

**THE REPRESENTATION OF CHILDREN AND CHILDHOOD IN THE
CHILDREN'S AMENDMENT ACT (41 OF 2007)**

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**A mini-thesis submitted in partial fulfilment of the requirements for the degree of
Magister Artium in the Institute for Social Development, University of the Western
Cape.**

The logo of the University of the Western Cape, featuring a classical building with columns and a pediment, with the text "UNIVERSITY of the WESTERN CAPE" below it.

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ABSTRACT

Until fairly recently studies of children as actively engaged in the production of meaning making in their social lives has been overlooked, ignored or received marginal attention within the contemporary social sciences (Caputo 1995). There has since however been considerable growth in literature dedicated to extending our understanding of childhood (Hardman 1973; Caputo 1995; Waksler 1996; Morss 2002; Korbin 2003; Sawyer 2002). This has resulted in an emergent sense of legitimacy and focus on the role of children “as active and creative social actors” in society, particularly in the field of anthropology of children (Reis, 2006) and the establishment of the ‘new’ sociology of childhood. The point of departure for these emergent theoretical frameworks concern the traditional devaluing of childhood and children’s perspectives in favour of “...a recurring set of dominant ideas within political and academic domains that draws a generational boundary between adults and children, in the process restricting children to subordinate and protected social roles” (Wyness 200:1 in Smith 2009:253).

According to James & James (2004:76 in Smith 2009:252) law is a centrally important mediating influence in the social construction of childhood as vulnerable passive bystanders. This resonates with Moses who states that the rights prioritised for children within the South African Constitution are “protection-oriented conceiving children as vulnerable citizens rather than citizens with agency” (2008:329). Furthermore, according to Moses (2008:333) the conception of children in South African policy and that which underlies national service delivery, belies or contradicts perceptions of children as “active, meaning-makers, employing a range of coping strategies”. This research therefore explores the representation of children and childhood within the Children’s Amendment Act (41 of 2007); that is whether they are displayed as “active, meaning-making” citizens or passive vulnerable bystanders; and seeks to contrast that representation with the reality of children’s worldviews, decision-making capabilities in their social lives in an attempt to highlight children as citizens with agency. The study used a qualitative exploratory approach which employed a range of qualitative research tools. Data was collected through a policy analysis, research workshops and focus

group discussions. Purposive sampling was used to compile a child sample composed of nine girls and ten boys. A social constructionist framework was used to thematically analyse the data. The results suggest that there are two general representations of children and childhood within the Act (41 of 2007); namely “the vulnerable child” and “the child as citizen and agent”. The study offers recommendations for further research and improvements for service provision directed toward children, child welfare and childcare.



KEYWORDS

Children

Childhood

Representation of Children

Children's Act (38 of 2005)

Children's Amendment Act (41 of 2007)

New Sociology of Childhood

Agency

Structuration theory

Social Constructionism

Social Construction of Childhood



DECLARATION

I declare that the thesis: *The representation of children and childhood in the Children's Amendment Act (41 of 2007)* is my own work that has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged as complete references.

Nabeel Petersen, November 2011



Signed:

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In the Name of Allāh, the Most Gracious, the Most Merciful

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“Children have long had a central place in our nation’s heart. We admired the courage of those who stood up for justice in the struggle, and we have acknowledged just how devastating an effect our history has had on their lives. But when last did we stop to listen to children?...”

...It is my conviction that children have a lot to teach us, if we only had the common sense – and a drop of humility – to listen to them. No longer can we hold onto the myth that we adults always know better than children...

...Children know what is happening around them and can see ways to improve their own lives, as well as those of others. As a nation we have made remarkable progress in building the legal foundation for ensuring children’s best interests. Now is the time to put policies of inclusion into action by listening to children and feeding their insights into the way we run our schools, clinics, hospitals, social services, courts and government departments. Our desires and efforts to include children are mirrored across the world. We would do well to join hands and learn together. This year’s State of the World’s Children report published by UNICEF prioritises the right of children to express their views freely on all matters affecting them, pointing out that our fulfilment of this right not only benefits children but society as a whole: ‘The well-being and the active participation of adolescents are fundamental to the effectiveness of a life-cycle approach that can break the intergenerational transmission of poverty, exclusion and discrimination...’”

- **Archbishop Emeritus Desmond Tutu** (foreword to Child Gauge 2010/1011)¹

¹ Jamieson, L., Bray, R., Viviers, A., Lake, L., Pendlebury, S. & Smith, C. (2011). Child Gauge 2010/2011. Cape Town: Children’s Institute, University of Cape Town. Pp. 6.

CHAPTER ONE

INTRODUCTION AND CONTEXTUAL INFORMATION

1.1 INTRODUCTION

“Children want and need to be heard – this is their right. If adults continue to assume children don’t have valid opinions, children will never be heard. Let’s rule out the saying “children should be seen not heard”. Children should be seen AND heard”

(Hill & Tisdall 1997:261).

By mid-2009 South Africa’s estimated total population equated to 49.4 million people. Children accounted for 38% of this total population equating to 18.6 million people (Bird & Rahfaltdt 2011:50), a 6% or 1.1 million growth from 2002 to 2009 (Meintjes & Hall 2011:79). As such a host of laws, conventions, special protections and policies are focused on them. Bird & Rahfaltdt (2011:55) state that because they constitute more than a third of South Africa’s population the realization of the rights of children is key to South Africa’s fulfilling its commitments to the Millennium Development Goals (2011:55).

TABLE 1.1: DISTRIBUTION OF HOUSEHOLDS, ADULTS & CHILDREN IN SOUTH AFRICA²

Province	Households		Adults		Children	
	Number	%	Number	%	Number	%
Eastern Cape	1,691,000	13	3,886,000	13	2,763,000	15
Free State	826,000	6	1,838,000	6	1,067,000	6
Gauteng	3,279,000	25	7,318,000	24	3,238,000	17
KwaZulu-Natal	2,488,000	19	6,184,000	20	4,277,000	23
Limpopo	1,284,000	10	2,917,000	9	2,313,000	12
Mpumalanga	933,000	7	2,136,000	7	1,474,000	8
North West	993,000	7	2,177,000	7	1,277,000	7
Northern Cape	300,000	2	713,000	2	435,000	2
Western Cape	1,513,000	11	3,606,000	12	1,764,000	9
South Africa	13,308,000	100	30,774,000	100	18,607,000	100

² Source: Statistics South Africa (2010) General Household Survey 2009. Pretoria: Stats SA. Analysis by: Meintjes, H. & Hall, K. (2011). Demography of South Africa’s Children. In: *Child Gauge 2010/2011*. Cape Town: Children’s Institute, University of Cape Town.

Notes: Children are defined as under the age of 18 years.

Population numbers are rounded off to the nearest thousand.

See www.childrencount.ci.org.za for additional information.

Until fairly recently, studies of children as actively engaged in the production of meaning making in their social lives have been overlooked, ignored or received marginal attention within the contemporary social sciences (Caputo 1995). Traditional theoretical conceptualisation of children and childhood in the social sciences has been aligned to or associated with developmentalism, that is natural or bio-developmental maturation and socialisation theory (Jenks, 2005; Shildkrout, as cited in Prout & James, 1997). Lee (2003:1) purports that children's points of view, opinions and desires have often been ignored because of their bio-chronological age - distinguishing them as a social group – which is taken as a sign that they are not worth listening to. Children are however, increasingly being acknowledged and recognized not merely as passive recipients of adult models, knowledge and values but as beings that are actively contributing to the social worlds in which they live, both individually and collectively (Tisdall & Hill 1997:1). There has since however been considerable growth in literature dedicated to extending our understanding of childhood (Hardman 1973; Caputo 1995; Waksler 1996; Morss 2002; Korbin 2003; Sawyer 2002), given this increasing awareness of children as active beings. This growth in literature or the literature on children and childhood itself tends to provide knowledge that is focused more on what adults think about children than on knowledge focused on children themselves (Hill & Tisdall 1997:246). This is however changing, albeit slowly and has resulted in an emergent sense of legitimacy and focus on the role of children “as active and creative social actors” in society (Hill & Tisdall 1997:246), particularly in the field of Anthropology of Children (Reis, 2006) and the establishment of the New Sociology of Childhood. The point of departure for these emergent theoretical frameworks concerns the traditional devaluing of childhood and children's perspectives as “...a recurring set of dominant ideas within political and academic domains that draws a generational boundary between adults and children, in the process restricting children to subordinate and protected social roles” (Wyness 200:1 in Smith 2009:253).

Traditional research within the context of the social sciences has been more focused in researching adults where children have either been ignored or received marginal attention (Caputo 1995; Hardman 1973; Hill & Tisdall 1997; Hardman 2001; Korbin 2003). This is evidenced by the apparent lack of research focused on children's worldviews and

conceptualizations on social phenomena. Hill & Tisdall (1997:246) state that “academic traditions have often resulted in the abstractions of child views and their absorption into qualitative variables, with the accompanying loss of directness and sometimes meaning”. I argue that studies focused on; the child; his/her worldviews; and his/her negotiation of their social worlds would highlight the child as agent as he/she negotiates their everyday social life. This study therefore sought to explore the representation of children and childhood within the Children’s Amendment Act (41 of 2007), and contrast that representation with the reality of children’s worldviews, decision-making capabilities in their social lives in an attempt to highlight children as citizens with agency.

According to Moses (2008:329) the rights prioritised for children within the South African Constitution are “protection-oriented conceiving children as vulnerable citizens rather than citizens with agency”. This protective-oriented conception is reflected within the Children’s Amendment Act (41 of 2007) conceiving of the child as mostly vulnerable citizens incapable of or minimally displaying agency and decision-making capability and in specific instances as citizens with agency with the capacity for decision making capabilities, responsibility and liable to disciplinary consequence. Overviews of the Children’s Amendment Act (41 of 2007) as the amendment to as well as the Children’s Act (38 of 2005) are presented below.

1.2 THE CHILDREN’S ACT (38 OF 2005) AND THE CHILDREN’S AMENDMENT ACT (41 OF 2007)

There are a vast number of laws and conventions, both national and international, that impact on and seek to protect the lives of children including, but not limited to, the United Nations Convention on the Rights of the Child (UNCRC or CRC), the African Charter on the Rights and Welfare of the Child (ACRWC or Children’s Charter), Age of Majority Act (57 of 1972), Child Care Act (74 of 1983), Children Status Act (82 of 1987,; and the Guardianship Act (192 of 1993).

The online legal advisory website Paralegal Advice³ states that the failure of the preceding Acts to support and protect children resulted in the formation of the Children's Bill, later officialised as the Children's Act (38 of 2005) and the Children's Amendment Act (41 of 2007). According to Proudlock & Jamieson (2008:2) the Children's Act (38 of 2005 as annexed by and including the Children's Amendment Act 41 of 2007) allows South Africa's child care and protection law to be on par with the Bill of Rights and International Law and provides clarity on which services need to be delivered, by whom and to whom. A brief outline on the formation of the Children's Bill is presented below.

1.2.1 THE CHILDREN'S BILL

The South African Law Reform Commission (SALRC) researched and drafted the Children's Bill over a period of approximately six years before submission to the Department of Social Development in January 2003⁴. A new draft Bill was submitted on 12 August 2003 and published in the Government Gazette after extensive inter-departmental negotiations and public comment were considered. It appeared however that those submissions and public comments were not considered or incorporated into this latest Bill because Cabinet was presented with the same version for approval as was submitted on 12 August 2003.

In October 2003 when the Cabinet-approved Children's Bill was ready to be tabled it was decided that the Bill should be split into two, that is one that affects national government exclusively (these Bills are subject to the legislative procedure outlined in s75 of the

³ <http://www.paralegaladvice.org.za/docs/chap08/04.html>

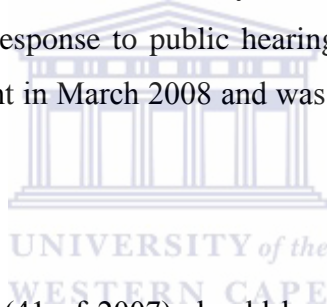
⁴ Children's Institute. Online:

http://www.ci.org.za/index.php?option=com_content&view=article&id=491:bills-and-acts&catid=32:childrens-act&Itemid=183

Parker, S. (2004). Draft law highlights kid's plight. [Online: <http://www.southafrica.info/services/rights/draftlaw-children.htm>]. Accessed: 07 October 2010.

Constitution), and one that affects the provinces and which was in turn drafted after public hearings in all nine provinces.

The first Bill, tabled in January 2004, which became known as the Children's Act (38 of 2005), was passed in Parliament in December 2005. It was signed in by the President in June 2006. It concerns issues that the national government is responsible for. The second bill, known as the Children's Amendment Bill (B19 of 2006) concerns issues that both the national and provincial government is responsible for (Paralegal Advice, 2008; Proudlock & Jamieson 2008:3). As it is a bill that affects the provinces it was first processed through the National Council of Provinces (NCOP) who began their deliberations in 2006 with public hearings in all provincial parliaments. The NCOP, after having made changes to the bill in response to public hearings, passed the bill in May 2007. After having undergone various transformations and changes in response to public hearings and provincial departments the Bill was signed in by the President in March 2008 and was called the Children's Amendment Act (41 of 2007).



The Children's Amendment Act (41 of 2007) should be considered as an extension of the Children's Act (38 of 2005), collectively consisting of a total of twenty two chapters. I will not provide an overview of the respective precedent Acts but merely wish to contextualise, provide an overview of, and situate the Children's Amendment Act (41 of 2007) within the broader framework of Child Law in South Africa. I thus only provide overviews of and a brief discussion on these Acts, namely the Children's Act (38 of 2005) and the Children's Amendment Act (41 of 2007).

1.2.2 THE CHILDREN'S ACT (38 OF 2005)

The Act was developed to give effect to specific rights of children as set out in Section 28 of the South African Constitution including and ensuring children the rights to:

- “(c). basic nutrition, shelter, basic health care services and social services;
- (d). to be protected from maltreatment, neglect, abuse or degradation;
- (e). to be protected from exploitative labour practices;
- (f). not to be required or permitted to perform work or provide services that –
 - (i) are inappropriate for a person of that child’s age; or
 - (ii) place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development ⁵”

(Van Der Zalm 2008:892).

The Children’s Act (38 of 2005) is composed of 15 chapters addressing very specific child care and protective measures. The overarching intent of the Act is to provide a framework for protective and supportive services in the interest of the child as outlined by its introductory passage that states that it intends:

“To give effect to certain rights of children as contained in the Constitution; to set out principles relating to the care and protection of children; to define parental responsibilities and rights; to make further provision regarding children’s courts; to provide for the issuing of contribution orders; to make new provision for the adoption of children; to provide for inter-country adoption; to give effect to the Hague Convention on Inter-country Adoption; to prohibit child abduction and to give effect to the Hague Convention on International Child Abduction; to provide for surrogate motherhood; to create certain new offences relating to children; and to provide for matters connected therewith”

(Government Gazette 2006:2).

The Act provides a framework for children’s constitutional rights to family care, parental care or appropriate alternative care external to the immediate family environment, social services, protection from maltreatment, abuse, neglect and to have their best interests be of paramount importance in every matter concerning the child. It also regulates surrogate motherhood and trafficking (Jamieson, Proudlock & Chetty 2008:1).

Apart from that set forth in the introductory passage, the first two chapters furthermore elaborate and guide citizens on: how the best interests of the child should be interpreted, change the age of majority from twenty one to eighteen years of age and compel government

⁵ South African Constitution 1996: s 28 (1)(c)-(f); Van Der Zalm 2008:892

to ensure equality of access to services for children with disability and chronic illness. The remaining chapters are very specific and self-explanatory and will not be further discussed.

1.2.3 THE CHILDREN'S AMENDMENT ACT (41 OF 2007)

The Children's Amendment Act (41 of 2007) was tabled in August 2006 and passed by Parliament on 22 November 2007. The Act provides for a range of protective and social services for children including;

- the provision of partial care of children [s (76) –(90)] ;
- the provision of early childhood development programmes[s (91)-(103)];
- the further protection of and other protective measures concerning children [s (104)-(110); s (135)-(141)];
- the provision of prevention and early intervention services [s (143)-(149)];
- the provision of protection and social services for vulnerable children who have suffered abuse, neglect, abandonment or exploitation [s (104)-(110); s (135)-(141); s (167)-(179); s (180)-(227)];
- the expansion of recognized professionals who by law are required to report child abuse and neglect [s (110)];
- the recognition and support programmes for child-headed households [s (137)];
- the provision and governing of foster care, cluster foster care, child and youth care centres, and drop-in centres for children in need of alternative state care [s (180)-(190); s (183); s (191)-(112) and s (213)-(227)];
- ensuring children with disabilities access to social services [s (79)(3)(a)-(c); (191)(3)(a)]; and
- respect for parents' rights by providing that no person may take or send a (South African) child out of the country without the consent of the parents or legal guardians [s (139)].

It is composed of a total of seven chapters, various sub chapters and amendments of section one of the principal Children's Act (38 of 2005) providing for, prescribing and governing a variety of child care and protection services. This study was designed to explore the representation of children and childhood within this specific Act, that is the Children's Amendment Act (41 of 2007).

1.3 THEORETICAL FRAMEWORK

The central aim of this study was to study the representation of children and childhood within the Children's Amendment Act (41 of 2007). The study used a social constructionist approach and a discourse analysis framework to assess the data. By utilizing a social constructionist approach the study sought to analyze the creation of particular representations of people and objects; and furthermore show how these representations are derived from and feed into larger discourses (Terre Blanche & Durrheim 2002: 169). This approach was adopted as, according to Terre Blanche and Durrheim (2002:16), it is the most sensitive research paradigm to the real-world consequence of texts.

This framework thus sought to identify the representations of children and childhood active within the Children's Amendment Act (41 of 2007), that is studying the manner in which children and childhood are presented and perceived within the Act. According to Harding (1997:3) the study of child care law and policy contributes immensely to the more general study of childhood in that it reveals the manner in which children and childhood are perceived and treated within society. The author further stipulates that childhood's special status or the more general positionality of childhood is reflected in law and policies (1997:3). By utilizing this rationale the researcher sought to study and reflect on the representation of children and childhood in the Children's Amendment Act (41 of 2007).

1.4 PROBLEM STATEMENT

Children are continually being marginalized by the dominant perceptions and representations inflicted upon them, unofficially by public discourse and officially by child policy. They are immediately affected by resources, policies and attitudes beyond their immediate environments and neighbourhoods (Tisdall & Hill 1997:3). These structures inform the ideological fallacy of children as powerless passive imitators of adult culture as they epitomize subordinate positions of power in contemporary society (Caputo, 1995). As such their voices and ultimately their social lives - due to lack of acknowledgment or the undermining thereof - are rendered void of agency and decision-making capability. These social structures potentially constrain children's social movements and mobility within society. This presumed portraiture of children and child agency within policy is a social construction reproduced and disseminated between policy and public discourse. James & James (2004:76 in Smith 2009:252) extend this ideology by stating that law is a centrally important mediating influence in the social construction of childhood.

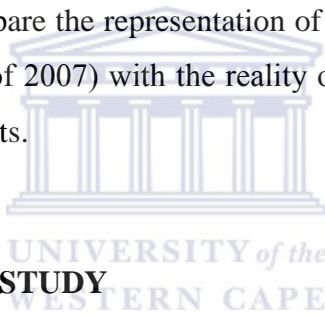
Various authors advocate against the perception of children as passive beings in a state of limbo and have instead proposed that children be viewed as beings displaying and capable of agency negotiating, making sense of and acting within their social worlds (Hardman 1973, Caputo 1995, Waksler 1996, Korbin 2003, Morss 2002 & Sawyer 2002). Furthermore, according to Moses (2008:333) the conception of children within South African policy and that which underlies national service delivery, belies or contradicts perceptions of children as "active, meaning-makers, employing a range of coping strategies". My study therefore, explores the representation of children and childhood within the Children's Amendment Act (41 of 2007); that is whether they are displayed as "active, meaning-making" citizens or passive vulnerable bystanders.

1.5 RESEARCH QUESTIONS

1. How are children and childhood represented in the Child Amendment Act (41 of 2007)?
2. How does the representation of children and childhood within the Child Amendment Act (41 of 2007) compare to the reality of children's agency and decision-making capability as social agents?

