

*Exploring childhood, criminality and power in  
South African juvenile murderers' constructions of  
their offences*

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*I see discourses as ways of representing aspects of the world – the processes, relations and structures of the material world, the ‘mental world’ of thoughts, feelings, beliefs and so forth*

(Norman Fairclough, 2003, p. 176)

## **Declaration**

I, Alexa Ellen Mostert, 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.

A handwritten signature in black ink, appearing to read 'A. Mostert', with a long horizontal line extending to the right.

**Signed:** \_\_\_\_\_

**Date:** 12 June 2018

## **Abstract**

In instances of child-perpetrated crime or violence, normative constructions of the child contradict those of the criminal, creating an ambiguous discursive landscape in which juvenile-offenders have to situate themselves. The construct of the child is premised on the assumption of innocence, naivety and purity which are incompatible with aggressive constructions of perpetrators. The aim of this research was thus to explore juvenile-offenders' use of discourses in producing or resisting the subject-position of a child-offender and in navigating the discursive conflict within this subject-position. Accordingly, this study targeted incarcerated South African juvenile-offenders who have been charged with murder. Participants in this study were aged between 18 and 21, and were all under the age of 19 at the time of the offence. Semi-structured interviews were conducted with 10 incarcerated juvenile-offenders across several juvenile correctional facilities in South Africa. Thereafter the transcripts of these interviews were subjected to a Faircloughian (1989-1995) critical discourse analysis to portray how participants drew on conditions of childhood, vulnerability and victimisation to challenge their belonging to the category of 'criminal'. Specifically, participants in this study utilised gendered discourse and normative constructions of crime, criminality and victimhood to restrict the category of 'criminal' being imposed upon them by the material condition of their incarcerations. In this way, the child as violent is made possible, while the child as criminal, particularly the child as a possible murderer, is resisted and marginalised. These findings challenge normative constructions of both childhood and violence, and consequently provide counter-knowledge for how we understand violence and criminality in contemporary theory and practice.

**Keywords:** Child-perpetrated violence; murder; critical discourse analysis; power-knowledge; South Africa

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# **Chapter 1: Introduction, Rationale and Aims**

## **1.1 Introduction**

The construct of the 'child' restricts the possibility of the child as violent, or as criminal, thus marginalising the 'possibility' of the child-offender, relegating the phenomenon to the periphery of discourse. The production and propagation of childhood as a natural, biological state restricts the possibility of 'childhoods' that counter, transgress or challenge the 'truth' of the child category. Despite the construction of the child as innocent, the child as 'delinquent', violent or criminal has been acknowledged in recent media coverage (CNN Wire, 2014; Crimesider, 2014; Hendrick, 1990; Hendrick, 2006; Savill, 2001; Streib, 1983; Traynor, 2016). Hendrick (1990; 2006) argues that juvenile and/or child delinquency has been recognised as a social problem in need of a solution for hundreds of years. In 1857, the Youthful Offenders Act cemented juvenile delinquency as a 'real' and problematic phenomenon (Hendrick, 1990; Hendrick, 2006). However, what accompanied this now surfaced, problematic phenomenon was the notion that the juvenile delinquent could be restored to their child-like state. As such a 'curative' juvenile justice system which, conceptually, focuses on rehabilitation rather than punishment was established and implemented (Hendrick, 2006). The construction of the modern child as innocent, naive and lacking in agency (Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007), rationalises increased surveillance and regulation of the child through education, the child-centred family structure, regular medical and developmental screenings, as well as a curative justice system.

However, establishing culpability in situations of child-perpetrated murder is fraught with conflict and ambiguity given the disconnect between the capacity, or better termed 'incapacity', of the child versus the criminal capacity of the offender. Murder, also termed intentional homicide, is defined internationally as the illegal and intentional killing of another person (UNODC, 2013). This definition is subject to three components: 1) the material component of killing; 2) the subjective component of intent; and 3) the legal component where the killing is against the law as defined and regulated within a country (UNODC, 2013, p. 102). The South African Police Service (SAPS) provide two definitions of criminal offences involving the killing of another person, namely murder, being the unlawful killing of another person, and culpable homicide, being the unlawful negligent killing of another person (South African

Police Service, Department of Police, n.d). The subjective component of intent is complicated in instances of killing perpetrated by a child. The child is constructed as innocent, naive, vulnerable and lacking knowledge and socialisation. This restricts the potential for the child to be understood as capable of possessing criminal intent and capacity. The discursive protection of the 'agency-lacking child', restricts the negotiation of culpability in situations of child-perpetration, and in the interest of this research, child-perpetrated murder (May, 1999). The child and the criminal cannot coexist resulting in the potential for the invisibilisation of the child or the criminality in instances of child-perpetration. Criminal sentencing of children who kill is also complex, with little consistency and a fair amount of debate regarding the process and minimum age of criminal capacity (see Goldson, 2013; McDiarmid, 2013; Scalia, 2006; Skelton & Badenhorst, 2011; Regnery, 1985). Some instances result in what individuals have argued is overly harsh treatment and sentencing, with other instances of children who kill resulting in minimal to no sentencing (see Goldson, 2013; McDiarmid, 2013; Scalia, 2006; Skelton & Badenhorst, 2011; Regnery, 1985). This raises the question as to how culpability and criminality are determined, and, how the category of 'criminal' is navigated and understood by the child who kills. This research thus serves to illuminate the discursive practices of child-perpetrators to produce counter-knowledge and call to question the manner in which discourse can marginalise non-normative forms of violence.

Discourses do not simply reflect society or social relations, but rather actively constitute them (Burr, 1995; Butler, 2004; Hall, 1997; Fairclough, 1992). Thus, discourse both constructs and constitutes various human categories, or subject-positions, such as the child or the criminal (Burr, 1995; Butler, 2004; Hall, 1997; Fairclough, 1992; Foucault, 1977; Foucault, 1980). Language assigns meaning and order to the social body and is thus the means through which individuals interact with the material world (Barker & Galasiński, 2001; Burr, 1995; Barthes, 1967). Language allows us to develop constructs and discourses through the connecting of singular words or phrases to wider cultural codes of meaning which over time and through reproduction, become naturalised and accepted as a 'truth' (Barker & Galasiński, 2001; Burr, 1995; Barthes, 1967). The modern child is an example of this process. The social meaning attached to the category of 'child' has changed over time, often serving the larger function of social order, regulation and the conditioning of productive social bodies (Ariès, 1973; Foucault, 1972; Foucault, 1980; Foucault, 2010). Mechanisms of disciplinary and bio-power regulate the body in that power/knowledge is taken-for-granted such that subject positioning seems to be

self-knowledge rather than a conscious process of taking up knowledge through processes of power (Foucault, 1972; Foucault, 1978; Foucault, 1980; Foucault, 2010). Knowledge/power effected through surveillance and regulation thus becomes part of one's identity through mechanisms such as self-knowledge and self-regulation (Foucault, 1977; Foucault, 1980)

One's identity is comprised of multiple subject-positions at any point in time (Burr, 1995; Hall, 1996). In instances of juvenile-perpetrated murder, when the juvenile has access to the category of 'child' due to blurred and inconsistent boundaries of the child category, the arising discursive conflict and ambiguity is of interest in how these individuals construct themselves, their offences and their experiences. This research employed Fairclough's (1989-1992) model of critical discourse analysis (CDA) to critically engage with individuals who committed murder while under the age of 19 so as to investigate the discourses drawn on in producing, or resisting, the child-criminal subject-position. This research thus focuses on identifying the discursive coordinates used by juvenile-offenders in negotiating culpability and childhood in the reconstructions of the offences for which they have been charged. This thus enables the investigation of the manner in which participants construct the discursive and/or material conditions that make possible, or resist, the juvenile-murderer and child-criminal subject-positions.

## **1.2 Rationale**

Violence is typically constructed as an act that is committed by men against women and/or children (Kramer, 2015; Lupton, 1999; Moore, 1994). These 'normative' constructions of violence constrain the possibility of non-normative violent situations, forcing them to remain on the periphery of discourse under the illusion of 'impossibility' (Burr, 1995). Constructions of victims and perpetrators are embedded in discourses of race, gender, sexuality and power, that inform who can be a victim, who can be a perpetrator, and under what circumstances (Burr, 1995). When a construct, such as that of the 'child' or that of 'perpetrator', becomes regarded as common-sense or 'truth', occupying subject-positions that transgress or counter the 'truth' becomes discursively difficult (Barker & Galasiński, 2001; Barthes, 1967; Burr, 1995). The 'naive' child restricts the production of the child as capable of criminal intent. Discourses concerning the 'child' as innocent and the 'offender' as culpable, culminate to produce a charged, and often contradictory, discursive landscape with a host of socially, legally,

medically and psychologically informed discourses defining who and what can be considered a juvenile ‘criminal’.

Psychological research tends to reproduce justificatory and explanatory discourse that attributes the child-offender’s offences to external factors or sources of blame (see Cantwell, 1988; Cuevas, Finkelhor, Turner & Ormrod, 2007; Dennison & Leclerc, 2011; Heckel & Shumaker, 2001; Johnson, 1988; Johnson, 1989; Lewis, Shanok, Pincus & Glaser, 1979; Moore, Franey & Geffner, 2004; Rosen, 2007; Ryan & Testa, 2005; Sacks, 1994; Sargent, 1962; Siegel & Williams, 2003). Although accepting the possibility of child-perpetrated violence, research such as this reproduces discourse that protects the construct of the agency-lacking child by removing agency and intent, thereby restricting the possibility of the child-criminal. Psychological research is also predominantly focused on uncovering aetiological factors or developing typologies (see DeLisi, Piquero & Cardwell, 2016; Hutton & Woodworth, 2014; Reidy et al., 2017; Vries & Liem, 2011; Trulson & Caudill, 2017). Research efforts to understand these individuals’ experiences is scarce, scarcer still when situated within a social constructionist perspective. As such, this research utilises a post-structuralist framework to present a unique paradigmatic perspective from which to critically investigate child-violence and child-criminality.

Individuals under the age of 18 are imbued with socially constructed characteristics of innocence and naivety, which complicates the process of establishing culpability in instances of juveniles that kill. Within many of the world’s legal systems, South Africa included, deviant children under the age of 13 are systematically invisibilised as potential offenders, and as criminals. Children between the ages of 14 and 18, however, are often tried and sentenced as ‘children’, despite the interchangeability of the terms ‘child’ and ‘juvenile’ both within, and outside of the correctional system. This research is particularly interested in the manner in which children who have been found legally culpable for murder identify themselves in light of their actions and experiences of the various systems and discourses they have been exposed to. Thus, this research draws on incarcerated juvenile offenders as an accessible population, and as a site of discursive tension and ambiguity.

The use of the term ‘criminal’ or ‘offender’, and subsequently those of ‘culpability’, ‘criminal intent’ and ‘guilt’, must be noted as inherently socially produced constructs utilised to monitor,

regulate and correct deviance (Foucault, 1977). The use of legal definitions for these terms throughout the research is informed by the participants being currently incarcerated and therefore considered by the State, as legally culpable, guilty and capable of criminal intent. This research intends to explore how these individuals negotiate the category of ‘criminal’ placed upon them by the law. The road to counter-discourse and resistance will be explored so as to surface which discursive coordinates are utilised in reproducing or resisting the category of criminal.

Hence, this research intended to answer the question: what material and/or discursive conditions make possible, or restrict the conditions of (im)possibility for child-perpetrated violence? This was achieved through the contextually sensitive application of Norman Fairclough’s (1989-1992) three-dimensional model of CDA to analyse interview-based data collected from South African juvenile-offenders currently incarcerated for murder. This research presented an opportunity to critically engage with and challenge normative discourses concerning child-perpetrated crime and violence. By challenging the construct of the child as inherently innocent and incapable of criminal intent, this research illuminates how the construct of the child potentially impedes the possibility of the child as a criminal. This research thus intended to illuminate conflicting discourses and present counter-discourse in order to challenge the ‘truth’ of the child, thus decentring the normative language surrounding children that marginalises non-normative or transgressive experiences. In producing counter-knowledge this research intended to challenge possibilities and impossibilities around child-perpetrated violence as well as provide a better understanding of the way in which child-perpetrators understand themselves and their offences. Attention will be paid to the manner in which the participants construct themselves and their crimes, in light of conflicting discourses surrounding childhood, culpability, and criminality. This may provide practically useful insights into the phenomenon, which can in turn influence how the phenomenon is understood and actioned against. This has practical implications for the acknowledgment of child-perpetrated violence, and in particular, murder, as well as for future research efforts.

### **1.3 Aims**

Foucault (1977; 1980) argues that an individual’s identity is comprised of multiple interchangeable subjectivities, the reproduction of which are regulated through discursively constructed conditions of possibility (Burr, 1995; Hall, 1996; Hall, 1997; van Dijk, 2001). As

such, constructed ways of being established as ‘truths’ either enable or disable the inhabitation of certain subject-positions under certain conditions (Hall, 1997; Foucault, 1977; Foucault, 1980; Luke, 1995-1996; Philips & Jørgenson, 2002). The constructed characteristics of the modern child cannot coexist with the constructed characteristics of the culpable criminal, producing an ambiguous and conflicting discursive landscape. This research thus intended to investigate how this ambiguous discursive landscape is navigated, and, how culpability was produced, or resisted.

This research aimed to investigate the discursive coordinates drawn on by child offenders in the construction of their offences and experiences. The objective of this study was thus to engage with male and female South African juveniles convicted for murder, who were under the age of 18 at the time of the offence in order to explore the discourses drawn on in the recollection of their offences. Through analysing discourse, deconstructing it, we reconstitute what can ‘be’ through challenging the discursive conditions under which certain subject-positions are made possible or invisibilised (Burr, 1995; Fairclough, 1992; Foucault, 1977; Foucault, 1980; Hall, 1997). Thus, this research aimed surface the processes through which incarcerated juvenile-offenders navigated conflicting discourses and ‘truths’ in constructing and reconstructing their offences and experiences. This was achieved by interviewing individuals who were charged with murder that was committed while under the age of 19, and who were incarcerated at the time of the interview. The interview transcripts were then subjected to a CDA as outlined by Norman Fairclough’s (1989-1992) three-dimensional model of CDA. This approach to CDA, allows multiple analytical angles from which to critically engage with discourse and is thus particularly suited to the identification and challenging of discursive processes navigated and employed during the context-bound construction of ‘selves’ (Blommaert and Bulcaen, 2000). Through the analysis of these processes and discourses, particularly those surrounding the child and violence, this research aimed to critically investigate and destabilise commonly held ‘truths’ regarding children, criminals, innocence and culpability, thus expanding the discourses and discursive possibilities for these constructs.

## **1.4 Structure and Outline of the Research Report**

**Chapter 2** reviews the literature in order to expand on the complexity of the phenomenon of child-perpetrated murder, situating it within a poststructuralist framework. Language and discourse feature as the primary means through which social realities and subject-positions are constituted. Throughout these sections the child as a restricted constructed category is presented in light of Foucault's concepts of power, knowledge, disciplinary power, bio-power, and self-regulation. Child enacted violence is discussed, along with 'possible' form of child-perpetration such as bullying and child soldiers. The normalising nature of discourse around these types of child-perpetration are discussed. Finally, an argument is presented for the invisibilising of child-perpetration within the legal system along with an argument for the poorly delineated, and arguably arbitrary, definition of 'juvenile' as an age-category.

**Chapter 3** outlines the research design and methods utilised throughout the study. Sampling techniques, data collection and data selection are covered in detail. An expanded outline of Norman Fairclough's (1989-1992) three-dimensional model and method of CDA is then provided, with specific elucidation on its contextually sensitive application to this study. Lastly, ethical considerations and self-reflexivity are discussed.

**Chapter 4** presents the results of the analysis. Firstly, the chapter provides a broad description of the participants and the offences for which they have been incarcerated. Following this, the findings of the analysis are presented as a discussion in which the utilisation of various discursive coordinates by the participants are presented, and discussed. The analysis and discussion focuses on the participants' production of discourse and the navigation of conflicting subject-positions, primarily that of the 'child' and that of the 'criminal'. This section is presented thematically, with the chapter being structured around: 1) Offender Profiles; 2) Justificatory and Explanatory Discourses; 3) Negotiating 'Material' Guilt and 'Subjective' Innocence; and 4) Perceptions and Experience of Police, Legal and Correctional Systems.

**Chapter 5** concludes the research report with a summation of the key findings presented in Chapter 4. In addition, theoretical and practical implications of this research are discussed, along with the limitations of this study and recommendations for future research.

## **Chapter 2: Literature Review**

The ‘child’ subject-position is contingent on innocence, naivety and vulnerability (Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007). These constructed characteristics enable the child to be readily produced as a victim, but rarely as a culpable perpetrator. Non-normative situations are rendered discursively improbable as they transgress or contradict constructs upon which the ‘truth’ and social order is structured. Power and knowledge inform what is considered ‘truth’ and what is ‘possible’, and organises these ‘truths’ and possibilities’ in a manner that ensures the maintenance of disciplinary power and organisation of society. Foucault (1977, p. 27) argues that:

Knowledge, once used to regulate the conduct of others, entails constraint, regulation and the disciplining of practice. Thus, there is no power relation without the correlative constitution of a field of knowledge, not any knowledge that does not presuppose and constitute at the same time, power relations.

The child, as born in to the world as a relatively blank slate, lacking in agency and socialisation, necessitates the consistent surveillance and regulation of the child body (Foucault, 1972; Foucault, 1977; Foucault, 2010). The child’s body thus becomes a canvas onto which society’s standards of ‘normal’ (in the form of discourse) are mapped (Foucault, 1972; Foucault, 1977; Foucault, 2010). In instances of child -perpetrated crime or violence, the construct of the child contrasts the construct of the criminal, thus creating an ambiguous discursive landscape, in which the violent child, or juvenile-offender, has to navigate in order to define themselves and their actions. This ambiguous discursive landscape thus has the potential of surfacing child perpetrated violence, while at the same time marginalising the child-criminal subject-position.

This section is structured in a manner that presents an overarching theoretical argument around power, knowledge and the nature of ‘truth’ before providing a sico-historical account of the child construct. After this, the review takes a turn to defining identity, subject-positions and how the ‘child’ as a subject position inhibits the possibility of the child as violent in spite of the child as violent recognised in humanitarian and bullying discourse. To better contextualise the ‘violent child’, the review presents a section on bullies and soldiers, the South African context, the media and psychological understandings of this phenomenon. The concluding sections of the review turn to legal definitions and processes surrounding child

violence, delinquency and sentencing, globally and within South Africa. Concluding the review is the summation of the theoretical ambiguity and conflict between the ‘child’ and the ‘criminal’.

## **2.1. Power, Knowledge and ‘Truth’**

Halliday (2002, p. 6) proposes that language is the “creature and creator of human society”. He argues that language was, and is, produced primarily by the social need to assign meaning to the world and to one’s experiences within it (Halliday, 2002). Foucault (1972) provides an abstract definition of discourse as sequences of signs composed in statements used in conversation, also calling them enouncements. As an enouncement, discourse is an abstract construct that allows semiotic signs, produced by language within the social context, to assign meaning so as to communicate (Foucault, 1972). Parker (1992, p. 5) defines discourse as “a system of statements which constructs an object”. Rorty (1980) and Foucault (1972) argue that through the process of producing discourse, one is engaged in the continual construction and reconstruction of meaning, in that discourse not only represents meaning, but through its use, actively contributes to its reconstruction.

Halliday and Hasan (1985) note that discourse and context are inextricably entwined, stressing that one cannot be understood without the other. A text is thus a representation of a socio-cultural event that is inseparable from the situational context in which it is produced (Halliday & Hassan, 1985; Halliday, 2003a; Halliday, 2003b). Fairclough (1989) emphasized that the linguistic properties of a text are vitally important to understanding the function of both the discourses that constitute the text, as well as the text as a whole, but that discourse analysis should not be limited to focusing on grammatical units alone. Instead, discourse analysis focuses on higher-level organizational properties of contextually-bound communicative events (Fairclough 1989; Fairclough, 1992; Fairclough, 2003; Fairclough, 2012). Butt, Fahey, Feez, Spinks, and Yallop (2003) note three distinct features of a situational context, namely: the field of discourse (experiential meaning), the tenor of discourse (interpersonal meaning), and the mode of discourse (logical meaning). The field of discourse is the meaning that the engagements, or social actions, of the speakers gives to the text, while the tenor of discourse is the meaning that the relationships between speakers, temporary or permanent, give to the text (Butt et al., 2003). The third and final feature is the mode of discourse, which is the meaning given to the text via the language used to construct it (Butt et al., 2003).

Social Constructionist theory acknowledges that the use of language is embedded in social practice and historical contexts, making both the production and reception of discourse a contextually bound process (Fairclough, 1989; Janks, 1997; Kramer, 2015). A discourse is thus a particular way of using language to engage, represent and (re)construct the social world (Fairclough, 1989; Fairclough, 1992; Fairclough, 2003). Language allows us to develop constructs through the connecting of singular words or phrases to wider cultural codes of meaning, which over time, become naturalised and accepted as a 'truth' through processes of knowledge and power (Barker & Galasiński, 2001; Burr, 1995; Barthes, 1967; Fairclough, 1992; Foucault, 1977; Foucault, 1980). For Foucault, power and knowledge are inseparable because knowledge and power reinforces one another in a circular fashion (Foucault, 1977). Power is neither an agency nor a structure, but rather implicit 'regimes of truth' in a constant state of flux and renegotiation (Foucault, 1978). Power is constituted through knowledge, scientific understanding and 'truth' (Foucault, 1977; Foucault, 1978; Foucault, 1980). Knowledge is both a form of power, and a product of power. Foucault (1977, p. 27) states:

Knowledge linked to power, not only assumes the authority of 'the truth' but has the power to make itself true. All knowledge, once applied in the real world, has effects, and in that sense at least, 'becomes true'.

Thus, power is both constituted through knowledge, as well as informs that which is considered knowledge or 'truth' (Foucault, 1977; Foucault, 1978; Foucault, 1980). 'Truth' is produced through the creation and propagation of constructions and the discourses that constitute them (Barker & Galasiński, 2001; Burr, 1995; Barthes, 1967; Fairclough, 1992; Foucault, 1977; Foucault, 1980). The truth-value that a construct amasses over time through its reproduction, institutionalisation and materialisation through performed behaviour, allows for the construct to become regarded as knowledge (Foucault, 1977; Foucault, 1980). Knowledge thus becomes 'truth' when the phenomena that counter or transgress the conditions of the construct or knowledge, are rendered inconceivable or improbable (Burr, 1995; Fairclough, 1992; Foucault, 1977).

Constructionists view knowledge and truth as created rather than discovered by the mind (Schwandt, 2003). These 'truths' however, are not reflective of a material, stable reality, but are rather subject to contextual and temporal change that is relative to social or cultural change (Barker & Galasiński, 2001; Burr, 1995). When a construct becomes regarded as 'truth', it is

capable of defining normative conditions of being that either enable or disable the habitation of particular subject-positions (Fairclough, 1992; Hall, 1996; Hall, 1997). This has the potential to marginalise difference or situations which are atypical. It also has the potential of rendering certain types of violence, criminality and victimhood improbable. This is not to argue that atypical situations do not occur, but rather that power-knowledge couplings producing constructs, discourse and conditions of (im)possibility which tend to invisibilise atypicality.

There is thus the potential for a disconnect between the material conditions of a situation, context or phenomenon and the social 'reality' produced through discourse attached to them. Berger and Luckmann (1991) argue that society exists both materially and subjectively, conceptualising both a physical and social 'reality' which may, or may not, always align. The latter is brought about through the interaction of people within the social world, with this social world in turn influencing people. This results in routinisation and habitualisation of behaviour and thought. The social world is defined and regulated through discourse, knowledge and power. That is, any frequently repeated action becomes cast into a pattern, which can be reproduced without much effort. In time, the meaning of the habitualisation becomes embedded as routines, forming a general store of knowledge. This is reproduced by society to the extent that future generations experience this type of knowledge as taken-for-granted 'truth'. The modern child is produced and reified through scientific disciplines such as medicine and psychology. With this, the violent child is marginalised through the category of 'child' being essentialised as a time of innocence, incapacity and vulnerability. This restricts the plausibility of 'other' childhoods, marginalising atypical or deviant childhoods.

## **2.2. The Construction of Childhood**

Social constructions and the discourses that constitute them, are not universal, or naturally occurring. Rather, discursive constructs and practices are developed over time (Burr, 1995; Foucault, 1972). Thus, it is important to consider constructs such as the child as 'malleable', rather than as a fixed and stable 'truth'. The child is produced by modernity as innocent, pure, naive and requiring protection, education and socialisation (Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007). This however was not always the way children were understood and socialised. Postman (1994) argues that during the collapse of ancient Rome and the subsequent move into the Medieval period, also known as the Dark Ages, several things

happened that are relevant to the history of childhood: literacy disappeared, followed shortly by the disappearance of education, which lastly resulted in the disappearance of childhood all together. During the Medieval period, which lasted from the 5th to the 15th century, children were frequently portrayed in art as small figures with the physical features of adults, based on the social understanding of ‘adulthood’ beginning as soon as the ‘child’ is no longer physically dependent on the mother for survival (Ariès, 1973).

