynamics such as men being the providers of the family, possessing physical and sexual prowess and enacting normative sexuality as defined from a heterosexual perspective (Allen , 2005; Philaretou & Allen, 2001). These are not exhaustive but are foundational to participants' construction of themselves as male child offenders.

Within the South African context, constructions of manhood are tied to cultural practices and expectations. For instance, the cultural practice of male circumcision, which symbolises a transition from childhood to adulthood (Siweya, Sodi, & Douglas, 2018). This is a common cultural practice among various cultural groups in South Africa. When asked whether he views himself as a child, P7 stated *"ah mamzo I see myself as an older person you see mamzo".* Participant 7 continues to narrate why he orients to a category that is representative of adulthood and how this was achieved by going to initiation school. Culturally, there is a level of anonymity associated with going to initiation school and various indoctrinations such as what it means to be 'taught manhood' remain unspoken.

> *I am a man mamzo, they taught me manhood* (P7, male)

By virtue of being a successful initiate and despite being 16-years old, P7 dislocates himself from childhood and is now a man. In so doing, P7 makes possible the emergence of the child offender who is such by embodying adult-like qualities. The participants in this study make possible the simultaneous existence of 'adulthood' within childhood. Participant 1 makes apparent the co-existence of the latter by embodying adult-like qualities and implying that old men are dangerous as opposed to children; "*I cannot be used by my peers, even old men we used to meet them in the cells".* This allows P1 to affirm himself in likeness to adulthood by being assertive and (re)constructing childhood as harmless. *"They want to pressure us to take keys from the police- I used to tell them that 'eh brothers I am here for (my own things)'=so don't pressure me to do things".* In the former quote, P1 both implies and overcomes the discourse on violence, age and masculinity.

Moreover, apart from the differentiation between childhood and adulthood and how embodying the latter surfaces the potential child offender, constructions of the male gender remains intertwined to definitions of culpability (Graham et al., 2010; Kramer, 2011; Kramer & Bowman, 2011) as articulated by participants.

> *They said it was me because I am the boy at home. She said I'm the one who did this thing then I got arrested* (P8, male)

Participant 8 was detained at the secure care centre for the rape of his 6-year old half-sister and understood his 'unwarranted' incarceration because of his gendered-category. At the macro-level as reflected in media, crime statistics and academia, males are constructed as the perpetrators (Graham et al., 2010; Kramer, 2011; Kramer & Bowman, 2011) of sexual violence and girls as the victims. Participant 8 engages with the hegemonic discourse underpinning sexual violence and uses it to locate himself within the offence, not as an offender but as a wrongly accused social actor. By virtue of this dynamic taken as a widely experienced phenomenon within society, P8 constructs himself as being tried based on his gender.

Moreover, participants rearticulated hegemonic discourse pertaining to the male gender and utilised such constructions as a reference point to either refute or justify their actions. When asked about the events that led to his detainment, P1 provides an account of how he responded to a female staff member who had hit him with a dishwashing cloth. *"I tried to hit her with a fist (.) –like my hand went through and I hit the window and my hand went up until here ((shows the interviewer his hand))-you see my hand is broken".*

> *It was not my intention to do it ma'auntiza-she forced me- I wanted to leave her and she forced me- I saw that every day (.) she is going to be on my case* (P1, male)

Participant 1's account is rooted in a gendered discourse of men as naturally aggressive, impulsive and unable to control their actions (Jewkes & Morell, 2018; van Niekerk & Boonzaier, 2016). Participants' conceptualisation of themselves as males aligned with hegemonic constructions of men possessing physical prowess, being naturally aggressive and violent social actors (Jewkes & Morell, 2018; van Niekerk & Boonzaier, 2016). Such narratives, which echoed a gendered discourse is also intertwined to ideas of sexuality and how historically, normative male sexuality was defined from a heterosexual perspective (Allen, 2005; Philaretou & Allen, 2001). The hierarchical gang structure and subculture within South Africa and in correctional facilities serve to enforce such normative constructions of male sexuality (Charlton, 2018).

Within the Numbers Gang[12], Wegner's (2016) qualitative engagement of gang-related occupations can be contextualised to understand both male and female sexuality within gangs. The Numbers Gang within South African correctional facilities have sexualised gang-related occupations and classification into each unit aligns to a gendered discourse. According to a website authored by Richard W. Charlton (2018), the Numbers Gang can be classified into the 26's, 27's and 28's. The 26's are conceptualised as suppliers and engage in criminal activity for monetary gain, same sex relationships are phohibited in this unit (Charlton, 2018). The 27's are constructed as the most violent of the three and the gatekeepers of gang law and order, they also prohibit same sex relationships (Charlton, 2018). Contrary to the other two units, the 28's believe and engage in same sex relationships and comprise largerly of sexual offenders (Charlton, 2018).

> *He is a girl, he took the girls' number (inaudible)* (P1, male)

Participant 1 rearticulates the gendered construction used to classify some of the divisions within the Numbers Gang. Although P1 is refering to a male in the above extract, he constructs the boy as a 'girl' by virtue of joining a gang where the membership roles have become feminine and sexualised, similar to the 28's gang and their belief in same sex relationships (Charlton, 2018). Below, P1 constructs normative male sexuality in heteronormative terms.

> *We do not sleep with boys and they don't sleep with us…if we sleep with a boy, they kill us* (P1, male)

Participant 1's statement above aligns macro-discourses in gang subculture to hegemonic discourse contained in a heteronormative and patriarchal society. Girls within gangs are objectified and unlike their male counterparts, their initiation and punishment for failing to assimilate to their indoctrination is sexualised. The same is not expected from their male counterparts.

Such sexualised practices are foundational to one's identity in the gang; failure to comply or engaging in behaviour that bypass such established boundaries may be punishable by death (Charlton, 2018). In the above extracts, P1 echoes heteronormative masculinity as embedded in a gendered disocourse on traditional constructions of masculinity and femininty.

[12] The Numbers Gang is a prison gang that operates with South African correctional facilities, and in some instances, operate outside the confines of the correctional facilities. The gang is sub-divided into three units (26, 27 and 28's), each with its own historical significance. See https://thenumbersgang.weebly.com/ for history on the Numbers Gang.