1.6 AIM OF THE STUDY

The aim of the study was to compare the representation of children and childhood within the Children's Amendment Act (41 of 2007) with the reality of children's agency and decision-making capabilities as social agents.



1.7 OBJECTIVES OF THE STUDY

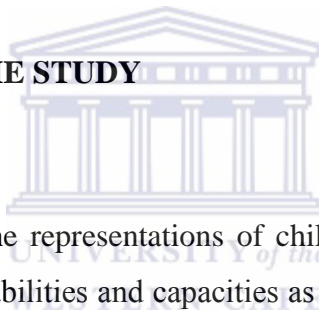
Within this overarching aim the specific research objectives were:

1. To study the representation of children and childhood within the Child Amendment Act (41 of 2007), and
2. To compare the representation of children and childhood within the Children's Amendment Act with the reality of children's agency and decision-making capabilities as social agents.

1.8 RESEARCH METHODOLOGY

A qualitative research approach was used for this study as it afforded the researcher the opportunity to study the selected issues – that is the representation of children and childhood in the Children’s Amendment Act (41 of 2007) as well as child agency and decision-making capability – “in depth, openness and detail” in his efforts to understand the array of data anticipated before as well as that which emerged from the research process (Terre Blanche & Durrheim 2002: 42). A qualitative approach and qualitative methods were furthermore adopted as the researcher sought to extract subjective meaning by utilizing “words, descriptions and quotes” from the Act as well as from children themselves, as opposed to measurements and statistics for meaning-making (Shields & Twycross 2003:24).

1.9 SIGNIFICANCE OF THE STUDY



The study sought to juxtapose the representations of children and childhood within policy with the reality of children’s capabilities and capacities as illustrated by children themselves. The data collected in this study illustrates children’s capacities and capabilities as citizens with agency, contrary to representations of children and childhood rife in policy, public and other discourses. The qualitative nature of this study and its exploratory methodologies furthermore illustrate children’s rationalisation capacities in the context of decision-making as social agents and provide children with a platform or voice against structures which ignore, deny, restrict or undermine their capabilities and capacities as social agents.

This study has produced new information to scarce or absent research fields, including children's positionality in child law and children’s worldviews. Policy concerning children should be designed and structured in consultation with children speaking on behalf of and with them. As this study illustrates, policy should not merely reiterate the children’s position and status as powerless within society as deemed by adults within that society. Children,

child views, child capabilities and child capacities should be at the forefront of and foundational in child policy design and delivery. It is hoped that the data yield from this study will be made available to decision-makers and researchers in an attempt to inform child policy reform and advocate for child-centred research on child views, respectively.

1.10 DEFINITION OF TERMS

Children

According to the Convention on the Rights of the Child (Part 1, Article 1) the definition of a child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (United Nations, 1989). This in turn resonates with the Children’s Act (38 of 2005) which reduces the age of majority in South Africa from the age of twenty one to eighteen years and should be considered as such.

Agency

The Online Oxford Dictionary of Sociology⁶ agency states that agency is “often juxtaposed to structure and is often no more than a synonym for action, emphasizing implicitly the undetermined nature of human action, as opposed to the alleged determinism of structural theories”. Thus agency or human agency refers to the power of persons, at individual or collective levels, to develop or achieve creative goals, including social and political change, within their social environment (Carle, 2005:309).

1.11 OUTLINE OF THE STUDY

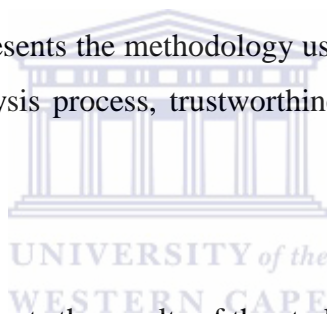
The study consists of the following chapters:

⁶ Oxford Dictionary of Sociology. [Online: <http://www.enotes.com/oxsoc-encyclopedia/agency>]. Accessed: 05/11/11.

Chapter One provides the introduction, problem statement, research questions, the aim and objectives, and the significance of the study. The chapter also contains a brief overview of the Acts, the theoretical framework and the methodology used.

Chapter Two outlines and provides the conceptual framework informing this study. The conceptual framework sought to validate and build a logical research foundation for the study, contextualise it within a specific theoretical body and review literature relevant to the study. The Chapter situates children, childhood and policy within the theoretical frameworks of structuration theory, agency, social constructionism, the social construction of childhood and the new sociology of childhood and is discussed and applied accordingly.

Chapter Three discusses and presents the methodology used in the study, including the data collection process, the data analysis process, trustworthiness of data and applicable ethical considerations.



Chapter Four discusses and presents the results of the study and discusses the findings in the context of the relevant literature and theory.

Chapter Five provides a summary of findings, methodological limitations and further research possibilities. This chapter makes specific recommendations on how policy and service provision directed toward and structured around children can and should be more sensitive to their actual capabilities and capacities as agents and consultants in policy design, respectively.

CHAPTER TWO

CONCEPTUAL FRAMEWORK

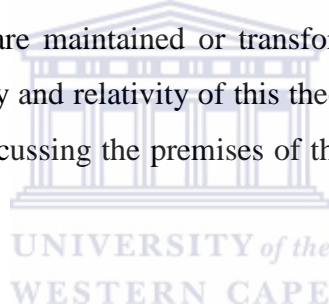
2.1 INTRODUCTION

This study concerns constructions and representations of children and childhood within South African policy. The premise for my study is that certain depictions, representations or constructions of children and childhood feature within the Children's Amendment Act (41 of 2007); which are reiterated in and adopted from other discourses of children and childhood including public opinion or discourse, literature and the media. The study is informed by two approaches featured in the theoretical bodies of the social construction of childhood and the new sociology of childhood. The first approach emphasizes childhood as a feature of social structure separate from other social structures such as the family, and examines the position of children as a group within a society (Qvortrup, 1997). The second approach is concerned with the idea that concepts of childhood: i. are constructed in different times and contexts, ii. highlight the limitations of some dominant constructions to adequately represent children's experiences, and iii. emphasize the importance of children's agency (James & Prout, 1997).

This chapter thus commences with a discussion and contextualisation of structuration theory, which is followed by a discussion on social constructionism as is relevant to this study. It then proceeds to present the social construction of childhood which aims to highlight the inadequacies of some commonly-held discourses on children and childhood. These themes will be further explored, in the new sociology of childhood, to highlight the 'new' ways of representing and understanding children and childhood as a means of giving visibility to children's experiences, in their own right. These theories form the foundational conceptual framework informing and guiding this research study.

2.2 STRUCTURATION THEORY

Giddens's theory of structuration (1981:27) postulates that social life is more than a constitution of random individual acts, and not merely determined by social forces. He was of the opinion that social life could not be explained by a consideration of micro-level activity nor could it be composed of macro-level explanations. Instead, his theory proposed a synthesis of the micro- and macro-, or rather agency and structure. This theory is fundamentally an amalgam of structuralist tradition and/or determinism, and phenomenological, voluntarist and hermeneutic tradition. He discarded the traditional structure-versus-agency duality in favour of an ever evolving and mutually penetrative dualism (Wilson 1995:312 in King 2004:290). Giddens posits that individual (or collective) actions are influenced by the structural characteristics of societies in which one is raised; and these social structures, in turn, are maintained or transformed by those actions, that is by agents. The applicability, viability and relativity of this theory to my hypothesis and research question are explained whilst discussing the premises of the actual theory, as relevant to my study.

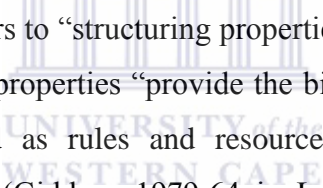


2.2.1 GIDDENS' DUALITY OF STRUCTURE

The duality of structure, which could be considered to be the heart of Giddens' theory, refers to the mutually dependent relationship between human agency and social structure. Giddens insisted that social structures be considered and conceptualised as 'dual' in that they "are both the medium and the outcome of the practices which constitute social systems" (Giddens 1981:27 as stated in Sewell 1992:4; Hays 1994: 65; Craib 1992:44; Giddens in King 2004:291). This is further elaborated by Giddens (1981 in Le Roux 2001:7) who stated that "...we are all purposiveful, knowledgeable agents who have reasons for what we do... and that social processes at the same time work behind our backs', affecting what we do in ways which we are unaware..."

Structures are therefore both produced by human social action and are what Giddens refers to as the medium of human action (Craib 1992:44). This theory postulates that social life is ideally and fundamentally structured and that the choices made by agents, or human action in general, produce or reproduce those structures. He maintains that human agency and structure presuppose each other, as opposed to prior theories that maintained an either/or position in favour of structural determinism or voluntarism. Social structures, therefore, should not only be conceptualized as restricting human behaviour but they also create opportunities for such restrictive or creative human behaviour. The duality of structure posits that structure does not merely constrain or determine peoples' behaviour in time and space but that people contribute to the creation of a time-space specific structure.

2.2.2 STRUCTURE



Within this theory 'structure' refers to "structuring properties", that is rules and resources (Le Roux 2001:9). These structuring properties "provide the binding of time and space in social systems and can be understood as rules and resources, recursively implicated in the reproduction of social systems" (Giddens 1979:64 in Le Roux 2001:9). Social Systems, therefore within this context, refer to the "reproduced relations between actor or collectivities, organized as regular social practices" (Giddens in Le Roux 2001:10. By 'social systems', I presume Giddens to be referring to observable, intertwined and relatively bounded social practices. This matches a conception of societies. As such social systems have no existence apart from the social practices which constitute them, and are time-space specific.

Craib (1992:44) in his discussion on 'structures' refers to structures as "generative rules and resources" and illustrates the mutually reproductive and dependent relationship between agency and structure. Rules as a structuring property within the context of this theory refer to the communication of meaning (Le Roux 2001:9) that is embedded in systems of social interaction. Social rules are therefore implicit, taken-for-granted social procedures and, according to Giddens (1984 in Craib 1992:45) they essentially have two aspects to them, that

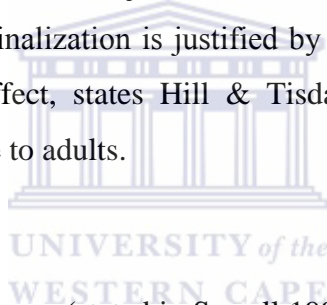
is i. they relate to the constitution of meaning as well as ii. to the sanctioning of conduct. Rules, in this light therefore, constitute to the routinization of social life meaning that they enable actors to proceed in an established, routine way. Rules could then be considered to be social prescriptions for social life within a given social system.

South African child policy – as structure, and adults – as agents, interact and react with each other in the circulation of the social construction of the perception of children as either; vulnerable citizens or non-agents and/or; citizens with agency. The representation of children and childhood is by no means static or homogeneous within the Children’s Amendment Act (41 of 2007) and is discussed accordingly. The image held of children within national policy generally mirrors the image held of children held in public discourse – as passive, temporary and powerless (Berman 2003; Caputo 1995; Christensen & James 2000; Hardman 1973; Korbin 2003; Sawyer 2002) “immature adults in the making...” (McDonald 2009:244). Heywood (2001:4) states that western conceptualisations of children associate them with “innocence, vulnerability and asexuality” which is relative for my study as children are positioned within a protectionist discourse with paternalist intent ignoring their capabilities by imposing these child-associated characteristics upon them.

Policy and adult perceptions of children are co-dependent and co-influential constituting Giddens’ duality of structure, that is structure and agency respectively. Children’s views and capabilities do not necessarily feature due to their general institutionalised conception as “innocent, vulnerable and asexual” (Heywood 2001:4). As such, policy provides adults with a perceptive social prescription on children which contributes to the constitution of meaning of children and; the eventual sanctioning of children’s behaviour within a top-down non-participatory framework. Moses (2008:337) in her consideration of adults’ conceptions of children suggests that children’s right to participation is often treated as oppositional to children’s right to protection, with an adult bias towards child protection. This furthermore illustrates the hierarchy construction separating adults from children within top down non-participatory framework which inevitably leads to a general exclusion or devaluing of children’s inputs and participation (Moses 1998:337).

2.2.3 CHILDREN AS RESOURCES

This “exclusion or devaluing of children’s inputs and participation” (Moses 1998:337) is reminiscent of Giddens’ conception of resources, that is authoritative resources, which he refers to as political and economic power (Le Roux 2001:9) and further argues reflect the centrality of power in structuration theory (Craib 1992:46). Qvortrup et al (1994 in Hill & Tisdall 1997:12) linked the previous low status of children in sociology to the position of children, in the context of power, in society generally. Children, generally and as an authoritative resource, are portrayed as the quintessential minority group that is defined by its subordinate relationship to the dominant adult group. The analysis by Qvortrup et al (1994), according to Hill & Tisdall (1997:12) indicated that children are marginalized in adult thinking and actions which results ‘in major restrictions to children’s access to attention, places and resources’. This marginalization is justified by children’s need for protection but can also be paternalist in its effect, states Hill & Tisdall (1997:12) thereby positioning children as a resource subordinate to adults.



In *Central Problems to Social Theory* (stated in Sewell 1992:9) Giddens defines resources as “the media whereby transformative capacity is employed as power in the routine course of social interaction”. He argues that resources are the medium in which transformative rules are incorporated into social practices and thus cannot be conceived of in isolation of rules. He further proposes a distinction between “allocative” and “authoritative” resources. Allocative resources refer to those “capabilities which generate command over objects and other material phenomena”, that is non-human resources, and authoritative resources refers to those “capabilities which generate command over persons”, that is human resources (Sewells 1992:9). Children could thus be conceptualised as a resource subordinate to adults (Wyness 200:1 in Smith 2009:253) legitimized and institutionalised in policy. This hypothesis is supported by Caputo (1995) who was of the opinion that children are positioned at the furthest end of a continuum involving power relations amongst the differing members of society as they epitomize subordinate positions of power. An authoritative grasp in terms of resources - reminiscent of Giddens’ *Structures of Domination* - is held over children due to

their institutionalised acknowledgment as non-agents. Oldman (1994 in Hill & Tisdall 1997:12) considers this relationship between adults and children within a neo-marxist analysis and makes the extreme but justifiable assertion that children as a resource subordinate to adults is not unfathomable or hard to comprehend as in many respects their activities and time are structured to suit adult needs and often to generate adult employment. This is a more radical illustration of child subordination yet hardly unfathomable when considering the qualities and characteristics imposed upon children, that are ‘innocent, vulnerable, asexual, etc.’ and their position as powerless or subordinate within society in general.

Giddens makes mention of three distinct central structures that could emerge from action. These include the structures of; signification; domination and legitimation, and should be acknowledged as analytical distinctions rather than ideal structures. Structures of signification are produced by people and enable them to communicate with each other. Structures of legitimation emerge from the normative or naturalization aspect of action. Structures of domination refer to the production of power via the control of resources and involve the inherent capacity of action, or actors, to transform. Children could thus be considered to be a resource or a temporary product of social structure in relation to this discourse. As such childhood could be considered to be an institutionalised state or life stage, as suggested by Shepherd (1994:66 in Roberts 2006:154) imposed by older members of society as a means of making sense of, coping with and potentially controlling the next generation. It could also be argued that power is the main differentiating factor between adults and children. Hill & Tisdall (1997:20) parallel this idea and assert that adults potentially constrain children’s choices in the interest of children, yet this can too easily and readily be a rationalisation for marginalizing children for the convenience of adults, thereby indirectly suggesting that power is the main factor differentiating the child from the adult.

2.2.4 AGENCY

According to the Online Oxford Dictionary of Sociology⁷ agency is “often juxtaposed to structure and is often no more than a synonym for action, emphasizing implicitly the undetermined nature of human action, as opposed to the alleged determinism of structural theories”. Agency or human agency then, according to Carle (2005:309) refers to the power of persons, at individual or collective levels, to develop or achieve creative goals, including social and political change, within their social environment. According to Giddens’ theory agency is not opposed to but a constituent of structure. To be an agent or actor, as these are more often than not used interchangeably, means being able to exert some degree of control, or power, over the social relations in which one is implicated.

Power or transformative power is an inherent feature of action. This further implies the ability, as an agent, to transform those social relations or social structures in which one is enmeshed and could be considered as transformational agency (Craib 1992:36). The ability or capacity of agents to transform or affect social structures varies and is dependent on accessibility, power, and the durability of structures (Hays 1994:62). Craib (1992:36) states that apart from facilitating social transformation or transforming social structure as agency is often associated with, it has a normative and communicative dimension, involving rules and rule-following and is evidenced by the apparent staticism of social structure. This reproductive aspect or staticism of agency is evidenced by the reproduced image of children as non-agents by adults and policy. Agency, in this light, cannot be disputed as a feature of being human or human action.

⁷ Oxford Dictionary of Sociology. [Online: <http://www.enotes.com/oxsoc-encyclopedia/agency>]. Accessed: 05/11/11.

2.3 CHILDREN AS AGENTS

In my attempt to highlight the incongruity between this portraitization of children as vulnerable non-agents and children as citizens with agency, a relativist humanistic stance was adopted to highlight children's capacities for agency. I found Giddens' notion of agency useful, in my exploration of children as agents, as he considers all humans or agents as capable of exercising some degree of agency upon their social worlds even within the most oppressive circumstances. The depiction of children as mainly vulnerable non-agents, according to my initial presumption of the Act, is invalid and implausible. It would be useful to consider children from a more voluntarist and humanist perspective as children do not feature in their being perceived as vulnerable. Instead, policy and legislation as structural forces and adults as agents contribute to and co-create the construction of children as non-agents and ultimately to the sanctioning of their behaviour.

King (2004:291) suggests that if the Childhood sociologists or those subscribing to the 'new' Sociology of Childhood were to place the child/adult dichotomy upon sociology's agency/structure distinction it would result in a transformation of children from the products of society's structures to social agents "capable of influencing these structures through their constructions of the external world". The conception of children as the products of society's structures is once again reminiscent of Giddens' structures of domination. The conception of children as social agents is however dependent on the co-acknowledgment of children's capacity to act as independent social actors and that childhood is inevitably "socially constructed" (Smith 2009:259, and would have to be considered in juxtaposition with the oppressive structures imposed by adults (King 2004:291). An exploration of the social construction of 'reality' and more specifically the social construction of childhood is thus pivotal in the conceptualization of the child as a social agent, as proposed by Smith (2009:259). The social constructionist theoretical body will be presented before addressing the social construction of childhood as a means to theoretically highlight the political adult imposition of the child as non-agent masking children's realities and potential for agency.

2.4 SOCIAL CONSTRUCTIONISM

Social Constructionism considers how social phenomena develop, or are perhaps created, in social contexts as the social creation of a social group. It became popularized and prominent with the emergence of Peter L. Berger and Thomas Luckmann's "the social construction of reality", first published in 1966. The authors, in this publication, argue that all knowledge including the most basic taken-for-granted knowledge of everyday reality, that is common sense, is derived from and maintained by and in social interactions.

Berger and Luckmann (1967) argued that actors form typifications in interaction with each other which become habitualized, over time, into social roles in these longitudinal interactions. When these social roles become routinized, in interactions, perceptions of each other, within that social context, are said to be institutionalised in which meaning is embedded into individuals and society, via social interaction, during socialization. Thus 'reality' or perceptions thereof are socially constructed or rather constructed within specific social contexts or social systems. Knowledge about society and the relationship between social groups and perceived 'reality' are twofold; i. in the sense that it provides a means of apprehending the objectified social reality and; ii. that it continuously reproduces this reality (Berger & Luckmann 1967: 84,210). As such social reality is viewed as an ongoing and dynamic process reproduced or constructed by humans; with their thoughts, or habits of thought, in turn, shaped by social factors (Collin 1997:64).

This theory presupposes that 'reality' is socially constructed - and therefore context specific - and that the sociology of knowledge must analyze the process in which this occurs (Berger & Luckmann 1967:13). The sociology of knowledge attempts to unfold the ways in which individuals or groups within a particular context participate in the creation of their perceived social reality; and perceives social reality as being created, institutionalised and traditionalised by individuals and/or groups. The sociology of knowledge, on which this theory is premised and best explained by its central tenet, is "concerned with the analysis of

the social construction of reality” (Berger & Luckmann 1967:15). The sociology of knowledge and social constructionism, generally, can be summarized as concerned with the relationship between human knowledge and the social context from which it exists in and originated from. In other words it purports that human knowledge is causally determined by social factors or “facts” derived from and maintained in social interactions within a given social context.