The first usage of the word ‘child’ did not refer to age or developmental parameters, but rather to a state of dependence and subordination, and was commonly being used to describe lackeys, servants and even soldiers (Ariès, 1973). The ‘modern child’ is largely the product of a growing sense of morality based on Christianity (Ariès, 1973; McDiarmid, 1996). Through depictions of the baby Jesus and the Virgin mother in late Medieval art, the ‘holy child’ was constructed as graceful, naive and affectionate (Ariès, 1973). With a growing visual representation of familial scenes and portraiture that involved children, as well as the growing recognition of morality circulated and reinforced through the Church, the child’s soul came to be treated as immortal, and thus value was assigned to his/her life (Ariès, 1973).

Childhood was thus reconstructed as essentially a time of purity and innocence. The changing ‘role’ of the child enabled the ‘protection’ and ‘socialisation’ of the child so as to generate productive social bodies in adulthood. The innocence and purity of the child was built upon the child being treated as asexual and as having limited access to sexual knowledge (Ariès, 1973). Sex as sin was, and still is, a predominant aspect of religious discourse (Foucault, 1978). The child as the dwelling place of divine purity served to contrast adult sexuality as impurity and sin (Ariès, 1973; Foucault, 1978). By the Victorian Era, children were idealised in literature and in art as natural representations of goodness and innocence (McDiarmid, 1996). The construction of childhood in this essentialist fashion restricts the possibility of the child being different. Thus, a child who displayed an ‘inappropriate’ sexual knowledge and/or deviant behaviour would no longer satisfy the characteristics of the category, resulting in them potentially being invisibilised as children. The deviant child’s actions, and body, would have resulted in them being reproduced as having ‘unnatural’ adult-like capacity so as to conserve the essential category and characteristics of the innocent and pure child.

Access to knowledge, particularly sexual knowledge, urges and behaviours, was a primary distinction between the adult and the child (Aires, 1973; Darbyshire, 2007; Postman, 1994). Postman (1994) argues that the modern demarcation of ‘adult’ and ‘child’ knowledge, was largely absent in the past due to mass illiteracy equalising the adult’s and child’s access to knowledge. The distinction between the child and the adult re-emerged with the printed word during the Renaissance period (Darbyshire, 2007; Postman, 1994). The need for children to take several years to master the tasks of reading and writing strengthened the construct of childhood as a time of naivety and the child as lacking ‘adult’ knowledge and capacity. However, the child was also associated with weakness (Ariès, 1973). Childish innocence and naivety were seen as crude and in need of correction through the development of character and reason, as well as in need of protection from modern corrupting influences so as to produce ‘proper’ adults (Ariès, 1973; Burman, 1994).

Schooling systems were thus introduced, separating the child and adult into different physical spaces. However, the initial introduction of schooling systems was largely reserved for the gentry, and consisted of trade-like curricula learned through apprenticeships (Ariès, 1973; Streib, 1983). The modern concept of basic schooling as a prerequisite for all children regardless of class only emerged later. In Britain during the mid-1800s, impoverished children who were working in factories were considered vagrants or delinquents (Hendrick, 1990). Their lack of socialisation and education was constructed as problematic ‘childish ignorance’ (Hendrick, 1990). Their ‘childish ignorance’ was thus to be corrected through a structured education system for all children (Ariès, 1993; Burman, 1994; Hendrick, 1990; Hendrick, 2006). It was not until the early 1900s during the Progressive Movement that schooling in this manner was introduced to America (Streib, 1983).

### **2.2.1. Education – The Production of Social Bodies**

It was only when the ‘uneducated child’ was considered problematic by society, that standardised schooling systems became compulsory. Compulsory schooling for all children regardless of class or economic standing was thus implemented revealing the poverty, ill-health and malnutrition of many children (Ariès, 1993; Burman, 1994; Hendrick, 1990; Hendrick, 2006; Streib, 1983). These were seen as problematic based on the burgeoning disciplines of medicine, psychology and development, which had generated constructs of the ‘natural

healthy' child. To address these 'newfound' problems, welfare programmes and legal protection against child abuse and maltreatment were established (Hendrick, 1990).

With the introduction of mandatory schooling systems, children were clearly demarcated as different and separate from adults, with children being reified as fundamentally innocent, naive and lacking agency (Ariès, 1973; Burman, 1994). The child was constructed as fundamentally 'blank', needing protection, socialisation and education which justified the production of formal education systems. The child, constructed in this manner, reflects Foucault's theories in that the very 'education' of the child, is a mechanism of surveillance and discipline. The child's body becomes a canvas onto which society's standards of 'normal' are imposed, embodied and then regulated through continued monitoring and surveillance implemented in schooling systems. The modern child could thus be said to a product of disciplinary power governing the child body so as to produce appropriate adult bodies. Controlling the child is a means of ensuring a productive and heteronormative nuclear family which is at the centre of modern society (Foucault, 2003/2006). The nuclear family is both an effect of power as well as a disciplinary mechanism in that they too control and shape the child(ren) within their nucleus (Foucault, 2003/2006).

Foucault's (1977) concept of disciplinary power is crucial in understanding how society produces and regulates social bodies through discourse. Discipline is a mechanism of power, and is one way in which power can be exercised (Foucault, 1977). This is achieved through the monitoring and regulation of the social body by monitoring space, time, activity and behaviour (Foucault, 1977). Constructed categories such as that of the child and the criminal, serve to order social bodies and interactions through the surveillance and regulation. Rules and conditions of being attached to categories such as the child, regulate the child body. However, they also restrict its possibility of being violent or criminal. Disciplinary power has the ability to shape an individual's, and society's behaviour, thus shaping an individual's or society's perceived reality: "it produces domains of objects and rituals of truth" (Foucault, 1977, p. 194). The domain of the child and the truth of the child is thus a socially constructed product, produced, re-produced, and reified through institutionalised sources of discipline such as schooling.

Discourse is the means through which disciplinary power is proliferated into all facets of life, shaping an individual's behaviours and self-concept through self-regulation (Foucault, 1978). Foucault used Jeremy Bentham's mid-19th century Panopticon as a metaphor to explore the relationship between power/knowledge and discipline. Foucault (1977) argued that discipline is a mechanism of power that operates not through means of violence, but through means of surveillance, the result of which is social order, and notions of 'truth' which are internalised and performed through the social body (see Foucault, 1977). The school as form of disciplinary power, monitoring, assessing and regulating the child body, no longer requires force or violence through acts such as corporal punishment. The surveillance and discipline of the child body has extended into the home through the child-centric family structure (see Carrington, 1991). The child's body is a site of constant monitoring and regulation resulting in the uptake of knowledge as self-regulation, enforced through self-regulation (Foucault, 2010). This self-knowledge is a form of bio-power which Foucault (2010) argues to be the effect of power on the physical body in order to effect and manage social control. Power thus "reaches into the very grain of individuals, touches their bodies, inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives" (Foucault, 1980, p. 30).

### **2.3. Identity, Subject-Positions and the 'Child'**

The child's body, its fashioning and behaviour, is not the result of some natural order, but is rather the product of knowledge, power and discipline (Foucault, 1977; Foucault, 1980; Hall, 1997). Foucault (1977) argues that the 'body' is not comprised of 'essences', but rather of 'becomings'. As such, the self can be understood as comprised of multiple identities, subjectivities, or modes of being (Burr, date; Foucault, 1977; Foucault, 1980; Hall, 1997). According to Barker and Galasiński (2001), identity can be understood as being emotionally charged descriptions, or constructs of selves that are composed through language and are based on particular social and cultural conjectures. Identities can thus be understood as both unstable and temporarily stabilised through social practices of repeated and predictable behaviour (Barker & Galasiński, 2001; Burr, 1995; Foucault, 1972).

Our identities, comprised of multiple potential subject-positions, originates not from inside the person, but rather from a social reality built on constructed 'truths' (Burr, date; Foucault, 1977; Foucault, 1980; Hall, 1997). 'Truth' is not naturally occurring, but rather is the result of various

institutions proliferating knowledge which is reinforced through discipline effected through formal systems such as schooling, and eventually through self-regulation (Foucault, 1977; Foucault, 2010). Hall (1996) argues that identities are performances of subject-positions, which are interchangeable based on varying junctures in temporal and contextual interactions. Foucault (1972) argues that identities are constructed and produced through discourse, and are thus both instruments and effects of power. The ability to inhabit a subject-position is regulated through discursively constructed social conditions of possibility (Burr, 1995; Hall, 1996; Hall, 1997; Foucault, 1977; Foucault, 1980). Socialisation, the process through which subject-positions are learned, occurs through conversation bound in normative social rules and practices (Berger & Luckmann, 1991). Socialisation of the child occurs primarily through schooling systems and the family structure. Both the family and the school are systems in which knowledge and power is effected through surveillance and discipline (Foucault, 2003/2006).

Subject-positions are thus both generated within, and positioned through, discursive practices that occur in a performative manner to produce the subjectivities of that position (Butler, 2004; Davies & Harre, 1990). Subject-positions are materialised by the body through repeated behaviours and conversation positioning in relation to the audience or to the 'other' (Butler, 2004; Davies & Harre, 1990; Jackson, 2004). The child is thus a subject-position imposed upon the body, regulated through surveillance and discipline that is effected through systems such as schools and child welfare. From birth, the child is taught how to behave and think. The child is consistently monitored and regulated, be it medical examinations, the nuclear family or the formal school system. The constant surveillance and repeated disciplining of the child body leads to knowledge taken up as self-knowledge effected through self-regulation. Foucault (1972; 1980) argues that discourse and language are both the products and mechanisms of power, which informs what can be spoken, who can speak, and how they can speak, regulated primarily through mechanisms of inclusion and exclusion. Discourse thus contains and produces sets of constructed norms or possibilities, which generate and regulate subject-positions (Davies & Harre, 1999; Foucault, 1972; Wilbraham, 2004). When a construct and the discourses related to it become regarded as 'truth', they become capable of defining normative conditions of being that either enable or disable the habitation of subject-positions (Fairclough, 1992; Hall, 1996; Hall, 1997).

## **2.4. The (Im)possible Child-Perpetrated Crime**

The successful functioning of a constructed subject-position is dependent on the relationship between power and knowledge (Foucault, 1977; Foucault, 1980). Disciplinary power and surveillance mechanisms maintain the biopolitics of the day (Foucault, 1977). The child, constituted as innocent and helpless, necessitates continued surveillance, regulation and correction. Power and knowledge thus couple to ensure the disciplinary surveillance of the human population (Foucault, 1977). Power and knowledge define context-specific conditions of 'being', contingent on both material and discursive conditions that either enable or resist the production of certain subject-positions (Butler, 2004; Foucault, 1977; Foucault, 1980; Hall, 1997).

The specific conditions that make particular subject-positions possible are contingent on social interaction, and in particular, the constructed characteristics of the individuals within an interaction (Burr, 1995; Hall, 1997; May, 1999; van Dijk, 2001). Burr (1995) refers to this as the self-referent system, where concepts are defined in opposition to an 'other'. This means that concepts are defined in terms of other concepts existing in the same language system, basing description of what something is through delineating what it is not. For instance, a criminal is defined in opposition to a non-criminal, guilt against innocence, perpetrator against victim. Similarly, the child is defined in opposition to the adult. As such, conditions of possibility, often produced and reproduced as definitive 'truths', either enable or disable the subject-position of the 'other' (Hall, 1997; Foucault, 1977; Foucault, 1980; Luke, 1995-1996; Philips & Jørgenson, 2002). For instance, without a perpetrator, there cannot be a victim; without intent, there cannot be culpability. For there to be a possible criminal, intent and agency have to be established. Thus, the child as essentially innocent restricts the possibility of the child being culpable in instances of child-perpetrated violence.

Sapir (1947) argues that if there is no means through which a concept can be expressed, it cannot be used, rendering it, discursively 'non-existent'. The child as a criminal has been restricted to the periphery of discourse and rendered 'improbable'. Phenomena that counter or transgress the characteristics or conditions of a particular construct, are typically rendered improbable, deviations or exceptions to the norm (Burr, 1995; Fairclough, 1992; Foucault, 1977; Foucault, 1980; Hall, 1997). Non-normative situations are rendered discursively improbable as they transgress or contradict the constructs upon which 'truth' and social order

are structured. This however is not to say that an occurrence or object does not exist, rather that its social ‘reality’ is rendered non-existent through the lack of discursive opportunity to assign meaning, understanding and order to it. In instances of child-perpetrated crime or violence, the construct of the child as innocent, naive and lacking in criminal intent and agency, and the construct of the violent criminal as having intent and agency, creates a space for discursive ambiguity or contradiction. It is this discursive ambiguity that the violent child, or juvenile-offender, has to navigate in order to assign meaning to themselves, their actions and their experiences.

The construct of the innocent and naive child (Ariès, 1973) prevents the child from occupying the subject-position of a perpetrator which is usually synonymous with aggression and malicious intent (Kramer, 2015). If it is accepted that childhood is a socially constructed period, it can be argued that the conditions of childhood, are focused on innocence rather than aggression, maliciousness, or violence (Ariès, 1973; Burman, 1994; McDiarmid, 1996). If the possibility of being a perpetrator is contingent on culpability (May, 1999; Richardson & May, 1999), child-perpetrated crime or violence is rendered improbable by virtue of the potentially irresolvable tension between conflicting discourses regarding childhood and perpetrators, and innocence and culpability. The evolution of the construct of ‘childhood’ has produced the relative improbability of the child as criminal, despite childhood violence, having existed on the parameters of discourse for hundreds of years (see Hendrick, 1990; Hendrik, 2006; Streib, 1983).

## **2.5. Bullies and Soldiers – instances of ‘possible’ child-enacted violence**

Under certain conditions, violence enacted by children can be normalised as natural developmental curiosity, or explained as the product of something beyond the child’s control, such as a corruptive adult influence. School bullying is an instance of child-perpetrated violence that has become a normative form of child-perpetrated violence. The construct of bullying is one that exists solely within the realm of youth culture (Moon, Hwang, & McCluskey, 2011). The same behaviour enacted between adults would be considered criminal and legally punishable. Bullying however, is not dealt with legally but rather by parents and authorities within the schooling system (Moon, Hwang & McCluskey, 2011). The normative bullying violence enacted between children is explained as the likely product of psycho-social

problems, resolvable with intervention rather than incarceration (Moon, Hwang & McCluskey, 2011). Walton (2005, p. 91) argues that “the proliferation of policies and programs purported to reduce bullying in schools are anchored by what appears to be a common, but problematic, understanding of the notion of bullying”. The act of bullying being normalised, thus becoming a ‘possible’ form of violence enacted by a child, raises the question of under what conditions, if at all, child-perpetrated violence becomes criminal. The child’s discursively implied lack of agency is a primary factor in his/her likely inability to occupy the subject-position of a perpetrator which is contingent on agency, or ‘criminal intent’ (May, 1999).

Child soldiers can be seen as an example of child violence that is constructed as abhorrent, but beyond the child’s control. Child soldiers are common in many countries across the world and their training is avidly opposed by humanitarian organisations (Rosen, 2007). In 2005, it was estimated that there are over 250 000 child soldiers across the world, fighting in over 11 armed conflicts (Happold, 2008). The child soldier is constructed as a victim within humanitarian discourses aimed at questioning the morality of war, violence and brutality (Rosen, 2007). Child soldiers are often produced within discourse as ‘controlled bodies’ responding to the will of adults. The child is stripped of agency and produced as an entirely docile body whose violent behaviour is a reflection of an adult influencing or controlling them. The adult soldier and the war, is thus produced as the corruptive influence and the child body as the corrupted victim. Korbin (2003) and Happold (2008) rely on the construction of an uneducated child incapable of adequate comprehension, to explain both the growing number of child-soldiers and to rationalise the violence children display while engaged in war. Korbin (2003) and Happold (2008) engage in discourse that produces the child-soldier as vulnerable to the influence of adult-soldiers who conscribe them into a war and force them into enacting violence that they are incapable of comprehending. Thus, the child is produced as unable to comprehend the ‘wrongness’ of violence they enact during war and as having no agency or power to resist engaging in violence.

The child soldier is actively constructed and presented to the world as products of adult corruption and abuse, exploited within the morally dubious nature of warfare. This social construction of child soldiers often discounts instances of child soldiers enjoying their involvement and having joined the militia by their own accord (Happold, 2008; Korbin, 2003; Rosen, 2007). Child soldiers are not prosecuted for their involvement in war as they are

considered incapable of legally relevant agency, this then contradicting and invisibilising the experiences of the victims in these wars (Rosen, 2007).

### **2.5.1. Perpetration in South Africa**

In South Africa, there are particularly prominent racialised and gendered discourses that either impede on or promote the possibility of certain types of violence, crime, perpetration and victimhood. Racialised constructions born and disseminated during periods of racial inequality, most notably during the Apartheid regime, have limited the possibility of certain types of violence and victims. During Apartheid, constructions of ‘blackness’ implied brutality, uncivility and danger (Pierce & Bozalek, 2004; Swartz & Levett, 1989). The construction of the ‘dangerous black savage’, made it possible for black people, regardless of their age, to be produced and punished as perpetrators (Pierce & Bozalek, 2004; Streib, 1983; Swartz & Levett, 1989). Additionally, these discourses limited the ability of ‘*non-white*’<sup>1</sup> South Africans to be produced as victims. Conversely, constructions of whiteness were based upon ideas of enlightenment, civility and morality (Pierce & Bozalek, 2004; Swartz & Levett, 1989). This limited white people’s ability be produced as perpetrators, but enabled them to regularly inhabit positions of innocence and victimhood.

‘*Non-white*’ South Africans, and particularly black South Africans, were rarely able to be discursively produced as victims until the post-Apartheid era. Through the provision of confession, accountability and reconciliation opportunities, efforts such as the Truth and Reconciliation Commission allowed ‘*non-white*’ South Africans to inhabit the subject-position of a victim, and for white South Africans to inhabit the subject-position of the perpetrator (Stone, 2009). Alcoff and Gray (1993, p. 260) note how confession acts as an incitement to discourse, and that “bringing things into the realm of discourse works also to inscribe them into hegemonic structures”. Discourses concerning human rights have since allowed for people of varied gender, race, sexuality and economic backgrounds to be produced as victims and/or perpetrators (The Bill of Rights of the Constitution of the Republic of South African, 1996). Ndlovu-Gatsheni (2012) proposes that South Africa is still in the process of ‘assimilation’ into a stable, shared, South African identity, whereby several racial groups, categorised and

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<sup>1</sup> The use of constructed categories from pre-democracy is not intended to reinforce or legitimise their use. Rather they are used to highlight the way constructions of crime, criminals and violence are bound in socio-historical and racial discourses.

segregated during Apartheid, are still trying to navigate one another, finding themselves within the cultural and racial ‘hot-pot’ that is post-Apartheid South Africa. He does however note that this assimilation has not been an easy process, but rather one filled with racial tension, xenophobia and the re-propagation of subversive colonial practices through racial hierarchies that influence the racialisation of criminality, and the constructed image of the black, male aggressor (Ndlovu-Gatsheni, 2012).

Buckingham (2000) argues against singularly minded understandings of childhood such as those provided by Ariès (1973). Instead, Buckingham (2000, p. 6) proposes that “the meaning of childhood is subject to a constant process of struggle and negotiation, both in public discourse...and in interpersonal relationships, among peers and in the family”. Western histories of childhood are by far the most prolific in research and theory, supported and propagated by the growing medicalization of the ‘child’ and thus suggesting a natural, and universal, developmental trajectory (Bosk, 2013; Nybell, 2001). However, childhood varies greatly across cultures (Abebe & Ofosu-Kusi, 2016; Diptee & Klein, 2010; Helleiner, 1998; Pasura et al., 2013; Twum-Danso Imoh, 2016). Childhood is subject to variation through constructed conditions such as culture, race, gender and class. Many childhoods in Africa are subject to fluctuation in interpretation, whereby legal and cultural definitions of childhood often conflict, with different legal and cultural expectations in relation to maturity and capacity (Abebe & Ofosu-Kusi, 2016). Additional contextual threats to childhood that are prevalent in the South African context include early sexual initiation, teenage pregnancy, child-headed households and early exposure to extreme violence, to name a few (Enderstein & Bonnzaier, 2012; Macleod, 2003; Mturi, 2012; Parkes, 2007).

South Africa is inescapably, a historically violent nation, symbolically and materially. The theory that children raised within this context of violence are violent themselves because of a normative culture of violence is contested. As Altbeker (2007, p. 119) argues, the proposition that violence is a cultural phenomenon in South Africa, “like any culture-based argument, is controversial, even provocative”. Counter-knowledge that challenges the ‘truth’ produced by power/knowledge couplings, are thus seen as non-, or pseudo- ‘truths’ in that they do not ascribe to the normative conditions or discourse surrounding the phenomenon. The existence of multiple culturally and contextually bound discourses regarding crime, violence, victims, and perpetrators within South Africa, thus allows a unique opportunity to investigate the

construction and reconstruction of discursively ‘ambiguous’ or ‘implausible’ perpetrator identities, and particularly that of the child-perpetrator of murder.

## **2.5. The Violent Child and the Media**

Modern media plays a substantial role in generating the potential of the violent child and/or juvenile today. Foucault (1984) explores how each society has a regime of truth. This ‘regime of truth’ are the discourses that are accepted and function as ‘truth’ (Foucault, 1984). The production and reproduction of ‘truth’ is largely the result of power/knowledge couplings reinforced by surveillance relays such as the media (Foucault, 1980; Foucault, 1984). In a society where media stories are readily available through modern technologies such as cellular phones, the media plays a significant role in the (in)visibilising of child-perpetration. Media uptake of extreme instances of child-perpetrated violence are linked to the generation of moral panics, and the production of the juvenile super-predator myth. Circulated stories in the media focusing on extreme instances of violence not only draw mass attention, but influence the production of the conditions under which the juvenile-offender is (im)possible.

The media plays a substantial role in the production and propagation of moral panics, particularly in terms of youth crime. This is achieved by inciting fear through the dissemination of alarmist material such as the idea that youth crime is spiralling out of control (Cohen 2002; Goode and Ben-Yehuda, 1994). Scott (2014, p. 429) defines moral panic as the “process of arousing social concern over an issue”. Scott (2014) identifies the media as a key producer of moral panic through its ability to produce fear-initiating spectacles for mass consumption. Cohen (2002) argues that the media may engage in the generation of moral panics unintentionally, whereby simply reporting on incidents generates anxiety and/or panic. Cohen (2002) defines moral panic as the result of incidents which are *prima facie* unexpected and contain an element of enacted, or threatened, violence which surfaces latent social fears surrounding reality, social order and morality. The child is not automatically associated with the possibility of enacting violence. Thus, the violent child is *prima facie* unexpected.

Media stories containing material on violence enacted by children threatens the construct of childhood as and in turn threatens the ‘reality’ society and social order is structured upon. The manner in which the violent child is constructed in the media results in these children being reproduced as modern ‘folk devils’ (Cohen, 2002; McDiarmid, 1996). The reproduction of a

modern ‘folk devil’ (usually individuals or groups who threaten the status-quo of knowledge, truth and/or morality), engages in what Foucault (1977) calls the pathologising of deviance. The violent child is often portrayed against the ‘normal’ child which is regularly framed as the victim of the violence given the ‘inherent’ vulnerability of the child-construct. The vulnerable child is often contrasted with the ‘unchildlike’ violent child produced as a form of modern ‘folk-devil’, an aberration to be feared and guarded against. An example of the effect of media producing modern ‘folk-devils’ could be seen in reaction to the murder and torture of James Bulger in 1993.

Bulger, aged two, was tortured and subsequently murdered, in 1993 by Robert Thompson and John Venables, both aged 10, garnered mass media attention. The media constructed Thompson and Venables as “*evil*” and “*monstrous*”, inciting a moral panic across the world and a questioning concerning a child’s capacity to commit acts of violence and crime (Dunabin, 2011; Hopkins, 2015; Rowbotham, Stevenson, & Pegg, 2003; Young, 1996). However, unlike in the case of adults where a criminal is constructed as violent, Thompson and Venables were framed as deviant children who possessed an unnatural adult capacity for criminal intent (Dunabin, 2011; Rowbotham, Stevenson & Pegg, 2003; Young, 1996). Young (1996) argued that the media’s portrayal of Bulger as the quintessential ‘child victim’ distanced Thompson and Venables from childhood, thus strengthening their construction as aberrations (Young, 1996). McDiarmid (1996) believed that it was the construction of Bulger as the archetypal innocent, and the positioning of Thompson and Venable as archetypal evil, that incited moral panic in Britain during the early 1990s.