4.3.2. Femininity and culpability

Kramer (2011a, 2011b) in her study, engaged with the (in)visibility of the adult female sexual-offender within local discursive practices. Constructions of a nurturing woman whose nature was to care served to realign female-perpetration to vulnerability by positioning the female offender as a reactive social actor who was often induced into committing sexual crimes by a male accomplice (Kramer, 2011a; 2011b). The intersectionality contained in female child-offenders by virtue of their age, gender and race maintains hegemonic constructions of a childhood characterised by innocence, vulnerability and in need of protection (Ariès, 1962; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). Within this study, female child sexual-perpetrators remain invincible to constructions of criminality as none of the female participants were detained for a sexual offence. However, the discourses utilised by the female participants to construct themselves aligned with victimhood; both P3 and P12 report being raped.

> *They first raped me, then the person that raped me infected me. When he infected me (.) then I started….then the next year=I started smoking* (P3, female)
>
> *I was doing drugs and I was raped several times* (P12, female)

Legal definitions of rape accommodate both males and females as potential victims (Criminal Law Act, 2015). However, the sexualised female body within the South African context remains a site for trauma (Gordon & Collins, 2013) thus simultaneously constructing the female child offender as both victim and perpetrator (Funk et al., 2003; Graham et al., 2010). Participant 5, when asked about the rehabilitation programmes at the secure care centre articulates how one of the programmes is aimed at sexual education; *"sometimes we describe women as our sexual object and we take advantage, we force her"*. Additionally, P5 states that the *"vagina is so nicely made for God and God made it for you and then you do stuff with the vagina like tearing it apart*". In so doing, P5 implies the purity of womanhood by conceptualising the vagina as created by God. Simultaneously and contrary to pure womanhood, P5 constructs an alternate social actor who embodies hegemonic masculinity and thus responsible for the perpetration of sexual offences. Participant 5 orients to hegemonic constructions of female objectification and the vulnerability contained in femininity. His (re)construction of a gendered discourse rooted in victimhood echoes wider institutional objectives aimed at rectifying and rehabilitating behaviour that perpetuates sexual violence against women.

Conversely, P5 utilises intersections of age and gender to (re)construct his culpability and consequently occupy victimhood. Participant 5 has a history of sexual interactions with girls, none of which he constructs as a sexual offence. In the extract below, P5 absolves responsibility by positioning himself as a child who was responding to the advances of an older girl.

> *I was like 12, she was 13, and I met her there, but with the pants on. Then she would (.) and then she would learn me stuff (.) and then when we ride along roads or stuff she would touch my private parts, I touch hers. And then (.) afterwards °<she would suck my dick>* (P5, male)

During the interview, P5 positioned himself as responding to the requests of other girl children, in the above instance, a girl who was older than he was. This is contrary to hegemonic constructions of females as the primary victims of sexual offences (Graham et al., 2010; Kramer, 2011; Kramer & Bowman, 2011). Furthermore, P5's narrative positions the girl(s) as the instigators with him only responding to their advances; she touched his private parts first and only then did he respond by touching hers. Participant 5 takes up a compliant subjective position relative to the sexual acts. The above quote opposes normative gendered discourses and surfaces a potential female child sexual-perpetrator, albeit constructed from a male participant.

4.4. Constructions of childhood

At an institutional level, offenders who have been categorised as such, have a lived experience that has become contained and constructed in opposition to people in society who are 'morally and ethically' sound. Such a construction makes use of hegemonic discourse contained in a discourse of difference, the criminals as opposed to the citizens. Many a times such discourse of difference constitutes two categories of people 'us versus them', where them commonly than not are constructed as possessing a negative quality. This in itself means that the subject contained in 'them', child offenders in this instance, stand the most to lose (Bamberg, 1997; Parker, 1992). It arguably becomes more difficult for such children to fully rise above stereotypical expectations due to being contained by a 'morally deficit' category outlawed by society. In this section, participants reconstruct normative constructions of childhood and find significance in the category 'child' as opposed to 'child-offender'. This enables participants the capacity to deny their culpability and preserve their subject position as innocent and impressionable children. The preservation of the child as innocent is significant after the fact where constructions of victimhood and impressionability are tied to culpability and the subsequent categorisation of the child as a child-perpetrator. In situ and at the time of offence,

participants surface adult-like qualities such as being aggressive, masculine and capable to demonstrate their criminal behaviour. This allows for the simultaneous existence of the innocent but capable child offender.

4.4.1. Childhood and impressionability

The participants' ages served as a discursive resource to resist the appropriation of a deviant 'self-concept'. By virtue of being 18-years old and younger, participants aligned their criminal incapacity to constructions of childhood such as being impressionable and in need of protection (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). Participant 10's construction of childhood aligns with legal definitions of childhood (Children's Act, 2005; Child Justice Act, 2008), *"I see myself as a child- I am not 18, I am not yet responsible for myself".* Participant 10 implies his innocence as a child by exempting himself from accepting responsibility for his actions. It allows him to be justified in seeking parental support including being forgiven when making mistakes. Moreover, in the below quote P2 constructs childhood as operating within the confines of prescribed behaviour. This reflects taken-for-granted dominant knowledge where certain behaviour is expected of children and it is thus the responsibility of the child to be a child.

> *When you speak mamzo I must accept that I am a child and do what children do and be in line like other kids mamzo◦* (P2, male)

In addition, childhood is conceptualised as miniature in stature as opposed to adulthood. *"Ah a child is when you sit like this at the toilet; your legs don't reach the ground".* In the latter quote, P1 reduces a child to something small and subsequently incapacitated to commit a crime. The incapacity of childhood criminality is further constrained by physicality. The below quote further demonstrates hegemonic constructions on childhood, that of a person with a small stature.