The application of social constructionism to this study is vital as it claims that knowledge is produced and maintained in social interaction, thereby insisting that the differing perceptions of children across societies bear testament to the situated-ness of knowledge. This explains the situated-ness or universal inapplicability of conceptualizations of children and childhood. According to Papalia, Olds & Feldman (2001:13) all concepts of or related to periods of the life span are social constructions accepted by members of a particular society at a particular time on the basis of “shared subjective perceptions or assumptions”. A social constructionist framework thus promotes the conception of children as valid social actors and places emphasis on the universal inapplicability and – historical, social and cultural - variability of conceptions of children and childhood as its point of departure (Mitchell 2007:14).

Caputo (1995) argues that children previously epitomized subordinate positions of power which resulted in the fixation of children as passive imitators of adult culture, void of agency. Social constructionism thereby seeks to highlight this imposition on children and child capabilities. Lee parallels this argument and purports that a division is often drawn between adult “human beings” and child “human becomings” (2003:7) whereby adults’ stability and completeness are understood to allow them to act in society, to participate independently in serious activities like work and politics and whereby children’s instability and incompleteness mean that they are often understood only as dependent and passive recipients of adult’s actions (2003:8). According to Lee (2003:7) children’s lives and activities are therefore still envisaged as a preparation for the future when they will bio-developmentally become adult ‘human beings’. Until then adults not only provide for children but also decide and speak for children (2003:21) and as long as children can be seen as irrational, or as

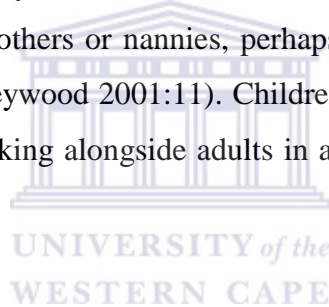
ignorant of the nature of the society in which they live, then the things they do and say can be interpreted as reflections of their limitations rather than as expressions of their own intentions, desires or opinions (2003:44). A re-conceptualization or acknowledgment of children as social agents is thus dependent on an acknowledgment of the social construction and situated-ness of children and childhood, and the power and hierarchies inherent or involved in these constructions of children and childhood.

2.5 THE SOCIAL CONSTRUCTION OF CHILDHOOD

There are numerous definitions of and for children and childhood that are used for and against, across and between societies and disciplines. Childhood is not universally applicable, in terms of definition as what constitutes childhood within one society may differ from others (Kellet, Robinson & Burr 2004). It is socially constructed and this is demonstrated by its conceptual universal inapplicability. One need only consider the effect of the Children's Act (38 of 2005) which lowers the age of majority from 21 to 18, thereby overriding the Age of Majority Act of 1972, as a means of illustrating the fluidity of conceptualisations of children and childhood. This effectively allows eighteen year olds, in South Africa, to get married, sign contracts or litigate in their own name, and in essence sets the threshold for childhood and adulthood within South Africa. This argument resonates with Anderson (1980:60 in Hendrick 1997:35) who stated that "...ideas like parenthood and childhood are socially constructed and can be put together in a diverse set of ways". Roberts (2006:153) states that contemporary capitalist society uses an arbitrary process to categorize human development into various socially constructed life stages including; "babyhood", "childhood", "youth", "adulthood" and "old age" with no distinct boundaries between the stages or groups. As such definitions of or ideas on childhood or any other presumed life stages are dependent on the society from which they emerge and are context specific, as postulated by social constructionist theory. Its existence varies and is dependent on variables such as country, social class, time and gender (Roberts 2006:154). Hendricks (1997:35) draws a definitive relationship between conceptual thought, social action and processes of category construction which are "context specific category construction" evidenced by the plethora of terms

produced over the last two centuries to describe or conceptualize childhood which he argues (1997:35) can be comprehended as responses to the respective time and space specific social, economic, religious and political eras. An extreme example of the differentiation of childhood is proposed by Aries in his book titled “Centuries of Childhood” (1962) in which he makes the assertion, not without critique, that the medieval world was highly ignorant of childhood (Heywood 2001:11) as a “sort of quarantine between infancy and adulthood”.

According to Aries (1962 in Heywood 2001:11) there was no real differentiating social mechanism in place that distinguished the child from the adult, even from the young adult. Aries’ seminal studies suggested that children - at least our modern day conception of children below the age of majority in stretching for an applicable working definition – were launched into the “great community of men” as soon as children were able to survive without the care and attention of their mothers or nannies, perhaps somewhere between the ages of five and seven (Aries 1962 in Heywood 2001:11). Children, according to Aries, participated in adult games and pastimes working alongside adults in a society which perceived children to merely be smaller adults.



James, Jenks and Prout (in Morss 2002:39, James 1998, James & Prout 1997) have, in their respective works, systematically explored alternative formulations on childhood. In exploring alternative formulations they suggest four potentialities or possibilities that theories on childhood could be positioned in, including the child as; “tribal”, “minority group”, “social structural” and the “socially constructed child” (Morss 2002:39, Smith 2009:254, Strandell 1998:396). These approaches either situate childhood as a structural feature or transitional phase of society or regard children as social actors within their social worlds (Strandell 1998:396). These potentialities will be briefly discussed as a means to situate my argument and emphasize the child as “socially constructed” as popularized and theorized by James 1998, James & Prout (1997).

The “tribal child” views children as being autonomous and independent (Smith 2009:254) having their own beliefs, practices and institutions (Morss 2002:39). This positioning acknowledges the child as active agent creating and experiencing their worlds. The “minority child” model acknowledges the child as the “active subject” (James and James 2004:59 in Smith 2009:254) but considered childhood to be an oppressed minority group that is able to represent themselves and exert a degree of quasi-political action (Morss 2002:40). The “social structural” approach views childhood as a structural necessity (Morss 2002:39) or “fixed stage” (Smith 2009:254) within any society. Childhood, within this framework, is merely a collectivised developmental stage of socialising the adult-to-be. The “socially constructed child”, as formulated by James, Jenks and Prout (Morss 2002:39, James 1998, James & Prout 1997), however “...rather than taking the subject position of the child for granted... examines the discourses through which the idea of both ‘the child’ and ‘childhood is produced” (James and James 2004:60 in Smith 2009:254). This model considers the ways in which children are identified, assessed and treated and considers this to be situated and specific.



James & Prout (1997) thus present an alternative to the traditional dominant childhood framework on children - that is the psychological developmental framework - which has the power to mute children, to render them silent and invisible, heard and seen not for themselves but for their resemblance to a character in a narrative of maturation (Lee 2003:44). Lee purports that just as the traditional dominant framework on children and childhood mutes them it concurrently grants adults legitimate authority over them, rendering adults more capable of knowing better than them and speaking more fully on their behalf than they are able to (2003:44).

This new framework or paradigm proposed by James & Prout (1997) is an attempt to study children and childhood in a way that does not always support nor confirm adult authority, power and superiority (Lee 2003: 47) and is foundational to the ‘new’ sociology of childhood.

2.6 THE 'NEW' SOCIOLOGY OF CHILDHOOD

This 'socially constructed child' approach is favoured by those subscribing to the 'new' sociology of childhood which includes in its focus the way in which societies conceptualise and organize children and childhood. This theoretical approach suggests that childhood should be treated and understood as a social construction reflecting the history, culture, values and the power structures within a particular society (King 2004:276; Heywood 2001:4). In other words "child" and "childhood" will be understood in different ways in different societies within this paradigm as illustrated by James and Prout who stated that "the immaturity of children is a biological fact of life but the ways in which this immaturity is understood is a fact of culture" (1998 in Haywood 2001:4).

The 'new' sociology of childhood, after all, developed as a corrective to the biologically informed theoretical approaches in relation to childhood studies (McDonald 2009:244). This new sociology was a resultant of a critique that developed of the way in which children had been portrayed in social sciences and most of the social sciences literature as passive recipients of socialization, that is children were thought to unquestionably and simply repeat and internalize the expectations and practices of adult society (Hill & Tisdall 1997:12). Hill & Tisdall claim that this was paralleled by a complaint that research had mostly treated children as "objects of study" for the production of correlational results and to feed already existing conceptual frameworks rather than considering the subjective meanings of children's views (1997:12). This 'new' sociology could arguably be considered to be a reaction to the tendency within bio-developmental approaches to objectify children, rendering them "as immature adults in the making..." (McDonald 2009:244). The 'new' sociology of childhood thus views the child as a being rather than as a being-in-the-making, and holds social-constructionist theory as its point of departure, diverting from traditional approaches which favoured biological determinism and its associated universalism. Researchers subscribing to this alternative constructivist approach perceive the child as a subjective, contextual, self-determining and dynamic being (Greig, Taylor & MacKay 2007:48).

Kamp (2001 in Roberts 2006:154) argues that western society generally still considers childhood and other life stages to be biologically informed and thus universal, the antithesis of social constructionism and the 'new' sociology of childhood. This western conception of children according to Heywood (2001:4) associates them with characteristics such as "innocence, vulnerability and asexuality" as opposed to perceptions of children in slums or war torn countries who are not likely to be associated with these characteristics by adults within that society, thereby illustrating the social constructed-ness of childhood. Conceptualizations or formulations of childhood however, within the 'new' sociology of childhood, highlight and reflect the social dynamic in which these prior collectivist or social constructions were born.

The second characteristic of the new sociology of childhood suggests that childhood is a variable of social analysis that should be considered in conjunction with other variables such as class, gender, ethnicity (Heywood 2001:4) and identity which affect children's experiences, self-perceptions and treatment by others (Hill & Tisdall 1997:3). Social attitudes toward or about these qualities often result in the marginalization and stigmatization (Hill & Tisdall 1997:3) of children, childhood or any other age dependent bio-developmental stage. The third contention of this approach favours and prescribes that children be seen as active in determining their own lives and those around them (Heywood 2001:4).

In summary this 'new' paradigm proposed by Jenks & Prout (1990:8-9 in Hill & Tisdall 1997:12) and foundational to this study subscribes to the following key features:

- Children and childhood are socially constructed. It is not natural or universal but shaped by the specific cultural and structural context
- Children's social relationships and cultures are worthy of study in their own right
- Children are not passive subjects of social structures and processes. They actively contribute to and negotiate with their social worlds

- Childhood is furthermore differentiated by factors such as gender, ethnicity, class, time, place, etc.

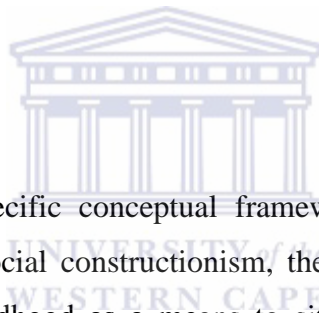
According to King (2004:276) “...what a society expects of children, the way that they are perceived, what is seen as good or bad for them and what they are competent or incompetent to perform depends upon the particular concept of childhood that society has constructed”. This means that whilst all children experience biological childhood, in the sense of growth from infancy to adulthood, “the precise form that growing up takes place will differ across and between societies” (James 1998:105) implying that neither a definitive or universal account of childhood, nor any universal account of its composition exists. It can furthermore be surmised that children’s experiences are directly and intimately affected by conceptions of childhood which prevail in particular households, communities and societies (Hill & Tisdall 1997:3). Social policy and policy in general directed toward children and their welfare cannot be excluded as prevailing forces pivotal in the conception of children and childhood in all societies. Jenks (1996 in Hill & Tisdall) states that these conceptions are rooted in social structures – as my argument suggests in my attempts to juxtapose policy with children’s capacities for decision making and agency – and in cultural and historical contexts which furthermore construct meaning and significance.

This resonates with Roberts (2006:153) who stated that “(there) is no precise definition of child or childhood”. Goldson (1997:2 in Roberts 2006:153) suggested that the social significance of terms such as ‘child’ and ‘childhood’ changes depending on the context in which they were created and applied. The creation and labelling of these age categories, that is childhood and child, are both arbitrary and culturally relative (Roberts 2006:154) and furthermore provide society with ideological frameworks for understanding, interpreting and imposing age appropriate behaviours, of which childhood is no exception. The unveiling or deconstructing of “the artificial nature of these constructions and the power interests” that are served or favoured by their very existence, according to King (2004:276), affords us the opportunity to understand “the true nature of children”, and perhaps more-so the contexts

which bore them. It can thus be surmised that childhood is, to a considerable degree, merely a function of adult expectations (Heywood 2001:9).

Lee (2003:100) extends this argument of the power interests inherent in constructions of children and childhood to child policy and practice and states that policies and practices devised for children by adults often rest on very specific understandings of “what children are”. The early developmental state understood them as investments to be cultivated and protected whereas the dominant framework, that is developmental psychology, understood them as “vulnerable becomings” (Lee 2003:100). This study thus serves to explore the representation of children and childhood within the Children’s Amendment Act (41 of 2007).

2.7 CONCLUSION



This chapter has outlined a specific conceptual framework informing the study. It has reviewed structuration theory, social constructionism, the social construction of childhood and the ‘new’ sociology of childhood as a means to situate and illustrate the politics of childhood and children. The subsequent chapter outlines the methodology employed to collect data for this study.

CHAPTER THREE

METHODOLOGY

3.1 INTRODUCTION

This chapter outlines the research methodology used in this study. It specifically discusses and presents the research design, data collection process and data analysis process informing the study. A review of the trustworthiness of the data as well as the ethical considerations guiding the study is presented.

3.2 RESEARCH DESIGN



The study employed an exploratory qualitative research design to gather extensive relevant and comprehensive data on the representation of children and childhood within the Children's Amendment Act (41 of 2007) as well to generate qualitative data on the reality of children's capabilities and capacities as outlined and defined by children themselves.

A qualitative research approach was adopted for this study as it afforded the researcher the opportunity to study selected issues – that is the representation of children and childhood within the Children's Amendment Act (41 of 2007) as well as child agency and decision-making capability - “in depth, openness and detail” in his efforts to understand the array of data that emerged from the research process (Terre Blanche & Durrheim2002:42). Qualitative research tools were furthermore employed for the extraction of meaning and utilized “words, descriptions and quotes” as opposed to measurements and statistics for meaning-making (Shields & Twycross 2003:24) enabling the voices of participants to be heard (Greig, Taylor

& MacKay 2007:56). Qualitative research, according to Holloway (1997:1 in Greig, Taylor & MacKay 2007:136), is a form of social enquiry that focuses on the way people interpret and make sense of their experiences and the world in which they live.

According to Harding (1997:3) the study of child care law and policy contributes immensely to the more general study of childhood in that it reveals the manner in which children and childhood are perceived and treated within society. The research paradigm for this study was a social constructionist framework utilizing a policy analysis as a research tool in its exploration of the representation of children and childhood within the Children's Amendment Act (41 of 2007). I sought to analyze the creation of particular representations of people as a means of showing how these representations are derived from and feed into larger discourses (Terre Blanche & Durrheim 2002:148). This approach was adopted as it is the most attuned and sensitive research paradigm to the real-world political consequences of texts, according to Terre Blanche & Durrheim (2002: 169).

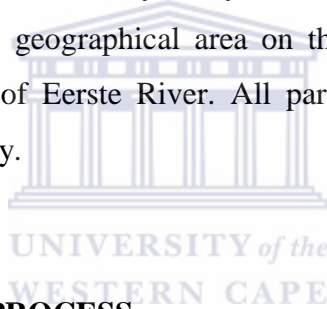
According to Harding (1997:3) childhood's special status or the more general positionality of childhood is reflected in law and policies. By utilizing this rationale the researcher sought to study and reflect on the representation of children and childhood in the Children's Amendment Act (41 of 2007) in comparison to the reality of children's potentialities.

3.3 PARTICIPANTS

Purposive sampling was used to recruit a suitable child sample. Purposive sampling is a non-random sampling method in which the researcher selects the most productive sample to answer and address his research questions (Marshall 1996: 523). Two co-residing schools from a community on the Cape Flats were selected as the research site. After consultation with the principals, teachers, social workers of the respective schools and an educational institute, which acted as a third party that sought approval from the Western Cape Education

Department (WCED), the schools were selected as a research site. These schools were also selected as they were interested in a performing arts outreach programme which aimed to provide students with theatre training with hopes to create a theatre performance by the school for the community.

An initial workshop was conducted with thirty nine participants, selected by teachers and social workers from the respective schools. Once permission was granted by school authorities, parents, child participants and the WCED - via the educational institute and the respective schools - a sample was composed based on children's age, interest in and availability to partake in the research study and co-related performing arts programme. Nineteen children, aged between nine and thirteen years old, from that initial workshop were selected and formed the sample for this study. They consisted of nine girls and ten boys. All participants were from the same geographical area on the Cape Flats residing within the jurisdiction of the Municipality of Eerste River. All participants attended one of the co-residing schools in this community.



3.4 DATA COLLECTION PROCESS

This study employed a range of creative exploratory qualitative research tools for data collection including; i. a conceptual framework; ii. a discourse or policy analysis; iii. exploratory workshops designed for extraction of empirical data focused on participants' experiences, child agency, child worldviews and the decision-making capability; and iv. focus group discussions. Data collection was thus carried out in four phases, with each phase representing a specific research tool. Each phase informed the next phase assuring research trustworthiness by means of triangulation. Phase Two differed from Phases Three and Four and were compared and juxtaposed as such, that is data yield from Phase Two was compared to the data yield from Phase Three and Four, collectively.

3.4.1 PHASE ONE: CONCEPTUAL FRAMEWORK

A theoretical framework and literature review, collectively entitled and presented as the Conceptual Framework, informed this study validating, building a logical argument for and situating the study within a specific body of theory. Various secondary sources were consulted and collected for the extraction of pertinent data on the subject. These included; official documentation, that is the Children's Act (38 of 2005) and the Children's Amendment Act (41 of 2007); books; academic journals; newspaper articles and various research reports.

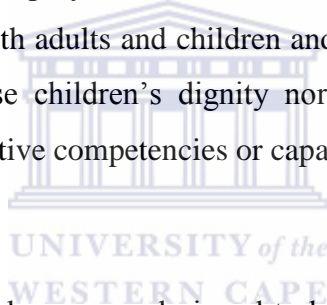
3.4.2 PHASE TWO: DISCOURSE OR POLICY ANALYSIS

The central aim of this research study was to study the representation of children and childhood in the Children's Amendment Act (41 of 2007). According to Harding (1997:3) the study of child care law and policy contributes immensely to the more general study of childhood in that it reveals the manner in which children and childhood are perceived and treated within society. Harding stipulates that childhood's special status or the more general positionality of childhood is reflected in law and policies (1997:3).

The Children's Amendment Act (41 of 2007), official documentation and literature related to children and childhood studies were critically analyzed and discussed, thereby employing a discourse analysis. Discourse analysis can be defined as the act of showing how certain discourses are deployed to achieve particular effects in specific contexts (Terre Blanche & Durrheim 2002:154). This analysis seeks to identify the discourses that operate within this specific text, that is studying the manner in which childhood and children are presented and perceived in the Act. By utilizing this rationale the researcher sought to study and reflect on the representation of children and childhood in the Children's Amendment Act (41 of 2007).

3.4.3 PHASE THREE: RESEARCH WORKSHOPS

Creative workshops employing a range of exploratory, experimental qualitative research methods were designed to examine and explore children's agency and decision-making capabilities. Two principles were consciously and constantly adhered to for the duration of this study, specifically the selection of research tools, as a means of enabling research to be carried out with, rather than on, children (Hill & Tisdall 1997:14). They included making allowances for differences between children and adults, and respecting children's competencies and views. Taking this into account the specific research tools employed in this study attempted to make use of settings and communicative methods that appeared to be favoured by children in order to facilitate understanding (Hill & Tisdall 1997:14). It should be noted that the research tools employed - albeit creative and exploratory in nature - were tested in previous studies with both adults and children and therefore do not, in their attempt to be child friendly, compromise children's dignity nor undermine their communicative abilities and individual and collective competencies or capacities.



The child-friendly research workshops were designed to highlight the child's perspective on his/her social worlds focusing on their decision-making and routinized negotiation of life within their respective environments. The workshops allowed the researcher insight into participants' world views, agency and decision-making capability, both implicitly and explicitly. The child-friendly research tools used in the workshops included: expressive and creative writing exercises, role-play, story-telling, poetry, and script-writing, and were ethnographic or ethnographic-like in nature.