The concerning effect of individuals or groups being reproduced as modern ‘folk devils’ is that they are often judged and punished, socially and systematically, at a level that is disproportionate to the actual threat (Cohen, 2002; McDiarmid, 1996). This occurs because the ‘threat’ challenges the status-quo of knowledge, truth and morality which results in a disproportionate level of fear and, in turn, retaliation (Cohen, 2002; McDiarmid, 1996). McDiarmid (1996) proposes that the judgment and punishment of children who are violent occurs disproportionately. The child is double vilified in a similar fashion to female offenders (McDiarmid, 1996). Specifically, child perpetrators not only transgress legal boundaries, but they also social boundaries (Cohen, 2002; McDiarmid, 1996). When children engage in violence they transgress both the law and the social truth of what it is to be a child. The resulting

conflict and threat to the notion of a natural social order generates extreme emotional responses in the public, which in turn tends to result in stricter applications of punishment on the ‘folk devil’ (Cohen, 2002; McDiarmid, 1996). The violent child thus necessitates the surveillance, regulation and correction of the child body both to ‘prevent’ the threat as well as to protect the vulnerability of other children. Modern ‘folk-devils’ and double-vilification often occur where the media content around the cases portray extreme deviations from the ‘normal’ child. For instance, the Slenderman case in America where two, 12-year-old girls stabbed a class-mate to please Slenderman resulted in stricter monitoring and restriction on children’s internet usage (Brodsky & Harris, *Beware the Slenderman*, 2016; Cambridge, 2017; Wertheim, 2017).

The South African media also draws on instances of extreme violence, sensationalising instances of child-perpetration and engaging in the production of South African ‘folk-devils’. For instance, the now infamous case of Henri van Breda whose ongoing trial is still widely circulated in the South African and international media. Media coverage of the case tends to focus on reproducing the extreme violence and gore involved in the alleged killing of his parents and brother. The use of terms such as “*bloodbath*” and “*slaughtered*” construct horror-story-like conditions inciting alarm and shock in readers (see Farber, 2017a; Lion, 2017). However, it does reflect how the media is engaged in the production of discourses which reformulates child-perpetration in a manner that minimises the childlikeness of the perpetrator. Thus, these reformulations bring the atypical offences to the centre of discourse in a manner that does not threaten the status-quo of knowledge.

## **2.6. Psychology and the Violent Child**

Foucault argues that modern society is built upon the medical notion of the norm, and the normal which, by contrast, defines and regulates that which is abnormal or deviant (Foucault, 1977; Foucault, 2010; van Dijk, 2001). Psychology as an institution of knowledge production within a larger interconnected network of institutions, discourse and knowledge, is implicated in both the production of the ‘normal child’, as well as the ‘pathologised child’ (Foucault, 1977). Psychological research is capable of informing and/or reifying current knowledge which enables or disables the discursive reproduction of perpetrator subject-positions within certain contextual and material conditions (Fairclough, 1992; Hall, 1996; Hall, 1997). Psychological knowledge and discourse are reproduced and reified by an individual’s self-regulated

behaviour (Butler, 2004; Foucault, 1977; Foucault, 1980; Hall, 1997). As such instances of murder that do not fall within the defined parameters of established typologies have the potential to challenge current regimes of truth, psychological and otherwise (Butler, 2004; Foucault, 1977; Foucault, 1980; Hall, 1997).

Cornell, Benedek, and Benedek (1987) attempted to classify 72 juvenile murderers using three-group typologies based on the circumstances of the offense and the offender's state of mind at the time. The typologies constructed by Cornell et al. (1987) are: 1) psychotic; 2) conflict; and 3) crime. The first typology, *psychotic*, includes murders committed by juvenile offenders who suffered some form of psychopathology which led to homicidal actions (Cornell et al., 1987). The second typology, *conflict*, includes juvenile offenders who commit murder in instances of interpersonal tension including, but not limited, to instances of parricide (Cornell et al., 1987). Parricide refers to the killing of a family member, although it has become specifically synonymous with the killing of either one, or both parents (Heide, 1995; Heide & Petee, 2003). The third and final typology, *crime*, includes juvenile offenders who committed murder during the course of committing a separate crime such as a robbery (Cornell et al., 1987). These typologies locate the 'cause' of the murder external to the child, thus protects the essentialised construct of the child. Through reproducing typologies, or situations, in which the child has no agency or comprehension of their actions, the construct of the child as incapable of criminal intent and capacity is protected. This 'protection' may provide the mechanisms through which the child as possible of violence is made possible. The first typology removes agency from the child. The second typology produces the child as a victim, with their victim-status resisting the possibility of their criminality and their situation necessitating their violence. The third typology, *crime*, recognises that the child is capable of 'other' crimes, but resists acknowledging the child as capable of 'murder'.

Although not explicitly published as an offender typology per se, James (1994) suggests that parricide, and particularly the killing of a parent, which falls under Cornell's et al. (1987) *conflict* typology, is committed by three types of individuals: 1) the abused child pushed beyond their limits; 2) the mentally ill child; and/or, 3) the antisocial child. He continues to argue that the majority of parricide is committed by children who have suffered abuse (James, 1994; see Bailey, 1996). Mones (1996, p. 61) supports this conclusion and argues that "parricide often occurs after years of the most brutal, extreme abuse". James (1994) reports

that an estimated 90% of all parricides involve children who have suffered abuse. The reframing of the child as a victim may serve to make child-perpetration thinkable, but in the same vein, resists the possibility for that violence to be criminal. The deployment of ‘self-preservation’ or ‘self-defence’ explanatory discourse is not uncommon in research concerning child-perpetrated violence (see Heide, 1992; Heide, 1995; Heide & Petee, 2003; Hillbrand, Alexandre, Young & Spitz, 1999; Millaud, Auclair, & Meunier, 1996).

### **2.6.1. Justificatory and Explanatory Discourse**

Psychological discourses concerning child-perpetrated crime and juvenile delinquency contain commonly deployed explanatory discourses that protect the ‘agency-lacking child’ through attributing the causal factors of the child’s behaviour to influences outside of the child’s control. Mental illness categories, particularly those such as ‘conduct disorder’, are common psychological constructs that attribute delinquent behaviour to psychological conditions beyond the conscious control or understanding of the child (Copeland, et al., 2007; Del Bove & MacKay, 2011; Kratzer & Hodgins, 1997). Other psycho-social problems or neurological deficits such as poor self-control, instability in the home, seizures and brain damage or malformation are frequently given as explanations for juvenile delinquency (Bailey, 1996; Brennan & Raine, 1997; Burt, 2009; Del Bove & MacKay, 2011; Ewing, 1990; Hodgins, Cree, Alderton & Mak, 2007; Mukaddes & Topcu, 2006; Raine, 2002).

Additional factors that have been used to explain violent child-offenders, particularly in terms of those who commit murder, include large family size, family disruptions, familial violence, and school dropouts (Cornell et al., 1987; Fiddes, 1981; Bailey, 1996; Young, 1996). Lower Socio-Economic Status (SES) and harsh parenting, particularly from the mother, have also been used to explain juvenile-offending, and in particular, murder (Hill-Smith, Hugo, Hughes, Fonagy, & Hartman, 2002). Walsh and Krienert (2008) suggest that the escalation of intra-familial discord and violence culminating in parricide may be in part due to the parents’ inabilities or unwillingness to impose effective discipline and education upon the child. Thus, blame is displaced from the child to the adult, made possible by construction of the child as unsocialised and the implied social responsibility of the parent(s) to teach them.

Child-perpetrated violence is not bound to a single aetiology or aetiological trajectory, but rather is subject to multiple physical, social and economic conditions and nuances deployed to

justify or explain the incident in light of the characteristics of childhood. Studies have linked substance abuse, alcohol or drugs used by children to the perpetration of child-to-parent violence (Labelle, Bradford, Bourget, Jones & Carmichael, 1991; Myers and Kempf, 1990). Cottrell and Monk (2004) explaining that substance use leads to a lack of appropriate emotional responses in child-offenders' to their violent and/or abusive behaviour. Altered states of mind due to drugs, alcohol or adverse conditions, are common 'causes' listed in violence research. However, this does presuppose an 'appropriate' state of mind, or emotional response. The establishment of the 'appropriate' response or state of mind is a product of knowledge and power intended to discipline the body and mind into a certain socially 'appropriate' state. The child who is incapable of responding to violence in a socially appropriate manner, for instance with horror, shock or regret, is construed as 'abnormal', thus marginalising their childlikeness.

Justificatory discourses commonly attribute delinquency to the child-offender's own victimisation. These discourses are centred on delinquent behaviour being a consequence of the child's earlier corrupted innocence or due to self-defence in the face of abuse or neglect (see Cantwell, 1988; Cuevas, Finkelhor, Turner & Ormrod, 2007; Dennison & Leclerc, 2011; Heckel & Shumaker, 2001; Johnson, 1988; Johnson, 1989; Lewis et al., 1979; Moore et al., 2004; Rosen, 2007; Ryan & Testa, 2005; Sacks, 1994; Sargent, 1962; Siegel & Williams, 2003). Walsh and Krienert (2008) suggestion that parricide may be due to parents' ineffective disciplining of the child places blame on the parents, retaining the construct of the naive child in need of proper education and socialisation.

Justificatory discourses locate an alternate, more palatable source of blame and thus, garner sympathies for the child by producing 'corruptive adults' and restricting the easy conceptualising of the criminal child. Sympathy is also garnered through constructions of desperation contexts, where the delinquent behaviour is attributed to the child's need to survive in cases of poverty or orphanhood (Bray, 2003; Sacks, 1994; Schönteich, 2010). When the delinquent behaviour is sexual in nature, it is common to attribute the behaviour to developmental curiosity or playfulness, both considered to be 'normal', innocent and potentially even precocious (Becker, Kaplan, Gunningham-Rathner & Kavoussi, 1989; Ryan & Testa, 2005).

### **2.6.2. South Africa as Inherently Violent**

Parkes (2007) explores South African children's experiences and understandings of violence experienced in everyday life. She argues that children experience violence, either as victims or witnesses, at alarming rates. In another study conducted by Pelsler (2008), it was found that individuals aged between 12 and 22 are victimised at twice the rate of adults, with this being even higher in instances of violent crimes. The Centre for Justice and Crime Prevention (CJCP) (2005) National Youth Victimisation Survey, showed that individuals within this age group experienced assault at eight times the adult rate, theft at five times the adult rate, and robbery at four times the adult rate. Parkes (2007) argued that in the face of alarmingly high rates of experienced, and/or witnessed, violence and/or crime, children's understandings of this violence varies. She found that there were two distinct potential 'patterns' of positioning towards violence (Parkes, 2007). Children perceived the violence experienced in their daily lives as repulsive and disempowering, or conversely, seen as a form of social capital and a source of power and control such as in gang and gang violence (Parkes, 2007).

Gangs and gang-related violence (gang practices and initiations) have long been identified as a source of violence within South Africa (Glaser, 2000; Luyt & Foster, 2001). Glaser (2000) notes how the formation of gangs in townships has been associated with factors such as poverty and unemployment. Ndlovu-Gatsheni (2012, p. 419) proposes that townships have been re-created as "crouching villages of violence and civil tension" in post-apartheid South Africa, where systematic violence is a daily-occurrence. Parkes (2007) notes that the distinction between the two potential positions children may take towards violence are not always neatly separable. Children may often experience fear and feelings of disempowerment at the onset of the violence (Parkes 2007; Pelsler, 2008). The child is thus likely to adopt violence later to resist, or counter, negative feelings and to regain a sense of control in one's environment. Pelsler (2008) notes how violence, and violent crime, is often used as a means to acquire and display respect and status amongst children and their peers. Within South African violence and gangs, the predominant discourse of masculinity, and the associations between masculinity and violence are prominent (Parkes, 2007; Luyt & Foster, 2001). Parkes (2007) notes how masculinities tied to gang violence are seen as social tools, whereby even when children personally rejected gang membership, the idea of gang affiliation was still attractive due to its perceived family-like support structures and environmental control gained through the enactment of violence. In stances of children who are subject to daily violence and

disempowerment, gang affiliation and hypermasculinity within them may provide a sense of power through validation, affiliation and affirmation.

## **2.7. Child Criminality and the Law**

The concepts of criminality and culpability fluctuate in definition and legal application in instances of child-perpetration, particularly child-perpetrated murder. Waters (2007) specifies that the process of defining an act of killing as ‘murder’ involves social judgment and an evaluation of the act, which according to legal, psychological and political discourse, involves the establishment of intent and culpability. For a child to be regarded as conforming to the social conditions of childhood, particularly that of ‘innocence’ and ‘goodness’, activities that would be considered criminal if committed by an adult, are likely to be recharacterised as mischievous when committed by a child (MacDiarmid, 1996). However, the disparity between ‘mischievous’ and ‘criminal’ is difficult to navigate in instances of serious offences committed by children, particularly when the offence is murder. When a child commits murder, the child and offence are subject to a host of social, legal, medical and psychological discourses which merge to piece together the ‘facts’ of the incident in efforts to understand and establish blame, or culpability. However, the process of piecing together ‘facts’ and establishing who, or what, is to blame is largely inconsistent.

The inconsistency in establishing culpability in instances of child-perpetration can be seen in the treatment of James Bulger’s murder, when compared to cases such as the death of Silje Marie Redergard. Redergard was killed by three boys, two aged six and one aged five, who stoned and kicked her to death (James & MacDougall, 2010; McDiarmid, 1996). In both the Bulger and Redergard cases, the victims and perpetrators were very young, and the violence was extreme. However, the social and legal reactions to these two cases were vastly different. Venables and Thompson were constructed as monstrous aberrations, and were stripped of their childishness by the media adultifying them and their actions. The boys who killed Redergard however, were not considered culpable for their actions, with the incident being constructed as an accident that occurred while imitating the Power Rangers (James & MacDougall, 2010; McDiarmid, 1996). The offenders’ positions as children was central to the argument that they were unable to comprehend their actions in the killing of Redergard.

The social meaning attached to instances of violence or crime are dependent on certain characteristics of culpability and victimisation (May, 1999). Victims are often judged based on their age, gender, provocation and “behavioural responsibility for risk avoidance” (May, 1999; Richardson and May, 1999, p. 302). Victims are also potentially judged on their deservingness of sympathy, which is contingent on them being evaluated as moral and being seen to have suffered exceptionally problematic conditions (Loseke, 2003). Through explanatory or justificatory discourses concerning child or juvenile violence, the victim of the child-perpetrator is often blamed and denied their ‘victimhood’ (Pistorious, 2004). For an act to be considered criminal, the culpability of the perpetrator, the extremity and illegality of the offence, as well as the worthiness of the victim must be established (May, 1999). Culpability is established through assessing intent, reason and recklessness, along with the level of deviation from socially appropriate behaviour (May, 1999; Pistorious, 2004). The constructed ‘truth’ about the nature of the child impedes on the child-perpetrator from being considered capable of criminal intent, often at the expense of the victim. To this extent, the category of a criminal is conferred rather than inherent (Holstein & Miller, 1997). In contrast to the murder of James Bulger which resulted in social outrage and the legal system trying the 10-year-old boys as adults, Redergard’s own mother framed her child’s death as accidental (James & MacDougall, 2010; McDiarmid, 1996).

### **2.7.1. Legal definitions of ‘Childhood’**

The United Nations Convention on the Rights of the Child (UNCRC) defines a child as any person up to, and under, 18 years of age: “For the purposes of the present Convention a child means every human being below the age of eighteen unless, under the law applicable to the child, majority is attained earlier” (OHCHR, 1989, Article 1). The category of ‘juvenile’ is applied to children who fall within a given country’s/state’s parameters of culpability, namely being an ‘older’ child. In South Africa, those who would be considered juveniles range between 14 and 18 years of age (Skelton & Badenhorst, 2011). It is important to note though, that the terms juvenile and child are used interchangeably within the justice system and related constitutional acts, with correctional centres being specifically called ‘juvenile correctional centres’, yet child justice acts referring to children as falling anywhere under the age of 18.

Definitions of childhood that rely on age parameters have resulted in blurry, and arguably arbitrary, boundaries concerning criminal capacity. Using the international definition of

childhood provided by the UNCR, the argument can be made that individuals classified as juveniles are still children. An individual who falls between the ages of 13 and 18 and has been legally identified as a juvenile could also be identified, or self-identify, as belonging to various other categories. For instance, a 17-year-old can be identified and/or self-identify as a 'child', 'adolescent', 'teenager' and/or 'youth'. Re-categorising a child's as a 'juvenile' reframes the offence and surfaces the possible juvenile-offender.

The definition of 'juvenile' however seems to be arbitrary and restricted, as while it visibilises the potential of the child to perpetrate violence and crime, it only visibilises a certain type of child, namely the older child. Children who are under the age of 13 are thus invisibilised as potential criminals. Further, the arbitrary category of juvenile still allows the individual access to child discourse, thus allowing the potential for the perpetrator to resist being categorised as a criminal. Thus, childhood is often misaligned with the material reality experienced by individuals who fall within the age parameters of childhood. Child-perpetrated crime, and in this case murder, is an example of instances where the constructed characteristics of childhood contradict the material conditions of children who kill. Further illuminating the ambiguous and arguably arbitrary parameters of childhood and youth, The National Offenders Report (2009) published by the South African Department of Correctional Services (DCS) suggests that individuals aged between 18 and 25 are sentenced as 'youths', while those under the age of 18 are sentenced as 'children', yet both these 'youths' and 'children' serve their sentences in 'juvenile' correctional centres.

### **2.7.2. The Criminal Capacity of the Child**

The South African legal system adapted the minimum age of criminal capacity to seven years of age, after ratifying the United Nations Convention on the Rights of the Child (CRC) on June 16, 1995 (Skelton & Badenhorst, 2011; UNICEF, 2007). In the Child Justice Act 75 of 2008, the minimum age of criminal capacity was raised from seven years to ten years of age, under the assumption that children under the age of ten lack the criminal capacity to form the intent to commit a crime and the ability to understand the 'wrongfulness' of the act (Skelton & Badenhorst, 2011; Thomas, 1996). The South African Department of Justice and Constitutional Development states that, children under the age of 10 who have committed an offence will be sent to the Children's court or to the Department of Social Development, but will not be charged for their offence in any capacity. Children between the ages of 11 and 14 are assumed

to have the potential for criminal capacity which must be proven by the State during a trial (Department of Justice and Constitutional Development, 2012; Child Justice Act 75 of 2008, Part 2). Children between the ages of 14 and 18 are assumed to have criminal capacity, which must be disproven by the child and his/her legal representation (Department of Justice and Constitutional Development, 2012; Child Justice Act 75 of 2008, Part 2). In assessing cases of child-perpetrators between the ages of 10 and 14, prosecutors have to consider, among other factors, the educational level, cognitive ability, domestic and environmental circumstances, age and maturity of the child (Skelton & Badenhorst, 2011). In instances where children, or juveniles, aged 14 to 18, are charged for their criminal or violent actions, their trials are called 'adjunctions', and their crimes are called 'delinquent acts' (Juvenile Delinquents, n.d). The assumed innocence and incapacity of the child is protected by the avoidance of punitive and morally-loaded legal terms in instances of child-perpetration. The use of tepid legal terms surrounding child-perpetrated violence and crime protects the child from being associated with legal terms reserved for adults and reproduces the construct of the innocent and naive child.

Although it is possible to hold juveniles accountable for their criminal offences, this is made complex by a number of issues. British Law, upon which much of international and domestic law is based, stipulates that children under the age of 10 cannot be held accountable for criminal or delinquent actions (see United Kingdom Government, 1933). Regnery (1985, p. 65) states that the juvenile legal system should be overhauled to encompass a lower age at which juveniles/children can be prosecuted, stating that "these are criminals who happen to be young, not children who happen to commit crimes". In this statement, Regnery (1985) foregrounds the possibility of children possessing criminal capacity by criticising the 'happenstance' nature of how society understands and prosecutes child-perpetrators.

Antonin Scalia (2006, no page number), Former Associate Justice of the Supreme Court of the United States, believed it "absurd" to consider a child as incapable of criminal intent:

It is absurd to think that one must be mature enough to drive carefully, to drink responsibly, or to vote intelligently, in order to be mature enough to understand that murdering another human being is profoundly wrong, and to conform one's conduct to that most minimal of all civilized standards. Serving on a jury or entering into marriage also involve decisions far more sophisticated than the simple decision not to take another's life.

Here Scalia (2016) engages in discourse that visibilises child perpetration. Scalia (2016) draws on the contradictory manner in which responsibility and capacity for comprehension and intent is given to children. McDiarmid (2013) argues that criminal capacity is shaped by a complex system of inter-related concepts including 'knowledge' of wrongfulness, understanding of criminality and its consequences, as well as an internalised moral appreciation of the offence. She argues that youth offenders under the age of 18 are not capable of fully comprehending the aforementioned concepts in relation to criminal offences (McDiarmid, 2013). As such she argues that the minimum age of criminal responsibility should be raised to 18 years of age, and cites international definitions of childhood as being any individual under the age of 18 to support this argument (see Beijing Rules, UN General Assembly, 1985; Article 1 of the CRC, OHCHR, 1989). Counter arguments such as those offered by Goldson (2013) and McDiarmid (2013) contend that adultifying children through finding them legally culpable for criminal acts is unjust. Arguments such as these reproduce the construct of childhood, thus further reifying it in the canon of legal knowledge.

Clarkson, Keating, and Cunningham (2010) and Goldson (2013) argue that children under the age of criminal responsibility are irrefutably incapable of committing a crime. It is important to note that in arguments such as these, criminal capacity is not the physical actions related to the 'crime', but rather the individual's knowledge and comprehension of the act as 'wrong' prior to, and post, their having committed it. This suggests the possibility of child enacted violence, however, resists the potential for these violence enactments to be considered criminal. Ashworth (2009) notes that to be 'guilty' of a crime, there must be the requisite *mens rea* (guilty mind) as well as the *actus reus* (wrongful act). As such, establishing criminal responsibility in cases of child-perpetrated violence becomes difficult, because by virtue of the child being constructed as a *child*, demonstrating the lack of a guilty mind becomes easier due to the dominance of innocence rhetoric surrounding children (Happold, 2008; Meyer, 2007). Nigel Walker (1983, as cited in McDiarmid, 1996, p. 22) has noted that "children and madmen seem to go hand in hand as soon as they begin to appear in the textbooks of criminal law". McDiarmid (1996) explains that framing children, as similar to the mentally ill and thus having limited reasoning capacity is the basis of the validation and justification of the juvenile justice systems. In addition, Meyer (2007) notes how the moral rhetoric of childhood, laden with conditions of innocence and vulnerability, resists the need to provide explanations or reasons concerning actions, decisions or opinions that serve to protect children, and in particular, their innocence.

## **2.8. Conclusion – The Child Versus the Criminal**

The construct of the child is a restrictive category in that it resists the plausibility of child-perpetration and of child-perpetrated murder. Instances of children who kill are often justified, rationalised or normalised in a manner which protects the essentialised ‘truth’ of the child construct. The legal systems, both international and South African, also protect the ‘child’ in denying the possibility of children being capable of criminal intent. The production of a child-subcategory, ‘juvenile’, both protects the construct of the child, while still producing the juvenile as non-adult. In this manner, the child’s potential for criminal capacity is recognised, but in a diluted fashion. In the instance of the juvenile murderer, the ambiguity conjured by the contradictory subject-positions of the child and the criminal render the child as a potential criminal, unlikely. The construct of the innocent child and the violent offender are in opposition to each other, thus creating a space of discursive conflict and ambiguity. It is in this space that juvenile-offenders navigate social discourse to construct, or to reconstruct, themselves and their actions.

## **Chapter 3 - Methodology**

This research forms part of a multidisciplinary Thuthuka-funded Research Project within the University of the Witwatersrand titled: *Cultural conditions for identity disruptions in violence: Possible perpetrators and worthy victims?*<sup>2</sup> The larger project focuses on atypical forms of violence and victimhood, including but not limited to, female and child offenders, and male victims. The project situates itself within a critical discursive framework, thus prioritising the challenging of normative, and restrictive, discursive practices and possibilities that serve to obscure alternative possibilities for constructions of violence. As this research forms part of the larger research project, research design, data collection, and analytic methods align with those of the larger project.