> *When I arrived, they told my mom to take my (birth) certificate because they don't trust my body, they don't trust that I look like a '99. They think I look 1990* (P3, female)

In the above quote, P3 attests to constructions of normative childhood and how, the body of the child can be duly transformed and made criminal when it possesses adult-like qualities. The participants also conceptualised childhood as characterised by impressionability (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). *"I made mistakes like a child. You know each and every kid or a child makes mistakes when ↓he or she grows up".* The former extract is utilised by P10 to allude to his deviant behaviour when

growing up. By aligning his actions to mistakes that are commonly made by children, P10 constructs himself as a susceptible social actor thus serving to limit his culpability. The incapacity of children to commit crime is articulated by P3 in response to whether she had seen cases similar to hers in the media, *"↓ yeah I sometimes see them but not my age. °people my age (don't do these things)".* Participant 3 is a 17-year old girl detained at one of the secure care centres for shoplifting. Participant 3 surfaces the presence of an alternate category that allows the emergence of the child offender by embodying alternate qualities that do not prescribe to normative childhood. By occupying an adulthood subject position, P3 makes possible her crime but simultaneously provides the space to deny her culpability. This space is made possible by social actors who occupy two positions, that of a child and a culpable criminal. Similarly, P3 would take up qualities associated with adulthood such as being intimidating and therefore unapproachable in order to ward off unwanted interactions and attitudes from other children. "*I keep myself serious to make it seem like an adult when I am not. I just am a child*". This too signifies a movement between childhood and adulthood. Within the context of this research report, the emergence of the child-perpetrator who is a child but not contained by normative childhood is central to the findings because it surfaces the discursive negotiation between childhood and adulthood. The latter makes possible child-perpetration where participants adopt adult-like qualities such as being intimidating, aggressive and engaging in deviant behaviour to realise their criminality. Conversely, the classification of participants as children and the rearticulation of themselves as such, reflects the incapacity of childhood criminality thus making possible a child-perpetrator who can deny being such.

In terms of individual accountability and the extent to which the participants take responsibility for their actions, there were variations within and across participants' talk. Not all of the participants attributed their actions to personal agency especially for their current offences, and even those who took accountability did that with much disparity. Responsibility was partial and something that could be contextually distributed or as in most cases, contested completely; the latter serving to reinforce constructions of an (im)possible child offender.

The narrative of the child offender as susceptible is not only limited to being influenced by older people, but is also experienced interpersonally among peers. In the extract presented below, P11 constructs herself as impressionable and easily influenced by her friend. In addition, on account of her actions leading up to her malicious damage to property offence, P11 introduces uncertainty into her narrative as she was standing, contemplating on whether to

throw the brick which she would have otherwise not done if her friend did not tell her to do so; *"I wouldn't have thrown it".*

> *because I was standing with the brick (.) holding and thinking. I wanted to put it down but I was holding it. And then she said 'no hit the window' and then I hit the window* (P11, female)

Not only is P11 using impressionability to discursively realise her offence, she is taking up impressionability as an attribute directly linked to her childhood subjectivity. Participants' impressionability as children is tied to constructions of victimhood and subsequently attributing blame by making invincible their responsibility. Thus, constructions of childhood linked to impressionability serve to deny culpability, where occupying an adulthood subject position makes possible child-perpetration through the enactment of behaviour that sits outside the coordinates of childhood but within the parameters of adult criminality.

4.4.2. Vulnerability and blame attribution

When constructing their crimes, whether alluding to their responsibility or impressionability, participants made use of disclaimers as foundational to what they were yet to present during the interview. According to Hewitt and Stokes (1975, as cited in Willig, 2013), a disclaimer refers to a linguistic strategy that forestalls and thus does work to cull being potentially assigned a negative quality. The interpretation of disclaimers is prominent in discourse analytic work as well as conversation analysis as these type of methodologies alongside others, place particular importance in accounting for the intention underpinning such discursive strategies (Willig, 2013). Participants made use of disclaimers to help demarcate their subject position (Parker, 1992) as children by attributing blame and justifying their actions. Constructions of blame were attributed to the presence of suggestive adults and deviant peers or the use of drugs. This served to limit the participant's culpability and preserve their vulnerability as children. When asked about when he started to smoke weed, P8 responds by stating, "*with friends ma'auntiza, coz you see basically I was hanging with people older than me".* Participant 8 locates the emergence of his deviant behaviour to adult friends, thus differentiating his nature as a small innocent but impressionable (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005) boy from those corruptible forces within his circle that come in the form of adults.

> *mmh it's not me ma'auntiza its older people, if I was not hanging around older people I would be okay, if I choose good friends now I wouldn't be here* (P7, male)

In the above extract, P7 implies his innocence by locating his criminality to older people. This is significant because it reiterates hegemonic discourses on childhood as innocent (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005)- children cannot be criminals. Participant 7 nullifies his culpability; surfacing his criminality as only made possible by adults.

Participant 7 and 8 locate their deviant childhood in victim discourse realised through their impressionability as children. This is achieved by attributing blame and locating the determinants of deviance in an 'otherness'; that of an adult or deviant peers. Similarly, in the instance where culpability has been ascertained, participants justify their behaviour as resulting from drug use, which subsequently impaired their judgement thus making their responsibility partial. Participant 9, a 17-year old boy talks about having smoked weed before he raped a 12-year old girl, he was 15-years old at the time. Participant 9 further alludes that he was not aware that another boy had laced the weed with drugs; *"↑yah, me I never knew he told me after when I was done smoking. He told me he put drugs inside there".* In the aforementioned extract, P9 occupies victimhood by constructing himself as non-consenting to the drugs that were put in the weed by virtue of his lack of awareness.

> *<I think mum'zo, they think maybe>…… ↑they think I made it on purpose, maybe they think I wanted to do it for fun see. But me I didn't know what I was doing also.* (P9, male)

In the above extract, P9 absolves his responsibility by attributing his actions to a lack of awareness and locating the act outside of his capacity as a child – he did not know what he was doing. This limits his culpability and reinforces normative constructions of the child as an impressionable social actor who remains vulnerable to the corruptible forces of society.

Constructions of victimhood also finds significance in participant's talk on being persecuted. This relates to how participants attribute their detainment as unjustified and because of adults who responded irrationally. Participant 13 was arrested for stealing her deceased father's clothes, TV set, new aluminium windows and her aunt's suitcase. When asked about why she stole the items, P13 (re)constructs her behaviour as not criminal by reaffirming that she *took* the items rather than *steal* them because her aunt had continuously failed to give her money due to her; *"so when I go to Zola every month they always told me that Narcissa took the money"*. Participant 13's justification lies in her belief that she had ownership of the items she took because they belonged to her deceased father. By reconstructing her actions as not

criminal, P13 reattributes blame to her aunt who got her arrested and constructs her aunt as the instigator who 'forced' her to take [steal] the items. In the below extract, P13 attributes blame to her aunt and simultaneously occupies victimhood by being wrongfully persecuted and detained.