Ethnography, according to James & Prout (1997:8 in Lee 2003:48) is a particularly useful methodology for the study of childhood as it allows children a more direct voice and participation in the production of sociological data than is usually possible through experimental or survey styles of research. Ethnography furthermore allows for opportunities for children's muted voices to be heard and for children as individual social agents to shine

through the image of the universal child that so often stands in their way, recognizing and acknowledging them as individual persons and as social agents (Lee 2003:49).

FIG 3.1 UN-THEMED EXPRESSION SHEET



Data yield from the various exercises was recorded in data collection booklets that were presented to participants during the first week of the workshop programme and were returned to the researcher at the end of the programme. Participants reserved the right to control the data recorded in the booklet as well as the right to control the data presented to the researcher upon submission. These data booklets proved to be highly successful in gaining insight and access into the life experiences and choices made by the participants in their daily lives. Participants were furthermore provided with private journals which were neither collected nor viewed by the researcher. They were however provided with a platform for sharing

experiences, thoughts and ideas recorded in their data booklets and/or journals if and when desired. This furthermore encouraged them to document their social lives and routines which provided insight into their daily decision-making and instances of agency displays.

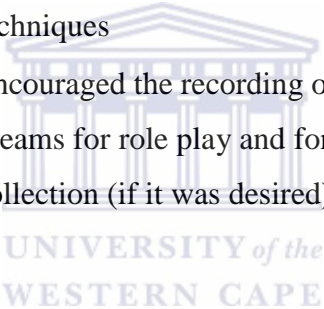
Workshops were conducted bi-weekly for a period of eight weeks, which equated to a total of sixteen official workshops. Workshops were thematically structured and included:

- Perceptions and ideas on violence;
- Perceptions and ideas on safety;
- Participants' likes and dislikes of community and the rationale behind the related changes participants would like to see in the community;
- Participants' experiences and discussions on their everyday choices relating to violence and safety;
- Discussions on their routine and/or general lives;
- The perception or conception adults have of children and its relation to children's social mobility; etc.

Un-themed expression and discussion were encouraged alongside themed workshops as a means to allow for flexibility with regards to the collected data. The specific workshop procedure is presented below.

TABLE 3.1: RESEARCH WORKSHOP PROCEDURE

WORKSHOP	ACTIVITIES	THEME
Workshop 1-3	<ul style="list-style-type: none"> • Official Introduction & Workshop outline was presented to children • A rapport was established with child participants , teachers and principals • Co-construction of workshop rules; involving facilitators and participants • Introduction of ice-breakers & very basic acting games • Participants are presented with journals & data booklets • Introduction of large expression sheets which were attached to the workspace walls – participants were encouraged to record their feelings and thoughts at any time on the sheets (themed & un-themed) 	<ul style="list-style-type: none"> • <i>Un-themed</i>
	<ul style="list-style-type: none"> • Introduction of group discussions 	

Workshop 4-5	<p>on selected theme(s)</p> <ul style="list-style-type: none"> • Introduction of poetry and story-telling (fiction and non-fiction) as a means of expression • More complex acting games & methods are introduced. • Introduction of themed Group Discussions 	<ul style="list-style-type: none"> • <i>How do adults see children?</i>
Workshop 8-9	<ul style="list-style-type: none"> • Introduction of Script Development and acting techniques • Encouraged the recording of dreams for role play and for data collection (if it was desired) 	<ul style="list-style-type: none"> • <i>Consult participants as to which themes they'd like to be included.</i> • <i>What is violence and how do you keep safe everyday? Examples were encouraged</i>
Workshops 10-11	<ul style="list-style-type: none"> • Introduction of more complex acting exercises & Improvisational acting exercises • Encouraged the recording of dreams for role-play 	<ul style="list-style-type: none"> • <i>What do you like and dislike about your community/ South Africa/the World?</i>
	<ul style="list-style-type: none"> • Commencement of rehearsals of the completed scenes • Introduction of more complex 	<ul style="list-style-type: none"> • <i>What would you change about your community/ South</i>

Workshop 12-13	improvisational exercises	<i>Africa/The World? And how?</i>
Workshop 14-15	<ul style="list-style-type: none"> • A field trip was organized to see a theatre production • Script was revised and rehearsal commenced • Participants were consulted as to which data (including the script) could be used in the study and which should be excluded 	<ul style="list-style-type: none"> • <i>What is the role of children in society and what would you change about the way adults see children?</i>
Workshop 16	<ul style="list-style-type: none"> • Data Collection Books were collected – participants were given sufficient time to consider the data they wished to exclude. They were also given sufficient time to consider any other data they wished to include • Rehearsals commenced 	<ul style="list-style-type: none"> • General Discussions on previous themes

3.4.4 PHASE FOUR: FOCUS GROUP DISCUSSIONS

Data was also collected through focus groups discussions. According to Wong (2008:256) focus group discussions provide a different dimension to interviews as they allow for participant interaction and development of group opinion. Focus group discussions are used

to obtain knowledge, perspectives and attitudes of people about issues, thereby seeking explanations for behaviours that would be less easily accessible in responses to direct questions, as in one-to-one interviews (Wong 2008:256). Whereas interviews with an individual develop an understanding of subjective experience, group discussions allow the researcher access to inter-subjective experience or experiences shared by a community of people (Terre Blanche & Durrheim 1999:388). They also allow for an understanding of the differences between people who may have been considered to be a homogeneous group (Terre Blanche & Durrheim 1999:388). Focus groups are often selected as to reflect a heterogeneous cross section of interests and attitudes or participants within the parameters of a research study (Terre Blanche & Durrheim 1999:389) which proved to be useful in exploring children's views and experiences.

FIG 3.2 FOCUS GROUP DISCUSSION



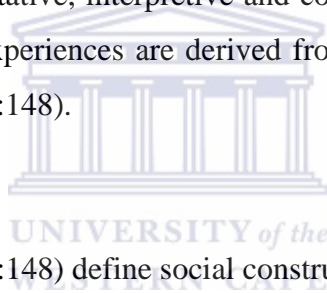
The focus groups or group discussions were conducted within the research workshops at least once a week with the same group of child participants. The setting of the discussions was relaxed and informal. The same open-ended semi structured themes that were addressed in the research workshops were used to collect data in the group discussions which allowed for the participants to express themselves in narrative terms, elaborating on issues of importance

to them. Using the same open-ended semi structured themes for data collection in the workshops and the focus group discussions provided me with a means of triangulating data.

Group discussions provided participants with a platform to present and discuss data recorded in their data collection books and journals, if desired. This furthermore allowed for the triangulation of data. Data from Phase three and Phase four of the research process will be presented and discussed collectively.

3.5 DATA ANALYSIS

A social constructionist approach was used to analyze data collected in this study. Social constructionist methods are qualitative, interpretive and concerned with meaning and aim to show how understandings and experiences are derived from and feed into larger discourses (Terre Blanche & Durrheim 1999:148).



Terre Blanche & Durrheim (1999:148) define social constructionism as the research approach that seeks to analyze how signs and images have powers to create particular representations of people and objects – that underlie our experience of these people and objects. It is thus concerned with the construction of ‘reality’. For constructionist analysis, a document carries meaning independently of what its author’s intentions were: it is simply a point of intersection for social meanings or discourses, and is no more distant from what “really happened” or what somebody “really felt” than an interview (1999:153). This study used a social constructionist approach as it was concerned with official documentation which Terre Blanche & Durrheim (1999:153) state “have an obviously ‘constructed’ nature and are a means by which ideas and discourses are circulated in society”.

The steps in analyzing the data were; i. reading, familiarizing and studying the Children’s Amendment Act (41 of 2007); ii. grouping of the discourses or representations of children

and childhood present in the text; iii. coding of the data; iv. thematic analysis of the data; v. writing up of the research report.

The researcher familiarized himself with the Children's Amendment Act (41 of 2007) by reading and studying the actual Act (41 of 2007), the Children's Act (38 of 2005) as well as various official documentation and secondary sources related and concerning the Children's Amendment Act (41 of 2007). Field notes were taken during this process and cross sectioned with a re-reading or re-studying of the text, which was self reflective in and of itself. I sought to highlight and group the varying representations of children and childhood present in the text which was then coded. According to Gibbs (2007:40) codes are useful in that it "forms a focus for thinking about the text and its comparison". I adhered and subscribed to Terre Blanche & Durrheim's (1999:158-9) "tricks" to study and reflect on the representations of children and childhood present in the Children's Amendment Act (41 of 2007) including i. looking for binary oppositions within the text, that alert us to the kinds of discourses, or in this case representations, present; ii. identifying recurrent terms, phrases and metaphors present in the text; and iii. to consider the human subjects that are being spoken about in the text.

3.6 TRUSTWORTHINESS

In striving for trustworthiness in this research study I adhered to Margo Ely's description of the ways qualitative researchers should strive for trustworthiness that moves beyond procedures. According to Margot Ely (in Bradley 1993:437):

"Being trustworthy as a qualitative researcher means at the least that the processes of the research are carried out fairly, that the products represent as closely as possible the experiences of the people who are studied. The entire endeavor must be grounded in ethical principles about how data are collected and analyzed, how one's own assumptions and conclusions are checked, how participants are involved and how results are communicated. Trustworthiness is more than a set of procedures. To my mind, it is a personal belief system that shapes the procedures in process".

This study, heeding Margot Ely's (in Bradley 1993:437) advice, subscribed to Lincoln and Guba's (1985 in Bradley 1993:436) four propositional "trustworthiness" criteria. According to Lincoln and Guba (1985 in Bradley 1993:436) in order for qualitative research to be trustworthy qualitative research data should be credible, transferable, dependable and confirmable.

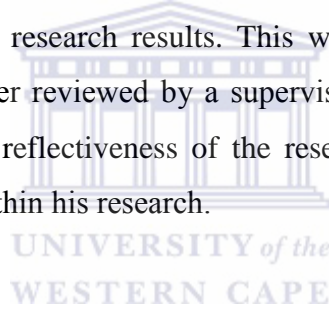
Credibility refers to the "adequate representation of the constructions of the social world under study and can be assessed both in terms of the process used in eliciting those representations and in terms of the credibility of those representations for the community under study" (Bradley 1993:436). The collection of data should be compatible with the "constructed realities that exist in the minds of the respondents" (Babbie & Mouton 2001:277). To ensure credibility I sought to use a variety of research tools to triangulate collected data, to spend a considerable amount of time with participants, allowed for data to be peer reviewed and allowed for the checking of data by members of the community under study. A range of research methodologies were utilized as a means of triangulating the research data. Triangulation is defined by Denzin (1978:291 in Jick 1979:602) as "the combination of methodologies in the study of the same phenomenon" which enhances the belief that the results are valid and not a "methodological artefact" (Bouchard 1976:268 in Jick 1979:602). I briefed all parties after each workshop, even if they did not participate in the workshop, including; facilitators, teachers that were involved in the programme, the psychologist that was used for the duration of this study and social workers, to ensure that all parties were aware of the day's proceedings and that no data of relevance and value went unnoticed.

Transferability refers to the extent that the research findings about one context can be applied to another (Terre Blanche & Durrheim 1999:431)). According to Bradley (1993:437) it is the researcher's responsibility to provide enough data through rich, ample description that would allow these judgments to be made. Detailed child expression and illustrations of child experience and capacities are outlined in the study. The use of purposive sampling from two different schools helped ensure transferability as the selected participants were of differing

ages, religious and cultural backgrounds, ethnicity, schools, grades, residential areas and experiences, ensuring that the findings can be applied in other contexts or with other participants.

The third criterion, dependability or self reflection, refers to the internal processes of the researcher and the way he accounts for changing conditions (Bradley 1993:437) in the research field, process and research product. This involved self reflection on the assumptions and conclusions made before, during and after the research process.

Guba and Lincoln's fourth criterion, confirmability, refers to the extent to which the characteristics of the data, as posited and presented by the researcher, can be confirmed by others who read and review the research results. This was considered as an extension of dependability. The study was peer reviewed by a supervisor and the researcher's academic peers ensuring a prolonged self reflectiveness of the research process, product and of the researcher's own positionality within his research.



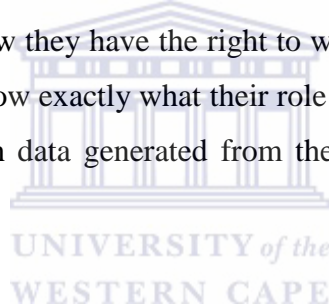
3.7 ETHICAL CONSIDERATIONS

In terms of ethical considerations, the study strove to ensure that the ethical principles of autonomy, beneficence and justice should at all times be adhered to. They study strove to ensure and secure informed consent, confidentiality, psychological and social support and basic nutrition.

3.7.1 INFORMED CONSENT

All children participating in the study were informed of the nature of the study and asked to consent to participation. Consent does not merely equate to participation but involves the

provision of sufficient time by participants and gatekeepers to decide, to ask questions about the research and to then make an informed decision regarding participation (Morrow, 2008:54; Greig, Taylor & Mackay 2007: 174). As such, child participants and their parents as well as all relevant gatekeepers were given sufficient notice prior to the commencement of the study so they may reflect on the study before decisions were made concerning participation. Consent was sought from parents, guardians as well as the child participants by the issuing of Assent and Consent forms (see Appendix for copies of the Assent and Consent Forms), respectively, with written information reflecting the aims and objectives of the study as proposed by Mahone, Glendinning, Clarke & Craig (1996:150). Parents and participants were informed that they reserved the right to refuse participation and it was within their power to withdraw from programme at any such time deemed desirable without reason or question. Consent and Assent were thus sought from child participants, caregivers, gatekeepers and school authorities as a means to ensure all parties; know they have a choice participating in the research; know they have the right to withdraw from the research process at any time deemed desirable; know exactly what their role is in the research study; and know what will happen to the research data generated from the study (Greig, Taylor & Mackay 2007: 176).



3.7.2 CONFIDENTIALITY

Confidentiality was maintained and enforced at all times. Children were informed of this prior to the commencement of workshops and reserved the right to control the data to be used and/or destroyed in the study. They were consulted in the event of the researcher wishing to use data of a sensitive and/or personal nature within the study. The researcher, in this way, attempted to give priority to the child participants in decisions concerning which data was and which was not to be presented and disseminated in the study as a means of including them in the research process. Fictionalized names or pseudonyms as proposed by Wyse (2004:272) and Morrow (2008:58) were used to protect participants' identities and ensure anonymity from; any persons other than the researcher including the supervisor; facilitators; transcripts; discussions and the paper itself.

3.7.3 PSYCHOLOGICAL AND SOCIAL SUPPORT

An experienced mental health professional was availed and consulted during the entire workshop process as a precaution, should instances of trauma have arisen, occurred or past experience expressed. The practitioner was furthermore consulted and regularly briefed during the entire research process as means to ensure that neither the children, facilitators nor the researcher were traumatized by the research process itself. Children were informed that the third party may be made available or consulted should data of a sensitive nature emerge and that this party will not be consulted without their consent (Mahone and others 1996:151; Morrow 2008:54).

It should be mentioned that there were always at least two facilitators and two teachers present (apart from the researcher) at each workshop to ensure the safety of participants. The local police were also made aware of the presence of participants, facilitator, and the researcher for the duration of the programme as a precautionary and safety measure.

3.7.4 BASIC NUTRITION

Food, fruit and drink were provided to participants before each workshop as workshops commenced immediately after schooling hours.

3.8 CONCLUSION

This chapter reviewed the methodology of the study as well as the processes of data collection and analysis. It also discussed the trustworthiness of the data and the ethical

considerations guiding the study. The results of the study are discussed in the subsequent chapter.



CHAPTER FOUR

RESULTS AND DISCUSSION

4.1 INTRODUCTION

This study aimed to explore the representation of children and childhoods in the Children's Amendment Act (41 of 2007) and compare this to the reality of children's lives. This chapter discusses the results of data yield from phases two, three and four in the context of supporting literature available. Having considered, studied and constructed a thematic map outlining the representations of children and childhoods in the Children's Amendment Act (41 of 2007) and the reality of children's agency and capabilities I weaved a coherent story juxtaposing these representations of children and childhood in the Act (41 of 2007) with children's capabilities as highlighted and captured during workshops and group discussions, that is phase three and four respectively. Data is organized according to the research phase it was collected in and will be presented and discussed accordingly and respectively. The discussion incorporates selected texts from the Act (41 of 2007), selected case studies, verbatim child expression as recorded on expression sheets or in data collection booklets and themes discussed in group discussions.

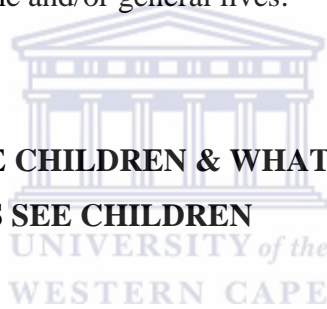
4.2 OVERVIEW OF THE TOPICS DISCUSSED AND THEMES IDENTIFIED

A summary of the topics raised and discussed in research workshops as well as group discussions, phase three and four respectively, included but were not limited to:

- How do Adults perceive or see children?

- What do children not like about how adults perceive children or see children and their abilities?,
- Power and control over children,
- Perceptions and ideas on violence,
- Perceptions and ideas on safety,
- Participants' likes and dislikes of their communities and the rationale behind the related changes participants would like to see in the community,
- Participants' experiences and discussions on their everyday choices relating to violence and safety, and
- Discussions on their routine and/or general lives.

4.2.1 HOW DO ADULTS SEE CHILDREN & WHAT DO CHILDREN NOT LIKE ABOUT HOW ADULTS SEE CHILDREN



These themes, collectively, sought to explore children's ideas or perceptions of adult attitudes and perceptions of children as well as child grievance with adult perceptions of them. They sought to directly tackle and juxtapose the representations of children and childhood extracted from the analysis of the Children's Amendment Act (41 of 2007) thereby comparing those representations of children and childhood within the Act with children's experiences and capabilities as recorded by children.

Child expression and experiences concerning adult attitudes toward and perceptions of children as well as child grievance with adult perceptions of children include;

- *"I think some children feel like adults own (own) them. They feel they hav(e) worked enuff (enough) for adults (.) sometimes adults don(')t know children are busy*

with homework or plans and they call children to do everything. It('s not the way they see but treat their children and children are sad because they feel adults don('t listen.” (11 year old female);

- *“Children are ignoned (ignored) alot of time.” (9 year old female);*
- *“They see us as slaves and they also think we are stupid” (10 year old male);*
- *“They see us as babys (babies)” (10 year old male);*
- *“They see you as a child who can do nothing for yourself and they want us to do everything for them” (9 year old female);*
- *“We are not their slaves to do everything for them. They think they can controle us. We are their children but why do they think this” (10 year old male); and*
- *“They see us as small harmless people. They see us as ants and mad people who cant thinking. Like less than human.” (9 year old male).*

4.2.2 WHAT IS VIOLENCE?



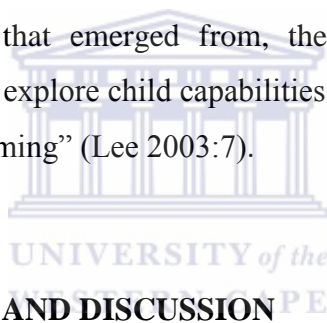
Participants’ definitions of violence as captured during the research workshops sought to highlight children’s conceptualizations of violence. This theme, collectively considered with children’s definitions and conceptualizations of safety in the context of violence, sought to address and highlight their negotiation of safety in their everyday lives, which reflected child agency and decision-making rationality. Utterances and recordings include;

- *“The meaning of violence is when someone is hurting another person. There are many things that can lead you to violence such as jealousy angriness even whan (when) you grow up in a place where there is violence”;*
- *“Violence is some one who hate (hit) someone on your bums and touch you on your Private. Part”;*
- *“Violence is making someone cry”*
- *“Violence is anything that hurts”;*
- *“Violence is destroying”;*

passive recipients of adults' actions (Lee 2003:8). Responses to or related to this theme include;

- *“I want them to love and respect each other”*;
- *“Everyone must be special and cool!”*;
- *“I want a life time from my community”*;
- *“Everyone must have a nice fence in front of their houses”*;
- *“I don't like the walls in the community but we need it”*;
- *“Gangsters, fighting and drugs. People don't have work”*; and
- *“People must have small white fences”*.

The themes discussed in, and that emerged from, the research workshops and group discussions collectively sought to explore child capabilities by situating the child as a “human being”, instead of a “human becoming” (Lee 2003:7).