### **3.1 Research Design**

This research employed a cross-sectional, exploratory research design situated within a critical discourse analytic framework from which to analyse interview-based qualitative data (Blommaert & Bulcan, 2000; Creswell, 2014; Maxwell, 2013). This was appropriate for a study that aimed to investigate the way in which individuals situate and define themselves within dominant discourses and how they constructed their experiences, subject-positions and crime(s). A semi-structured interview was utilised to elicit qualitative discursive data in order to critically engage with participants who had been charged with and incarcerated for murder. This produced data that enabled the analysis of the processes through which participants navigated conflicting subject-positions and the discourses attached to them. Discourses are produced through words, descriptions and language, and arranged in a manner that assigns meaning and order to a given object (Barker & Galasiński, 2001; Burr, 1995). As subject-positions are actively constructed and constituted through discourse (Burr, 1995; Davies & Harre, 1990; Fairclough, 1992; Foucault, 1977; Foucault, 1980), this project employed a semi-structured interview that enabled participant responses of words, descriptions and language as data (Whitley, 2002).

The use of an interview schedule to collect data for this project was pragmatically justified by the unlikelihood of gaining access to naturally occurring data with incarcerated juvenile offenders that focused on discussions surrounding self-identity and culpability. Fairclough's

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<sup>2</sup> Principal researcher on the larger project: Dr Sherianne Kramer

(1992) definition of a ‘text’ as an analysable communicative event includes the interview transcript. As such, for the purposes of this research, ontologically and methodologically, the interview was appropriate. Considering this, the limitations of the qualitative interview should still be acknowledged and attended to. Hodge and Kress (1988) explain that the social power of language and texts in society is dependent on interpretation: “each producer of a message relies on its recipients for it to function as intended” (p. 4), thus stressing the interactional nature of language and discourse. As such, where possible, data excerpts include researcher prompts and questions.

The interview data was subjected to Fairclough’s (1989-1992) critical discourse analysis (CDA) in order to identify and analyse discourses utilised by participants in the construction of their subject-positions, their offences, and their experiences of the South African justice system. A critical qualitative project that employed language, words and descriptions was particularly suited to elicit and analyse discourses utilised in the construction, and potential resistance of, a child-perpetrator subject-position (Whitley, 2002; Butler, 2004).

### **3.2 Participants**

This research targeted individuals who were charged with violent offences and serving their sentences in South African juvenile correctional centres at the time of the interview. Once ethical approval was received from the Department of Correctional Services (DCS) (see Appendix A) and the University of the Witwatersrand (see Appendix B), the data collection procedure began by establishing communication with the Head of Centre (HOC) or social worker at each targeted juvenile correctional facility. Five correctional centres in South Africa<sup>3</sup> were contacted for data collection purposes. The selection of correctional centres was driven by access, focusing on those in the Gauteng region as this is where the researchers resided. Once data saturation was achieved, data collection was concluded for this phase of the larger research project. Data saturation was confirmed by interview content that revealed recurrent themes and language, with no ‘new’ information being observed (Saunders et al., 2017).

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<sup>3</sup> Pollsmoor Juvenile Correctional Centre; Johannesburg Female Centre of Excellence; Leeuwkop Juvenile Correctional Centre; Baviaanspoort Juvenile Correctional Centre (Emthonjeni); Boksburg Juvenile Correctional Centre

Communication with the correctional centres involved an explanation of the aims of the research, the research process, and the provision of research-related documents (information sheet, informed consent sheets and interview schedule) and the DCS approval letter (see Appendices A through F). The communication was established with the intention of securing a date, or dates, for data collection at the centres. Specifically, it was requested that juvenile male and/or female offenders, who had been incarcerated for sexual offences (excluding prostitution or solicitation), grievous bodily harm, assault and/or completed/attempted homicide, be made available to the researchers on a date suitable for the facilities. Participant selection was completed in collaboration with the correctional centre staff on the day of data collection. Collaboration with correctional staff included a review of offender charges prior to beginning interviews. This was done in order to ensure participants met the inclusion criteria necessary for participation. Potential respondents were then approached by correctional staff as researchers were not permitted to enter the yard or cells. Participants were briefed by the correctional centre's social worker with regards to the voluntary nature of participation, which was re-iterated by the researcher before the interview began.

In order to access violent juvenile-offenders, an extreme-case purposive sampling procedure was utilised (Patton, 2002). This method of sampling was particularly suited to the investigation of subjects considered to be 'deviant' or 'transgressive', such as the juvenile-offender (Patton, 2002). As such, participants were selected based on the aforementioned violent charges. Offenders were excluded from participation should their charge at the time of the interview, and/or previous charges be non-violent. Non-violent charges included robbery, housebreaking and theft, prostitution or solicitation.

Data collection began in Cape Town at Pollsmoor Juvenile Correctional Centre where the Principal Investigator interviewed seven juvenile-offenders: two female offenders and five male offenders. Following this, data collection was conducted by myself, Alexa Mostert, and two other researchers who were part of the larger project, both MA students at the University of the Witwatersrand. Six female offenders were interviewed at the Johannesburg Female Centre of Excellence, six male offenders were interviewed at Leeuwkop Juvenile Correctional Centre, 12 male offenders were interviewed at Baviaanspoort Juvenile Correctional Centre and 13 male offenders were interviewed at Boksburg Juvenile Correctional Centre. In total, 44 juvenile-offenders were interviewed during the data collection phase, 19 of which were

conducted by myself, Alexa Mostert. A demographic and charge summary of the offenders can be found in Appendix G.

This specific component of the overall research aimed to investigate atypical, or non-normative, instances of crime and/or violence, specifically, instances of murder committed by children. As the 44 interviews conducted for the larger project consisted of individuals incarcerated under various charges, not all murder, data for this research was selected from the larger corpus. Of the 44 participants, 21 were serving sentences for murder, and included in the initial selection of data from the full corpus collected. Murder, in this case, is defined by, and identified through, the charge under which the participant was sentenced at the time of the interview. Participants ages at the time of their offence was used to further select appropriate data. The Department of Correctional Services (DCS) identifies offenders between the ages of 18 and 25 as 'youths', and those under the age of 18 are identified as 'children' (Department of Correctional Services, 2009, p. 20). As such, offenders who were under the age of 18 at the time of the murder charge were selected first. Of the available data, eight interviews were selected based on this criterion: one female, and seven males. The data corpus was then supplemented by the inclusion of an additional two female participants whose offences were committed while they were 19-years-old. This allowed for the inclusion of both male and female juvenile-offenders, thus making potential gender comparison possible. In summary, participant selection was based on age at the time of the offence, nature of the offence (homicide), and with due consideration given to the quality and length of each interview.

It is important to note that female offenders comprised a smaller portion of the entire study's 44 participants when compared with the males (eight females and 36 males). The female offenders were also generally older than the male participants in terms of when they committed their offences. Only one of the female participants fulfilled the age and crime requirements for participant selection. As a result, there are more males in the final participant group than females (three females and seven males). An account of the entire dataset's participants, along with those selected for this current research project can be found in Appendix F. For the purpose of this research, participant identifications were re-numbered, and can be seen in brackets next to the original participant identification in Appendix F. Detailed information concerning the participants' offences can be found in section 4.1.

### **3.3 Data Gathering Procedure**

Data collection was conducted by multiple researchers working under the Thuthuka Project, and as such, is discussed here as the general process of collection followed by all of the researchers, including the researcher responsible for this specific component of the project. Specific interviewer information can be found in Appendix F where 44 participants' demographics and crime details are summarised.

On the agreed upon dates with each of the centres, each of the researcher(s) were provided with an office or room in which to conduct the interviews with the targeted offenders. Participants were chosen either by the centre, or by the researcher in collaboration with the centre, and escorted to the interview room by a correctional staff member. The interview began with the researcher discussing the research aims and process to the participants in line with the information sheet and consent forms contents (see Appendices C through E), and answering any questions that the participant had. Once the participant verbally expressed their understanding of the research process and their rights as research participants, they were provided with the written information sheet, consent form to be interviewed, and consent form to be audio recorded. Again, participants were explained the process and procedure of the research, and asked to sign the documents to show their understanding and consent thereof. The researchers verbally explained the research as well as provided written explanations of the research process. This was necessary because several participants had not participated in research before and had thought the purpose of the interview was related to their sentences or applications for appeals, and/or reductions of sentences. When faced with this, the researchers explained that the research would not in any way be used to appeal, adjust or alter their sentences. The purpose of the research was often re-explained. None of the participants withdrew after these explanations, and no tensions were evident during the interviews. One male offender refused participation prior to, and post the explanation due to an upcoming appeal.

Upon their consent, the participants engaged in semi-structured interviews with the researchers. The interview length ranged from 30 to 90 minutes long depending on the willingness of the participant (see Appendix E). The semi-structured nature of the interview schedule allowed for the interview session to take the form of a guided discussion, thus creating a naturalistic flow of conversation between the participant and the researcher (Whitley, 2002). This type of

conversationally styled semi-structured interview process is appropriate for eliciting discourses that limit, or make possible, particular conditions that surface child-perpetration (Butler, 2004; Patton, 2002; Whitley, 2002).

The interviews were audio-recorded, with researcher notes being taken during the interview process. These notes primarily consisted of demographic and charge information, as well as researcher observations. The interview recordings were then uploaded by the researcher(s) to a shared Google Drive folder, managed by the Principal Investigator, in order to ensure that the Principal Investigator and project researchers all had access to the audio recordings. Demographic and charge information was processed using a shared Google Document spreadsheet in order to keep track of the collected data. The researcher(s) then transcribed the audio-recorded interview sessions verbatim, and uploaded the transcripts into the same shared Google Drive folder. The total 44 transcribed interviews with juvenile-offenders form the primary corpus of data shared among the researchers on the Thuthuka project.

Just as discourses, constructed ‘truths’ and subject-positions should not be seen as reflective of a stable, material reality (Burr, 1995; Foucault, 1972; Hall, 1997), the interview should also be treated as a temporally, spatially and contextually contingent co-construction of ‘truth’. Subject-positions are both generated within, and positioned through, the production of discourse in relation to an audience or an ‘other’ during an interaction (Butler, 2004; Davies & Harre, 1990; Jackson, 2004). As such, it should be noted that the resulting discourses and ‘truths’ emerging in these particular interviews may occur differently, or not at all, in alternate interactions.

### **3.4 Data Analysis**

Upon completion of data collection, the audio-recorded interview sessions were transcribed verbatim by researchers on the project. These transcriptions form the corpus of data, supplemented, where appropriate, by notes taken during the data collection phase. The data was subsequently subjected to a CDA in order to identify and examine the discursive themes, subthemes and thematic clusters arising from the data. The theoretical focus of analysis was aimed at identifying and critically engaging with the production of perpetrator subject-positions, and the discursive conditions that enable or restrict this subject-position. The objects

of analysis for this research include the victim, the child-offender and the circumstances surrounding the offence(s), the arrest, and the trial. However, additional analytic objects that arose from the data were included in the output based on their significance to the participants' constructions of his/her experiences.

Fairclough's (1989-1995) CDA was used to analyse the discursive processes through which the conflicting subject-positions of 'child' and 'criminal', were negotiated and positioned. This enabled the investigation of the participants' constructions of the conditions through, and under which, the subject-position of a child-offender could be produced or resisted. Blommaert and Bulcaen (2000) note that Fairclough's (1992) method is particularly suited to the identification of dominant social discourses, and the ways in which individuals use these discourses to construct their subject-positions. The method is also useful to demonstrate the ways in which certain discourses impede or enable perpetrator subject-positions under a temporal-cultural moment.

Data analysis began with the researcher's immersion in the data. Given that the interview schedule was constructed to enable several research focus areas, the researcher's immersion in the data was crucial to ensure familiarity with the data and adequate excerpt selection. Excerpts from the data were selected based on their relevance to the participants' reproductions or invisibilisations of the child-offender, or child-murderer, subject-position. As such, discourses in the interview transcripts were deconstructed in order to read conditions of possibility for child-perpetration through participants' life experiences prior to incarceration, the offence for which they are incarcerated, their arrests, their trials, and their aspirations for their lives post-incarceration.

The selected data was subjected to Fairclough's (1989-1995) model for CDA which consists of three inter-related analytic processes which are further linked to three dimensions of discourse, namely the object, its production and the socio-historical conditions of possibility (Janks, 1997). Janks (1997) notes that the use of Fairclough's method of discourse analysis has particular utility because it provides multiple points of entry into the data. Fairclough's (1989-1995) method of CDA is a nested model, with each dimension sitting within the next. This 'textual analysis' forms the inner ring of the analytic model, with each ring being interwoven into the next, and not necessarily separable in their conduct or presentation. As

such, the second phase of analysis, the ‘processing analysis’, occurs simultaneously with the ‘textual analysis’ in a loop-like fashion, with one analytic technique informing the investigation of the other. ‘Processing analysis’, also known as the ‘interpretation’ phase/dimension, deals with the relationship between the discursive process of production and interpretation. Analysis here is focused on the ‘content’ of the language produced in terms of how participants constructed themselves and their experiences through the use of discourse. In order to understand what was produced, it was necessary to be cognisant of the mechanics of production. As such, here is where ‘textual analysis’ and ‘processing analysis’ were implemented in a supplementary fashion so as to illuminate the key discourses that are utilised to produce, or resist, a particular subject-position.

The outer, and final, dimension of Fairclough’s (1989-1995) model and method of CDA is ‘social analysis’, or ‘explanation’, where social discourse and conditions of possibility are incorporated into the analysis of surfaced discourses. The ‘social analysis’, in this particular case, is not only a part of the data analysis, but actually begins with the researcher’s conceptualisation of the research and engagement in the literature. The surfacing of social discourses and the processes through which they operate form part of the research process both prior to, and post, data collection. As such, ‘social analysis’ forms the foundation upon which the inter-related ‘textual analysis’ and ‘processing analysis’ are conducted. ‘Social analysis’ also forms the lens through which the results of the inter-related analyses are interpreted and discussed. The findings produced by the initial phase of analysis were arranged into themes and subthemes for further analysis and discussion with regards to the socio-historical conditions of possibility for child-perpetration. This formed the final dimension of analysis, whereby the surfaced discourses were critically situated within the social-cultural context of their production.

The production and interpretation of discourse is bound to socio-historical conditions of possibility that vary across contexts. As such the researcher’s own subjectivities and ideological position impacts both the interview interaction and the analysis of the subsequent data. As such the findings in this research are open to interpretation.

### **3.5 Self-reflexivity**

Lynch (2000) argues that the act of reflexivity does not inevitably provide profound insight or methodological rigour, but rather that the effects of reflexivity are contingent on the manner and purpose of its execution. As this research intended to question and critique modern knowledge and its effects on the restriction or production of the child-criminal subject-position, I had to engage in continual, critical self-reflexivity throughout the research process so as to avoid implicitly restricting the participants' possibilities. A critical orientation and continual reflexivity was also necessary to avoid re-producing the very discourse and constructs I wish to critique, particularly that of the child being incapable of criminal intent. Parker (1994) argues that research that provides a space for new forms of subjectivity to be produced by participants involves strong personal engagement on the researcher's part. He notes how this can be overwhelming and personally challenging (Parker, 1994). At first, I found it difficult to comprehend the child as a mutable construct as opposed to a natural developmental stage. In having two small nieces, I am implicitly engaged in the reproduction of this construct and discourse daily. Through this research I became uncomfortably aware of the manner in which I engaged with my nieces. I became aware of how adults reinforce the production of innocence through unconsciously demarcating what a child 'should' and 'should not' know. Our censoring of their exposure to 'adult knowledge' illuminated that what we do, and how we do it, is because of what we have learnt and integrated into our self-regulatory systems. What we 'do' and 'think' is the result of years of knowledge regulating the social body, enforced through mechanisms of surveillance and discipline, be it the law and, or be it a parent censoring the television.

Being suddenly aware of these subtle disciplinary mechanisms did not ease my difficulty in accepting the child as having criminal potential. I thus had to remain consistently aware, questioning what I thought, and why I thought it, throughout the research process. This was not a natural or easy process. Cupples (2002) stresses that a researcher should not disregard their own subjectivities in the research process and their impact on the analysis and its outcome. Given that 'truth' is constructed within a temporally and contextually bound interaction (Burr, 1995; Butler, 2004), I had to be aware of the role I play in the ongoing production and reproduction of 'truth', knowledge and possible identities during the research process. While conducting interviews, I made use of reflexive field notes as well as debriefing with my colleagues. These reflexive processes helped me to maintain my critical orientation by enabling

me to continually question and reflect on my own subjections, the discourses that I reproduced, as well as the discourses surfaced during analysis.

I acknowledge that a material world exists, and that social ‘reality’ or ‘truth’ is the product of power-knowledge couplings filtered through interpretations of and interactions with this external world (Barker & Galasiński, 2001; Burr, 1995; Barthes, 1967; Fairclough, 1992; Foucault, 1978; Foucault, 1980; Foucault, 1981). In this research, I reject the positivist orientation towards knowledge by acknowledging that ‘truth’ is constructed through power/knowledge couplings (Foucault, 1980; Foucault, 1981). As such it is vitally important that self-reflexivity attends “systematically to the context of knowledge construction, especially to the effect of the researcher, at every step of the research process” (Malterud, 2001, p. 484).

Constructions of the ‘normal’ child are largely defined by the Global North<sup>4</sup> (Bosk, 2013; Nybell, 2001). This restrictive image of the ‘normal’ child is supported and propagated through the growing medicalisation of the ‘child’, pathologising any form of deviance from this standard (Bosk, 2013; Foucault, 1977; Nybell, 2001; van Dijk, 2001). However, childhood varies greatly across cultures (Abebe & Ofose-Kusi, 2016; Diptee & Klein, 2010; Helleiner, 1998; Pasura et al., 2013; Twum-Danso Imoh, 2016) and is subject to variation through constructed conditions such as race, gender and SES. In light of this, the process of personal self-reflection throughout the research process surfaced my implicit reproduction of restrictive discourses concerning children and childhood. South Africa is a racially, culturally and religiously diverse nation that houses tensions between Global North knowledge and indigenous knowledge systems. It must be acknowledged that through this research that alternate childhoods and subject-positions are brought forward from the margins of discourse. Through the acknowledgement of my participation in the co-construction of perpetrator subject-positions, I accept that by investigating the possibility of an object we simultaneously reinforce it, thus further reifying it in the canon of (psychological) knowledge. Care was taken to avoid pathologising the ‘difference’ encountered in the participants narratives.

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<sup>4</sup> Medical and psychological knowledge is predominantly Western, basing the standard of ‘normal’ on the Western child. This is in itself not problematic until this standard of normal is used to judge and shape children in non-Western countries, often ignoring contextual and cultural variation that shapes the meaning and experience of childhood across the world (Abebe & Ofose-Kusi, 2016; Bosk, 2013; Diptee & Klein, 2010; Helleiner, 1998; Nybell, 2001; Pasura et al., 2013; Twum-Danso Imoh, 2016)

Constructions of crime and perpetrators are often based on images of the aggressive, black, male perpetrator, and the white female or child victim (Kramer, 2015). I am not immune from these stereotypes, and felt afraid when beginning data collection. This was partly due to several individuals warning me of the ‘dangers’ of correctional facilities. It was also partly because I was interviewing *male* offenders. I had unknowingly engaged in reproducing the expectation that the typical male offender would be large, aggressive, dominating and, frankly, frightening. I also had to remain cognisant of my female gender in the research process. The fear I had felt going into the correctional facility was in part due to experiencing myself as vulnerable, thereby engaging in gendered discourse that purports that the female body is always vulnerable. This was reinforced by the level of protection I experienced while inside the correctional facilities. The continual presence of at least one correctional staff member outside of the interview rooms, who would occasionally peer into the space to see that all was well, made me overly conscious of my gender and the associated vulnerability that the security seemed to suggest.

When I sat across from my first interview participant, the interaction was the opposite of what I had pictured. Faced with a polite, gentle, and even timid boy, I immediately felt at ease. This then then begged the question of why his outward appearance, his small frame and manners, suddenly made me less afraid. The lessening of my fear was not a product of this individual being less of an ‘offender’, but was rather the product of my reliance on discourses that work to invisibilise the potential of this individual being capable of aggression or violence, thereby limiting his ability to self-identify as an offender.

I questioned whether the timid, child-like demeanour that had led to me perceive the offender as unthreatening was the product of the correctional facility reforming the deviant body to a natural child-like state. The effect of the ever-present security on the participants was evident in their restricted movements. Participants barely moved during the interview process, requesting permission before reaching for a pen, standing up to leave, or even raising their arms to gesture a point. I also had to be cognisant of the potential that my status as a psychology student may have informed these ‘good’ behaviours. Psychologists in the Department of Correctional Services inform the appeal process. This not only surfaces the implicit power that the discipline of psychology has in generating knowledge, but also the effect of this power-knowledge dichotomy on the physical body. Many of the participants asked whether I believed they would be able to get appeals or reduced sentences, some even asking if I would be able to

directly assist in these processes. In an effort to remain ethical, I always explained that the interview was for research purposes, and that it would not inform or alter their sentences.

The interview space also serves as a confessional site in which discourse, counter-discourse and resistance is made possible (Alcoff and Gray, 1993). I considered whether my role and psychological background encouraged participants to present an overly polished recollection of events aimed at creating and supporting images of innocence. This would serve to invisibilise the child as a possible perpetrator and/or criminal. It would also serve to aid them in their appeal processes by mitigating the possibility of their capacity for criminal intent. All, bar two, of the participants acknowledged their offences. This was surprising to me as I had expected them to deny their offences in the hopes that I would aid in reducing their sentences. It was also surprising, or better described as jarring, as their behaviour and narratives encouraged me to view them as innocent children.

This surprisingly open disclosure of their offences was thought provoking, particularly when contrasted with their producing themselves as otherwise innocent. Within their narratives, the participants linked confession to remorse, likely due to their experiences of the justice system operating in this manner. Participants recalled their legal representations as encouraging them to plead guilty so as to receive shorter sentences. This led me to consider whether the participants' lack of resistance to disclosing their offences was a product of their hopes I would receive it as a sign of remorse. I was also led to consider whether their self-identification as a child enabled them to confess their material offences while resisting their criminality. This intrigued me as it suggested the possibility of child-perpetrated violence, while resisting the child as accountable for their violence. This intrigue guided my analytic focus. However, I made the effort to remain critical, reflexive and open-minded during data-selection, analysis and reporting so as to not stifle the participants' narratives.

### **3.6 Ethical Considerations**

Ethical clearance for this research was granted by the University of the Witwatersrand Non-Medical Human Research Ethics Committee (Protocol Number: H15/11/11) (see Appendix B). Governmental approval to conduct this research was granted by the Department of Correctional Services of the Republic of South Africa (see Appendix A). Participants were given two

consent forms and a detailed information sheet prior to the commencement of the interview, all of which were first explained verbally, using simplified English, with unfamiliar academic and/or scientific terms being explained. This was considered important due to language and education barriers and the potential risk that participants may not fully comprehend participation requirements and participant rights. This was particularly concerning given that the majority of the participants interviewed reported that they had not participated in research before. The first consent form was for voluntary participation in the research, meaning participants could withdraw at any point should they have wished to (see Appendix C). Only one potential participant refused to participate before the research process was explained to him. None of the participants chose to withdraw or displayed any overt hesitance or discomfort with the research process or interview questions. The second consent form was for audio-recording consent given that interview material was to be transcribed upon completion of the interview and quoted from directly in the research report and potential future reports and/or publications (see Appendix D). Some participants expressed concern over being audio-recorded, given that this process could result in identification. The consent form for audio recording was then re-explained and the researcher emphasised that the recording was to be used for transcription and will not be heard by anyone other than the research team, who are under the same commitments as the researcher. The audio recorded interview sessions are stored online via a private Google Drive account, and have been shared with the principal investigator and research team. Audio-recordings will be destroyed upon completion of the larger project<sup>5</sup>.

The transcriptions of the audio-recorded interviews and the use of any excerpts in the research report and any subsequent publications pay attention to the anonymity of participants. This was achieved using pseudonyms (P1, P2, so forth) as well as the removal, or altering of, any given names, addresses or identifiable information in the interview material. Participants were informed of the possibility that they may be identified should their stories ever have been published in the media prior to the commencement of the interview session.

Participation in this research had no direct benefits. Some participants had initially thought participation would reflect beneficially on their behaviour and/or sentence, or that participation

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<sup>5</sup> Currently scheduled for the end of 2018

could somehow aid in their efforts for a sentence reduction or appeal. It was explained to them that neither the research, or the researcher, had the power or intention to act as any form of proof, representative, witness or testimonial outside of the research interview. Further, it was explained that the research would serve only to contribute to the body of knowledge and theory concerning child-perpetration. Although there is no direct risk of harm in participation, the interview content may have been sensitive for participants to report or discuss. Participants were informed of their right to counselling post-research, and were asked whether they believed that they required counselling. Should any of the participants had requested counselling, contact with the correctional centre's social worker and/or psychologist would have been initiated, requesting that a counselling session be made available to the participant. Prior to conducting interviews at any of the centres, the participants' access to this service was verbally agreed upon between the researcher and the social worker. None of the participants reported a need for counselling. They were however reminded that they could speak to the correctional centre's social worker should they be in need of counselling later. Results will be made available to participants upon request. The contact details for the Principal Investigator, the researcher and the research team were left with the social workers at the various centres should participants wish to follow up.