> *Coz the person who is wrong-the person who made me-I didn't have the intension for me to do this. The person who is wrong is sis' Narcissa. They were supposed to talk to me and her. So she has never attended a court not even once* (P13, female)

The ability of adults to persecute child offenders brings into existence child-perpetrators who can occupy both victim and perpetrator subject positions. Similarly, P10 expresses how his family should have talked to him about the alleged rape incident of his 3-year old niece before getting him arrested. *"They should talk to me and tell me, why did you do something like this, before they open a case for me".*

> *↓ mhm? What must I say, I must forgive them? When they were saying that I was wrong, at the same time they acting like they know that I am the one who is wrong. But they don't forgive me, they say 'he made a mistake', if ever it was me who did all of this, you see. They never gave me time, they never gave me a chance, you see. But if they ever found out that I am not guilty, what must I do? Should I give them a chance? What must I do-what do I need to do? And I end up thinking of wrong things.* (P10, male)

In the above extract, P10 further reiterates his persecution by occupying the subject position of a wrongfully accused individual, one who will be justified in seeking vengeance. Participant 10 positions himself as having to forgive someone; this aligns to victimology where discursively victims have to forgive perpetrators. In this section, the victim discourse utilised by participants is discursively significant and creates alternate subject positions that serve to attribute blame and absolve responsibility, or bring into existence a social actor who is both victim and perpetrator.

4.4.3. Denial discourse

The (im)possible child offender within academia, the media and as present in society serves to support normative constructions of childhood; childhood is innocent and only susceptible to the corruptible forces of society (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). Constructions of victimhood are centralised and the (im)possible child offender constructs himself/herself as such by virtue of being persecuted. The denial discourse embedded in some of the participants talk serve to reproduce themselves as victims, ultimately calling upon constructions of childhood innocence.

> *We were going to braai meat for her, things like that you see. They were going to buy us alcohol, you see things like that. So I came back drunk you see ma'auntiza. They told me about this that °'you are the one that raped your sibling' etc etc. So ↓I got crazy and told them shit you see. So they called the police, when they were calling the police…. before they called the police, the father of this child and his friend are beating me up you see. So I just leave, you get me, they call the police* (P8, male)

In the above extract, P8's narrative is embedded in a denial discourse. Participant 8 not only denies his culpability but also simultaneously produces himself as a victim. Similarly, P2 echoed constructions of victimhood; *"I felt hurt because of what they accused me of stealing-something I didn't do, they hit me, I slept outside".* The occupation of victimhood for both P8 and P2 aligns to experiences of being hit by family and friends of the complainant.

> *I should be in school. ↓but they are accusing me about something I do not know. Even God knows that I did not do anything. If I tell them they will think I am defending myself* (P10, male)

In the above extract, P10 utilises his detainment to position himself as the victim. Participant 10 further utilises a religious discourse to imply his victimhood as truth by constructing God as a witness to his innocence. This serves to 'legitimise' P10's innocence, remove accountability and allow P10 to locate his defence in external factors.

Moreover, in the below extract, P6 legitimises his innocence by constructing a typology of a rapist when responding to his peers about a rape allegation. Participant 6 constructs rapists as having a 'rape face', a typology that he doesn't subscribe to on the basis of how he looks.

> *No auntiza I was telling maybe my friend who said I raped, I said to him "hey, do you know the face of rape", like I was saying do you see my face, is it for rape* (P6, male)

Participant 6 denies his culpability in totality by constructing rape from a psychologised discourse. Within psychology, various typologies are used to delineate pathology and categorise people according to a diagnostic criterion (Sadock, Sadock, & Ruiz, 2014). Participant 6 constructs this criterion in relation to a 'rape face', ultimately denying both a psychologised and criminalised subject position.

This section on constructions of childhood has surfaced the manner in which participants construct their offences and how this is discursively significant (Clark, 2006). The discourses utilised by participants to construct child-perpetrated crimes serve to displace blame and limit their culpability as children. Within this study, participants do work to preserve their childhood innocence and their criminality is not tied to definitions of the self (Loannou et al., 2017). Participants separate their subject position as children from that of criminal, adopting adult-

like qualities to demonstrate the latter. In so doing, participants discursively engage in a constant negotiation between childhood and adulthood. The discourses utilised by participants surfaces the coexistence of childhood and criminality, each operating from a separate discursive template. In being adult-like, child offenders make possible their criminality. Thereafter, child-perpetrators reject their culpability by embodying the essence of childhood as innocent and impressionable (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). This constant negotiation is the very vehicle that allows child offenders to become perpetrators and seemingly deny being such.

4.5. Institutionalised discourse

The inescapable confines of correctional facilities breed the formation of power dynamics at every level outside and within this system. At first glance, power is experienced as institutionalised and enforced by the criminal justice system which constrains offender subjectivity and agency. At the interpersonal level, power is experienced and utilised by detainees when negotiating their social stance and maintaining their agency in a system that tries to limit such and ensure compliance. Such power as acquired and enforced by the child offender in light of their restricted and surveilled 'docile' bodies (Foucalt, 1977) appears to be partly realised through the rejection or appropriation of prescribed normative behaviour; the latter often surfacing in constructions of reformation and corrective institutional practices.

4.5.1. Detainment and corrective institutional practices

When one embodies the civilian subject position and therefore not made criminal, secure care centres are viewed as correctional facilities accommodating criminals. However, when detained, the subjective position of the former civilian changes, the centre now becomes a place of rehabilitation and therefore nowhere near to epitomising traditional constructions of correctional facilities (prison). In the extract below, P2 rejects the association between secure care centres and traditional correctional facilities (prison where adult inmates are detained) by constructing the secure care centre as rehabilitative. *"According to me mamzo there it's like place of safety, is where I am given a second chance to think".*

> *Blaze came back-when he came back he wants to come with the mind that he comes from secure care and mamzo there it's not prison mamzo* (P2, male)

Participants acknowledged that they were within the confines of a secure care centre and not yet within the boundaries of what is considered the 'real' criminal justice system, as would be in a prison. Once these participants are in a place of confinement and subject to discourses of

morality aimed at reforming them, they seem to deconstruct their initial constructions on child-perpetration and align these to normative constructions that echoed sentiments of rehabilitation. This relates to how discourses are embedded in institutionalised power and serve to reinforce normative constructions of being (Elfleet, 2011; Van Dijk, 1993; 1996). The secure care centres' conceptualisation as rehabilitative maintains hegemonic ideas by managing and intervening in the 'docile bodies' (Foucalt, 1977) of child-perpetrators. Below, P9 talks about how, prior to his detainment, he did not conceptualise his behaviour (rape) to be criminal as opposed to how he perceives it now.