RESEARCH RESULTS AND DISCUSSION

Research findings are organized, presented and discussed according to the research phases in which it was collected. Data will be presented and discussed accordingly and respectively.

Phase two or the policy analysis of the Children's Amendment Act (41 of 2007) will firstly be presented. This is presented in two sections, each section addressing a specific representation of children and childhoods present in the Children's Amendment Act (41 of 2007), namely “the vulnerable child” and “the child as citizen and agent”. This is followed by a collective presentation and discussion of data yield from phases three and four of the research process, that is creative research workshops and group discussions. The research workshops employed a range of exploratory, experimental qualitative research methods

which were designed to examine and explore children's agency and decision-making capabilities. The research tools employed in these workshops provided me with insight into participants' world views, agency and decision-making capability, both implicitly and explicitly. The child-friendly research tools used in the workshops included; themed and un-themed expressive and creative writing exercises, role-play, story-telling, poetry and script-writing. Phase four of the research process referred to group discussions. Data yield from phase four allowed for and ensured the triangulation of data yield from phase three of the research process.

4.3 PHASE TWO: POLICY ANALYSIS

As discussed within my conceptual framework, more specifically within the subchapters title the "social construction of childhood" and "the 'new' sociology of childhood" it is evident that there is no universally applicable conceptual constitution of childhood or children. The social constructed-ness and situated-ness of childhood and children should be considered to be inherent features of the concepts, validated by its universal inapplicability. This is by no means an isolated social phenomenon void of political influence that does not impact directly or indirectly on the lives of children; however the concept is defined or constituted in whichever society. James & James (2004:76 in Smith 2009:252) consider law to be a centrally important mediating force or influence in the social construction of childhood. I extend this argument to my exploration of children and childhood, its contextualization and representation, within the Children's Amendment Act (41 of 2007).

The Act differs in its representation of children and/or childhood in varying degrees - ranging from a protectionist oriented conception of children as vulnerable non-agents in need of protection and surveillance to conceiving of children as citizens with agency with decision making capacities liable to punishment. The conception of children thus ranges between these extremes dependent on the content or representation of children relative to a specific chapter or subchapter within the Act. Research findings are organized into subchapters aptly titled

“the vulnerable child” and the “child as citizen and agent” and will be presented and discussed respectively.

4.4 THE VULNERABLE CHILD

4.4.1 INTRODUCTION

This section aims to highlight the representation of children as vulnerable beings in the Children’s Amendment Act (41 of 2007). The Act contains various chapters and subchapters which depict children as vulnerable beings in need of surveillance and protection. This representation of children correlates with Moses’ (2008:329) argument that the rights prioritized for children within the South African Constitution are protection-oriented thereby conceiving of children as vulnerable citizens as opposed to citizens with agency. I will use Moses’ stance as a means of introducing the heterogeneity of not only representations of children and childhood but also of perceived vulnerability within the Act. This depiction or perception of vulnerability is by no means homogeneous but ranges from a more moderate to extreme consideration depending on the specific chapter, subchapter or content within the Act.

My aim is not to interrogate and analyze each instance of depicted vulnerability as this would exhaust my thesis requirements and limit my study to the study of children as vulnerable within the Act, but rather to highlight specific instances of depicted vulnerability so as to highlight the portraitization of the child as vulnerable. This section therefore seeks to examine specific chapters and subchapters that portraitize and construct a representation of children as vulnerable and will include an exploration of the words used to describe children and child care within the Act, which plays a vital role in and contributes to their being represented and constructed as vulnerable. This furthermore reflects the relationship between this specific representation of children and childhood evident in the Act and its relationship to

discourses of children and childhood in the media, public or other texts or contexts. I will firstly consider the implications of the words used to describe children and childhood before studying and analyzing selected text from the Act (41 of 2007) including; (110) *Reporting of abused or neglected child and Child in need of care and protection*; (168) *Leave of absence from Alternative care*; and (170) *Child absconding from Alternative care*.

4.4.2 WORDS USED TO DESCRIBE CHILDREN, CHILDHOOD & CHILD CARE

The words used to describe children, childhood and the rules and regulations surrounding child care welfare in the Children's Amendment Act (41 of 2007) are not apolitical. According to Kellet, Robinson and Burr (2004:39) language has a powerful influence on child imagery. Kellet, Robinson and Burr argue that the language and words used to describe children and childhood provide a linguistic kaleidoscope of childhood images that have successfully migrated across global, cultural and historical boundaries (2004:39). I aim to show by using the social constructionist approach how these concepts or conceptualizations of children contribute to or construct an image of children within the Act. It is interesting to note the similarities between this representation of children and childhood within the Act and its relation to constructions within other discourses. These concepts or words could be argued to merely be a matter of semantics bearing no political impact on children's actual lives nor bearing any contribution to a specific representation of children and childhood. I argue that these words contribute to a very specific depiction of children and childhood and are not merely a neutral semantics debate.

Heeding the advice of Terre Blanche and Durrheim (1999:158) I sought to identify terms, phrases and metaphors that are omnipresent or recur in the Act. I will discuss these concepts or words generally as it relates to and contributes to a very specific representation of children as vulnerable, hence its positioning within my discussion of the "vulnerable child". They will be discussed generally as a means of illustrating its relative-ness, intentional or not, to a very

specific conception of children and childhood as a vulnerable bio-chronological developmental phase.

The following recurrent terms and phases are used to present children, childhood, child care and welfare in the Children's Amendment Act (41 of 2007). They include: "protect" [144(g), 169(2), 181(a), 191(2)c, 194(2)g], "safe"/"safeguard" [79(3)b(i), 144(b), 144(c), 181(a), 191(2)c, 191(2)g], "security"/"secure care"/"safe environment" [3(q), 79(2)a, 94(2)c, 191(2)c, 191(2)f, 191(2)g-I, 194(2)f, 194(2)m, 216(2)a], "proper care" [79(2)b)] and similar words relating to service provision within the Children's Amendment Act (41 of 2007). I will use these words as my trajectory of argument into what I argue to be very a specific construction of children and childhood centred around protection, surveillance, safety and vulnerability. These words and concepts contribute to, influence and perhaps intentionally create or direct its audience to a depiction of children as vulnerable beings in need of safeguarding and surveillance. I have chosen this as my initial point of my argumentative trajectory as these words are more obvious and direct within the Act. Its usage in the context of child care and welfare as well as its intentional or unintentional influence in a specific representation and depiction of children and childhood is straightforward and easily conceivable. These concepts will be thematically discussed or clustered as a means of avoiding repetition as they all convey a conception of children and childhood as a vulnerable bio-developmental stage requiring protection, safeguarding and surveillance. Although many references are made to or connoting to "security", "secure care", "safe environment", "protect(ion)" within the text, not all of them will be discussed. I will merely discuss their commonality by making use of and dissecting a few examples from within the text, collectively. As such brief text selections will be presented for clarity's sake to construct a logical order of argument.

The selected text should be read within the context of subsection (94)(1)-(2) "National norms and standards for Early Childhood Development Programmes" of Chapter Six: "Early Childhood Development". It reads as follows:

94.(1). The Minister must determine national norms and standards for early childhood development programmes by regulation after consultation with interested persons and the Ministers of Education, Finance, Health, Provincial and Local Government and Transport.

(2). The prescribed national norms and standards contemplated in subsection (1) must relate to the following;

(c) caring for children in a constructive manner and providing support and security⁸.

The following selected text should be read within the context of Chapter Thirteen:

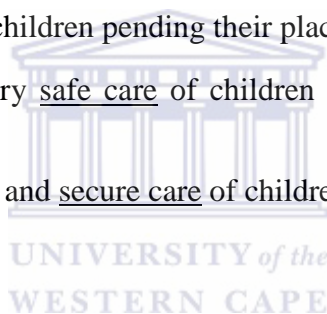
(191)(2)(c)(e)(h) “Child and Youth Care Centres”.

191.(2) A child and youth care centre must offer a therapeutic programme designed for the residential care of children outside the family environment, which may include a programme designed for-

(c) the temporary safe care of children pending their placement;

(e) the reception and temporary safe care of children to protect them from abuse or neglect;.

(h) the reception, development and secure care of children awaiting trial or sentence.



As a matter of emphasis I shall include selected text from subsection (194)(2)(d)(f)(g)(m) “Norms and standards for child and youth care centres” of Chapter Thirteen titled “Child and Youth Care Centres”. The selected text reads as follows;

194.(2). The national norms and standards contemplated in subsection (1) must relate to the following;

(d) permanency planning for children;

(f) temporary safe care;

(g) protection from abuse and neglect;

(m) security measures for child and youth care centres.

⁸ Underlined by the author for emphasis and exaggeration purposes. Any underlined text read henceforth should be considered as such.

And as a concluding argumentative accompaniment consider the description provided for foster care stated in Chapter Twelve, (181)(a) “Foster care”;

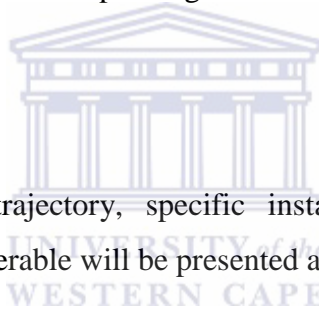
181. The purposes of foster care are to-

(a) protect and nurture children by providing a safe, healthy environment with positive support.

According to Terre Blanche and Durrheim (1999:159) there are two stages in doing a discourse analysis. The first stage involves the researcher striking a critical distance from the text in order to identify the discourses. This involves a sense of self reflectivity or reflexivity of the research process and the text in attempts to provide an objective analysis of the discourses present in the text. The second stage is to consider what these discourses do and is often conducted simultaneously with the first stage (1999:159). The study subscribed to these stages proposed by Terre Blanche and Durrheim (1999:159) in its efforts to unveil the representation of children and childhood in the Act (41 of 2007). One need only to read the selected text to yield deductions based on the repetition, and resulting imposition, of very specific morals, values, ideals and expectations relating to welfare relative to children and childhood within the text. As a constructionist analysis aims to link accounts to actions (Terre Blanche & Durrheim 1999:160) the study sought to examine the effects rather than the veracity, that is truthfulness or accurateness, of the text. Whilst engaged with phase two of the research process I reflected on “*what do texts do?*”. In addressing this pertinent question during my analysis I considered Parker (1992 in Terre Blanche & Durrheim 1999:160) and Collins (1997 in Terre Blanche 1999:160) definitions of discourse. Parker (1992) defines discourse as “*a system of statements which constructs an object*” whereas Collins (1997) defines it as “*narratives that organise meaning so as to produce what then show up as facts*”. These definitions, respectively suggest that discourses or representations act to construct particular realities and construct particular social ‘truths’ (Terre Blanche & Durrheim 1999:160). Terre Blanche and Durrheim (1999:160) state that texts do a number of things simultaneously, of which the Children’s Amendment Act (41 of 2007) is no exception, including convincing the reader that the

author of the text is a good person, seeking to advance a particular ideology, telling the truth, or motivating readers to act in a certain way.

The common themes central to the selected texts are implicitly and explicitly directed toward protection, safe care and safety of children. Although it is not my intention nor my opinion to suggest that protection and safekeeping should not be central to child welfare, I have attempted to maintain a degree of objectivity in my attempts to study the depiction of children and childhood in this specific text. The selected texts as well as the recurring themes of protection, safety, surveillance and safeguarding of children explicitly speak for a certain imagery pertaining to children. Without deconstructing or dissecting the text one is presented with a very defined and specific image of children and childhood; one rooted within paternal protectionist orientation speaking toward the vulnerability of children and childhood.



Following this argumentative trajectory, specific instances in which children and childhood are represented as vulnerable will be presented and discussed.

4.4.3 (110) REPORTING OF ABUSED OR NEGLECTED CHILD AND CHILD IN NEED OF CARE AND PROTECTION

This subsection, Part 1 (110)(1)-(3), is an amendment to and insertion before Part 2, titled “National Protection Register” (111)-(128) of Chapter Seven, titled “Protection of Children” (111)-(128) in the principal Act, namely the Children’s Act 38 of 2005. This subsection presents a list of professionals directly or indirectly concerned or involved with children or child care who are legally liable to report instances of child abuse, on reasonable grounds or suspicion, to recognized and designated child protection organizations, the provincial department of social development or police officials. For the sake of clarity the subchapter reads as follows:

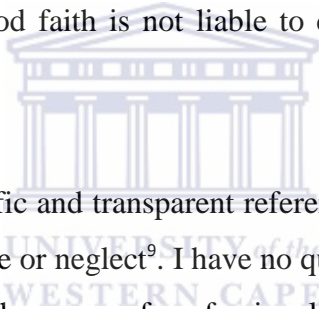
110. (1) Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in the prescribed form to a designated child protection organization, the provincial department of social development or a police official.

(2) Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organization or a police official.

(3) A person referred to in subsection (1) or (2) -

(a) must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organization or police official; and

(b) who makes a report in good faith is not liable to civil action on the basis of the report.



This subsection makes very specific and transparent reference to personnel who are liable by law to report suspected child abuse or neglect⁹. I have no query with the actual content or text of the subchapter as it broadens the range of professionals who can and should account for instances of child abuse or neglect, however minor or major, based on reasonable suspicion or evidence. It thereby seeks to protect children from violation or abuse by seeking reportage of such grievances. This resonates with Moses' (2008: 329) argument that the rights prioritized for children are protection-oriented reiterating the child's position as vulnerable citizen.

The problem with the above subsection however lies within its scope of reportage; that is those people who, based on this subsection, can and should report instances of evident or suspected abuse, and is not limited to the Children's Amendment Act (41 of 2007), but to the Child's Act as a collective. This subsection makes direct reference to professional adults who

⁹ Child neglect, henceforth, will be discussed within a broader consideration of child abuse within this thesis as it directly concerns the maltreatment of children.

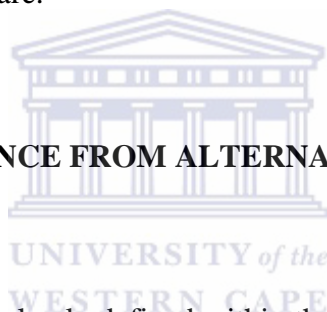
can and should report any violations of child abuse, yet nowhere in the subsection nor within the Act itself does it make reference to the viability of child reportage.

The absence of child reportage of child abuse within the Act is perhaps not an issue in itself, as is evidenced by the amount of child protective services and child protective organizations and campaigns that readily avail themselves to suspected child maltreatment within South Africa including; Childline, Resources Against Child Abuse and Neglect (RAPCAN), Unicef South Africa, etc. The Act itself sets forth specific criteria, rules and regulations for the operation of these services, organizations and its personnel. The absence of child reportage of child abuse within the Act does however reflect the power relations between adults and children or rather adults over children, reminiscent of Giddens' notion of "authoritative resources" and "structure of dominance" within the context of structuration theory as outlined in the study's conceptual framework. This argument could be considered to be an extension of Shepherd's (1994:66 in Roberts 2006:154) assertion that childhood, as a bio-developmental stage with power being the main differentiating factor between adulthood and childhood, is an imposition by older members of a society as a means of making sense of, coping with and potentially controlling the next generation. Hill & Tisdall (1997:20) assert that adults potentially constrain children's choices in the interest of children, yet this can too easily and readily be a rationalisation for marginalizing children for the convenience of adults, thereby paralleling the assertion that power is the main differentiating factor differentiating the child from the adult.

Giddens (in Sewell 1992:9), defines resources as "the media whereby transformative capacity is employed as power in the routine course of social interaction". He furthermore makes the distinction between allocative and authoritative resources whereby the former refer to those "capabilities which generate command over objects and other material phenomena" that is non-human resources, and the latter refers to those "capabilities which generate command over persons", that is human resources (Sewells 1992:9). Thus, in application, the prioritization of adult reportage over child reportage or in this case the absence of child reportage itself of child abuse places children in a position subordinate to adults in the

context of power. Within this framework children could be considered to be authoritative resources subordinate to adults as an authoritative grasp in terms of resources is held over children, as they are not concretized in the Act as viable reporters of child maltreatment without the aforementioned adults acting as verifiable middlemen or personal vouchers within this hierarchy of child abuse reportage. It therefore appears that the victims of abuse are subject to red tape protocol or bureaucracy rendering them inferior and prone to adult control within a child exclusionary hierarchy in a policy which supposedly serves child rights and welfare.

This is not the sole instance in which children and childhood are represented as a vulnerable bio-development stage. This representation of children and childhood is reiterated in the Act within the context of alternative care.



4.4.4 (168) LEAVE OF ABSENCE FROM ALTERNATIVE CARE

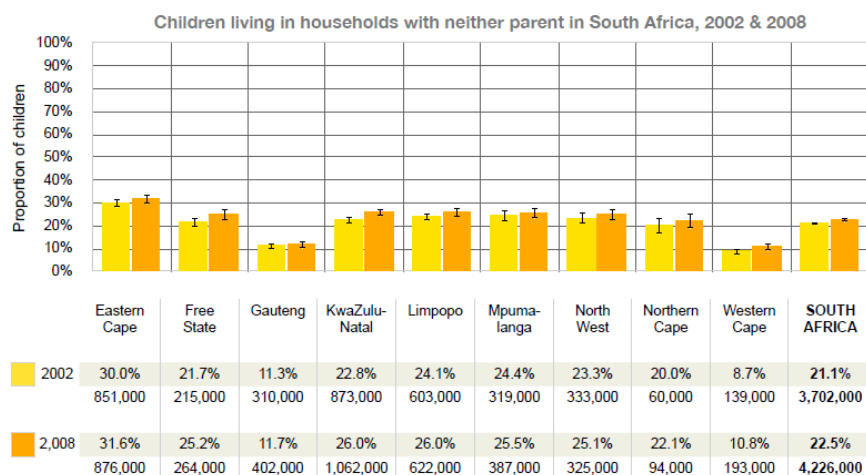
The concept of alternative care is clearly defined within the text. The concept is fairly neutral in its definition, as defined within text. It does however concern the “place”(ment) of children in alternative means of care, which suggests that children do not have power in relation to this “placement” subject to the discretion of adult authorities, within this context.

Alternative care is a contemporary common place reality as increasing numbers of children are not housed with their biological parents for a multitude of reasons. The General Household Survey¹⁰ conducted by Statistics South Africa indicates that approximately 23% of South Africa’s children aged under seventeen were not living with either of their biological parents in July 2008. This equates to a total of approximately 4,226,000 children that were

¹⁰ Statistics South Africa (2008). General Household Survey 2007 Metadata. Cape Town, Pretoria: Statistics South Africa

housed in some form of alternative care (see Figure 2¹¹ for provincial variations of Children in Alternative Care).

TABLE 4.1. PROVINCIAL DISTRIBUTION OF CHILDREN IN ALTERNATIVE CARE



Source: Statistics South Africa (2003 - 2009) General Household Survey 2002 - 2008. Pretoria, Cape Town: Statistics South Africa.
 Analysis by Katharine Hall & Double-Hugh Marera, Children's Institute, University of Cape Town.

Notes:
 2. Children are defined as persons aged 0 - 17 years.
 3. Population numbers have been rounded off to the nearest thousand.
 4. Sample surveys are always subject to error, and the proportions simply reflect the mid-point of a possible range. The confidence intervals (CIs) indicate the reliability of the estimate at the 95% level. This means that, if independent samples were repeatedly taken from the same population, we would expect the proportion to lie between upper and lower bounds of the CI 95% of the time. The wider the CI, the more uncertain the proportion. Where CIs overlap for different sub-populations or time periods we cannot be sure that there is a real difference in the proportion, even if the mid-point proportions differ. CIs are represented in the bar graphs by the vertical lines at the top of each bar.

Chapter Eleven of the Children's Amendment Act (41 of 2007) is an insertion following Chapter Ten of the principal Act (38 of 2005) that concerns rules and regulations relating to the "alternative care" of children. The act specifically stipulates that a child should be considered in alternative care if the child has been placed –

- (a) in foster care;
- (b) in the care of a child and youth care centre following an order of a court in terms of this Act of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
- (c) in temporary safe care (Government Gazette 2008:60).