## **Chapter 4 – Findings and Discussion**

This research aimed to critically investigate and destabilise commonly held ‘truths’ regarding children, criminals, innocence and culpability, thus expanding the discourses and discursive possibilities for these constructs. In achieving this, this research aimed to investigate the discursive coordinates drawn on by child offenders in the construction of their offences and experiences and surface the processes through which they navigated conflicting discourses. This was achieved through the application of Norman Fairclough’s (1989-1992) CDA to 10 interview transcripts conducted with South African, juvenile offenders incarcerated for murder. The analysis focused on investigating the way participants drew on or negated discourses on childhood as a means to negotiate their perpetrator subject-positions. This enabled the investigation and discussion of the reproduction of discourses in interactional encounters such as the interview context. Participants resisted the possibility of their criminality through negotiating a subjective innocence despite the material conditions of their offences and incarcerations suggesting otherwise. The validity of this contradiction is made possible considering participants producing and relying on the essentially innocent and incapable characteristics of childhood. Discourses concerning gender and morality were interwoven into all the participants’ narratives, both implicitly and explicitly. Thus, consideration of these were discussed as appropriate within the identified discursive themes and subthemes. While the findings of the analysis are presented thematically below, this is not to suggest that they are fixed nor entirely separable, but are rather presented so for the sake clarity and coherence. Table 1 provides a summary of the findings discussed in this section.

<b>Overarching Discursive Themes</b>	<b>Discursive Subthemes</b>
Narratives of Self-defence	Masculinity and hero discourse
	Female victimisation
Resisting accountability and displacing blame	Producing ‘possible’ perpetrators
	The child as ‘impressionable’
	Morality and religion
	Violent South African contexts
Failed family and the child criminal	Disrupting the nuclear family

	The gang as a pseudo-family
Resisting the child-murderer subject-position	Plausible child-perpetration – invisibilising ‘murder’
	“Too young” to kill – childhood in the legal and correctional space
	Emotionality and Humanness

**Table 1: Summary of Results**

#### **4.1. Offender Profiles**

Participant 1 (P1) is a 20-year-old male repeat offender, currently sentenced for murder along with several other charges including rape, assault, kidnapping attempted murder and possession of a fire arm. P1 centres his narrative on his girlfriend and two daughters, positioning himself as a loving father who has to protect his family in an aggressive and violent context. Participant 2 (P2) is a 21-year-old male serving a seven-year sentence for the murder of an estranged friend during an altercation in a public park. P2 claims that the victim and two additional estranged friends physically attacked him, and thus reported the incident as self-defence. Participant 3 (P3) is a 19-year-old male serving a 10-year sentence for the murder of a male stranger during a night out drinking at a local tavern. He frames both the altercation with the murder victim and the preceding altercation with the murder victim’s brother as unprovoked, thus portraying his actions at best as self-defence, or at worst retaliation.

Participant 4 (P4) is a 20-year-old male serving a 10-year sentence for the murder of his mother whom he set on fire using paraffin after she denied his request for some money. I was told by correctional staff that he is a diagnosed schizophrenic and is currently on medication. He maintains that he did not kill his mother as he was possessed by a demon who killed her as punishment for ignoring the call to become a sangoma. Participant 5 (P5) is a 20-year-old male serving a 12-year sentence for two separate murders, both of unknown males. P5 identifies a sudden shift in lifestyle from a wealthy, suburban lifestyle to poverty and living in a township as the root of his offences. He directly implicates an adult male friend as the instigator of both offences. Participant 6 (P6) is a 19-year-old male serving a 12-year sentence for the murder of his maternal grandparents. P6 insists that he did not kill his grandparents, and that he was the victim of police and legal system corruption.

Participant 7 (P7) is a 20-year-old male serving a 20-year sentence for the murder of a male stranger. He positions himself as a ‘hero’, attempting to intervene and aid an unknown girl who was in a public domestic altercation. Participant 8 (P8) is an 18-year-old female currently serving an 8-year for the murder of her best friend. P8 expertly crafts her narrative on being a lifelong victim with this being the key reasons she joined a cult. P8 claims she was ‘forced’ into the killing of her best friend as both cult initiation, survivalism, and the friend’s punishment for having left the cult. Participant 9 (P9) is a 20-year-old female currently serving an 18-year sentence for the murder of her neighbour. P9 uses this physical and emotional abuse from her unfaithful boyfriend as the justification for why she murdered the neighbour with whom the boyfriend was having an affair. P9 openly admits to having lied to police claiming that the incident was self-defence. Participant 10 (P10) is a 21-year-old female currently serving an 8-year sentence for the murder of her baby conceived from rape. P10 speaks about sexuality, bullying, and rape, portraying herself as a ‘victim’ of rape with no attachment to the child.

<b>ID</b>	<b>Gender</b>	<b>Age at Offence</b>	<b>Offence(s)</b>	<b>Victim(s)</b>	<b>Weapon(s)</b>	<b>Correctional Centre</b>	<b>Sentence</b>
P1	Male	18	Murder, rape, assault, kidnapping attempted murder, possession of a firearm	Unclear	Unclear	Pollsmoor Correctional Centre	8years
P2	Male	18	Murder	Estranged male friend	Knife	Emthonjeni Juvenile Correctional Centre	7 years
P3	Male	16/17	Murder	Male stranger	Knife	Emthonjeni Juvenile Correctional Centre	10 years
P4	Male	15/16	Murder	Mother	Paraffin (fire)	Emthonjeni Juvenile Correctional Centre	10 years

P5	Male	17	Two counts of Murders	Two male strangers	Knife	Boksburg Juvenile Correctional Centre	12 years
P6	Male	15	Double murder	Maternal grandparents	Gun	Boksburg Juvenile Correctional Centre	12 years
P7	Male	15/16	Murder	Male stranger	Kicking, Knife	Boksburg Juvenile Correctional Centre	20 years
P8	Female	15	Murder	Female friend	Knife	Pollsmoor Correctional Centre	8 years
P9	Female	19	Murder	Boyfriend's mistress	Axe	JHB Female Centre of Excellence	18 years
P10	Female	19	Murder	Her baby	Knife	JHB Female Centre of Excellence	8 years

**Table 2: Participant Offence Summary**

## 4.2. Narratives of Self-defence

All of the offenders made use of discursive structures that both justified and rationalised their offences, transforming their violent actions into either necessary or inescapable outcomes. The discursive strategies employed by participants drew connections to engrained social constructions on the inherent vulnerability of children (Kramer, 2015; May, 1999; Ariés, 1973), and the improbability of a child possessing criminal intent (McDiarmid, 1996; McDiarmid, 2013). Self-defence has been explored in psychological research and is often tied to child-offending in that it rationalises the child's violent actions as inescapable (see Cantwell, 1988; Cuevas, Finkelhor, Turner & Ormrod, 2007; Dennison & Leclerc, 2011; Heckel & Shumaker, 2001; Johnson, 1988; Johnson, 1989; Lewis et al., 1979; Moore et al., 2004; Rosen, 2007; Ryan & Testa, 2005; Sacks, 1994; Sargent, 1962; Siegel & Williams, 2003). Foucault (1997; 2010) argues that the medical knowledge defines that which is normal, as well as that which is pathological. Psychological research is thus a key part of a complex network of institutional knowledge production that reifies the child as vulnerable, thus easily a victim (Fairclough, 1992; Hall, 1996; Hall, 1997; van Dijk, 2001). The use of self-defence as a rationalising

mechanism in instances of child-perpetration relies on the likelihood of children as victims. Both male and female participants relied on self-defence in their narratives to justify their use of violence as necessitated by retaliation to a violence that they did not instigate.

It is easier for a child to be understood as desperate and vulnerable, thus enabling the discursive justification of their actions as necessitated by external forces/threats rather than as a product of malicious criminal intent (McDiarmid, 2013). Society, the media, psychology and medico-legal systems draw on justificatory and explanatory discourses that remove agency from the child by displacing ‘blame’ to something external to the child, such as external threats and/or corruptive influences (McDiarmid, 1996; see Cantwell, 1988; Cuevas, Finkelhor, Turner & Ormrod, 2007; Dennison & Leclerc, 2011; Heckel & Shumaker, 2001; Johnson, 1988; Johnson, 1989; Lewis et al., 1979; Moore et al., 2004; Rosen, 2007; Ryan & Testa, 2005; Sacks, 1994; Sargent, 1962; Siegel & Williams, 2003). In much the same manner, the participants drew on characteristics of the child, the plausibility of a female victim, and hero discourses to construct their self-defence narratives, and rationalise their offences.

#### **4.2.1. Masculinity and hero discourse**

Foucault (1997; 2010) argues that the medical knowledge defines that which is normal, as well as that which is pathological. Psychological research is thus a key part of a complex network of institutional knowledge production that reifies the child as vulnerable, thus easily a victim (Fairclough, 1992; Hall, 1996; Hall, 1997; van Dijk, 2001). The use of self-defence is a rationalising mechanism in instances of child-perpetration relies on the likelihood of children as victims.

The participants’ justifications for their offences were structured on unprovoked attacks necessitating retaliation for self-preservation:

*So, then we start hitting each other with fists, when I start hitting him this [other] guy came. When he came he kicked me in my face. So, then I ask more? Ai, I go. When I go I (take a knife), I came back and I stabbed him (P2)*

*I saw that guy fighting with my friend. I told my friend let’s go outside, when we go outside, eh, that guy who was looking for me he told me that ai he was looking for me all these days now he get, he got me. He was holding a bottle. While he was breaking the bottle, I I took out the knife ... Then I stabbed the guy (P3)*

Within these excerpts, and within their larger narratives, P3 and P2 recollect several features of their ‘unprovoked attacks’ which validate the scenario and resulting murder as self-defence.

Within their recollection of events, both P2 and P3 include the immediate threat of, or enacted physical injury: “*he kicked me in my face*” (P2) and “*he was breaking the bottle*”. They rely on the context of an unprovoked attack to marginalise their agency and culpability in the situation, invisibilising themselves as ‘perpetrators’. Additionally, P2 and P3 rely on the normative construct of the male aggressor to legitimise the threat to their body in these scenarios. The implicating of a possible male aggressor relies on the implicit assumption of a worthy victim. In this vein, these narratives implicitly rely on the construct of the child essentially being vulnerable and at-risk.

In addition to the inherent vulnerability his child body, P2’s account of the incident relies on his having been ‘outnumbered’ in the scenario leading up to his offence. There is discrepancy in P2’s self-defence narrative, particularly in terms of negotiating agency and the necessity of the violence. In his recollection, P2 left the incident to collect a knife from his home, after which he returned and continued the altercation which resulted in his murdering one of the attackers. This would suggest pre-meditation, which he does not appear to acknowledge in his narrative. P2 is relying on the implied vulnerability of his physical body, both in its child-like state and having been outnumbered, to negate his accountability in having left the incident, collected a knife and returned to continue the altercation. P2 focused his narrative on his position as a physically injured ‘victim’ emphasising the physical injury resulting from being kicked in the face. He also implicates an altered state of mind resulting from being kicked in the face: “[I] just saw it like stars” (P2). The implication of his ‘loss of control’ or ‘inability think clearly’ further resists his agency and thus criminality.

P2 and P3’s narratives lack in victim discourse. This suggests that the implausibility of the male-victim is reproduced in their narratives. Masculinity and age collided in the male participants’ narratives. In general, the male participants resisted acknowledging themselves as victims within their narratives, despite reproducing legitimate threats and a vulnerable child body. Instead, the male participants turned to positioning themselves as heroes. By doing so they both necessitate their violence and resist the emasculating, and ‘unlikely’ male-victim subject-positions (Kramer, 2015; Kramer, 2017). Male participants in this research relied on the inherent vulnerability of the child, but resisted their victim statuses by positioning themselves as heroes in their narratives. In positioning themselves as heroes, the male participants both justified the necessity of their violence and resisted the emasculating, and

‘unlikely’ male-victim subject-positions (Kramer, 2015; Kramer, 2017). The use of discourses that turn to heroism is an effort to both reduce the likelihood of being perceived as a male victim of crime as well as to avoid the label of perpetrator (Kramer, 2015).

Male participants resisted the victim subject-position, positioning themselves within their self-defence narratives as heroes or protectors. Generating a plausible self-defence narrative, alleviating accountability and culpability, necessitates both the implication of a plausible offender and a worthy victim (May, 1999). Male participants reclaimed their masculinity in light of the victim status emerging as a consequence of marginalising themselves as possible perpetrators (Kramer, 2017). P1 positions himself as the ‘protector’ by recalling an instance in which his girlfriend was shot four times in the stomach, in an instance of gang-related violence: *“Even if I go to shop my enemy come to shoot on me ... Like now a week ago they shoot my girlfriend in the stomach, four shots”*. P1 essentially draws on discourse that reinforces female victimisation as normative, thus presenting a ‘worthy’ victim whom he has to protect. This gendered discourse rearticulates his crime as ‘noble’ because it is renegotiated as protecting his entirely female, and thus vulnerable, family. By drawing on these gendered and cultural discourses, P1 not only justifies his actions as an outcome of a violent context, but also as necessitated by his responsibility to protect his wholly female and vulnerable family. P1 strengthens this image by using statements such as: *“Ja they come here [to the correctional facility] and then the Saturday I tell her she mustn’t bring them again because every time they come here they cry when they go home. They say “daddy, you must come with us”*. This serves to emphasise his role as the loving and protective father, thus distancing himself from being framed as the ‘criminal’. It is of interest to note that children and parenthood are incompatible. To be a parent is to be adult. However, in the face of child-perpetration, childhood and parenting appear to become compatible as a means to invisibilise the child as a possible criminal.

P7 relies on gendered constructions of crime to situate himself as a noble ‘hero’ turned ‘victim’. In order to justify his offences, P7 draws on gendered conditions of possibility in his narrative of a public domestic violence dispute by constructing both the male aggressor and the female victim: *“in that street we metted [met] with such other guy, was fighting with his girlfriend ... so I went to them and wanted to go and stop it eh so he fought with me”*. His narrative relies on the plausibility of the male-aggressor and female-victim dichotomy to make the scenario

possible, and thus to justify his intervention turned offence. Gender's social constructions of crime result in violent situations being framed in a particular way, namely the male aggressor and female, or child, victim (Butler, 2004; Connell, 1987; Kramer, 2017). This results in other possibilities being subverted and other atypical subjectivities, such as the child aggressor and male victim, being invisibilised.

It is curious to note however, that both P7 and P1 draw on constructions of victimhood to rationalise and justify their apparently retaliatory aggression. Both P7 and P1 emphasise the retaliatory nature of their crimes by further endorsing discourses on the vulnerability of women and therefore the nobility of their actions. Although they do not explicitly refer to themselves as victims, both P7 and P1 implicate another aggressor in their narratives. However, both participants tended to resist being labelled as 'victims', and instead took up the subject-positions of protectors and/or heroes. In stark contrast, all three of the female participants draw on victim discourses as a means to reinforce and label themselves as victims.

#### **4.2.2. Female victimisation**

Femininity is connoted with an inherent weakness, dependency, violability, and unavoidable risk of sexual victimisation (Kramer, 2015; Gilson, 2016). The female participants in this study relied on this inherent vulnerability of their femininity to reproduce narratives in which their violence was necessitated for survival or self-preservation. Participants' reproduction of gender and victim discourses necessitates an understanding of their actions as being motivated by their inherent vulnerability and likely victimhood. In addition to reproducing gendered discourse on female victimisation, the female participants also relied on their belonging to the child category and the additional vulnerability therefrom. By centring their narratives on victimhood, participants drew on key discourses that restrict or delimit the possibility for perpetrator subject-positions in the constructions of their crimes (May, 1999; Pistorious, 2004). To make possible this conceptual and discursive conflict, most participants implicitly drew on constructions of childhood, thus acknowledging their violent behaviour, whilst simultaneously marginalising themselves as 'criminal'. The female participants relied heavily on gendered constructions of crime and victimhood to present their victim-statuses, and position their narratives as justificatory rationalisations of their offences. These 'normative' constructions of violence as an act that is committed by men against women and/or children focused their narratives on their victimisation, marginalising the possibility of their criminality (see Burr, 1995; Kramer, 2015; May, 1999; Pistorious, 2004).

Each of the three female participants referred to a male aggressor in her narrative, thus retaining stereotypical constructions of crime and violence. In P10's narrative, she recollects that she was raped, and that the child she murdered was conceived from this rape: "*I didn't tell anyone about this rape ... Then I fell pregnant*". P10 does not discuss who raped her, or any details of the rape. Her narrative implicitly replies on the strength of gendered discourse around the inevitability of female sexual victimisation. In this, she implicates a 'possible' male perpetrator to her 'possible' female victimisation, dislocating herself from the perpetrator subject-position. P10's narrative also relies on the implied inevitability of female sexual victimisation to strengthen her claim of rape, particularly in that the claim includes no elaboration. Her use of the simple phrase "*I was raped*" and its immediate plausibility given her gender highlights the manner in which female victimisation has become a naturalised discourse, something inevitable and as such, unquestionable (see Gilson, 2016, Kramer, 2015).

P10 resists discussion around her male aggressor, with him being implicit rather than explicitly discussed. She highlights the sexual vulnerability of the female body by discussing how in high school she had become quiet after realising her body was "*developed*" (P10). The construction of her docile and at-risk female body is contradicted by the violent nature of her offence, but does provide support to her self-identification as a rape victim and the use of this to justify her offence. P8 also referred to sexual violence when recollecting her repeated victimisation, however, resists referring directly to the incident as 'rape':

*Now I must sleep, I don't even know this guy. And or I'm gonna get killed ... he said go and lay down on the bed ... That day ne, I did sleep with [Ben]. Yooo, then, I didn't even want to talk ... Since that day I never mentioned anything about how he did it to me or how I felt about anything, I kept quiet. I went home. My poes was kak sore ... [my aunt] she thought I did sleep with the guy because I wanted. She didn't know what happened. She beat me on top of that (P8).*

Throughout her narrative, P8 implicates her older, aggressive and abusive boyfriend in her experiences of repeated victimisation. Her boyfriend physically punished her for having failed to kill her friend during her first attempt. Her expertly crafted narrative, however, incorporates multiple aggressors, thus exposing a lifelong victimhood, in turn leading to an emotional and situational desperation that she used to rationalise her offence. P8's narrative is woven into multiple instances of victimisation that she experienced, including being abandoned by her father, unloved by her mother, physically threatened and cut by her boyfriend, and forced into

having sexual intercourse with a stranger. She uses this experience of multiple victimisation as the rationalisation and justification of her killing her friend. She thus constructs a context of constant and seemingly inescapable abuse, after which she presents a possible means of escape, killing her friend: *“But you know what that made me to realise – I had to kill my friend. No matter what, I had to”* (P8).

P9 provides two disparate accounts of her offence in her narrative: what happened, and what she told people. In her account to the researcher, she portrays physical victimisation and emotional victimisation she experienced from her boyfriend, on whom she was dependent: *“he become very aggressive ... I stayed with this guy even though he abused me, you see. I stayed because what can I do, where can I go? I don’t have a choice, you see”*. She uses this physical, emotional, and financial victimisation and vulnerability to justify the anger she felt towards the woman her boyfriend was having an affair with whom she murdered:

*What I was feeling, is that you, you are busy with my boyfriend. That is what I felt, you are busy with busy with my boyfriend ... I don’t even know what I was thinking about, but I was, I was mad* (P9)

P9’s account to the police drew on discourses that surfaced her own victimisation in an altercation between herself and the other girlfriend as a means to reconstruct the scene as one of self-defence:

*I told them, I took a log, that stick I was talking about. I said I took it and hit the axe and it hit the floor. When it fell, we both, we fought for that weapon ... But I got it in the end ... it ended up on my side so how I hacked her I don’t know* (P9).

P9 claimed that when she confronted the victim about her infidelities, the victim became enraged and attempted to attack her with an axe. P9’s eventual gaining and use of the axe was presented as self-defence and necessary for survival in that scenario: *“I had pleaded self-defence”*. In her account to the police, P9 constructs the victim as a woman deserving of punishment because of her affair with P9’s boyfriend as well the aggression she displayed when confronted about the affair. P9 legitimises her claim of self-defence by resisting the girlfriend being framed as a victim, and instead presenting herself as the victim.

P9 retells her offences in a detailed manner, being open about the pre-mediated fashion in which she planned on poisoning the victim, and how the victim resisted eating the poisoned porridge resulting in the use of more violent methods to kill the victim. She used her

desperation and frustration of being repeatedly beaten because of what she argues was someone else's lies and bad actions, namely her boyfriend's infidelity, foregrounding her victimisation in rationalising her offence. In claiming her innocence, she draws on gendered constructions of the passive and emotional female to provide the conditions through which she can maintain her innocence. By highlighting her violent behaviour as being uncharacteristic, thus supporting her positioning the offence as having been the product of desperation and victimisation.

*No. Eish I'm not that person who is violent...Even I don't believe that this act is something that was done by me...I'm not the person who likes fighting, fighting makes me sad. Even when I see people fight, like, I get hurt...I'm just not the kind of person that likes fighting (P9).*

P9 cannot locate herself as a possible offender, producing herself as an implausible criminal by drawing on both her age and gender. Feeling sad, and being timid, along with the implied conditions of vulnerability and innocence culminate in resisting her ability to self-identify as a criminal, as well as the legitimacy of others identifying her as criminal.

The powerlessness implied through the participants' reproduction of female and victim discourse, is further reproduced in their narratives in their having killed female and infant proxies for their abuse as opposed to their male abusers. None of the female participants structure their narratives, or re-telling of offences, on killing their abusers. Instead the female offenders construct proxy abusers, locating their elimination as a source of escape. P8 kills her best friend in order to preserve her life and avoid repeated abuse from her boyfriend and the cult which she had joined as a means to escape the abuse faced at home by her aunt and abandonment by her mother and father. P9 kills the woman whom her boyfriend is having an affair with in order to stop the regular beatings she receives when questioning his fidelity. P10 kills her baby, as opposed to her rapist.

This suggests that discursive conditions surrounding the physically powerful male aggressor and passive female victim are played out in the objective world through these participants identification of a viable victim, and their choice in weapon. The female body is construed as an easy target of abuse and so victimhood is easily taken up by the participants. The female-victim-male-aggressor dichotomy is also reproduced in the victims and weapon within their narratives. Female offenders reproduced their own female victims, murdered by aggressive, masculine weapons. To a degree, their use of this dichotomy in their narratives, along with their own experiences of victimhood, vulnerability and desperation, serve to locate them

outside of the ‘offence’ itself. Rather they are the powerless, desperate victims, forced into violence as a means to escape their own victimisation. Thus, the female offenders squarely located themselves as victims and resisted the possibility of their being categorised as criminals.

### **4.3. Resisting accountability and displacing blame**

By occupying the ‘child’ subject-position, participants are more readily able to negate accountability and thus be ‘innocent’. Juvenile-offenders thus draw on their childlike state in complicating and resisting the unquestionable, or ‘valid’, use of the term ‘criminal’ to define themselves, and to their being defined so by others. The ambiguity generated by the conflicting discourses of the child and the criminal enabled participants to position themselves as powerless, vulnerable, and thus desperate. By drawing on this inherent vulnerability of their child bodies, participants could uphold the implausibility of their statuses as offenders. Seemingly contradictorily, it also allowed participants to acknowledge their offences. However, these accountability, or culpability, that would come with an acknowledgment of murder was negated by implicating their child status, morality and religion, and inescapable violent contexts.

#### **4.3.1. Producing ‘possible’ perpetrators**

The child is fundamentally characterised as innocent (Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007). This childish innocence is based on naivety and purity. The child conceptualised as innocent functions symbiotically with the concept that a child is incapable of possessing malicious intent. In justifying themselves as innocent, participants located alternate, more possible ‘criminals’. In producing these external and plausible ‘criminals’, participants engaged in both racial and gendered discourse. Participants’ both displaced blame and negated their own accountability by reproducing the adult, male and ‘*non-white*’ criminal. Racial and gender hierarchies influence constructions of crime and perpetrators so as to maintain images of the aggressive, black, male perpetrator, and the white female or child victim (Kramer, 2015; Ndlovu-Gatsheni, 2012).