> *because I raped when she refused ma'auntiza you see. I didn't know it was a crime but I know now ma'auntiza* (P9, male)

Participant 9's construction of his actions as rape post-hoc constructs his actions as having been duly transformed by incitement to discourse (Elfleet, 2011; Parker, 1992; Van Dijk, 1993; 1996).

> *Then he starts stealing from me, does this and that. And then because I am afraid of the rules, I respect the rules, I want to leave here, I am scared of the OBs those who write us up. What must I do? I must go and report them, then I turn into the fool…* (P10, male)

Moreover, the incitement to discourse as discursively negotiated within the secure care centres surfaces constructions of the 'good child'. In the above extract, P10's talk is embedded in constructions of rule consciousness. In so doing, P9 (re)constructs secure care centres as rehabilitative, albeit achieving rehabilitation may be counter to one's self-concept. Incitement to discourse is the (re)construction of normative behaviour as contained in hegemonic discourse, it is also co-constitutive in a sense that talking about objects of knowledge bring those objects into existence (Elfleet, 2011; Parker, 1992; Van Dijk, 1993; 1996).

4.5.2. Constructions of religion

Presenting narratives pertaining to being reformed was not just a reflexive exercise; it was discursive in its origin and had a significant impact on what the child offender ought to be if only they were to be released. Constructions of the 'good child' thus implied being reformed. The discursive practices underpinning the reformative discourse involves occupying normative constructions of childhood as innocent and pure (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). The participants construct themselves post-hoc as behaving in accordance with what is expected from a reformed child; such a child does not retaliate instead, (s)he has the responsibility to report and thus let the system run its course.

This has to do with the implicit rules that are restrictions by definition and govern the positioning of the social subject (Van Dijk, 1993; 1996). Here, institutional rules police the 'docile' body of the child offender who is then incited to demonstrate that (s)he has been rehabilitated.

The rehabilitative discourse embedded in participant's talk also found significance in religious constructions. The religious discourse went beyond the successful implementation of programmes at the secure centres and included constructions of a divine force located in the realm of spirituality. Such constructions also served as justificatory. Participant 9 states that, *"He [God] is the only one who is powerful; he can get me out of this ma'auntiza you see".* Participants who expressed knowledge and belief in God understood *him* as a force that drove their rehabilitation and ultimately will assist them in being released. Similarly, P2 states, "*I was saying mamzo that God brought me here to change my life now mamzo my life had changed, they often tell them (inaudible) my social worker is happy with my behaviour".* Both P9 and P2 justifies their detainment by implying it as destined.

> *God's eye is always open ma'auntiza, that's what I am telling you. That the one thing that I know and it is reality. Even if I hide myself in the room, hiding from the police, He is watching me. Even if I hide myself in the blankets, trying to what and what, eating on the blanket or what, He is watching me like this, I don't hide myself form him. Why must I hide from people* (P10, male)

By constructing God as the 'all-seeing-eye', P10 places the assurance of his freedom and pardon in God's hands. This limits his agency and inevitably removes his culpability. Within South Africa, there are several religions and so utilising a discourse of religion is thus relevant given our country and the socio-historical objectives of such centres where principles of morality and truth largely underpin rehabilitative strategies. Rearticulating religious discourse within rehabilitative programmes is discursively significant because it fosters the reinforcement of normative constructions of childhood and purity (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005), at the micro-level. Even in his and her detainment, the child offender within the context of this study remains incapable by ascribing to constructions of hegemonic childhood after the fact.

4.6. Summary of Findings

The participants within this study surfaced a context-specific child-perpetrator who found significance in local discursive practices. Within the backdrop of participant's upbringing, the family unit served as a microcosm of a violent South African context (Charlton, 2018; Graham

et al., 2010; Kynoch, 2016). It is in this context that participants occupy victimhood through experiences of abuse and physical punishment.

Participants constructed an aetiology for their criminality, one that was surfaced by structural disadvantage and a breakdown in the family unit, which led to financial constraints; each serving as an external factor that led to participants' deviant behaviour. The construction of child offenders as being made possible by situational determinants affords child offenders within the South African context both victim and perpetrator subject positions (Funk et al., 2003; Graham et al., 2010). Moreover, within the context of this study, participants subscribed to normative constructions of childhood where a psychologised discourse was used to rationalise some discursive practices and explain childhood culpability. However, many participants did not personally subscribe to un-normative constructions of childhood such as children raping the elderly; such instances were constructed as pathological and only fathomable when committed by mentally disturbed individuals.

Constructions of normative childhood included intersections of gender and age. The former included gendered relations of masculinity in relation to criminality. Male participants in their talk, subscribed to heteronormative constructions of masculinity such as displaying aggression, being impulsive and adult-like (Jewkes & Morell, 2018; van Niekerk & Boonzaier, 2016) and (re)articulating that boys do not sleep with other boys. The theme on gendered relations of masculinity was prominent in the gang subculture as experienced by participants during their detainment at secure care centres. Additionally, both female and male participants (re)articulated constructions of female vulnerability and purity. Two female participants reported being raped and a male participant conceptualised how female bodies remain sexualised with males being the common instigators of trauma on the female body. Conversely, the same male participant brought into existence the potential female child sexual-perpetrator, one who was an instigator and not necessarily a victim. Discourse on victimhood was also prominent in constructions of childhood; this aligned to the incapacity of the child to commit crimes due to normative constructions of childhood as innocent and impressionable (Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005).