Upon exploring the rules and regulations concerning the "leave of absence" of children from alternative care and "child absconding from alternative care" one is faced with a

¹¹ Sourced from: Meintjes, H. (2010). Children Count Abantwana Babalulekile: Statistics on Children in South Africa. Demography – Children living with biological parents. Cape Town: Children's Institute, University of Cape Town.

contradictory yet co-existing and co-relating representation of children. I argue that this representation of children is beneficial to adults and authority as policy that conceives of children as vulnerable and in need of surveillance and control is dependent on an acknowledgment of child transgression and deviance which in itself is paternalistic. This is furthermore dependent on an acknowledgment, but conscious disregard, of child agency. These contradicting representations of children will be presented and discussed, respectively.

The subchapter titled “*leave of absence*” from Alternative care reads¹²:

168. (1) *Leave of absence may, subject to subsection (2) and such limitations and conditions as may be prescribed, be granted to a child in alternative care—*

(a) *by the management of a child and youth care centre in whose care the child has been placed;*

(b) *by the person in whose alternative care the child has been placed; and*

(c) *by the provincial head of social development in the relevant province, in the case of a child in temporary safe care.*

(2) *If a child has been placed in alternative care under the supervision of a designated social worker, leave of absence may only be granted with the approval of that social worker.*

(3) *The management or person referred to in subsection (1), designated social worker or the provincial head of social development in the province may at any time cancel any leave of absence granted in terms of subsection (1).*

(4) *In the case of foster care, the supervising designated social worker may at any time cancel any leave of absence granted in terms of subsection (1).*

(5) *When a child's leave of absence has been cancelled, the management or person referred to in subsection (1), designated social worker or the provincial head of social development must request that the child be returned to the child and youth care centre or person, or to the place where the child is in temporary safe care.*

¹² The underlined text is merely for emphasis and illustration by the author, and does not feature as such within the original text.

This subchapter provides very specific rules and regulations governing the leave of absence of children from alternative care. Leave of absence according to subsection (168)(1)(a)-(c) may be granted by the designated personnel including; the management of child and youth care institutions in whose care the child has been placed; the provincial head of social development in that specific province; and/or the designated social workers supervising and/or guarding the safety of those children. The subsequent subsections also allow those designated professionals, personnel and institutions, defined in subsection (168)(1)(a)-(c) the discretion, or power, to cancel any leave of absence at any time with due cause and stipulate that children be returned to the child and youth care centre or person in the event of the cancellation of leave of absence from alternative care.

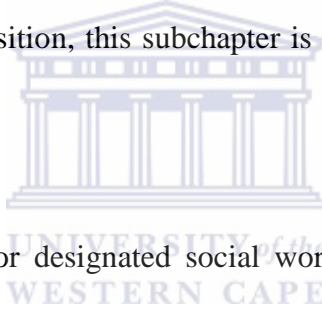
A protection oriented representation of children is presented in this subsection when considering the child's perceived viability to decision-making and participation in relation to his leave of absence from alternative care. Children are not afforded the social novelty of decision-making and participation in relation to their leave of absence from alternative care or in decisions relating to their alternative care itself. Perhaps this should not be questioned as these decisions are considered necessary to be made on behalf of those who, for whatever reason, have been abandoned, maltreated or orphaned by the biological family or legal guardians. Or perhaps they are excluded from these decision-making processes because they are considered to be incapable of making them and therefore have never been afforded the opportunity to make these decisions which impact on their lives, thereby creating a cycle of exclusion and non-participation which furthermore contribute to their perceived vulnerability and dependence. This resonates with Lee's (2003:1) and Hill & Tisdall's (1997:20) assertion that children's points of view, opinions and desires are often ignored because their age has been taken as a sign that they are not worth listening to.

Consider the following text selection titled "child absconding from alternative care" which contradicts that representation of children discussed in the subsection titled "leave of absence from alternative care". I present this juxtaposition as a means to illustrate the heterogeneity of

perceived child vulnerability and representations of children and childhood within a single chapter, that is Chapter Eleven titled “alternative care”.

4.4.5 (170)(1)-(8) CHILD ABSCONDING FROM ALTERNATIVE CARE

This subchapter illustrates the heterogeneity of conceptions and representations of children and childhood within a single chapter of the Children’s Amendment Act (41 of 2007). In order to illustrate this heterogeneity the subchapter should be considered and studied in two separate, yet relating, parts namely¹³; “children who have absconded from alternative care who have not yet been apprehended” and; “the conditions surrounding the apprehended child who absconded from alternative care”. For the sake of clarity, flow of argument as well as a means of illustrating this juxtaposition, this subchapter is divided into two parts and will be discussed, respectively.



170. (1) Any police official or designated social worker may apprehend a child in alternative care who—

(a) has absconded from the child and youth care centre or person in whose care or temporary safe care that child has been placed; or

(b) has been granted leave of absence by the child and youth care centre or person in whose care or temporary safe care that child has been placed and who on cancellation or expiration of such leave of absence fails to return to that centre or person.

(2) If a police official or designated social worker contemplated in subsection (1) has reasonable grounds to believe that a child is in or on certain premises, the police official or designated social worker may, without a warrant, enter and search the premises for the purpose of apprehending the child.

(3) A police official referred to in subsection (1) may use such force as may be reasonably necessary to overcome any resistance against the entry or search of the premises as contemplated in subsection (1), including the breaking of any door or

¹³ This subsection was separated and named by the author as a means of emphasizing and illustrating the heterogeneity of conceptions and representations of children and childhood within a single chapter. It is presented as a single subsection titled ‘*Children absconding from Alternative Care*’ (170) in the Children’s Amendment Act (41 of 2007).

window of such premises: provided that the police official shall first audibly demand admission to the premises and notify the purpose for which he or she seeks to enter such premises.

The subsections (170) (1)-(3) of this subchapter concern the rules and regulations governing authorities and their rights toward children who have absconded from alternative care but have not (yet) been apprehended. This subsection gives legal discretion to police officials and designated social workers to apprehend; children who have absconded from the person or child and youth care centre in whose care or temporary care the child has been placed; or children who failed to return to that person or child and youth care centre in whose care or temporary care he/she has been placed on expiration of leave of absence from that centre or person. Upon exploring this isolated subsection (1-3) one is presented with a dualism of representations of children and childhood. This co-existing dualism firstly perceives children from a protection-oriented conception and yet acknowledges them as transgressors and deviants, or rather agents and decision-makers. This juxtaposition is presented below.

Discretion or power, to be more direct, is given to the stipulated authorities to apprehend children, arguably and most likely against their will, if that child fails to return to that centre or person in whose care or temporary care he has been placed after failing to return to that centre or person after expiration or cancellation of leave of absence from alternative care. Legal power or discretion is granted to those stipulated authorities, rendering children powerless or with less power than their adult authorities. They are thus legally positioned at the lowest spectrum in the context of power in comparison to their adult counterparts, or more specifically adult authorities. However, inherent in these rules and regulations governing children who abscond from alternative care is a recognition or acknowledgment of children as agents and decision-makers potentially capable of transgressing or deviating from adult expectation and law. This conception of children arguably gave birth to these rules and regulations concerning the apprehension of these children for it cannot exist without an acknowledgment of children as agents and actors, or transgressors and deviants. Children within this context are positioned as resources, subordinate to adults in application of Giddens' notion of authoritative resources. Children who transgress within this context, are

considered to be vulnerable agents in need of surveillance, protection and control, highlighting paternal undertones within the Act.

Within the same subchapter various conditions surrounding those apprehended children who have absconded from alternative care are presented which I have aptly considered under the title “the conditions surrounding the apprehended child who absconded from Alternative care” (170)(5)-(8). Consider the subsequent selected text from the same subsection “child absconding from alternative care” (170)(5-8).

170. (5) A child so apprehended or a child who returns, of his or her own accord, to the centre or person in whose alternative care he or she was before absconding—

(a) must without delay be brought before a presiding officer of a children's court; and

(b) may, until brought before a presiding officer of a children's court, be kept in temporary safe care in terms of section 152.

(6) When the child is brought before a presiding officer of a children's court, the presiding officer must—

(a) order that the child be put in the temporary safe care of a child and youth care centre or appropriate facility or person determined by the presiding officer and kept there until the proceedings in terms of this section are completed and any order made or action taken in terms of this section is given effect to;

(b) inquire into the reasons why the child absconded from, or failed to return to the relevant child and youth care centre or person, and may for this purpose question the child; and

(c) order that the child—

(i) be returned to that centre or person;

(ii) may not be returned to that centre or person pending any action by the provincial head of social development in the relevant province in terms of subsection (8), if the presiding officer is of the opinion that there are good reasons why the child should not be returned to that centre or person; or

(iii) be placed in another form of alternative care.

(8) When an order has been made in terms of subsection (6)fcJ(ii) the provincial head of social development may, after consideration of the report of the children's court and such inquiry as the provincial head of social development may consider necessary—

- (a) transfer the child in terms of section 171;
- (b) remove the child from alternative care in terms of section 173;
- (c) discharge the child from alternative care in terms of section 175; or
- (d) order that the child be returned to the child and youth care centre or person in whose care or temporary safe care that child has been placed.

This text selection presents specific protocol to be realized in relation to children and adult authorities super-ordinate to children, which could and should be considered as repercussions for those apprehended children who have absconded from alternative care. This specific subsection initially makes reference to children who return “on their own accord” (170)(5) or discretion to the person or centre in whose care or temporary care they were initially placed, but does not differentiate, in terms of repercussion or conditions, from apprehended children who have absconded from alternative care. Regardless, it acknowledges but not necessarily positions children as agents capable of making informed decisions concerning their perceived well-being. Children are thus subject to corrective protocol which in itself is dependent on an acknowledgment of child transgression or deviance and child agency.

Subsections (170)(5)-(8) concern corrective protocol to be adhered to once children have been apprehended, which mirrors and reiterates the child as powerless, vulnerable and a “human-becoming” subordinate to legally appointed adult authority. Without semantically dissecting each subsection, phrase or wording of this subsection, discretion and authority are given to the presiding officers of children’s courts whose decisions in turn are subject to approval by the provincial head of social development in the relevant province. These authorities, who themselves are subject to hierarchy¹⁴, are given full or partial discretion to consider specific repercussions in relation to those children who absconded from alternative care including; the placement of those children in temporary safe care of a

¹⁴ This hierarchy will not and need not be discussed. The provincial head of social development in the relevant province may, after consideration of reports from the children’s courts and their own discretion as deemed necessary, decide on the child’s status and future in relation to alternative care.

child and youth care centre, appropriate facility or person as determined by these authorities; order that the children be returned to the initial child and youth care centre or person in whose care or temporary he/she was initially placed; order that the child be removed from a child and youth care centre or person in whose care or temporary he/she has been placed; or order that a child be placed in another form of alternative care.

The dualism presented in this context suggests that even though children's potentialities in relation decision-making and agency are acknowledged they are still situated within a protection-oriented framework in need of surveillance, protection and control as decisions are made on their behalf. It is interesting that those children, within this specific context, are liable to punishment, which I earlier referred to as repercussions or corrective protocol, in the event of transgressing or absconding from leave of absence from alternative care even though they are indefinitely and perhaps minimally acknowledged as agents with potentialities. Decisions concerning their futures in relation to alternative care are made by the legally appointed adult authorities due to the child's failure to return from leave of absence. This arguably is a form of punishment due to child transgression or child deviance. Thus I argue that this representation of children as vulnerable and dependent is dependent on an acknowledgment but conscious disregard or rejection of children as agents and rational decision-makers and reflects a paternal tendency in constructions of children as vulnerable and dependent.

A policy analysis of the text from a social constructionist approach was deployed in this study as this approach is most attuned and the most sensitive research paradigm to the real-world political consequences of texts (Terre Blanche & Durrheim 2002:169). Thus, without recommending a change to the selected texts I aimed to highlight the representation of children and childhood as vulnerable in the Act by means of illustrations and discussions. This approach allowed for the deliberate illustration of the mutually correlated relationship between the representation of children and childhood within the text, that is the Act, and within public discourse of which children themselves were and are excluded from in the creation of the imposition of children as "*innocent, vulnerable,*

asexual” (Heywood 2001:4) and dependent. The questions then that plague me in light of this argument are:

- Do these policies serve to protect and give voice to children and were they defined and constructed in consultation with children having children’s capabilities, capacities and welfare at heart?;
- Do they serve to reiterate the child’s position as dependent and vulnerable thereby creating a cycle of construction, internalization and imposition (by adults on children or by adults on adults, including themselves) without consulting or exploring children’s capacities or potentialities for agency and decision-making?; and
- Do these policies serve to constrain children’s social mobility under the guise of protection and vulnerability within a protection oriented and paternalistic framework?

These considerations collectively parallel Qvortrup et al (1994 in Hill & Tisdall:212) assertion that the previous low status of children in sociology is linked to the low status of children in society. Children, as a quintessential minority group, are marginalized in adult thinking and actions, which results in major restrictions on their access to attention, places and resources (Hill & Tisdall 1997:12). It furthermore resonates with James & James (2004:76 in Smith 2009:252) assertion that law is a centrally important mediating influence in the social construction of childhood. This marginalization of children, both within policy and generally, is often justified by children’s need for protection or a need for adults to protect children, which Hill & Tisdall argue often proves to be paternalistic in its effects or intention (1997:12).

Child policy thus provides adults with a perceptive social prescription on children and childhood which contributes to the constitution of meaning of children and; the eventual sanctioning of children’s behaviour in a top down non-participatory framework. Moses (2008:337) in her consideration of adults’ conceptions of children suggests that children’s right to participation is often treated as oppositional to children’s right to protection with an

adult bias towards child protection. This furthermore illustrates the hierarchy construction separating adults from children within a top down non-participatory framework which inevitably leads to a general devaluing of children's inputs and participation (Moses 2008:337).

This, however, is not the sole representation or depiction of children and childhood within the Act (41 of 2007). A discussion of the representation of children and childhood as citizens and agents within the Act (41 of 2007) will be presented as a means of contrasting the Act's representations of children and childhood.

4.5 THE CHILD AS CITIZEN AND AGENT

4.5.1 INTRODUCTION



The emphasis on “needs” in relation to conceptualizations of children as vulnerable and in need of protection or childhood as a state of preparedness for the future has traditionally been the norm in conceptualizations of children and childhood. According to Mitchell this discourse positions children as dependent on the goodwill of adults (Moss & Petrie, 1997, 2002 in Mitchell 2007:31) resulting in a disregard of children as agents as evidenced in the discussion and presentation of the representation of children and childhood as vulnerable in the Children's Amendment Act (41 of 2007). Dahlberg et al (1999:48 in Mitchell 2007:31) considers and positions the child within a social constructionist framework and the “child as citizen” paradigm as a “co-constructor of knowledge, identity and culture”. This view of children acknowledges that they have agency, are shaped by society and that they in turn shape society through their experiences and interactions with others. This discussion and presentation of the representation of “the child as citizen and agent” in the Act (41 of 2007) resonates with the “child as citizen” paradigm and should be considered as such.

Children are increasingly, but not generally, being acknowledged and recognized not merely as passive recipients and imitators of adult models, knowledge and values but as beings that are actively contributing to the social worlds in which they live, both individually and collectively (Tisdall & Hill 1997:1, Dahlberg et al 1999:48 in Mitchell 2007: 31). Whereas the previous discussion illustrated, presented and discussed the dominant representation of children and childhood as vulnerable beings within the Children's Amendment Act (41 of 2007), this sub-chapter seeks to highlight those instances within the Act which portray the child as citizens or active beings contributing to their social worlds, albeit perceivably minutely and relatively.

This presentation of data yield from an exploration and analysis of the Act (41 of 2007) resonates with Hill and Tisdall (1997) who assert that law and policy attempt to strike a balance between the perceived opposite characteristics of children either considering them as “dependent and vulnerable; and on the other hand, they are people with capacities and viewpoints to be respected” (1997:19). They further state that “the former considerations require adults to act on behalf of children and that the latter recognize children's right to act for themselves” (1997:19).

According to Kruger & Coetzee (2011:36) and Nomdo (2011:49) the Children's Act, ratified in April 2010, formally introduced children's right to participate in decision-making. This had various implications including not only the inclusion of children but the obligation to include children in decision-making as opposed to making decisions on their behalf. Kruger and Coetzee (2011:36) state that professionals need to “tell children what's going on, inform them about their choices, find out how they feel and what they want, and take these views seriously...for it is only through listening to and considering children's points of view that professionals can grasp the essence of children's experience and act in their best interest”.

Theory relative to children and citizenship will be explored before content from the Act (41 of 2007) which depicts and represents children as agents and citizens is presented and discussed.

4.5.2 THE CHILD AS CITIZEN

There are competing theories of citizenship subject to different citizenship criteria or requirements. These will be explored as a means of situating this representation of children and childhood in the Act (41 of 2007).

According to Rees (1995:313 in Hill & Tisdall 1997:23) citizenship “is a matter of the rights and duties attendant upon membership of a specified community”. T.H. Marshall’s argument (1963) pre-empted this and stated that only full members of community have the status of citizenship characterised by equal rights and duties (Jamieson & Pendlebury 2011:70). Marshall was of the opinion then that those people who are not considered to be full members of the community are afforded restricted or limited rights and duties within that community including limits to political rights and state support (Hill & Tisdall 1997:23). Thus people within a given community can have rights and duties within that community without necessarily being citizens, or full citizens, of that community. This is applicable to migrant workers, refugees and arguably children. This is evident in the previous subsection “the vulnerable child” in which children are considered to be dependent and vulnerable and it is incumbent on adults to make decisions on their behalf, albeit relative to the specific cases within the Act, regardless of them being considered to be South African citizens. This paternal depiction and representation of children speaks against them as citizens as they are not afforded the full rights and duties afforded to citizens. Jamieson & Pendlebury (2011:70) state that one of the reasons that children are regarded as non-citizens or citizens-in-the-making is that they do not possess the same rights as adults.

According to Jackson & Scott (2000:152) childhood is the only form of subordination that is still romanticized as a state of freedom. According to them childhood is a social status defined by; its subordination to adults; its exclusion from adult rights of citizenship; and its dependence on adults (2000:152). As such children spend most of their child lives within institutions, including the family, which cater for their supposed or imposed “needs” (2000:152). Childhood, based on this discussion, could be construed and defined to a considerable degree as a function of adult expectations (Heywood 2001:9) subordinate to adult authority (Jackson & Scott 2000:152).

Jackson & Scott (2000:158) further situate children’s marginalized positioning in society within a power discourse which they accredit to children’s historical loss of their role as economic actors. This is akin to Marshall’s foundational considerations of citizenship and rights (1949 in Hill & Tisdall 1997:24) in which he asserted that the “active” citizen has become the only recognized citizen in government policy. Those who do not pay taxes, undertake paid work or take on civic responsibility, as in the case of children, risk being excluded from citizenship (1997:24). He further purported that the state not only had duties toward its citizens but that the citizens also had duties toward the state which were fulfilled in five ways including; payment of taxes and social insurance; education; military service; undertaking paid work with dedication; and vague duties about civic responsibility (1997:117). Children were and are institutionally excluded from or denied full citizenship status based on the above defining principles. Various authors suggest that children’s exclusion from work was and is a double edged sword which was and is contemporarily considered as a mark of social progress, yet has rendered them economically powerless, increasing their dependence on adults, especially their parents (Jackson & Scott 2000:158, Hill & Tisdall 1997:117). As such they are neither citizens nor full legal subjects and live under and within their parents’ or legal guardians’ jurisdiction.

Jamieson (2011:23) asserts that adults often assume that children have no political rights because they do not hold the right to vote nor to hold political office, when in fact they do share many civil and political rights with their adult counterparts including; the right to

freedom of expression; the right to join or form a political party; the right to be part of political campaigns; the right to demonstrate and protest; and the right to participate in the development and implementation of laws and policies. Children's presumed and institutional reliance and dependence on adults to fulfill their rights and make decisions in their best interests coupled with beliefs about children's status in society often lead adults to see children as objects of protection rather than individual rights-bearers which often act against children's meaningful participation in decision-making (Jamieson 2011:23). It is more accurate, acceptable and applicable, based on the previous subsection's discussion of "the vulnerable child", to acknowledge that children are afforded specialised rights very different from adults. This resonates with Taylor (1989 in Tisdall & Hill 1997:24) who argued that belonging to a community is not necessarily beneficial; as communities can enforce role expectations and disenfranchise those without power, as is the case with children. Taking this into account this notion of citizenship not only acts to include or define inclusion also acts to exclude particular social groups.