All of the participants reproduce a ‘possible’ adult-male perpetrator or aggressor in their self-defence narratives. The reproduction of the stereotypical ‘male aggressor’ was however not limited only to self-defence narratives. P6 maintained his innocence throughout his narrative

and included no elements of self-defence. Instead, within his narrative, P6 claims he was not even present for the murder of his grandparents. P6 denied having murdered his grandparents throughout his narrative. Interestingly, P6 was the only white participant within this research, and overtly implicated 'non-white' aggressors in his narrative: "*I was having other coloured friends ... because these coloureds was just out of – I don't know what happened they (sigh)*". In doing so, P6 resist the possibility of his being the murderer, by producing a more palatable perpetrator in the scenario. The palatable perpetrator he reproduces relies on racialised constructions of crime which resist the possibility of white people being criminal (Pierce & Bozalek, 2004; Streib, 1983; Swartz & Levett, 1989). In addition, the palatable perpetrator within his narrative is both older than himself, and male thus reproducing the older, male, 'non-white' criminal, resisting himself as a possible perpetrator and criminal in contrasting his young age and white race.

P9's narrative included a unique element in her recollection of the police's initial assumption of the perpetrator having been male. P9 recounts how the police had generated a theory that a male perpetrator killed the female victim, potentially while engaged in robbery or sexual assault: "*They were thinking that it was a man ... maybe the person wanted money ... or to rape her or something*". P9 recollection of the police investigation into the victim's murder highlights how the police system relies on normative constructions of crime. P9 notes how the police engage in recirculating stereotypical constructions of crime and criminals, and in particular of the sexually aggressive male and the inevitable female-victim (Gilson, 2016; Kramer, 2015). This recollection suggests that police investigations invisibilise both the child, and the female, as potential perpetrators of murder.

#### **4.3.2. The child as 'impressionable'**

Childish innocence and naivety has been constructed as a treasure to be protected from corrupting influences (Ariès, 1973; Burman, 1994). The child as incapable of forming malicious intent, and by extension criminal intent, requires an explanatory discursive structure that locates an appropriate source of blame external to the child in instances of child-perpetration. A common explanation surrounding child perpetration is that of an adult teacher and accomplice who corrupted the child (see Cantwell, 1988; Cuevas, Finkelhor, Turner & Ormrod, 2007; Dennison & Leclerc, 2011; Heckel & Shumaker, 2001; Johnson, 1988; Johnson, 1989; Lewis et al., 1979; Moore et al., 2004; Rosen, 2007; Ryan & Testa, 2005; Sacks, 1994; Sargent, 1962; Siegel & Williams, 2003). This relies on the possibility of the adult aggressor,

usually male, as well as the naive and thus impressionable child. The child in this scenario simply ‘does as they were told’ because they were incapable of ‘knowing better’. The first usage of the term ‘child’ referred to an individual in a subordinate, or dependent state (Ariès, 1973). The characteristics implied by the use of this terms in this way is that the ‘child’, regardless of age, lacks agency and shapes their behaviour on instruction given by an authority or superior source. Participants in this research reproduced the dichotomy of a subordinate and easily influenced ‘child’ and a superior ‘adult’ influencer.

In P5’s narrative he repeatedly acknowledged his part in the offences for which he has been charged, using carefully replicated idioms such as: *“You know, you know, ok I won’t say that I’m putting blame on friends because you shouldn’t point fingers to someone coz 3 fingers are pointing back at you, so you know meeting friends getting introduced”*. Statements such as these are juxtaposed with P5 implicating an older, male friend who had taught him violence: *“it wasn’t it wasn’t his first time doing something like this... that’s how I got introduced to all this type of things”*. He engages in reproducing himself as the impressionable child, the corruptible child, as well as in producing a plausible corruptor. In locating an external source of blame, his older friend, male friend, P5 negates the potential of his having possessed criminal intent, and resists accountability for his offences.

He also presents the friend as the instigator of the offences, highlighting that he was the one who came up with the ideas, and that he was the one who initiated both the robberies and the murders. He further strengthens this by emphasising that this was not his first-time offending, thus constructing him as a seasoned criminal who influenced the impressionable and vulnerable young boy. This displaces culpability from himself to his friend.

*I also got introduced in this things, robbing people, murdering ... my friend got attracted to the car and then the idea came up that hai let’s take this guy’s car*  
(P5).

P5’s claims of innocence are thus predicated on the assumption of his childlike nature being influenced by an external source. The validity of the corruptive external source who he constructs is predicated on him being male, adult and capable of criminal intent. Similarly, P6 draws on the older friend noting that the friends he took to the farm were 17 or 18 while he was only 15 at the time: *“I was like 14, 15 ... they were 17, 18 years old all of them”*. In reproducing a dichotomy of the impressionable child and corrupting adult, P6 located a more appropriate

source of blame and criminality. They thus marginalise themselves as possible criminals by locating an alternate, more palatable and believable ‘criminal’ in their narratives.

P5 also locates an older, male friend as the source of his deviance, relying on his young age to justify the learning of deviant behaviours without question:

*So he taught, he taught me lot of things, you see, I was how can I say, you know when, when things are cool you’re like ha this guy is cool things that he does and stuff like that. That show I started becoming a friend to him, coming close with him (P5).*

P5 directly implicates his age in his incapacity to have known better, and his susceptibility to external influences: “*He’s the one that came with the ideas and stuff like that and me not knowing still young, I’m younger than him*”. The child as impressionable and easily influenced diminishes accountability by negating agency. The child becomes a vessel through which someone else’s criminal capacity is displayed.

#### **4.3.3. Morality and religion**

The ‘modern child’ is largely the product of a growing morality and religious discourses, particularly those within Christianity (Ariès, 1973; McDiarmid, 1996). The ‘holy child’ was depicted in art as graceful, naive and affectionate (Ariès, 1973). With the growing visual representation of children in this manner, and the accompanying discourse around childhood purity, the child’s soul and body became valuable as well as vulnerable to corruption and evil (Ariès, 1973; Burman, 1994). Childhood as essentially a time of purity and innocence is still reproduced today, as is the concept of their impressionability to corrupting external influences, almost always including male adults. Beyond the corrupting influence of adults, participants included spiritual corruption and divinity in their narratives. The inclusion of religious and moral discourse attributed their violent actions to forces beyond their control, as well as forces larger than themselves, forces that should not, and cannot, be questioned.

P4 draws on religious discourse to locating blame externally to himself removing capacity and agency in the death of his mother: “*didn’t see myself, maybe is a demon controlling me*”. When attributing cause to his actions, he focuses on spiritual forces beyond his control: “*Ey me I don’t know ... maybe it’s a [witch]craft*”. P4 rotates his rationalisations between being the object of malicious intent of others through the use of witchcraft, and being punished for not having become a sangoma: “*my things is going to make me crazy is ancestors, ancestors want to taking*

*me to to be a traji trad tradition doctor ... that's why I'm getting crazy*". P4 believed that his offences were due to a "demon controlling" him, adding "the demon you see is evil", acknowledging the evilness of the killing of his mother, but removing his culpability of it through claiming to have been possessed. P4 resists accountability entirely by removing any potential for him having killed his mother, consistently insisting that he was possessed.

Participants also drew on religious discourse in insinuating that their behaviour was the product of a divine plan, and in this way removing agency and constructing themselves as passive recipients of a higher being: "So I understand why things like this happen. You know, things doesn't happen according to we want it, its according to how god wants things to happen" (P5). P5's use of religious discourse also serves to place cause external to himself, alleviating the culpability through concepts such as 'God has a plan', and 'being a servant of God', which he noted several times throughout the interview.

P9 utilises religious discourse to suggest that God was 'on her side' due to the fortuitous manner in which the offence played out enabling her to produce a believable self-defence narrative for police:

*Like, jho, me, I thank God you know ... If it wasn't his strength, if he wasn't on my side I was going to get life ... the way it happened ... when I got to the police station changing the story* (P9).

P5 drew on religious discourse in constructing himself as moral and good from a young age when he attended church with his grandparents. His grandfather was a pastor. He too wishes to become a pastor and currently serves as a church leader in the correctional centre. He does not draw on this discourse to mitigate the 'wrongness' of his action, but rather does so to resist accountability through insinuating that he had divine support during his trial. He noted that the sentence he received to be at the hand of God, with his incarceration being a form of test or lesson from God. The use of these religious discourses also suggests a level of morality, purity and essential goodness of the good, God-fearing Christian. Thus, through using these discourses, the participants construct their actions as somehow driven by a divine plan of which they are merely passive subjects, and suggests an innate 'goodness' of character that, in turn, resists the category of 'criminal'.

#### **4.3.4. Violent South African contexts**

Violence is arguably a cultural phenomenon in South Africa (Altbeker, 2007). South African children experience violence in their everyday lives, with children being victimised at eight times the rate of adults (The Centre for Justice and Crime Prevention, 2005; Parkes, 2007, Pelsler, 2008). Parkes (2007) argued that in the face experienced, and/or witnessed, violence, children either perceived the violence as repulsive, or as a form of social capital which enabled the achievement of social status and the countering of vulnerability within these contexts. The ‘violent context’ has been widely deployed as a rationalisation for child-perpetration in psychological discourse (see Bray, 2003; Cantwell, 1988; Cuevas, Finkelhor, Turner & Ormrod, 2007; Dennison & Leclerc, 2011; Heckel & Shumaker, 2001; Johnson, 1988; Johnson, 1989; Lewis et al., 1979; Moore et al., 2004; Rosen, 2007; Ryan & Testa, 2005; Sacks, 1994; Sargent, 1962; Schönsteich, 2010; Siegel & Williams, 2003). These explanation function on the assumed vulnerability of the child, and the ‘imminent threat’ posed by contexts in which poverty and violence are regularly experienced. Justifying the child-offenders’ actions as necessitated within their context also relies on the child’s assumed naivety in relying on conceptual rationalisations such as ‘the child did not know anything else’. In either form, violence for survival or violence as ‘all they know’, implicating adverse contextual backgrounds alleviates accountability for one’s actions, locating the context as the source of blame as opposed to the offender.

Participants each reproduced a violent context within which their offences occurred. These discursive strategies tended to displace blame by generating desperate contexts within which the child is situated as a ‘victim of circumstance’. The male participants did not reproduce a physical or sexual victimisation, rather portraying themselves as victims of violent contexts and poverty, and as such, victims of circumstance rather than victims of abuse. The male participants recounted violent contexts that justified their offences as violent retaliation necessary for survival. This may reflect larger social constructions of the inevitability of female victimisation and the unlikelihood of male victimisation (Kramer, 2015; Lupton, 1999; Moore, 1994).

P1 draws on discourses that emphasise the normative culture of violence in South Africa as a means to rationalise his own violent behaviours. Additionally, he draws on survivor discourse that justifies his actions as being a necessary means to protect himself and his family under these violent conditions: “*But if she gonna stay there, they can like shoot her every time ...*

*Hmm. They want me for now to get cross man, they can't come for me ... I will kill them".* P5 draws on the South African construct of the 'township' and its inherent violent context. The construct of the township is framed by discourses of poverty, violence and race. Ndlovu-Gatsheni (2012) proposes that townships, or 'locations', are constructed as spaces of violence, tension, and criminality, becoming seedy, shaded and 'scary' in the threat they pose to one's physical safety. P5 explains that he grew up in a suburb with relative familial wealth provided by his father's job. He claims that after his father left his job, they had to move into a 'location', and were unable to afford the same lifestyle they had before, using imagery such as *"going to bed hungry"* (P5). The utilisation of poverty as a discourse in criminal offending is not uncommon. In instances of child- or juvenile-offending, this discourse is often deployed to justify the child's offending as a means to escape or counter desperate situations suggesting both the vulnerability of the child and violence was a means to survival. The vulnerable child and violence for survival both minimise offences, resisting the potential for them to be understood as criminal. to garner sympathy for the financial suffering that he experienced.

P5 relies on the image of a location in which violence and deviance are not only common occurrences, but are central to one's identity within this context:

*R: So, let's start with your background. Ok? So, tell me about your family, where you grew up, where you went to school*

...

*P5: When I grew up I was grow up in in a suburb area ... So then after that we moved, went to the location and that's where everything changed ... It's like you know you start you start how can I say gangsterism, start drinking at a young age, start smoking at a young age ... the location areas is this rough living. Gangsters against other gangsters.*

He suggests that violence and deviance are shaped into status symbols, allowing him to garner popularity and power within said context through means of violence and crime: *"in the location style, if you do things like that you are cool, you check...I'm the man, I'm the person"*. He notes the differences between a childhood in the suburb and a childhood in a location, delineating the two in a manner that suggests a natural, unavoidable, acculturation into the location lifestyle in order to gain status and maintain a social life:

*R: Mmm, so you say that moving from the suburbs to the township, like living in them is different, like how is it different?*

*P5: They are not the same because how can I say, kids from, kids from township have the, have their style of living ... Then kids from the suburbs have their lifestyle of living it's not the same ... kids from the location they do their things in a loc in a location style, the style is not the same ... But now when you in the suburb area, it's like you won't do things like that, you'll be surrounded with friends, but these friends will be good friends in the suburbs.*

In the same way as P5, most of the participants drew on poverty and violence discourses in constructing adverse contexts within which their offence occurred (see Bray, 2003; Ndlovu-Gatsheni, 2012; Sacks, 1994; Schönteich, 2010). Engaging in such discursive practices intimating extreme levels of desperation and vulnerability, disconnects themselves from the identity of a 'culpable criminal. Discursive practices such as these, particularly in their being strengthened by the inherent vulnerability and naivety of the child category, the potential of criminal intent is nullified through the notion of 'I did it to survive'. Unlike P5 whose narrative features this discourse prominently, the other participants drew on these discourses as additional features in narratives, rather than as their primary rationalisation:

*If I see my enemy, I shoot him ... he shoot at me. Everyday my life was like that and I end up here (P1).*

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*I'm not going to the to the community, I'm going back there (that) I came from, my friends there are, they don't do, uh, bad stuff that side (P2).*

In detailing their backgrounds and offences, the male participants drew on constructions of violent contexts more so than the female participants. The female participants' narratives featured interpersonal violence, rather than violence at a community level. The female participants reproduced physical and/or sexual violence that occurred within their households. The female is readily able to be produced as a victim when compared to male counterparts (Gilson, 2016; Kramer, 2017). Female victimhood requires no additional qualifiers other than a male aggressor. However, male victimhood and vulnerability require multiple qualifiers resulting in the male participants including far more contextual victimisation in their narratives. When they did draw on adverse contextual features in their narratives, the female participants spoke to issues of poverty:

*I grew up in Zimbabwe, I left school, I left school because my parents have no money for school fees then I came here in South Africa (P9).*

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*They said they don't have enough [money for me to study] (P10).*

The male participants, implicating violent contexts may suggest a latent victim status, however, male participants resisted overtly identifying as victims. Parkes (2007) and Luyt and Foster (2001) note how discourses on masculinity are inherently violent, and that for the successful production of a socially recognisable and 'adequate' masculinity, speakers are required to draw on elements of violence in their discourse and in their constructions of events and/or contexts. This may suggest that violence is a discourse more readily available to males. It may also suggest that in reproducing violent contexts which necessitated violent self-preservation, male participants reclaim their masculinity and further distance themselves from the emasculating victim subject-position. This reflects arguments put forward by Kramer (2015), Lupton, (1999), and Moore, (1994), suggesting that female criminality remains peripheral in circulated constructions of violence.

The culture of violence in South Africa may serve to visibilise the possibility of child-violence (see Glaser, 2000; Luyt & Foster, 2001; Parkes, 2007; Pelsler, 2008; Ndlovu-Gatsheni, 2012). However, the same violent context which may visibilise child perpetrated violence can also invisibilise the child as criminal through nullifying culpability in situations where violence is enacted as means of survival. The contextual of violence noted in participants narratives were also used to justify gang involvement.

#### **4.4. Failed family and the child criminal**

Each of the participants draw on discourses of violent contexts, gang or cult affiliation, and the loss or absence of parental figures. However, this was seemingly done as supplementary to self-defence narratives and/or victimisation. The utilisation of contextualisation involving the failure of the nuclear family and the attraction to gangsterism alleviates culpability, which is only made possible by the set of rules underlying discourse on childhood. The reproduction of these the failed family system platforms the inherent vulnerability of the child necessitating education and socialisation (McDiarmid, 1996; McDiarmid, 2013). The family, as defined by Foucault (2003/2006), is a cell of interpersonal connections which has been

absorbed by discipline, and now functions as surveillance system through continual supervision of the child body.

Failures of the nuclear family and appropriate parental supervision and discipline has been linked to child deviance (see Bailey, 1996; Cornell et al., 1987; Fiddes, 1981; Hill-Smith, et al., 2002; Walsh and Krienert, 2008; Young, 1996). The utilisation of the failed family system as an explanation for child deviance relies on the child being uneducated, unsocialised and fundamentally naive. If the family is responsible for socialising the child, absent and/or abusive parental figures would ultimately result in the naive child finding socialisation elsewhere. The naivety and impressionability of the child thus renders them vulnerable to pseudo-families such as gangs. Rationalisation such as these alleviates accountability from the child, again reproducing the ‘they did not know any better’ concept. The family is implicated in participant narratives in three key ways: the failure of the nuclear family; gangs as pseudo-families; and maternal discourse resisting child-criminality.

#### **4.4.1. Disrupting the nuclear family**

Failures of parental figures and the nuclear-family system, intended to be the primary source of education and socialisation, have been implicated in child- and juvenile-delinquency psychological research. Large family size, family disruptions and intra-familial violence are commonly deployed explanatory causes for childhood violence and offending (Cornell et al., 1987; Fiddes, 1981; Bailey, 1996; Young, 1996). Harsh parenting and absent parents have also been implicated in explanatory discourses for juvenile-offending, and in particular, murder (Hill-Smith, Hugo, Hughes, Fonagy, & Hartman, 2002; Walsh & Krienert, 2008). Explanations such as these displace blame, removing it from the child and placing it on the adult parent who failed to protect, educate or socialise the child effectively. The construct of the ‘naive child’ and the implied social responsibility of the parent(s) to adequately socialise the child makes possible these explanatory justifications of child-perpetration. Psychological knowledge and discourses thus protect the ‘naive, agency-lacking child’ through attributing the causal factors of the child’s behaviour to influences outside of the child’s control, often locating blame in the failure of parental figures and appropriate family structures.

In disrupting the construct of the nuclear family, participants particularly relied on maternal discourses. The deployment of maternal discourse occurred in 2 ways: the bad/absent mother

and the good mother. The bad mother was located as a source of blame, abuse and non-teaching. The good mother on the opposite end of the spectrum was located as a source of love and affection despite the child perpetrated violence. P6 and P7 refer to their mothers in a manner that reproduces their own childlikeness. P6 reports his closeness with and affection for his mother: “so it was always like that but me and my mother always got on (laughs) there is nothing I won’t do for my mother”. P7 reports that his mother provided care, reinforcement and protection, even while he has been in the correctional facility:

*R: They were saying that in the newspaper?*

*P7: Ja they wrote what some of the people were saying there, must be locked up and throw, must throw the key away*

*R: How did that make you feel?*

*P7: My mother told me that I mustn’t really care about them coz those people don’t really know me and I don’t even know them also, so, I just let it go yes, they say whatever they want to say, I just want to show my mum that when I go out of here I could have achieved something yes, get qualifications yes.*

These maternal discourses further marginalise the criminal subject-position in the participants narrative. These discourses reproduce the childlike innocence, vulnerability and the necessity of maternal care, love and warmth. The unconditional mothers love was used to resist the criminal subject-position in producing themselves as ‘loved’ or ‘redeemed’.

The participants in this study drew on these explanatory justifications to resist accountability in their offences. P8 refers to her abandonment and loneliness by highlighting the manner in which she was neglected by her mother, abandoned by her father and mother, as well as abused by her aunt:

*But here man, my childhood, my background, I must say, it was fine ne, until certain time whereby my mum and my dad started fighting... Now the way it was, all the year beatings and stuff on everyday ... I was lonely. I didn’t know where to turn to ... I felt like he [my father] abandon[ed] me. And my mother also, I don’t, I didn’t even (count my mother). My mother to me she was like useless (P8).*

This turn away from normative family structures is later used to justify her attraction to the Satanic cult in the acceptance it provided. P8 was the only female participant to draw on experiences of neglect, abandonment, and lack of love to construct the desperation that motivated and rationalised her choice to join a Satanic cult and ultimately, her offence.

P8 uses her experiences of an abusive family to construct an initial victimisation, upon which she experienced further abuse and neglect, constructing herself as a lifelong victim. She also uses this initial victimisation throughout the interview to negate aggressive or violent statements by re-emphasising her victimhood and suffering immediately afterwards: *“I had to kill her wooo, I thought how I’m supposed to kill her, she’s my friend, and to me she’s like my sister. I’ve got no one. Already I did lost my father by the way”* (P8). This juxtapositioning of suffering and loss with her overt aggression constantly reinforces her perpetration as the product of constant abuse and desperation as opposed to malicious or criminal intent. It is important to keep in mind that P8’s narrative appeared well-rehearsed, as she repeatedly emphasised her desperation and thereby nullified her criminality with the use of detailed victim discourse.

Additionally, P3 implicated his emotional vulnerability and suffering after the death of his mother: *“after my mother passed away I feel like my family no longer care”*. The functioning of this emotional suffering relies on his being a ‘child’ and thus vulnerable. The same conditions (such as the loss of a parent) would not suffice in generating a plausible resistance to culpability if expressed by an adult offender. The vulnerability of the child and the structure of the modern child-centric family make justifies the necessity of his violence, but reframes it in a manner that implies his lack of agency of intent, thus resists the legitimacy of the criminal category imposed upon him by the correctional facility. Unlike P3 and P8, P5 resisted implicating his parents in his rationalisation of his offence. Rather, P5 positioned parental ‘absence’ as the reason he was able to become exposed to violence and crime resulting in his eventual perpetration. Counter to this, P5 also presented his experiences of absent parental supervision as reflection of him being trustworthy: *“my parents they gave me the freedom ... they gave me the freedom to go and check ... broke their trust”*.

#### **4.4.2. The gang as a pseudo-family**

Violent masculinity within gangs and gang-related violence have long been identified as a source of violence linked with poverty and unemployment within South Africa (Glaser, 2000; Luyt & Foster, 2001). Townships and gangs appear synonymous with gangsterism and systematic violence. Pelsier (2008) notes expressions of violence is often utilised as a social resource to acquire respect and display. Parkes (2007) argues that masculinities tied to gang violence are particularly strong social tools for respect, authority and perceived control over

one's social environment. Beyond this, the gang also functions as a family in its structure, ranking, and experienced support and loyalty (Parkes, 2007; Luyt & Foster, 2001). Where parents are absent, either due to death, neglect or a lack of parental supervision, the participants demonstrated alternative forms of 'family', particularly gangs. This draws on the construction of childhood necessitating education and socialisation (Burman, 1994; Hendrick, 1990; Hendrick, 2006). It is this implied 'need' for education, and by extension family, is reproduced in participants narratives. The emotional support and affection provided by one's parents is replaced by the perceived support and affection received in a pseudo-family gang.

P3 directly implicates the death of his mother in his change in behaviour, and specifically in the development of his delinquent behaviour: *"Then in in in in 2009, my mother passed away. Then, I started getting involve in smoking, then after I started smoking I I was, my first arrest"*. He further implicates the consequences of this loss and the subsequent absence of his mother in his choice to join a gang. P3 refers to a family that was largely absent that did not provide for him in a way he deemed necessary at the time. He presents joining a gang as a consequence of his mother's death and the emotional and material suffering thereafter: *"Ai, the gang it was like my family because of after my mother passed away I feel like my family no longer care. So, I thought a gang is, they are the only people who care about me"*. P3 presents the gang as a loving, caring 'replacement family'. Gangs are structured in particular ways that makes members feel like a child in a family. P3's feelings of abandonment and disinterest from his family are used to rationalise his seeking approval and support elsewhere.

In a similar way to P3, P8 refers to her abandonment and loneliness by highlighting the manner in which she was neglected by her mother and abused by her aunt. This justifies her attraction to the Satanic cult in the acceptance it provided. Again, the gang surfaces as a replacement family in light of disruptions to the nuclear family structure. P8 was the only female participant to rely on discourses of neglect, abandonment, and lack of love to construct the conditions of desperation that motivated and rationalised her choice to join a Satanic cult. Gangs and gang violence is laden with masculinity discourse so much that to be in a gang is assumed a reflection of one's masculinity. P8 being a female disrupts this construct, highlighting that gang or cult affiliation as a source of acceptance and pseudo-familial bonds is not restricted by gender within child offenders. The category of the child appears to surpass the category of gender,

allowing female narratives to deploy latent masculine discourse in a manner which does not threaten or counter their femininity, or the victimisation constructed from it.