Participants (re)articulated normative constructions of childhood and situationally aligned their subject positions to such. In this study, participants acknowledged being children by virtue of being 18-years old and younger however; this acknowledgement did not serve to constrain criminal behaviour. The discourses utilised by participants to construct themselves as child

offenders surfaced child-perpetrators who move between two subject positions; the innocent child and the criminalised subject. The former subject position is made possible when child offenders occupy adult-like qualities such as being aggressive, impulsive, intimidating and masculine (Jewkes & Morell, 2018; van Niekerk & Boonzaier, 2016), thus enabling them to realise their criminal potential. In the aftermath of their criminality, participants negotiated their culpability by occupying childhood. This served to absolve responsibility or subsequently deny their criminality. In so doing, participants (re)articulated constructions of normative childhood, aligning themselves to innocence- the child within the context of this study remains an (im)possible offender. This is the very vehicle that allows child offenders to realise their criminality but subsequently deny doing so.

In the aftermath of their detainment, child offenders in the South African context (by virtue of being detained at secure care centres) both subscribe to and challenge normative constructions of childhood and perpetration. The incitement to hegemonic discourse on childhood, masculinity and criminality whether in-situ or in the aftermath of their offences, is discursively significant, serving to simultaneously realise child-perpetration and preserve the essence of childhood.

Chapter 5: Implications, Limitations, Recommendations and Conclusion

5.1. Theoretical and Practical Implications

The objective of this research report was to explore the constructions South African child offenders utilised to construct child-perpetrated crimes. In so doing, this research surfaced child-perpetrators who both reproduced and resisted dominant discourse on childhood perpetration. Theoretically, this study builds on hegemonic constructions of child-perpetration and its alignment to risk factors (Vandiver & Teske, 2006; Wanklyn, Ward, Cormier, Day, & Newman, 2012) that subsequently serve to limit child-perpetrators' culpability by constructing child offenders as innocent, pure and impressionable (Davis & Bourhill, 1997; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005). Constructions on the essence of childhood remain embedded in this study by virtue of participants being 18-years old and younger (Children's Act, 2005; Child Justice Act, 2008). The intersectionality contained within participants theoretically reiterates that culpability and innocence are intertwined to constructions of risk and impressionability, all of which find basis in age and its ability to serve as a benchmark. This reinforces the aetiology of child-perpetration as seen in literature (Vandiver & Teske, 2006; Wanklyn, Ward, Cormier, Day, & Newman, 2012).

Simultaneously, this study challenges the (im)possibility of child perpetration by locating its emergence to alternate discursive strategies utilised by participants to realise their crimes. This study has therefore allowed for the theoretical emergence of the child-perpetrator in local discursive practices. Practically, the emergence of the child offender as surfaced by this study disrupts normative constructions of childhood (Ariès, 1962; Elfleet, 2011; James & Jenks, 1996; Sreenivas, 2011; Titus, 2005) by engaging with the coordinates that make possible child-perpetration. These coordinates are intertwined to constructions of subjectivity and call upon both childhood and adult-like qualities to duly transform the (im)possible child offender.

The implication of the aforementioned is that future research should not only focus on categorical typologies of child offenders such as age, gender and race but should integrate discursive strategies utilised by child offenders to realise their crimes. In so doing, this study has explored the intersection of age and violence and how this in turn, contributes to counter discourse on childhood. The aetiology underpinning the emergence of child-perpetration becomes duly transformed into cause once potential offenders demonstrate their criminal behaviour. Within the context of this study, the enactment of criminality (in retrospect) was discursively significant and made possible when participants operated outside the coordinates

of childhood. Therefore, questions on subject positions relating to the constant negotiation between childhood and adulthood need to be further engaged with in future studies on constructions of childhood culpability.

5.2. Limitations and Recommendations

The participants in this study were between 14 and 18-years old. In line with legal definitions of childhood culpability (Child Justice Act, 2008), there are younger child offenders that never are detained because of their childhood status, thus this group of child offenders remain invincible to the study's objective. In addition, the findings of this study is limited to child offenders who have been in contact with the criminal justice system as not all child offenders are detained.

All but one participant in this study were Black (with the exception of one Coloured and another participant identifying as both Black and Coloured) and as a result, the findings are limited to a group of Black male perpetrators. Additionally, the group of participants comprised of only four females and thus the findings of this study may reflect a racialised and gendered account of child-perpetration within the South African context.

The study explored child-perpetrated crimes in an intersectional and contextually relevant manner (Cole, 2009) and the narratives presented were from mostly male Black participants, located in historically less privileged townships. The location of the Black race and the male gender in the conceptualisation of child-perpetration may serve to perpetuate problematic constructions that associate criminality to masculinity and blackness. However, to deny perpetration within the South African context as racialised and to deny the child-perpetrator in this study as largely Black (Graham et al., 2010), would be to deny and thus dilute the reality of these child offenders and the country as a whole. This in itself is a Catch-22; perpetration in South Africa predominantly has a Black male face but this is not the only face of crime (see Kramer, 2011; Kramer & Bowman, 2011).

Furthermore, because this research was a cross-sectional study (Willig, 2013), I could not locate the discourses and discursive strategies engaged with by the participants as they occur outside the secure care centres. Discourses are historically located and contextually significant. There is always action and intention underpinning the discourses used to construct one's self and ones' lived experience (Fairclough & Wodak, 1997; Parker, 1992; Van Dijk, 1993, 1996).

In order to transcend the pathological or biological axis of crime, we need to accept it as occurring within a particular context and situationally located. This involves acknowledging race, class, gender and the effect of the socio-political climate on offender representation and intervention; though doing this also paints a particular picture of crime and its perpetrators, one we are so urgently trying to avoid. Perhaps future studies should concern itself with unpacking and negotiating such complexities within the South African context as the aim is never to add to the preconception that violence and crime is a social ill contained only in the Black male population.

5.3. Conclusion

This research study engaged with how child-perpetrated crime is constructed by the participants. The researcher cautions that this critical engagement with the data does not presuppose these constructions to have underpinned the offence and thus inevitably used to explicate the child offender in his or her entirety. To do so would be to undermine the purpose of this research as the objective was to engage with child perpetration as socially constructed which involves a "geographically contingent process" (Young, Fitzgibbon, & Silverstone, 2014, p. 172) and is thus discursively significant. The idea of childhood within this study played a significant role in how the participants constructed themselves, because first before anything else and by virtue of their detainment at the secure care centres the participants were not just perpetrators, they were child offenders. The participants understood and acknowledged this and such an acknowledgement was continuously negotiated as embedded in participants' talk.