This subsection, that is "the child as citizen and agent", and thesis resonate with Dahlberg et al (1999:48 in Mitchell 2007:31) prescription of children as "citizens" or the "child as citizen" paradigm emphasising the child's position as "co-creator of knowledge, identity and culture". It adheres to the following principles, which have been adopted as the foundation for my argument for consideration of children as citizens within the Children's Amendment Act (41 of 2007):

1. The child is a citizen, with rights and responsibilities as a member of a social group, an agent and a voice to be listened to (Moss & Petri 2002:101 in Mitchell 2007:32). Children are therefore agents in their own learning and learning of others, shaped by society and in turn shaping society through the experiences and interactions with others.
2. Childhood is important in its own right and not simply in relation to adulthood

(Mitchell 2007:32).

Jamieson, Pendlebury & Bray (2011:70) explore and discuss participation and participation rights as an important factor for inclusion in decision-making as well as democracy within the context of deliberative democracy and citizenship. They state that international law, regional law and constitutional law have accepted that marginalised groups require additional rights to secure their participation in society (2011:70). Within this framework minority and marginalised groups, including children, need and are afforded additional rights to secure their participation in society. As such, international law and inclusive theories of citizenship allow for children to be considered and accepted as active citizens (2011:70). Participation rights, according to Jamieson (2011:26) in the context of children, allow them to influence decisions that adults make on behalf of children, thereby protecting children's freedom of choice and are central to children's recognition as rights-holders and citizens, as I argue in "the child as citizen and agent". Jamieson & Pendlebury (2011:71) argue that this consideration of children as citizens not only recognizes them as "full human beings, invested with agency, integrity and decision making capacity" but also acknowledges their relationship to the – national and international – political order. According to Bray (in Jamieson & Pendlebury 2011:71) children's participation rights are important in establishing them as active citizens simply because of their exclusion from voting. Meintjes (2011:65) states that children's status in society and co-relating adults' failure to recognize the value and relevance of children's perspectives are fundamental barriers to young people's participation. As such she suggests that adults should and need to change the ways they think about, listen to and engage with children if children's rights to participate are to be realized (2011:65). This was echoed by a fourteen year old female who participated in her study (2011:65) who said that:

“You may give a voice to the children, even give them a very big platform, but if adults don't stop to listen to what the children are saying it is as good as no voice”.

This, that is participation and inclusion, has been central to my argument of and call for a consideration of children as active citizens, as the children in this study have demonstrated on their own, in their own ways, in their own right. In various ways, as illustrated in this study, children have acted and continue to act as citizens by taking responsibility for themselves and others. The only lacking feature for truly effective participation, as outlined by Jamieson,

Pendlebury & Bray (2011:73) is a partnership between children and adults as children, especially young children, are often denied opportunities to exercise these rights. According to these authors (2011:73) children are excluded from social dialogue either because adults see themselves as having superior expertise, or adults lack the time to engage with children or have simply forgotten how to interpret the language of the young.

4.5.3 CHILDREN AS AGENTS AND CITIZENS IN THE ACT (41 OF 2007)

There are few instances within the Act in which children are afforded relative citizenship status with participation rights and duties equivalent or similar to adults or full citizens, albeit relatively and contextually. It is more accurate and appropriate to say that there are instances in the text which prescribe that children's views, opinions and voices be heard and consulted with in decisions concerning their lives. This illustrates the particularly interesting duality and non-uniformity of children and childhood within the text, in comparison to the representation of children as vulnerable in the text. This alternative representation of children and childhood falls perhaps more congruent with the strivings of the 'new' sociology of childhood theorists and attempts to recognize (as Tisdall & Hill clearly put it 1997:19) "children's right to act for themselves" or more specifically child agency. What follows is an illustration and discussion of selected content within the Act which recognizes child agency, participation rights and decision-making. There are instances within the text which liken children to citizens with capacities for action whose opinions, desires and intentions are worthy of being heard and adhered to. This chapter will include a discussion on specific subchapters and subsections including: (134) "*Access to Contraceptives*", (137) "*Child-Headed Households*", and extracts relating to the Alternative Care and Foster Care of children.

4.5.4 (110)(8)(b) ACCESS TO CONTRACEPTIVES

Subsection (110)(8)(b), in Part 3 titled “Protective measures relating to the health of children”, of Chapter seven “protection of children” of the principal Act (38 of 2005), relates to children’s access to contraceptives. The selected text is presented within the Children’s Amendment Act (41 of 2007). This subsection functions as a point of reference situating or locating the amending Part 4 of the Children’s Amendment Act (41 of 2007), titled “Other protective measures”, in both the Children’s Amendment Act (41 of 2007) and the Children’s Act (38 of 2005). Although the subsection serves as a point of reference within the Children’s Amendment Act (41 of 2007) its content was made subject to analysis as it provides an intriguing stance on child agency and decision making capacities. The subsection reads as follows:

(110)(8)(b) by the substitution for subsection (3) of section 134 of the following subsection:

"(3) A child who obtains condoms, contraceptives or contraceptive advice in terms of this Act is entitled to confidentiality in this respect, subject to section [105] 110.

Subsection (134) extracted from the Children’s Act (38 of 2005) makes provision for access by children aged twelve and older to condoms and contraceptives. It prequels the selected text and is presented as supporting and related content as a means of contextualising this argument.

134. (1) No person may refuse –

(a) to sell condoms to a child over the age of 12 years; or

(b) to provide a child over the age of 12 years with condoms on request where such condoms are provided or distributed free of charge.

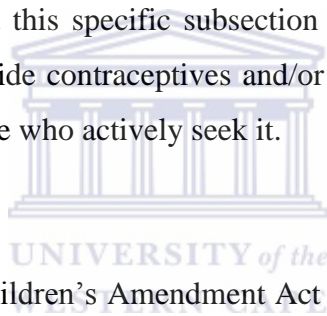
(2) Contraceptives other than condoms may be provided to a child on request by the child without the consent of the parent or care-giver of the child if –

(a) the child is at least 12 years of age;

(b) proper medical advice is given to the child; and

(c) a medical examination is carried out on the child to determine whether there are any medical reasons why a specific contraceptive should not be provided to the child.

This arguably is a more radical, progressive consideration of children, broadly as well as contextually in relation to children and sexual health. This subsection gives right to not only confidentiality in respect of children's acquisition of or access to condoms, contraceptives or contraceptive advice but legitimizes their right to sexual health. It furthermore indirectly acknowledges child agency and decision making capacities, and positions those qualities as necessary and irrefutable within conceptualizations of children and childhood, at least pertaining to their right to contraceptives and condoms. The selected subsection does not place the onus on adults to seek out and provide contraceptives to sexually active children above the age of twelve. Instead this specific subsection makes it incumbent by law upon adults, broadly speaking, to provide contraceptives and/or condoms to those sexually active children above twelve years of age who actively seek it.



The applicable text within the Children's Amendment Act (41 of 2007) concerns the right of children who obtain condoms, contraceptives and/or contraceptive advice to confidentiality, which in itself is arguably progressive and necessary, given the statistical data on child sexuality and sexual behaviour. It therefore acknowledges child agency, child sexuality, children's capacity for rational and logical problem-solving and decision-making. In this light the Act's (41 of 2007) direct reference to and support of child agency and decision making capacity in the context of children's access to contraceptives and sexual health is evident.

Statistical data compiled by the Medical Research Council and the Human Sciences Research Council highlights child sexuality and child sexual behaviours, thereby contextualizing children as agents and sexual beings. According to findings by the Medical Research Council (in Milan 2011) 25 percent of children aged thirteen and younger are sexually active or have had sex, with a mere 10 percent accessing contraception. Data yield by the Human Sciences

Research Council's¹⁵ study on national HIV prevalence in 2008, in a survey of 15,000 households, estimated that 10.4 percent of boys and 14.5 percent of girls aged 12-14 have had sex or are sexually active. Further studies by the Human Sciences Research Council (in Jones 2011¹⁶) based on 2000 children and parents interviewed nationally estimate that 49 percent of sexually active children aged between 12-17 stated that they used a condom during the last sexual encounter. These studies suggest that an increasing amount of young people are engaging in sexual intercourse as well as reflect that a majority of young people have not used a condom during their last sexual encounter. This informs the selected text that states that "(3) A child who obtains condoms, contraceptives or contraceptive advice in terms of this Act is entitled to confidentiality in this respect, subject to section [105] 110'.

There are various contradictions relating to children, child sexuality and child sexual behaviour in South African policy, when read collectively. I have considered such contradictions for illustration and contextualisation purposes. Consider the representation above in comparison to the Sexual Offences Act of 2007 which makes it illegal for any person to engage in "*consensual sexual penetration*" with children between the ages of 12 and 16. According to a local news media article published by the Mail & Guardian¹⁷ the Sexual Offences Act was designed to address the sexual abuse of children, yet also makes it illegal for young people of those ages to have consensual sex (Malan 2011). In comparison a contradictory representation of children is presented in the subsection discussed which acknowledges young people as sexual beings with rights to "condoms", "contraceptives" and "contraceptive advice" (110)(8)(b). According to Malan (2011) the National Prosecution Authority head, Menzi Simelane, authorized the prosecution of at least two groups of

¹⁵ Sapa. (2010). One in ten 'kids have had sex' survey reveals. In: Mail & Guardian. Published: 13 May 2010.

[Online: <http://mg.co.za/article/2010-05-13-one-in-ten-kids-have-had-sex-survey-reveals>]. Accessed: 29 September 2011.

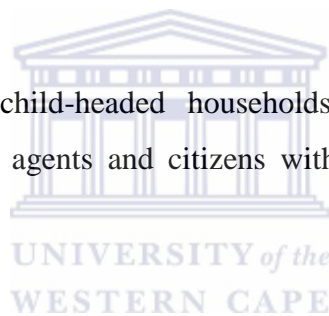
¹⁶ Jones, M. (2011). Children as young as 5 need sex talk – study. In: Cape Times. Published: 26 September 2011. [Online: <http://www.iol.co.za/capetimes/children-as-young-as-5-need-sex-talk-study-1.1144776>]. Accessed: 29 September 2011.

Jones, M. (2011). 'Younger, dangerous sex'. In: The Star. Published: 26 September 2011. [Online: <http://www.iol.co.za/the-star/younger-dangerous-sex-1.1144353>]. Accessed: 29 September 2011.

¹⁷ Malan, M. (2011). Criminalizing sex is not the answer. In: Mail & Guardian. Published: 26 September 2011. [Online: <http://mg.co.za/article/2011-09-26-criminalising-sex-is-not-the-answer/>]. Accessed: 29 September 2011.

children – six learners from Mavalani High School in Limpopo and three learners from Johannesburg – between the ages of twelve and sixteen for having consensual sex using the Sexual Offences Act as a prosecuting tool. The charges were later withdrawn by the National Prosecution Authority head who compelled these youth to complete a “diversion programme”. According to Helen Roos of the Wits Reproductive Health and HIV Institute (as stated in Malan 2011), “Trying to criminalize teenagers having sex would worsen this problem and absolutely discourage teenagers from accessing sexual and reproductive services, as they’ll fear being reported... can you imagine prosecuting more than a third of school-going youngsters? Children have sex at a young age need support, not criminalization.” Without delving into the discrepancy between the two policies too much, I sought to briefly highlight these contradicting representations of children within and across laws.

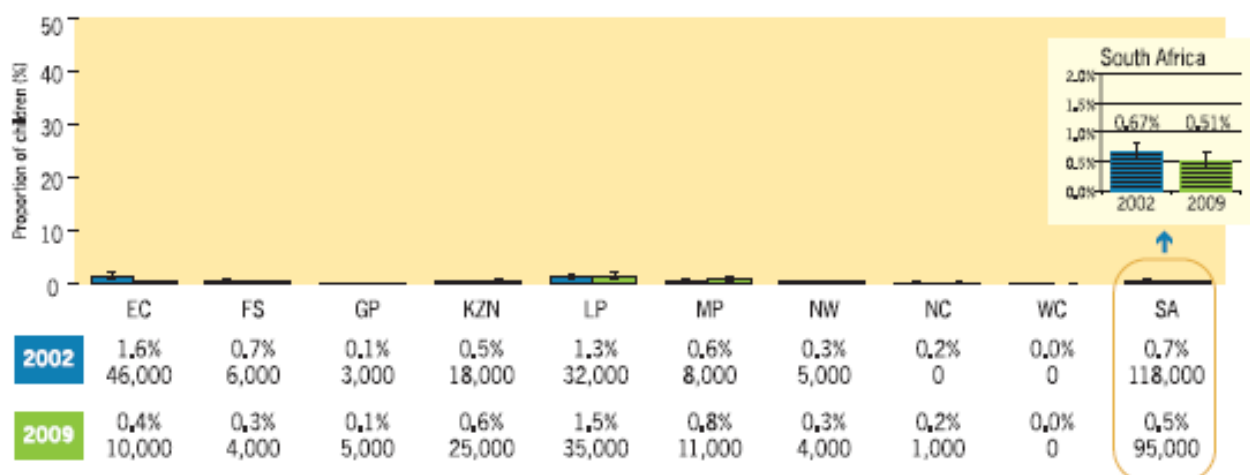
A related section concerning child-headed households which, from a constructionist approach, represents children as agents and citizens within the Act (41 of 2007) will be presented and discussed.



4.5.5 (137) (1)-(2); (137) (6)-(9) CHILD-HEADED HOUSEHOLDS

A child-headed household, also known as a child-only household, is defined as a household in which all members are younger than 16 years old. According to Meintjes & Hall (2011:83) and the 2009 General Household Survey a total of 95,000 children are living in 49,000 child-only households in South Africa. Although the total number of children in child-only households and the total number of child-only households are a cause for concern, this equates to 0.5% of the total child population and 0.4% of the total household population (Meintjes & Hall 2011:83). Meintjes & Hall (2011:83) state that there has been no significant change in the proportion of children living in child-only households from 2002-2009 but that there is concern that these numbers may escalate as the numbers of orphaned children due to the HIV/AIDS pandemic increase.

TABLE 4.2: NUMBER & PROPORTION OF CHILDREN LIVING IN CHILD-ONLY HOUSEHOLDS, 2002 & 2009¹⁸



Sub-chapter (137) titled “Child-Headed Households” is an insertion in “Part 4”, of the Children’s Amendment Act (41 of 2007) that amends Chapter Seven of the Children’s Act (38 of 2005). The selected text from the subchapter reads:

137. (1) A provincial head of social development may recognize a household as a child-headed household if—

- (a) the parent, guardian or care-giver of the household is terminally ill, has died or has abandoned the children in the household;
- (b) no adult family member is available to provide care for the children in the household;
- (c) a child over the age of 16 years has assumed the role of care-giver in respect of the children in the household; and
- (d) it is in the best interest of the children in the household.

¹⁸ Source: Statistics South Africa (2010) *General Household Survey 2009*. Pretoria: Stats SA. Analysis by Meintjes, H. & Hall, K. (2011). *Demography of South Africa’s children*. In: Child Gauge 2010/2011. Eds by: Jamieson, L., Bray, R., Viviers, A., Lake, L., Pendlebury, S. & Smith, C. Cape Town: Children’s Institute, University of the Western Cape. Pp. 83.

Notes: Population numbers are rounded off to the nearest thousand. See www.childrencount.ci.org.za for more information.

Although only children above sixteen are afforded the status of heading the household as defined within the text, this does not occur without condition. The child-headed household is subject to general supervision by an adult designated by:

137(2)(a) a children's court; or

(b) an organ of state or non-governmental organization determined by the provincial head of social development.

Children heading households are afforded control - in terms of decision making and participation rights – of their households as outlined by the definition and conditions of child-headed households. This is unambiguously defined within the text on condition that that household functions under the general supervision of an adult appointed by a children's court or legally appointed official determined by the provincial head of social development. This definition itself and overall subsection lays claim to children's latent potentialities for agency and decision-making, albeit under the general supervision of appointed adults. It directly and unambiguously speaks toward children's capacities for heading households, roles traditionally associated with adults. The subsequent text within the same subsection reiterates children's capacities as agents and rational decision-makers and further concretizes the roles and influence of the appointed supervising adult by further stating that:

(137)(6) The adult referred to in subsection (2) may not take any decisions concerning such household and the children in the household without consulting—

(a) the child heading the household; and

(b) given the age, maturity and stage of development of the other children, also those other children.

(7) The child heading the household may take all day-to-day decisions relating to the household and the children in the household.

(8) The child heading the household or, given the age, maturity and stage of development of the other children, such other children, may report the supervising adult to the organ of state or non-governmental organization referred to in subsection (2)(b) if the child or children are not satisfied with the manner in which the supervising adult is performing his or her duties.

(9) A child-headed household may not be excluded from any grant, subsidy, aid, relief or other assistance or programmes provided by an organ of state in the national, provincial or local sphere of government solely by reason of the fact that the household is headed by a child.

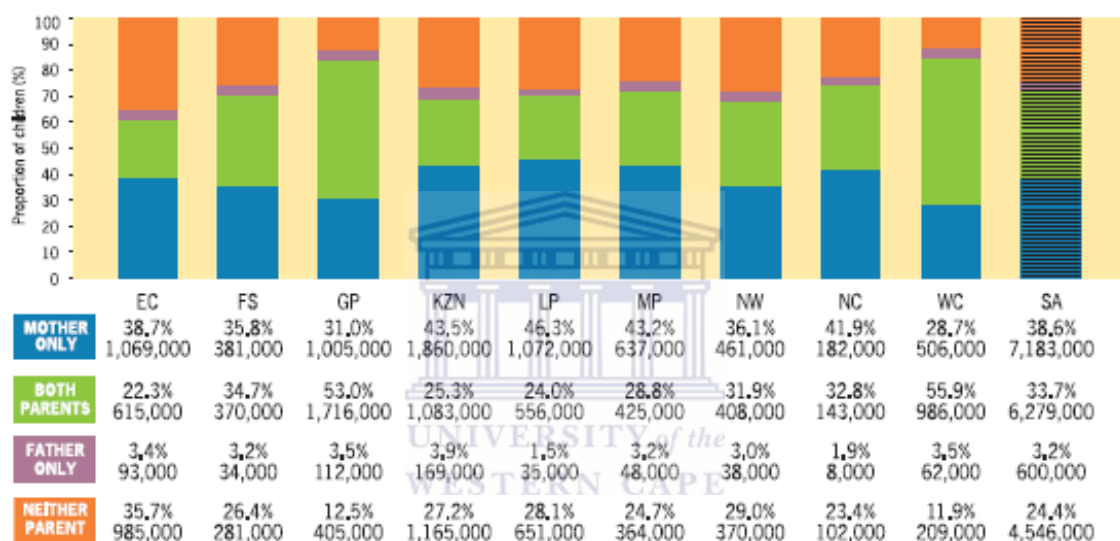
The selected text and the entirety of this subchapter itself is perhaps the most attuned to the potentialities and capabilities of children and accounts for a more progressive conceptualisation of children, one more in line with the prescriptions of the ‘new’ sociology of childhood theorists. It not only acknowledges but concretizes the potentiality of child agency and decision making capabilities. It furthermore places adults under the scrutiny of children; both those heading the household and those children within the household – given their age, maturity and stage of development as the text so aptly defines. In doing so it reverses the traditional roles of adults versus children; that is agent versus dependant. It does so in threefold, by i. acknowledging children as head of household, ii. acknowledging children’s right to and capacities for running the household by making all decisions relating to the daily functioning of that household, and iii. by making the appointed supervising adults liable to child reportage to appointed authorities should they be unsatisfied with the manner in which those appointed supervising adults perform their duties and responsibilities. In doing so this subchapter concretizes children as agents and decision-makers, albeit only in the context of child-headed households. In terms of participation rights as a feature of citizenship, this subchapter acknowledges the child as citizen, agent and rational decision-maker allowing children to influence decisions that affect them, thereby protecting their freedom of choice as rights-holders (Jamieson 2011:26).

4.5.6 GUARDIANSHIP OF CHILDREN: ALTERNATIVE CARE & FOSTER CARE

There are instances within Chapter Eleven, “Alternative care”, and Chapter Twelve, “Foster care”, which suggest that children’s views and opinions, or children’s participation rights, are taken into account by the legally relevant authorities in decision-making processes concerning their guardianship. Selected content from the Act (41 of 2007) will be collectively

presented as they share the theme of child involvement in decision-making relative to guardianship including alternative care and foster care. This serves as testimony, at least in theory, for children’s involvement and consultation in decision-making processes relative to alternative care and foster care. The selected extracts will be presented before being discussed, as a collective theme.