#### **4.5. Resisting the child-murderer subject-position**

Participants who acknowledged their offences minimised them through the reliance on the construct and discourses of childhood that presents them as harmless and innocuous, or alternatively, as highly victimised. The reproduction of childlike characteristics and the implication of the childhood category enabled participants to acknowledge their actions while minimalising the criminal of these actions. Thus, childhood discourses served as counter-discourse to the potential for child-criminality, invisibilise the child as a possible criminal. In resisting the criminal category, participants acknowledged ‘lesser’ offences such as robbery or driving without a licence. In doing so, the participants present ‘possible’ crimes, distancing themselves from the possibility of their being ‘murderers’. To strengthen their disconnection with the murderer category, participants reproduced the construct of ‘too young to kill’. Participants recounted their experiences pre- and post-incarceration and how their age was met with continued disbelief by correctional staff. Correctional staff are also implicated in treating the participants as children, their own children specifically, instead of as legitimate offenders. Participants expressed their fears of being labelled as a ‘criminal’, and particularly by the media. They implied that being labelled as a criminal could have consequences such as retaliation from community members. By avoiding labels associated with criminality, participants protected themselves from retaliation or retribution.

##### **4.5.1. Plausible child-perpetration – invisibilising ‘murder’**

Over time, through continued reproduction, the child has been essentialised as a naturally occurring developmental state characterised by innocence and naivety which necessitates continued protection, education and socialisation (Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007). The child is however not devoid of capacity for deviation from socially defined ‘appropriate’ behaviour. In instances such as these, the child and their behaviour are often marginalised by authorities such as parents, schools and even humanitarian organisations such as is seen around bullying and child soldiers (Happold, 2008; Korbin, 2003; Moon et al., 2011; Rosen, 2007). Juvenile and child delinquency has existed as a possibility for hundreds of years (Hendrick, 1990). The manner in which these individuals are understood

has remained relatively consistent over time. In the 1800s, delinquent youths were understood as being the product of a lack of education and socialisation accompanied by poverty and low socioeconomic status (Hendrick, 1990; Hendrick, 2006). Today, childhood deviance is commonly explained away as developmental curiosity, misbehaviour or the child not having ‘known any better’ (see Ariès, 1973; James & James, 2001; Happold, 2008; Korbin). Participants in this study marginalised their capacity for murder by acknowledging alternate, arguably minor, offences.

In addition to a gendered self-defence narrative, P7 refers to the offence for which he has been charged as an “*accident*”, emphasising later that he had no intention of killing his victim. P7 engages in reproducing the childlike characteristic of ‘not having known better’. His intention was not to kill the victim, the implication being that should he have known the potential outcome, he would not have done it. P7 distances himself from the child-murderer subject-position by highlighting that he “*only kicked*” the victim, emphasising that he “*didn’t stab, ... [he] didn’t kill*”. P7 further displaces blame by recounting that he was not the person who stabbed the victim: “*I foughted with him ja while we were so fighting, one of my friends took out the knife and stabbed him*”.

When participants acknowledged their actions as wrong by socially defined standards, they did so in a manner that resisted the action as ‘criminal’ by negating their accountability. Through the deployment of external sources of blame, more specifically of accomplices, corruptive adult influence or intoxication participants were able to acknowledge their perpetration of a violent act whilst simultaneously negating the elements of criminality, specifically culpability:

*I wasn’t supposed to kick the also the deceased ... The reason I was drunk and also peer pressure friends (P7).*

Additionally, when asked whether they consider their actions to be criminal, P6 and P3 they spoke ‘around’ their charge, acknowledging other deviant behaviour, or crimes, rather than the primary murder charge(s) for which they have been sentenced. For instance, P6 produces an adjacent, and arguably minor, criminality by acknowledging his driving without a licence was a criminal act:

*R: Do you think what you did was a crime?*

*P6: In this case obviously yes it's a crime because I don't have [a] learners I don't have licence I don't have niks<sup>6</sup>.*

In this statement, he produces a 'crime' that is wholly unfair when one considers the length of his sentence. P7 diminishes his responsibility in the actions leading up to his grandparents' murders by saying that he "only" drove the car to the farm where the offence happened. The subtle interactional effects of his having acknowledged a 'small', non-violent crime, contrasted with his 12-year sentence in a maximum security centre are disjointed, the discomfort from which lends support to his claims of innocence. In doing so his narrative resists acknowledging and/or discussing the criminality of the killing of his grandparents, something he consistently maintains he is innocent of.

P3 also resisted acknowledging the criminality of the murder for which he was charged and instead chose to discuss the criminality of theft, highlighting an understanding of its wrongness in terms of the lasting consequences theft would have on those from whom objects are stolen:

*Coz of, it's wrong to rob someone ... it's a crime because of you are hurting other people (P3).*

Acknowledging culpability for a more plausible child-perpetrated crime, imbuing themselves with some form of proxy-guilt related to these offences, may be reflective of what Foucault (1978) terms the discipline of the body and how this is achieved through discourse. Foucault's (1977; 1978) concept of disciplinary power assumes that the circulation of institutionalised knowledge through discourse ensures that individuals take up this knowledge, reproducing it as self-knowledge. The participants having been found guilty in a court of law and now currently serving their sentences in correctional facilities may have prompted them to utilise discourse in a manner which maintains their subjective innocence whilst resisting culpability for the murder charges.

#### **4.5.2. "Too young" to kill – childhood in the legal and correctional space**

The manner in which the participants were treated by correctional staff, legal staff and the police strengthens the constructed notion that children are incompatible with criminality. They are assumed innocent and harmless unless otherwise proven. P8 highlighted the resistance

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<sup>6</sup> Niks is an Afrikaans term that translates to 'nothing' in English

faced from others when she detailed her charge of murder, reproducing the stereotype of children being incapable of murder:

*Even now, if you ask me ai you since (how long), its eight years, for what? For murder. You're on your, I'm on my third year. How old are you? Eighteen? Then they come haaaa you were fifteen when you came in prison haaa don't say you did kill yoo ooo oo (P8).*

P8's narrative is strengthened by her gender and the 'implausibility' of the female-murderer in light of widely circulated constructs such as violent masculinity and the male perpetrator. P5 and P8's narratives support the stereotype that children are inherently innocent.

This assumption played out in participants recollections of the manner in which correctional staff engaged with them. P5 was collected by his parents because the officials claimed that he was too young to be kept in holding cells. This reflects the construction of the child as innocuous and in need of protection or external supervision, despite P5's perpetration of murder:

*R: Ok, uhm, so, before we think about what it is like here, I just want to clarify how you were arrested after you stabbed the -  
P5: When I got at the police station I slept there for one night, they called my parents, that's when they came. And uh they told my parents that no I'm too young.*

Until overwhelming evidence to the contrary was provided, officials also assumed that P8 was innocent because of her age:

*We did go to the police, they ask us what happen ... They some say, haaaai these children they are small, fifteen years, ... [they said] naaaai take these children out - they didn't do nothing. We went back. But they came to fetch us at night, when it was what? My friend did die in the hospital. And the only name obvious she did say it's mine (P8).*

The above statements reflect the systematic adoption of discursively constructed 'truths' regarding childhood and criminality which restrict the possibility of the child-criminal, and in this particular case, the child murderer. Even when culpability is acknowledged, the child's assumed lack of agency and essential need of protection, care and regulation can be seen in moments such as P4's account of the court releasing him on free bail on the condition that his father takes responsibility for him:

R: *Ok, uhm, can you tell me about the night that you, that this case, tell me what happened that night, or that day?*

...

P4: *They was telling my father you must take, you must taking care with me, you must taking ... responsibility to this child. Every day when it's time to, It's day to come court, you must taking, you must coming to to here.*

P10 noted the manner in which legal and correctional systems treated her in a manner that challenged her potential for criminality. She believed she would “*maybe do community service*” given the way in which court officials were talking, with the participant recalling the magistrate saying “*that this child, it's not good for her to go to prison*”. The magistrate was changed during the proceedings and the second magistrate gave her a formal charge and sentence, in the recollection of which the participant on her being a child: “*Then that prosecutor started, she told the magistrate that this child's must go to prison so that she can learn [her] lesson*”.

In 1857, the Youthful Offenders Act cemented juvenile delinquency as a real and problematic social issue, however, it also endorsed the notion that, through rehabilitation, a juvenile delinquent could be restored to a natural child-like state (Hendrick, 2006). The child and criminal were incompatible and so the delinquent child is reformulated into a child that is ‘like an adult’. Opposingly, participants reported that they were not ‘adultified’ within the correctional space. P10 noted that correctional staff treated her and the other offenders as their children, further suggesting that juvenile-offenders are treated as non-threatening are cared for and protected in a manner synonymous with that of non-offender children: “*They don't they don't treat us as offenders... They treat us as ... their kids*”.

The separation of adult and juvenile-offenders is an organisational condition adopted by correctional systems and is based on the assumption that younger offenders are in need of additional types of protection (Darbyshire, 2007; McDiarmid, 1996). P10 notes that adult and juvenile-offenders are brought together only when there is a special function or scheduled visit. Juveniles are otherwise kept separate from adult offenders: “*we don't allow to mix with adults*”. This then reinforces constructions of childhood as a time of vulnerability and susceptibility in that children and adult are separated within the correctional facility (see Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007). Despite the participants having committed murder, their segregation from adult incarcerated populations reifies the construct of the child

and is potentially an access point for juvenile-offenders to rely on childhood discourses that undermine their criminality: “they were supposed to sentence us but then there’s like no I was still young” (P5).

#### **4.5.3. Emotionality and Humanness**

Participants expressed a fear of being associated with a ‘criminal’ category. Participants produced themselves as human by highlighting an emotional suffering both during their offences and after them. They highlighted their childlike nature in recollecting feelings of fear, suffering and pain, distancing themselves from the dehumanised criminal subject-position:

*My heart is very soft, emotional person ... I feel pain for it, like even when I was in court, even started crying ... Realizing when your eyes become open you just see that, how you hurted people (P5).*

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*R: How did you feel when you found out [that the victim was deceased]?*

*P7: Very sad, coz my mother’s heart was also broken, I broke my mother’s heart. My mother was crying in front of me and, it was very painful.*

P7 and P5 rely on mechanisms of emotionality to intimate and innate innocence. Their use of emotionality is subtler in that they foreground their having caused unintentional pain to themselves and others. The unintentionality of this suffering reproduces childlike naivety which in turn distances them from the criminal subject-position

In addition, participants drew on constructions of innocence, vulnerability, and the threat of victimisation in resisting the appropriateness of the criminal category imposed upon them by the legal and correctional systems. Their resistance of the criminal category was particularly evident when discussing the actual, or hypothetical, media coverage of their cases:

*For me it was, it was little bit scary you know for people out there to read, but then when I heard that my name wasn’t there and my picture wasn’t there ... [it] never made me to be that scared, just my age was there (P5).*

The anticipated fear of media coverage was noted, but also reduced by the reporting of their ages. The fear they experienced was reduced because it is unlikely that readers would conceive of a child being too criminal. In such, the participants construct themselves as lesser, if even, criminals, and particularly resist the subject-position of murderer. The social stigma attached to the label ‘criminal’ (see Moore, Stuewig & Tangney, 2016; Moore, Tangney & Stuewig,

2016), is constructed as threat to their safety and their future lives. This suggests that participants' implicit rejection of self as belonging to this legally imposed category. Participants linked the fear of exposure in the media, and the potential that their family and communities would learn about their offences:

*I really don't know how I feel. Because when you come outside, everyone is going to speak about you ... You see, like you are big criminal but you've only done it uh one, you have only go to prison once now, when you come out everybody is going to talk about you (P2).*

P3 and P5 both expressed familial-related concerns over being exposed as criminals in the media. P3 feared his family knowing:

*Eish, I never feel great you see. Because I thought it was on also in the Daily Sun so I thought that everyone in my family will know ... everyone will know that I did this you see (P3).*

P5, on the other hand, expressed his concerns that his family would somehow be mistreated due to his exposure as a criminal in the media:

R: *What was that fear about? Why were you scared?*  
P5: *Like for my name and stuff for that, because you know, we, how can I say, if you do something it doesn't affect you alone ... It also affect the ones that are around you ... Also affect your family, check, so I was fearing for things like that ja*

P8 emphasised that the category of 'criminal' will remain regardless of whether they committed the crime, or whether they have changed since being charged: "I will change. But the title is still there ... as times goes on and life goes on, but the pain still there". P5 expressed the same concern over the intractability of being labelled a criminal:

*One day I'll be outside so, I don't want, ok you know people will look at you as a prisoner, this is the guy that did this type of crime or this type of crime. But they don't know from the inside who you really are or how you have changed, so (P5).*

By resisting the label of 'criminal', the participants locate the media as the source of the threat of socially stigma and violent community retaliation. The participants justified this fear through utilising constructs such as community retaliation, or mob justice to generate a legitimate threat to their safety and to their lives (Super, 2014). P2 drew on this inherent vulnerability and victimhood to portray his isolation from the community with his comment that he "won't be able to go back to the community" as they want "revenge". This concept of 'community

revenge' was spoken to by several participants, as it provided validation of their fear of being labelled a criminal in the construction of a viable 'threat' as the source of their fear:

*So when I went back, the community caught on that it was me, so they said to the police, can you borrow her to us just for two minutes. Can you imagine? Even the police were worried, they thought the community would burn their van ... I was scared. Even now this thing it plays on my mind that, ja, jho, can you borrow her us for two minutes (P9).*

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*I was sleeping, when I'm I'm I'm wake up in the morning, too much community outside there. ... I saw this community is want to kill me (P4).*

P4 directly refers to the community as an aggressor and threat, drawing on the act of necklacing<sup>7</sup> to emphasise the violent capacity of and threat posed by an angry community:

*Eh it's going to make me feel so sad, because the people is going to see this one is dangerous ja, the community outside in my environment, maybe someone is stealing or he do the housebreaking or maybe kill someone, he take the the tyre of car, and put holding him with a rope and put paraffin and put the matches for he for him (P4).*

The use of discursive strategies to construct a legitimate threat are dependent on the establishing of a legitimate target or 'victim' of the threat (May, 1999). This assumes that participants implicitly identify of themselves as valid victims by virtue of their age despite their having been incarcerated as offenders.

#### **4.6. Summary of key findings**

The construct of the 'child', which is reproduced and reified through medicine and psychology as a 'natural' state of 'being', enabled participants to displace blame by drawing on discourses of victimisation with relative ease. It is far more plausible for a child to be a victim than to be a culpable offender, and more plausible for child violence to exist in the face of victimisation. Participants reproduced gender, childhood, heroism and victimisation in producing plausible self-defence narratives. Participants further engaged in morality, religion, poverty, family, maternity, gang-violence and the impressionability of the child in resisting accountability and displacing blame within their narratives. Within their narratives, participants displaced blame

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<sup>7</sup> Necklacing involves placing a tyre soaked in petrol around an individual's neck, torso and potentially legs, and setting it alight (Ball, 1994).

external to themselves, thus nullified the possibility of their being held accountable for their offences.

The discursive strategies employed by participants drew connections to engrained social constructions of the inherent vulnerability of children (Ariés, 1973), and the improbability of childhood criminal intent (McDiarmid, 1996; McDiarmid, 2013). It is important to note that because of the participants' access to these learned discourses and ability to reproduce them, they were able to displace blame and thus confess their actions while resisting 'culpability'. Participants use of these discourses to situate blame on external factors. Thus, participants could mitigate and marginalise accountability, resisting the criminal and murderer subject-positions. Participants resisted their capacity for criminal intent upon which criminality is established and thereby marginalised the possibility for a juvenile-murderer subject-position.

## **Chapter 5 - Implications, Limitations, Recommendations and Conclusion**

### **5.1 Theoretical and Practical Implications**

This research drew on interviews with male and female juvenile-offenders to critically engage with childhood offenders who have been charged with and incarcerated for murder. The objective of this research was to investigate the discourses that make possible or, alternatively, limit the child perpetrator in widely circulated constructions of childhood. Key findings surfaced during a Faircloughian (1989-1995) critical discourse analysis revealed that participants in this study relied on their identification as children to express vulnerability, naivety and innocence and thus resist self-identification as ‘criminal’, as well as the validity of others, such as the media and correctional centre, imposing this category onto them. Consequently, this research intended to expose how child-offenders draw on constructions of childhood and crime to resist the possibility of their criminality, or at least their culpability. This then calls for a more protean understanding of violence, criminality and childhood that recognises these categories as socially constructed and contextually variable. The construction of child criminality as unlikely informs the contested minimum age of criminal capacity (see Goldson, 2013; McDiarmid, 2013; Scalia, 2006; Skelton & Badenhorst, 2011; Regnery, 1985). A more dynamic understanding of the child, childhood and criminality may enable a more contextually sensitive definition of the minimum age of criminal capacity.

This research draws attention to the way power and discourse intersect to produce constructions of childhood that are instrumental in marginalising child-perpetrated violence. This implies that child-violence and child-criminality is potentially under-reported. Epidemiological research on homicide such as that conducted by the UNODC would be affected by the ‘invisible’ child-murderer as the results would largely, even entirely, exclude this form of crime and criminal. In the 2013 International Homicide Report, the UNODC states that one of its future objectives is the development of an inclusive definition of homicide that incorporates social, legal and contextual nuance. This research has the potential to inform such definitional efforts.

This research draws attention to the manner in which competing discourses generate an ambiguous and fluid discursive landscape in which identity is both constructed and performed. This calls to attention the temporary and flexible nature of that which is considered ‘truth’ or ‘fact’, in turn, leading us to question the construction of both childhood and criminality, as well as the potential consequences of accepting these categorical constructions as both fixed and universal. Instead, this research positions the constructs of the child and the criminal as malleable, highlighting how approaching these constructs as fixed only enables participants to marginalise themselves as possible perpetrators of murder.

The South African context is particularly violent and subject to particularly strong racialised and patriarchal discourses (see Parkes, 2007; Luyt & Foster, 2001). These restrict the conditions of possibility for perpetration and perpetrators. The participants in this study drew on widely circulated normative constructions of perpetrators, aggressors or instigators in their mitigation of culpability regarding their offences. By implicating a corruptive, black, adult male as a source of blame for their offences, some of the participants engaged in the reinforcement of normative ‘criminal’ discourses that serve to marginalise the likelihood of child-criminals or -murderers. The inclusion of a ‘possible’ alternative source of blame, threat or aggression reinforced the participants’ positions as children, thus further marginalising their criminal perpetrations.

Finally, while there is a large body of literature concerning juvenile delinquency, ranging from aetiological factors to trends in offending, research on child-criminality that focuses on the constructions of childhood as a barrier to self-identification as a murderer, is limited. Burr (1995) notes how identity is multifarious, fragmented and often comprised of contradicting selves. Hall (1996) mirrors these sentiments in further highlighting that identities are largely situational and subjective, defining them as “points of temporary attachment to the subject-positions which discursive practices construct for us” (p. 6). Identity, and the subject-positions through which they are performed, are of import as they are used to situate ourselves within the social world, to understand and predict the behaviour of ourselves and of others, as a means to find coherence, structure and meaning in the world (Burr, 1995). When a construct, such as that of the ‘child’ or that of ‘criminal’, becomes a rigid category, occupying subject-positions that transgress or counter the ‘truth’ of these constructed categories become discursively improbable (Barker & Galasiński, 2001; Barthes, 1967; Burr, 1995; Sapir, 1947). Thus, this

research serves to promote a more fluid understanding of child-offending and criminality so as to promote the contextually sensitive and critical application of categories that may marginalise or invisibilise certain types of violence and perpetrators. This research also serves to illuminate the way medical, psychological and legal knowledge promotes the marginalisation of apparently atypical offending and offenders. Knowledge and power couple to produce regimes of truth which are effected through disciplinary mechanisms (Burr, 1995; Fairclough, 1992; Foucault, 1977; Hall, 1996; Hall, 1997). The continued reproduction of the child as innocent, and the marginalising of child-perpetration, serves to retain the status quo of the nuclear family upon which modern society is structured.

## **5.2 Study Limitations**

The participants in this study consisted of incarcerated juvenile-offenders, and more specifically, those incarcerated for murder. Drawing on a population of incarcerated offenders is limiting as it excludes offenders that have not been charged. This is a necessary consideration as the discourses explored in this study are influenced by the participants' incarceration. Without the material condition of incarceration necessitating the negotiation, and specifically, the repudiation of culpability and criminality, discourses drawn on in the construction of their actions may rely on different discursive mechanisms.

This relative ease with which this population was identified and accessed raises the question of whether their being 'juvenile' surfaces them as possible offenders. In this study, the juvenile participants inadvertently drew on childhood characteristics to support narratives that resisted criminality. The juvenile age category straddles adulthood and childhood, thus potentially making child-offending more visible in these cases. The juvenile is still a child based on international definitions of childhood, however, he/she is also separate from the 'child' because of the law, albeit often obscurely. Accessing a cohort of younger offenders, or young children who are violent may further challenge the inconsistency and conflict within the child and juvenile categories.

Another important observation about the participants is that they all appeared to be from a low SES bracket. In addition, none of them had completed their high school careers. Furthermore,

most of the participants were black<sup>8</sup> which restricts the research because it does not account for this type of offender occurring in alternate racial and/or cultural groups. This raises important questions about material and discursive conditions of possibility and (im)possibility for young criminals and violent children, within the South African context. This research was unable to explore instances of child-murderers from other SES brackets, or education levels. In contexts with higher SES levels, child-perpetrated violence may not be discursively organised as criminal, thus potentially invisibilising the child-perpetrator within these conditions. The relative absence of alternate racial groups within the population, as well as proportionately small number of incarcerated female juvenile offenders, suggests that certain types of child-offenders are more visible than others. Particularly, juvenile and child offending too appears affected by the construction of perpetrators as aggressive, male and black. Of interest is that in all the correctional centres visited by the researcher(s) none reported ever having had an Indian child-offender. With many self-identified Indians in South Africa, it raises questions as to how this phenomenon is understood and managed within these communities, if at all.

### **5.3 Future Recommendations**

In terms of the study limitations outlined above, it is recommended that future research consider targeting additional, or alternate, populations so as to broaden the understanding of how discourse it utilised, and how concepts of childhood and criminality function under different material conditions. It would be beneficial to target offenders currently being held in *Places of Safety*. It would be beneficial for future research to investigate how child-violence and child-perpetration are navigated by individuals who fall within the legally defined age parameter of 11 to 14 years of age. If possible, it would also be beneficial to identify instances of child-perpetrated violence where the perpetrator is an individual under the age of 11. Future research should consider that children under the age of 11 are invisibilised as possible criminals, likely being reformulated as bullies or ‘troubled’. Instances of violence such as this are typically resolved outside of the law. For instance, bullying is resolved by parents and school bodies. It would be valuable to explore the social discourses circulated by schools, children and parents

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<sup>8</sup> It is important to note that this may simply be a function of the South African population, whereby 79.2% of the population are African (Statistics South Africa, 2011)

in instances such as bullying to investigate how ‘crime’ and ‘violence’ is negotiated in contexts where the same actions committed by an adult would be criminal.

This research was possible through negotiated access to incarcerated juveniles. The participants were visibilised and controlled through their incarceration, however, are not the only children who have perpetrated violence. Accessing ‘violent’ children who are invisibilised by social structures or institutions, be it schools, the family, or the law, is important to destabilising the perception that children are incapable of intentional violence. A child who is under the age of 11 and not legally prosecuted for their violence is not easily accessed. Future research should identify the discourses utilised in instances where children have killed and have not been charged or incarcerated for these actions. This may demonstrate the power of knowledge and discourse and present an opportunity to further investigate and destabilise ‘regimes of truth’ and the marginalising effects they have on child-perpetrated violence.

Although not explicitly stated as a limitation, the smaller number of female participants in comparison to male participants, unintentionally marginalised the female voice in this research. This is important to address in future research endeavours as gender, and femininity, contradicts and resists the perpetrator subject-position. A study focused on female juvenile-offenders who have been incarcerated for murder might be of value for the exploration of the negotiation of gender, childhood, culpability and criminality. McDiarmid (1996) suggests that female- and child-offenders are subject double vilification. It would be curious to explore if female-juvenile-offenders are subject to a third layer of vilification in that they transgress legal, gender and age parameters. Thus, research that focuses on female participants would provide a unique lens from which to explore power and knowledge, particularly in terms of how gender is utilised and/or resisted in the negotiation of criminality.

Lastly, future research efforts should consider additional threats to childhood and how these are negotiated, or nullified, through discourse. Adolescent sexuality for instance, threatens the construct of childish innocence upon which much of respondents’ resistance is premised. However, within the respondents’ narratives, important discursive junctures surfaced, namely, sexuality, childhood and criminality. Sexual knowledge has been noted as a mark of adulthood and a disconnect from childish innocence (Postman, 1994). Within South Africa, additional contextual factors such as child-headed households and working children could serve as

material factors which threaten childhood, and thus complicate the discursive resistance of criminality. These, and other ‘threats to childhood’ warrant further investigation that is beyond the scope and scale of this research.