The intention underpinning one's talk 'then' and 'now' may be related but may also take up different qualities and objectives depending on the context a social actor is embedded in and what (s)he intends to achieve. This study engaged with the latter temporal departure, how child offenders discursively locate their offences and potentially themselves following the crime and thus incarceration of their crimes. At this point, it cannot be established whether the narratives used to describe their offences now would reflect how they would have discursively constructed it at the time of the offence. However, the findings of this report has allowed for the emergence of the child offender within local discursive practices. One who simultaneously occupies constructions of childhood innocence and purity but albeit able to locate themselves in criminality by being adult-like and occupying counter discourses that make child-perpetration possible.

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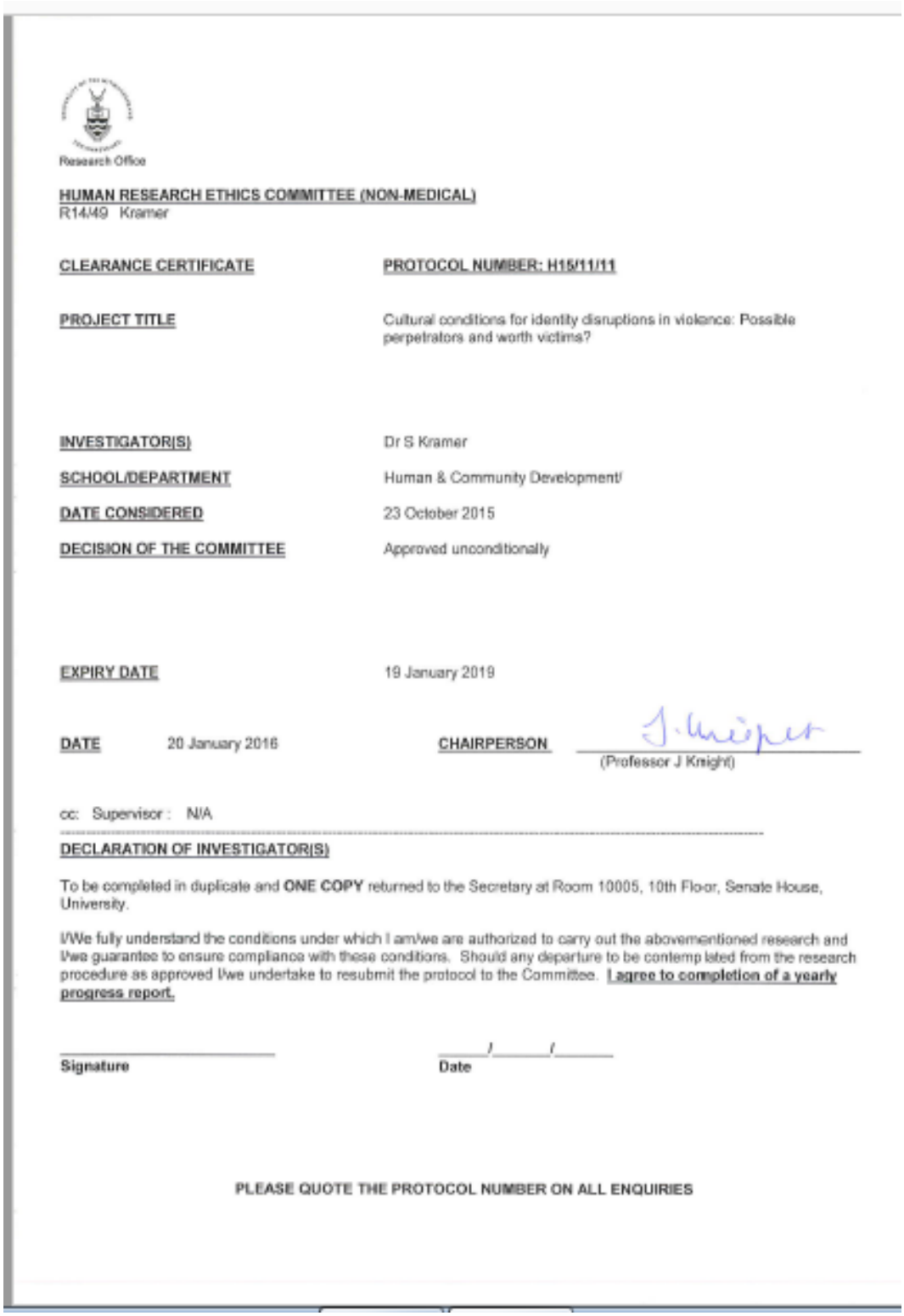
APPENDIX 1: Ethics Clearance Certificate (Larger Study)



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** J. Knight
(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 2: Ethics Clearance Certificate (Masters research report)

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

HUMAN RESEARCH ETHICS COMMITTEE (SCHOOL OF HUMAN & COMMUNITY DEVELOPMENT

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER: MASPR/17/004 IH**
PROJECT TITLE:	A qualitative analysis of South African child offenders' constructions of childhood violence
INVESTIGATORS	Ndaba Jabulile
DEPARTMENT	Psychology
DATE CONSIDERED	28/06/17
DECISION OF COMMITTEE*	Approved

This ethical clearance is valid for 2 years and may be renewed upon application

DATE: 28 June 2017

CHAIRPERSON G. Finchilescu
(Prof. Gillian Finchilescu)

cc Supervisor: Dr Sherianne Kramer
Psychology

DECLARATION OF INVESTIGATOR (S)

To be completed in duplicate and **one copy** returned to the Secretary, Room 100015, 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 be contemplated from the research procedure, as approved, I/we undertake to submit a revised protocol to the Committee.

This ethical clearance will expire on 31 December 2019

PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES

APPENDIX 3: Department of Social Development Ethics Clearance Certificate

GAUTENG PROVINCE
SOCIAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Enquiries: Dr Sello Mokoena
Tel: 011 355 7855
File No: 2/9/47

Dear **DR SHERIANNE KRAMER**

RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF SOCIAL DEVELOPMENT

Thank you for your application to conduct research in the Gauteng Department of Social Development.

Your application on the research **"Cultural conditions for identity disruptions in violence: Possible perpetrators and worthy victims"** has been considered and approved for support by the Department as it was found beneficial to the Department's vision and mission. The approval is subject to the Departmental terms and conditions as endorsed by you on the 10/01/2017.

May I take this opportunity to wish you well in the journey that you are about to embark upon.

We are looking forward to a value adding research and a fruitful co-operation.

With thanks.

Ms. WR Tshabalala
Head of Department: Social Development
Date: 23/1/17

APPENDIX 4: Participant Information Leaflet

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

[13]Dear Potential Participant,

My name is Petronella N. Jabulile Ndaba, and I am a Research Masters Student at the University of the Witwatersrand. The aim of my work is to try and understand different kinds of violence. 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 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 one to two 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. 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

[13] Prior to the data collection phase, an appointment was set up with the child centres and potential participants to explain the information leaflet and answer any questions that could arise during this process.

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 (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 supervisor. 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 I can be contacted telephonically on 0739381507 or e-mailed on ndabalile4@gmail.com. The principal Investigator, Dr. Sherianne Kramer, can be contacted 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,

Petronella N. Jabulile Ndaba

I have read and understood the Information Sheet

Signed _____ Date_____

APPENDIX 5: Parental/Guardian Informed Consent Form

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 FOR PARENTS/LEGAL GUARDIANS/FOSTER PARENT AS PER SOCIAL DEVELOPMENT PLACEMENT/CHILD WELFARE OFFICER

I, _____ (write name in full) the parent/guardian of _____ (write child's name in full), give permission for my child to participate in the research project titled *A qualitative analysis of South African child offenders' constructions of child-perpetrated crimes*, which is to be conducted by Petronella N. Jabulile Ndaba, a Masters Student from the Psychology Department at the University of the Witwatersrand

- I understand that this project is designed to gather information about my child's experiences that led him/her to being incarcerated in a South African juvenile correctional facility. My child will be interviewed for this purpose.
- My child's participation in this project is voluntary. My child may withdraw and choose not to participate at any time without consequences. My child will let the researchers know if he/she decides to leave the study.
- My child will be interviewed by Ms. Ndaba inside the correctional facility. The interview will last approximately one to two hours. Notes will be written during the interview. A voice recorder will be used in the interview to record the conversation. If my child does not want to be audio recorded, he/she will not be able to participate in the study.
- My child will arrive at the interview on the date and time set by Ms. Ndaba and the correctional facility.
- If my child feels uncomfortable in any way during the interview session, he/she has the right not to answer any question or to end the interview.
- My child will not be judged because of what is said in the interview.
- My child can ask to see a social worker or psychologist after the interview if there is anything that has upset him/her or if he/she feels she needs to talk to someone.

- I understand that the researchers will not use my child's name or any other identifying information (such as the place where we live) in any reports that use information gathered from this interview.
- I understand that even though my child's name and any other identifying information will not be used in any report; if my child's case was a high profile case and reported in the media, then it might be possible that my child could be identifiable
- I understand that Ms. Ndaba will use the information my child has provided to write reports and may present the information to others and publish articles on the research.
- I have read and understand the information sheet provided to my child. I have had all my questions answered to my satisfaction, and I voluntarily agree to allow my child to participate in this study.

_____ _____Parent/Guardian Signature

APPENDIX 6: Informed Assent 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

I_____ hereby consent to being interviewed by Petronella N. Jabulile Ndaba 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.
- 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 7: Parental/Guardian informed 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

I_____ hereby consent that my child may be interviewed by Petronella N. Jabulile Ndaba 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.
- 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 8: Informed Assent form to be audio-recorded

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 audio-recorded

I_____ hereby consent to my interview with Petronella N. Jabulile Ndaba 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 this organisation 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 9: Parental/Guardian Informed Consent to be audio-recorded

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 audio-recorded

I_____ hereby consent that my child's interview with Petronella N. Jabulile Ndaba for her study on child perpetration may be audio recorded.

I understand that:

- The audio recordings and transcripts will not be seen or heard by any person in this organisation 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 10: Interview Schedule

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

INTERVIEW SCHEDULE: CHILD OFFENDERS

INTRODUCTION

Thank you for agreeing to participate in my study. The main aim of this interview is to allow you to tell your story in your own words. We will talk about your experience and how you have dealt with it. I will ask you questions about how being in this child centre has affected your life. We will also talk about your background, your life, your relationships with other people and how you understand and think about offending (crime) and especially the type of offending as shown by the correctional facility.

I would also like to let you know that all of the information that you give me during the interview will be kept private and I will not use any of your names or personal information. If your case was a high profile case and reported in the media, it is possible that what we talk about in the interview can identify who you are but I will do my part to reduce the possibility of this from happening. 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 continue, please read the assent forms for your participation as well as for the digital recording and then sign them to show that you both understand these forms and accept what is written on them. Please feel free to ask me anything about these forms, the information sheet and your interview or anything you are unsure of.

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 tell me if you feel uncomfortable about something. 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 situation and I will try my best to make you feel

as relaxed as possible. If 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.

QUESTIONS*

Please tell me about your background/life?

What offence were you charged with? What did they find you guilty of? What sentence did you get?

Do you believe the sentence you got is fair? Why?

Please tell me about your actions that made you come here?

Do you think what you did was a crime? Why?

How is life inside the child centre?

What do you think the child centre staff think about you?

What do you think other child offenders think about you?

What was it like in the courtroom? What do you think the lawyers/judges think about you? Do you think your case was handled properly by your lawyers?

Did you have your own private lawyer or a public state lawyer? What do you think the lawyer thought of you? Did you have support from your family, community or the public during the trail?

Is there rehabilitation for your crime in the child centre? If yes, what? Do you believe the treatment is necessary? What do you think the mental health staff think about you? Did you ever receive counselling or psychological support before you came to this centre? If yes, tell me about this? What kind of support would you like to have during this time and why?

Have you ever seen other cases like yours in the media (on television, radio, newspapers)? How did you feel when you saw these?

Was your case reported in the media? If yes, tell me what you saw and how that made you feel.

What do you think of children generally? What do you think other children think of you?

Is there something else you would like to talk about?

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.**