## **5.4 Conclusion**

This research aimed to explore the way incarcerated juvenile-offenders navigated conflicting discourses and ‘truths’ in the construction of their offences and experiences. Through exploring the discursive coordinates drawn on by child offenders in the construction of their offences and experiences, this research aimed to critically investigate and destabilise commonly held ‘truths’ regarding children, criminals, innocence and culpability. This was achieved through the application of Norman Fairclough’s (1989-1992) CDA to 10 transcripts from interviews conducted with South African, juvenile offenders incarcerated at the time of the study for murder. This research drew on participants’ experiences and narratives in order to explore the discursive possibilities of child-perpetration and the strategies employed to occupy, or resist, such a subject-position. An exploration of the manner in which discourses are utilised to reproduce, or resist, the subject-position of the juvenile-murderer was conducted in light of a discursive conflict and resulting ambiguity between the constructs of the child and the criminal.

Unique to the participants in this study and potentially to child-offending, is that participants maintained their ‘innocence’, resisting the legitimacy of them and their actions being ‘criminal’ despite their being currently incarcerated. The participants discursively negotiated a precarious conflict between their resisting criminality while acknowledging their actions, namely having killed someone. Claims of innocence are not unique to child-offenders. However, what is unique is that by occupying the ‘child’ subject-position, participants are more readily able to be ‘innocent’. By drawing on victimhood discourses and the ‘inherent’ vulnerability of the child, participants could resist the legitimacy of their being ‘criminals’.

The innocence participants laid claim to is based on their self-identifications as children, and their implied incapability to possess criminal intent and/or capacity. As such, the participants negotiated the conflicting constructs of the child and the criminal to produce a ‘reality’ in which they acknowledged their actions, while resisting accountability. Through the resistance of

accountability, the participants marginalised themselves as possible criminals. In reproducing the child subject-position, they were able to displace blame and resist the legitimacy of their incarceration and criminality.

The ambiguity generated by conflicting discourses of the child and the criminal enabled participants to position themselves as powerless victims whose offences were justified or necessary for survival. By relying on the construction of childhood as a vulnerable and powerless period, participants continuously resisted labelling themselves as criminals. In drawing on powerful 'truths', participants utilised discourses that both constituted and relied on their constructions of victimhood to rationalise their offences and/or to displace blame. Discursive strategies to displace blame followed gendered social scripts concerning female victimisation, the vulnerability of the child to outside influence such as corruptive adults, and masculinity as inherently violent (see Parkes, 2007; Luyt & Foster, 2001), suffering absent parental figures, and/or violent contexts.

In addition, this research emphasised the socially constructed nature of naturalised categories such as the child and the criminal, thus illuminating the malleable nature of 'truths' on transgression. This has the effect of destabilising commonly held truths about the nature of childhood and the nature of criminality. This calls to light the problematic marginalisation of atypical forms of transgression and/or violence. This research illuminates how the supposedly 'natural' condition of childhood as one of innocence, purity and naivety (Ariès, 1973; James & James, 2001; McDiarmid, 1996; Meyer, 2007), is drawn upon by participants who have committed violent and aggressive killings, to mitigate and reduce their culpability. The flexible manner in which assumed stable conditions of 'being' are drawn on, reshaped and made contingent by the juvenile-offenders in this study provide the foundation for a more complex and variable understanding of childhood, criminality and violent juvenile-offending.

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## Appendices

### Appendix A – Sanitised DCS Approval Letter



#### correctional services

Department:  
Correctional Services  
**REPUBLIC OF SOUTH AFRICA**

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

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

Dear Dr S Kramer and the research team

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

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

Your attention is drawn to the following:

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

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

Yours faithfully

DC: POLICY COORDINATION & RESEARCH

DATE: 15/09/2016

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

# Appendix B – University of the Witwatersrand Ethical Clearance Certificate



Research Office

## HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)

R14/49 Kramer

### CLEARANCE CERTIFICATE

PROTOCOL NUMBER: H15/11/11

### PROJECT TITLE

Cultural conditions for identity disruptions in violence: Possible perpetrators and worth victims?

### INVESTIGATOR(S)

Dr S Kramer

### SCHOOL/DEPARTMENT

Human & Community Development/

### DATE CONSIDERED

23 October 2015

### DECISION OF THE COMMITTEE

Approved unconditionally

### EXPIRY DATE

19 January 2019

### DATE

20 January 2016

### CHAIRPERSON

  
(Professor J Knight)

cc: Supervisor : N/A

### DECLARATION OF INVESTIGATOR(S)

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

## Appendix C – Information Sheet



**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](mailto:psych.SHCD@wits.ac.za)

Dear Potential Participant,

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

The interview material (audio files and transcripts) will not be seen or heard by any person in this organisation at any time, and will only be seen and studied by myself and my student research assistants. All audio recordings will be destroyed immediately after they have been

transcribed and these anonymous transcriptions will be kept in a secure place by the University of the Witwatersrand throughout the research. You may refuse to answer any questions you would prefer not to, and you may choose to leave the study at any point.

If you choose to participate in the study please fill in your details on the form below. 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 (011) 8673843 or via e-mail at Alexa@polka.co.za. 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), Tommaso 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,

Alexa Mostert

I have read and understood the Information Sheet

Signed \_\_\_\_\_

Date \_\_\_\_\_

## Appendix D – Consent to be Interviewed



**PSYCHOLOGY**  
**THE SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT (SHCD)**



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

### Informed consent to be interviewed

I \_\_\_\_\_ hereby consent to being interviewed by Alexa Mostert for her study on child perpetration.

I understand that:

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

Signed \_\_\_\_\_

Date \_\_\_\_\_

## Appendix E – Consent to be Audio-Recorded



**PSYCHOLOGY**  
**THE SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT (SHCD)**



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### Informed consent to be audio-recorded

I \_\_\_\_\_ hereby consent to my interview with Alexa Mostert 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 transcripts 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 F – Interview Schedule

### INTERVIEW SCHEDULE: CHILD OFFENDERS

#### INTRODUCTION

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

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

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

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

I will now switch on the recorder.

#### QUESTIONS\*

- Please describe your background life history.
- What offence(s) were you charged with? What were you found guilty of? What sentence(s) were you given?
- Do you believe this finding is an adequate description of your actions? Explain your answer.
- How would you personally describe your actions, which resulted in your incarceration?
- Do you think it is fair to label your actions as a “crime”? Explain your answer.
- Describe life inside a juvenile correctional centre.
- How do you think the correctional staff perceive you?
- How do you think the other offenders perceive you?

- Describe your experiences in the courtroom. How do you think the legal system views you? Do you think your case was handled adequately by your legal representatives? Did you have your own lawyer or was one appointed for you? How do you think he/she perceived you? Did you have any public, family or community support during the trial?
- Is there rehabilitation available to you in the correctional service for your offence? If so, describe the rehabilitation treatment procedure. Do you believe this treatment is necessary? How do you think the available mental health professionals perceive you? Did you ever draw on any kind of counselling or psychological support before your incarceration? If so, tell me a bit about this. What kind of support would you like to have during this time and why?
- Have you ever seen media coverage on similar crimes to the one you have been charged with? Describe your feelings when experiencing these.
- Did you see any media coverage of your story? If so, tell me a bit about what you saw and how it made you feel?
- How do you perceive children? How do you think children perceive you?
- Is there anything else you would like to add about your experiences relating to your charge, your sentence and your incarceration?

#### TERMINATION

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

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

## Appendix G - Participant Demographics and Charges Summary

Participant ID	Gender	Race	Centre	Offence/s	Weapons if applicable	Victims	Interviewer
Original							
<i>Participants 1 to 6: Adult Female Offenders – N/A to this study</i>							
7	Female	Coloured	Pollsmoor - CT	Domestic violence; attempted murder; armed robbery; human and drug trafficking; assault	Screwdriver; fists	Mother, neighbour, others in community	Dr. Sherianne Kramer (P.I)
<b>8 (8)*</b>	<b>Female</b>	<b>Black</b>	<b>Pollsmoor - CT</b>	<b>Murder</b>	<b>Knife</b>	<b>Best friend</b>	<b>Dr. Sherianne Kramer (P.I)</b>
9	Male	Black	Pollsmoor - CT	Rape (undisclosed: murder; robbery; gangsterism; drug trafficking; kidnapping)	Guns, knife	Woman (Many in community and other gangs)	Dr. Sherianne Kramer (P.I)
10	Male	Black	Pollsmoor - CT	Attempted murder, prison escape; shootings; robberies, assault	Guns	Many in community and other gangs	Dr. Sherianne Kramer (P.I)
11	Male	Coloured	Pollsmoor - CT	statutory rape (Undisclosed: gangsterism, kidnapping, hijacking, murder)	Not stated directly	Underage girlfriend	Dr. Sherianne Kramer (P.I)
12	Male	Coloured	Pollsmoor - CT	Rape; Drug Trafficking; shoplifting			Dr. Sherianne Kramer (P.I)
<b>13 (1)*</b>	<b>Male</b>	<b>Coloured</b>	<b>Pollsmoor - CT</b>	<b>Armed robberies; gangsterism; drug trafficking; assault; attempted murder; murder</b>	<b>Guns; fists</b>	<b>Ex-girlfriend (Many in community and other gangs)</b>	<b>Dr. Sherianne Kramer (P.I)</b>
<i>Participants 14 To 18: Adult Female Offenders – N/A to This Study</i>							
19	Female	Black	Jhb Female Centre of Excellence Juvenile	Murder (Self-defence)	Gun	Boyfriend	Zama Khoza
20	Female	Black	Jhb Female Centre of	Murder	Knives	Boyfriend	Zama Khoza

			Excellence Juvenile				
21 (9)*	Female	Black	<b>Jhb Female Centre of Excellence Juvenile</b>	<b>Murder</b>	<b>Axe</b>	<b>Boyfriend's other girlfriend</b>	<b>Zama Khoza</b>
22 (10)*	Female	Black	<b>Jhb Female Centre of Excellence Juvenile</b>	<b>Murder</b>	<b>Knife</b>	<b>Baby</b>	<b>Kwanele Masuku</b>
23	Female	Black	Jhb Female Centre of Excellence Juvenile	Murder	Knife	Boyfriend	Kwanele Masuku
24	Female	Black	Jhb Female Centre of Excellence Juvenile	Attempted murder	Gun	Shop owner	Kwanele Masuku
<i>Participants 25 To 28: Adult Female Offenders – N/A to This Study</i>							
29	Male	Black	Leeuwkop Juvenile Correctional Centre	Attempted Murder	Knife	Friend	Alexa Mostert
30	Male	Black	Leeuwkop Juvenile Correctional Centre	Rape		Unknown underage girl	Alexa Mostert
31	Male	White	Leeuwkop Juvenile Correctional Centre	Assault	Fists	Brother's friend	Alexa Mostert

32	Male	Black	Leeuwkop Juvenile Correctional Centre	Murder	Stones, Car Oil and Fists	Stranger	Alexa Mostert
33	Male	Black	Leeuwkop Juvenile Correctional Centre	Current Conviction: Housebreaking and Theft - Repeat Offender	Iron (during one of the housebreakings)	Use of iron on domestic worker in 2013	Alexa Mostert
34	Male	Coloured	Leeuwkop Juvenile Correctional Centre	Drug Possession with intent to distribute			Alexa Mostert
35	Male	Coloured	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Armed Robbery; Five previous charges of assault, rape, robbery x3 -- all dropped	Gun	Friend's girlfriend	Alexa Mostert
<b>36 (2)*</b>	<b>Male</b>	<b>Coloured</b>	<b>Baviaanspoort - Emthonjeni Juvenile Correctional Centre</b>	<b>Murder</b>	<b>Knife</b>	<b>Estranged friend</b>	<b>Alexa Mostert</b>
37	Male	Coloured	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Rape	N/A	Two other gang members - claims only witnessed	Alexa Mostert
38	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Armed Robbery	Knife	Highschool boy from Turfontein	Alexa Mostert

39 (3)*	Male	Black	<b>Baviaanspoort - Emthonjeni Juvenile Correctional Centre</b>	<b>Murder and Attempted Murder</b>	<b>Knife</b>	<b>Friend</b>	<b>Alexa Mostert</b>
40	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Attempted Murder	Knife	Foreman at work	Alexa Mostert
41 (4)*	Male	Black	<b>Baviaanspoort - Emthonjeni Juvenile Correctional Centre</b>	<b>Murder</b>	<b>Paraffin and Matches</b>	<b>His mother</b>	<b>Alexa Mostert</b>
42	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Robbery- Aggressive Assault (repeat offender)	Gun	A Hawker	Zama Khoza
43	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Robbery	Not stated	A woman	Zama Khoza
44	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Rape		Supposed Girlfriend	Zama Khoza
45	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Current Conviction: Murder & possession of a firearm. Previous: Attempted murder & Robbery (repeat offender)	Gun	A guy from his neighbourhood	Zama Khoza

46	Male	Black	Baviaanspoort - Emthonjeni Juvenile Correctional Centre	Rape	N/A	A friend's friend	Zama Khoza
47	Male	Coloured	Boksburg Juvenile Correctional Centre	Murder and Robbery	Knife	A stranger (female)	Alexa Mostert
<b>48 (5)*</b>	<b>Male</b>	<b>Black</b>	<b>Boksburg Juvenile Correctional Centre</b>	<b>2x Murder; 2x Robbery</b>	<b>Knife</b>	<b>Two strangers (both male)</b>	<b>Alexa Mostert</b>
49	Male	Black	Boksburg Juvenile Correctional Centre	Murder; Robbery; Gun Possession with Ammunition	Gun	A police officer (male)	Alexa Mostert
<b>50 (6)*</b>	<b>Male</b>	<b>White</b>	<b>Boksburg Juvenile Correctional Centre</b>	<b>2x Murder</b>	<b>Gun</b>	<b>His grandparents</b>	<b>Alexa Mostert</b>
<b>51 (7)*</b>	<b>Male</b>	<b>Black</b>	<b>Boksburg Juvenile Correctional Centre</b>	<b>Murder and Robbery</b>	<b>Knife; Kicking</b>	<b>A stranger (male)</b>	<b>Alexa Mostert</b>
52	Male	Coloured	Boksburg Juvenile Correctional Centre	Rape	N/A	A friend's friend (assuming female, sex unclear)	Alexa Mostert
53	Male	Black	Boksburg Juvenile Correctional Centre	Murder	Not stated		Kwanele Masuku

54	Male	Black	Boksburg Juvenile Correctional Centre	Attempted Murder, Kidnapping and Rape	N/A		Kwanele Masuku
55	Male	Coloured	Boksburg Juvenile Correctional Centre	Robbery and Rape	Not stated		Kwanele Masuku
56	Male	Black	Boksburg Juvenile Correctional Centre	Murder	Fists		Kwanele Masuku
57	Male	Black	Boksburg Juvenile Correctional Centre	Current Conviction: Rape. Previous conviction: drug possession & robbery		A girl they grabbed on the street	Zama Khoza
58	Male	Black	Boksburg Juvenile Correctional Centre	Current conviction: Murder & Attempted Murder. Previous: Robbery	Knife	A stranger(male)	Zama Khoza
59	Male	Black	Boksburg Juvenile Correctional Centre	Current Conviction: robbery, possession of a firearm and ammunition (and a forgotten charge). Previous: Rape		A girl from school	Zama Khoza

## **Appendix H – Participant Profiles**

Participant 1 (P1) is a 20-year-old male repeat offender currently sentenced for murder along with several other charges including rape, assault, kidnapping attempted murder, and possession of a fire arm. He is serving an eight-year sentence at Pollsmoor Juvenile Correctional Centre, currently having served 2 months of this sentence. He was 18 at the time of the murder offence. P1 does not go into much detail regarding the murder, choosing to focus his narrative rather on the violent context in which he grew up. P1 has been held at various correctional centres since he was 16-years-old. He reports that he was initiated into a gang at the age of 17. P1 centres his narrative on his girlfriend and two daughters, positioning himself as a loving father who has to protect his family in an aggressive and violent context.

Participant 2 (P2) is a 21-year-old male serving a seven-year sentence at Emthonjeni Juvenile Correctional Centre (Baviaanspoort). He is currently two-years and three-months into this sentence and was at least 18-years-old at the time of the offence where he stabbed an estranged friend during an altercation in a public park. P2 claims that he was verbally attacked by the victim and two additional estranged friends, all of whom were young males. P2 also claims that the group of three estranged friends physically attacked him, after which he went to his home to collect a knife before returning to the park. He then used this knife to stab the victim after a second physical attack ensued, during which P2 was kicked in the face by the victim. P2 claims he went to retrieve the knife because he was outnumbered by the three young males, and thus reported the incident to be an act of self-defence. P2 feared that his life was in danger from the risk of gang and/or community retaliation. As such, he evaded the police and arrest for over a year, believing that being arrested would ‘prove’ his guilt, and thus garner gang and/or community retaliation. P2 was later captured and charged for murder.

Participant 3 (P3) is a 19-year-old male serving a 10-year sentence at Emthonjeni Juvenile Correctional Centre (Baviaanspoort). He is currently one-year and eight-months into this sentence, suggesting that he was likely 16 or 17 at the time at the time of the offence. P3 stabbed a male stranger during a night out drinking at a local tavern. P3 claims that he was attacked by victim because of an altercation on a previous night with the victim’s brother. He frames both the altercation with the murder victim and the preceding altercation with the murder victim’s brother as unprovoked in that they had initiated it. Thus, P3 portrays his actions at best as self-defence, or at worst retaliation. During the interview, P3 positioned himself as a victim of ‘attacks’ as well as a victim of circumstance. He justified his gang affiliation and violent

behaviour by drawing on the emotional suffering after the death of his mother, and his family's inability to care for him in the way that he needed. It is important to note that P3 recollected being violent from a young age, beginning in grade 8 where P3 stabbed a fellow male pupil in school.

Participant 4 (P4) is a 20-year-old male serving a 10-year sentence at Emthonjeni Juvenile Correctional Centre (Baviaanspoort) for the murder of his mother. He is currently one-year and three-months into this sentence. P4 committed the offence when he was 15 or 16 years old (2013). P4 set his mother on fire using paraffin after she denied his request for some money. He was charged with attempted murder after his mother was admitted to the hospital. This charge later changed to murder when his mother passed away due to the severity of her burns. I was told by correctional staff that he is a diagnosed schizophrenic and is currently on medication. P4 believes that he was possessed by a demon as punishment for ignoring the call to become a sangoma. He maintains that he did not kill his mother, insisting rather that the demon who had possessed him did so. His interview is riddled with references to witchcraft, religion, prayer, demons, and the illuminati. He feels 'pain' not for the 'wrongness' of the act, but for the loss associated with the death of his mother, who is now not able to visit him in prison or care for him. P4 also believes himself to be suffering while in the correctional facility as he is not able to study, purchase cars or find a wife.

Participant 5 (P5) is a 20-year-old male serving a 12-year sentence for double murder at Boksburg Juvenile Correctional Centre. He is currently one-year into the sentence. He committed the crime when he was 17-years-old. He grew up in a wealthy environment and moved to the "locations" when his father left his job. P5 continuously contrasts his wealthy "suburban" lifestyle to that of the "location" lifestyle. He attributes his change in behaviour and attitude to having to adapt to the lifestyle in the "location". After having moved from the suburbs, P5 rekindled an old friendship who happened to be older than him and had a criminal record. Together, P5 and his friend began stealing to have money for social events. Their theft escalated from small goods, to stealing cars and murdering the car owners. P5 claims that the older friend taught him, as well as instigated the offences for which he was charged. He claims to have now found God and thus forgiveness and is a preacher inside the correctional facility.

Participant 6 (P6) is a 19-year-old male serving a 12-year sentence at Boksburg Juvenile Correctional Centre for the murder of his maternal grandparents. He is just over two-years into this sentence and was 15-years-old at the time of the murder. P6 dropped out of boarding school

in grade six, left home at age 13, and moved in with a non-familial uncle until the time of his arrest. P6 grew up surrounded by much older friends. He also reported experiencing discord in the home, with his stepfather who would fight with him and his mother. He believed he was the cause of the fighting between his mother and stepfather. P6 insists that he did not kill his grandparents, and that he was the victim of police and legal system corruption. He believes that despite his efforts to assert his innocence, the police and legal systems worked against him. P6 positions himself as a survivor of a corrupt system, with him now utilising his time in the correctional facility to complete his high school education, maintain his physical fitness, and rehabilitate himself from drug-use.

Participant 7 (P7) is a 20-year-old male serving a 20-year sentence at Boksburg Juvenile Correctional Centre for the murder of a male stranger. P7 is currently 10-months into this sentence. The offence occurred in 2013, when P7 was 15- or 16-years-old. P7 and four of his friends were socialising, when P4 saw the now deceased man physically fighting with a woman. P7 went to intervene which resulted in the man instigating a physical confrontation between himself and P7. During this confrontation, P7's friends began kicking the man. One of P7's friends took out a knife and stabbed the man, who later died from this injury. P7 claims he did not kill the victim because he did not stab him. He thus pleaded not guilty in court, yet protected his friend who did not want to confess. He says he knows that kicking the man was wrong, but that he did not stab the man. He positions himself first as a 'hero', attempting to rescue the girl. He then turns himself into an unwilling accomplice who was pressurised into kicking the man further. He claims to have found God in prison and attends P5's bible classes and prayer sessions every day of the week.

Participant 8 (P8) is an 18-year-old female currently serving an 8-year sentence at Pollsmoor Juvenile Correctional Centre for the murder of her best friend. She is currently three-years into this sentence, and was 15-years-old at the time of her incarceration. P8 expertly crafts her narrative on being a lifelong victim, with her victimisation starting with the abandonment by her mother and father, followed by the physical abuse and neglect by her aunt and the physical and sexual abuse whilst in a Satanic cult. She structures her narrative so that she is framed as lonely and desperate, these being the key reasons she highlights for joining a cult. P8 joined the cult with her best friend, whom she later killed after her friend's mother forbade her from returning to the cult. When her friend no longer attended cult meetings, the leader of the cult insisted that P8 kill her as a form of initiation as well as to ensure the cult's secrets are kept. During P8's interview, she carefully recounts a single failed attempt to kill her friend during

which she expertly highlights her own victimisation throughout the process. After this failed attempt, she explains that her boyfriend physically assaulted her, threatened her life and forced her to have sexual relations with a stranger. This, in addition to the violent beatings she faced by her aunt, made her realise that killing her friend was the only way to survive. The culmination of abuse, victimisation and desperation forms the basis of her narrative around loss and suffering both before, and after, the death of her friend.

Participant 9 (P9) is a 20-year-old female currently serving an 18-year sentence at the Johannesburg Female Centre of Excellence for the murder of her neighbour. She was 19-years-old at the time of the offence. P9 portrayed herself as the victim of repeated abuse at the hands of her boyfriend, upon whom she was financially dependent. She reports that her boyfriend had been cheating on her with the neighbour, and when asked about this infidelity, she would be beaten. P9 uses this physical and emotional abuse as the justification for why she murdered the neighbour. P9 plotted to kill this neighbour by feeding her poisoned porridge in a false act of kindness. When the woman did not want to eat the porridge, P9 decided to kill her in the woods using an axe. P9 attacked the woman with the axe inside of her dwelling after the woman had refused to go into the woods with her. P9 cleaned the dwelling and left, returning later to see police at the scene. She confessed to murdering the neighbour but gave a false account of the incident. In the account given to the police she claims that the deceased attacked her with the axe after they had a verbal argument about the boyfriend. She reported that they both fought over the axe, which she eventually managed to use on the woman, claiming it was self-defence.

Participant 10 (P10) is a 21-year-old female currently serving an 8-year sentence for the murder of her baby at the Johannesburg Female Centre of Excellence. She is currently just over 1-year into this sentence. She was 19-years-old at the time of the offence. P10 relies on the normative discourse of rape victimisation to rationalise the killing of her baby. P10 claims that she fell pregnant after being raped. She did not tell anyone about her rape, even after she found out that she was pregnant. P10 delivered the baby alone at home after which she stabbed the baby with a kitchen knife and left it in between the beds on the bedroom floor. Her aunt returned home and believed that P10 had a miscarriage. She took her and the baby to the hospital where a doctor noticed that the baby had been stabbed and called the police. The first magistrate in her trial said that P10 should not go to a correctional facility as she was a 'child'. After a new magistrate was appointed, P10 was sentenced to eight-years. She had believed that she was only going to get community service, so was surprised when she

was sentenced to eight-years in a correctional facility. P10 speaks about sexuality, bullying, and rape, portraying herself as a 'victim' of rape with no attachment to the child.