TABLE 4.3: NUMBER & PROPORTION OF CHILDREN LIVING WITH BIOLOGICAL PARENTS¹⁹



4.5.6.1 (171) (4) (a)-(d) TRANSFER OF CHILD IN ALTERNATIVE CARE

The following subchapter concerns the transfer of children in alternative care from: the child and youth care centre or the person in whose care the child has been placed, or from temporary safe care that the child has been placed to any other child and youth care centre or

¹⁹ Source: Statistics South Africa (2010) *General Household Survey 2009*. Pretoria: Stats SA.
 Analysis by: Meintjes, H. & Hall, K. (2011). *Demography of South Africa’s children*. In: Child Gauge 2010/2011. Eds by: Jamieson, L., Bray, R., Viviers, A., Lake, L., Pendlebury, S. & Smith, C. Cape Town: Children’s Institute, University of the Western Cape. Pp. 83.

Notes: Population numbers are rounded off to the nearest thousand.
 See www.childrencount.ci.org.za for more information.

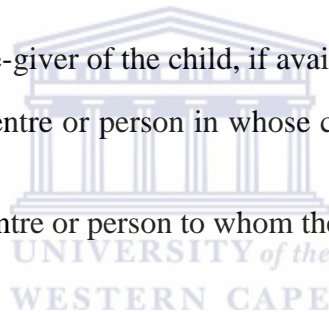
person (171)(1). For clarification's sake children are considered to be in alternative care if they have been placed (167)(1)(a)-(c):

- (a) in foster care,
- (b) in the care of a child and youth care centre following an order of a court in terms of this Act of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or
- (c) in temporary care.

The selected text reads:

171(4) Before the provincial head of social development issues an order in terms of subsection (1), a designated social worker must consult—

- (a) the child, taking into consideration the child's age, maturity and stage of development²⁰,
- (b) the parent, guardian or care-giver of the child, if available,
- (c) the child and youth care centre or person in whose care or temporary safe care that child has been placed, and
- (d) the child and youth care centre or person to whom the child is to be transferred.



4.5.6.2 (174)(4)(a)-(b) PROVISIONAL TRANSFER FROM ALTERNATIVE CARE

Within the subchapter titled the “provisional transfer from alternative care” authority is given to provisional heads of social development to issue a notice provisionally transferring children from alternative care into another form of care “that is not more restrictive...for a trial period of not more than six months”. Subsection 4 makes provision for children’s participation rights, opinions and views within this process of provisional transference stating that:

²⁰ The text is underlined by the author as a means of emphasizing those exact instances in which children are included in decision making processes.

174(4) The provincial head of social development—

(a) must revoke the transfer if the child so requests and the social worker so recommends, and

(b) may at the end of or at any time during the trial period confirm the child's placement or discharge the child from alternative care in terms of section 175.

4.5.6.3 (188)(2)(a) - RESPONSIBILITIES AND RIGHTS OF FOSTER PARENTS

The following subsection is outlined in Chapter twelve, titled "*foster care*". It shares the theme of child involvement, participation and consultation in decision making processes concerning their welfare or guardianship, and will be discussed and presented accordingly. This subchapter concerns the responsibilities and rights of the foster parent and states that:

188(2) A foster parent may not take any decisions contemplated in section 31(j)(b) involving a child without giving due consideration to—

(a) any views and wishes expressed by the child, bearing in mind the child's age, maturity and stage of development.

For clarification's sake 31(1)(b) concerning major decisions involving the child, in the principal Act, reiterates the above extract stating that any person holding parental responsibilities and rights in respect of a child must consider that child's views and wishes when making major decisions related to that child's welfare— taking into consideration the child's age, maturity and stage of development. These decisions as stated in the text follow:

31(1)(b) A decision referred to in paragraph (a) is any decision-

(i) in connection with a matter listed in section **18(3)(c)**,

(ii) affecting contact between the child and a co-holder of parental responsibilities and rights,

(iii) regarding the assignment of guardianship or care in respect of the child to another person in terms of section **27**, or

(iv) which is likely to significantly change, or to have an adverse effect on, the child's living conditions, education, health, personal relations with a parent or family member or, generally, the child's well-being.

The commonality in these selected extracts concerns a call for child involvement, consultation and participation in decisions related to their welfare within the context of alternative and foster care. Extract one makes it incumbent for the provincial heads of social development to appoint designated social workers to consult children - as equal members of a collective of parties involved - when issuing a notice to transfer children from alternative care. Extract two reiterates child involvement, consultation and participation in decision making by making it incumbent upon provincial heads of social development to revoke, or consider such a withdrawal of the transfer of children from alternative care if the child so requests. And Extract three makes it legally obligatory for foster parents and any person holding parent responsibilities and rights in respect of that child to consider that child's views and opinions in major decisions affecting his/her life. The three extracts collectively relate to and call for an acknowledgment and respect of the child's views and opinions related to his/her welfare as a means of securing and ensuring their participation rights in the context of alternative care and foster care. This resonates with Article 13 of the United Nations Convention of the Rights of the Child (CRC) that states that:

1. The child shall have the right to freedom of expression:

this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

(United Nation Convention of the Rights of the Child)

This is important as it places obligation upon statutory bodies to consider child views, opinions and participation in decisions affecting their lives. Wyse & Hawtin (2000:132) argue that it is important to consider and determine the extent to which children have true involvement and participation, as the content of this Article has been replicated in the UK Children's Act 1989 as well as the South African Children's Act (38 of 2005) and the

Children's Amendment Act (41 of 2007). The ratification of the United Nations Convention of the Rights of the Child (UNCRC) and the replication of its content in national law, albeit somewhat undefined and thus ambiguous, presents children as agents whose views and opinions are to be consulted in decisions affecting their lives, as prescribed by the 'child as citizen' paradigm, at least within the context of the presented text selections.

I have discussed the deliberate and institutional imposition of children as vulnerable, the acknowledgment of children as citizens and agents in the Act as well as the correlation between public discourse and the Act in the context of the child as an authoritative resource within a very specific conceptual framework seemingly haphazardly. I have also stated that children's opinions, voices and actual capabilities mostly do not feature in this framework, apart from those subchapters presented in my discussion of "the child as citizen and agent". Instead, child law and adults create and impose this representation of children, without consultation with children and thereby not heeding or recognizing their actual capabilities or capacities for decision-making and agency. In exploring this gross generalization of adult perceptions of children, childhood and child agency I admittedly did not, nor did not want to, consult adults as this would be a tiresome and unnecessary feat, as my objective is to study the representation of children within the Act as well as children's actual capacities and views, free from adult interpretation. Child policy itself, within this context, could be argued to be adult commentary on or perception governing child behaviour resulting in the sanctioning of imposed age-appropriate behaviour and protocol to be adhered to by children themselves and adults working with children.

According to Bray (2007:30) children's participation refers to the active involvement of children in conversations or dialogue that inform decisions about their own lives and broader society. True dialogue, within the context of child participation, requires two way communication between adults and children allowing both parties to express themselves. The extracts presented reflect not only children's participation but their right to participation or involvement in decision-making concerning their lives. Bray (2011:30) further states that two tasks are involved in this process, namely: bolstering children's abilities to express

themselves in adult-dominated spheres and enabling adults to listen and respond to children. This calls for a consideration of and allows for children to be likened to citizens and agents with viable and valid opinions and views that should legally be acknowledged and considered. The child views expressed within this thesis attempt to tackle both tasks outlined by Bray; that is providing children with a platform to express themselves within a research study presented to an adult academic audience. It therefore allows for and acknowledges child participation and expression in the form of case studies and citations, and attempts to encourage adult acknowledgment of and response to child views. As such Phase two of the research process informed Phase three and four which sought to contrast and juxtapose those representations of children and childhood within the Act (41 of 2007) with the reality of children's agency and decision-making capacities and capabilities.

4.6 PHASE THREE & PHASE FOUR: RESEARCH WORKSHOPS & GROUP DISCUSSIONS



Phase three or the research workshops used various child-friendly research tools including; writing exercises, role-play, story-telling, poetry and journaling. It was designed to provide insight into the children's perspectives or worldviews as a means of accessing their social worlds. Phase four or group discussions was used as a means of triangulating data as a means of comparing and contrasting themes and ideas that were addressed in the research workshops. These phases are presented collectively as they were both conducted semi-simultaneously, that is both were conducted after school in the time allocated for research workshops, and sought to complement each other by means of triangulation. In doing so it sought to provide insight into their opinions, ideas, experiences, and agency and decision-making capacities and capabilities. This section makes use of case studies, child utterances, statements in workshops and group discussions, as well as entries in their data collection books and expression sheets. It is thematically organized and will be discussed as such.

One of the central themes I sought to explore in my exploratory research with children were their ideas and opinions of adult perceptions and attitudes toward them or more simply

phrased “how do adults see children”. This theme was informed by the policy analysis which provides insight into the representation of children and childhood in the Act (41 of 2007) as a reflection of the dominant perspectives and opinions of children and childhood in society. I sought to compare and contrast the representation of children and childhood in the Act (41 of 2007) with children’s concerns and opinion on adult perceptions and attitudes toward children and childhood. This was an explorative theme which directly tackled my own hypothesis of popular adult perceptions of child agency. It furthermore placed children, at least from their own perspectives, in line with my argument that they are an authoritative resource at the disposal of adults. This is evidenced by child statements which were mirrored by recordings in their data collection books as well as by entries in their journals, conversations in group discussions, and reiterated on the expression sheets.

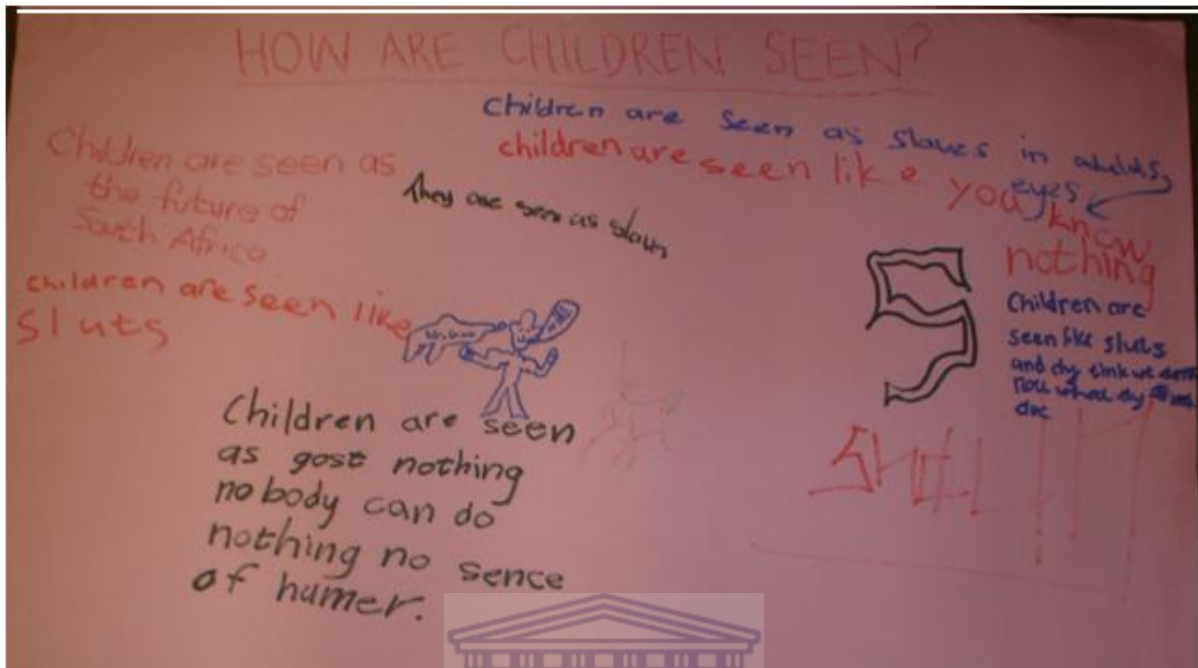
Themed expression sheets utilized within this study sought to allow children the opportunity to express their views on their perceived adult perceptions of children. It could be argued that publicly expressing their views may have encouraged their peers to follow suit and record similar views. Participants were given themed homework to record in their data collection books and these recordings could be transferred to the expression sheets, if desired. In my attempts to minimize the echoing of ideas by peers I sought to triangulate data by examining the expression sheets, the data collection books, group discussions and ideas voiced by participants individually and collectively. The presentation of the findings yield from phase three and four or research workshops and group discussions is presented as a collective as only those ideas and themes that were addressed in both phases are presented and discussed. Triangulation of data furthermore sought to claim legitimacy for and viability of data.

4.6.1 HOW ARE CHILDREN SEEN BY ADULTS

Opinions on adult perception of children included, but were not limited to:

- *“I think some children feel like they are slaves who think they have worked enough for adults (.) sometimes adults don’t know children are busy and they call the children to do something when they should actually be busy with homework or playing with friends and if they are playing or walking with friends and they know when you come home they scold at you and some times they scold or hit the children for nothing and I just think it’s unfair” (eleven year old female),*
- *“I think some children feel like adults one (own) them. They feel they hav(e) worked enuff (enough) for adults (.) sometimes adults don(‘)t know children are busy with homework or plans and they call children to do everything. It(‘)s not the way they see but treat their children and children are sad because they feel adults don(‘)t listen.” (eleven year old male);*
- *“Children are ignoned (ignored) alot of time.” (nine year old female),*
- *“They see us as slaves and they also think we are stupid” (ten year old female),*
- *“They see us as babys (babies)” (ten year old male),*
- *“They see you as a child who can do nothing for yourself and they want us to do everything for them”(nine year old female),*
- *“We are not their slaves to do everything for them. They think they can controle us. We are their children but why do they think this” (ten year old male, and*
- *“They see us as small harmless people. They see us as ants and mad people who cant thinking. Like less than human.” (nine year old male).*

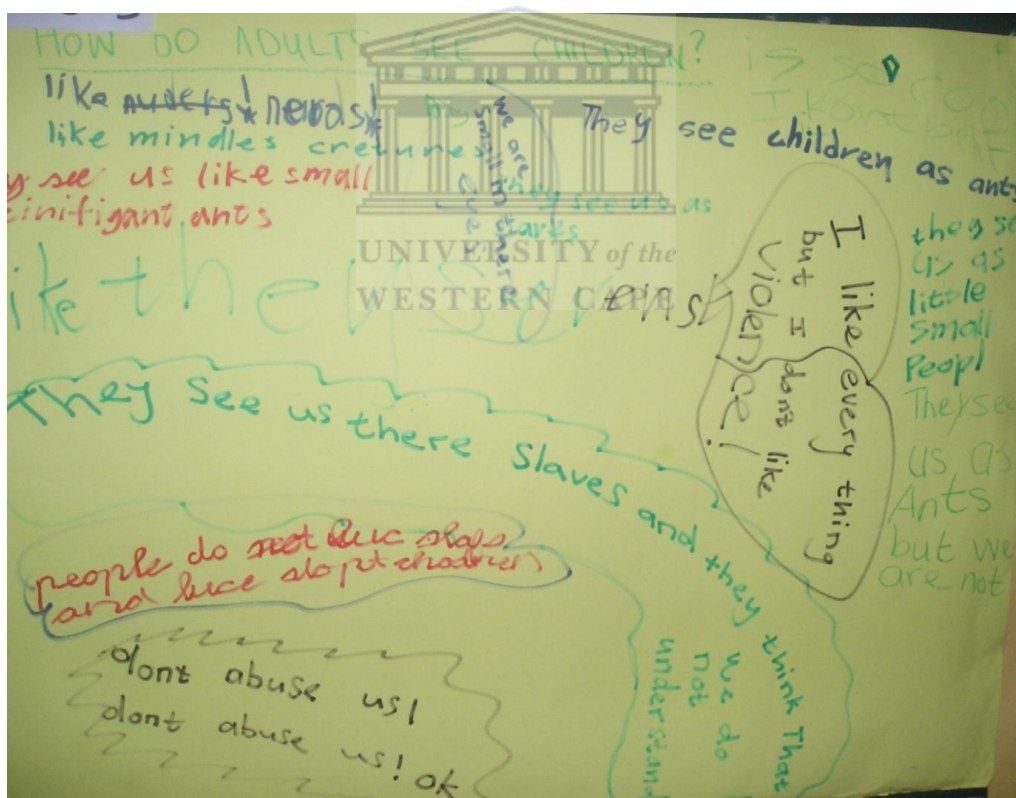
FIG. 4.2 HOW ARE CHILDREN SEEN BY ADULTS?



The overarching shared theme of adults' power and control over children in each of the above statements, yield from both the workshops and the group discussions, should be acknowledged without attempting to semantically dissect their views. This echoes Lee's (2003:1) and Hill & Tisdall's (1997:20) assertion that children's - as a social group distinguished by the chronological age - points of view, opinions and desires are often ignored because their age has been taken as a sign that they are not worth listening to. It is also clear that these young people consider the right or opportunity to have their views heard and acknowledged as fundamental to their valuing as persons (Hill & Tisdall's 1997:37), which furthermore attests to the discourses of power inherent in the social construction of childhood. According to Hill & Tisdall (1997:37) and as suggested by the actors who participated in this study, children see this as a necessity to being considered human or rather to be valued as a person in their own right. Consider the final entry; *"They see us as small harmless people. They see us as ants and mad people who cant thinking. Like less than human"*. Once again the centrality of power between adults and children is ubiquitous in the above statements by children. Power, characterized by and synonymous with bio-

chronological age, it appears, is the main differentiating factor between conceptualizations of and between adults and children, by both adults and children (Hill & Tisdall 1997:20). This is by no means a foreign or novel theme, argue Hill & Tisdall (1997:20). It reflects the power differentiation, between both the perception of children by adults as expressed in the literature and the expression of child grievance with adult perceptions and treatment of and toward children. Inherently, the constructionist approach of childhood highlights the construction of the dichotomy of adult “human beings” and child “human becomings” as purported by Lee (2003:7) and Hill & Tisdall (1997:20). This presents adults with a means of not only providing for children but for speaking on behalf of children (Lee 2003:21) as reflected in my argument concerning child reportage of abuse. Child participants in this study considered participation rights as fundamental to being valued as persons and citizens.

FIG 4.3 HOW DO ADULTS SEE CHILDREN?



Three case studies depicting the intersection between child agency, problem solving and decision-making in the context of child reportage, yield from the research workshops will be

presented. These case studies outline direct and conscious child reportage of child abuse or a conscious avoidance of reportage of child abuse illustrating child agency, their rational problem solving and their analytical decision-making capabilities and capacities, in their own right and context. These case studies should be considered as a response to the representation of children and childhood as vulnerable as well a response to the absence of children as viable reporters of abuse in the Act (41 of 2007).

4.6.2 CASE STUDY ONE: CHILD REPORTAGE OF CHILD ABUSE

This case study was a dream recorded in a ten year old male Seth's Data Collection book. The main objective of the dream recording exercise was for actors to record their dreams for usage in theatre improvisational training, should it be desired. The participant in this improvisation training exercise, if desired, would read his/her dream aloud with a voluntary group performing the roles of the animate and inanimate characters and emotions within in the dream. A secondary aim of the exercise was for actors to recognize the themes recurring within their dreams, which would be used for research purposes, should it be desired and allowed. The dream presented below was not used for improvisational training. It was recorded by Seth in his journal and within his data collection book. I was granted permission to use his dream within my research which is free from adult influence apart from punctuation that was included for the sake of clarity.

“One day i was walking to a house (.)it was the biggest house i have ever seen (.) i went in it (.)it was very dark (.) i could berely see a thing when i saw a girl. i asked her what her name is? she said in a sad voice my name is emily(.) I switch(ed) on the light (.) she said no but I switched it on (.). her face was full of scars and marks (.)she had scars on the most weird places”(Ten year old male).

This participant also recorded the following entries in his data collection book which should be considered as a collective:

“Adults see children as slaves (.) they think we dont (k)now a thing. They think they can touch us and then they will get away with it but no it dosnt work like that at all (.) we are not stupid but why do they think were stupid and cant do anything (.)” (Data Collection Book entry), and

“They think they can controle us and make us do their choirs (chores) and do all there (their) dirty work and that we wont do anything” (Data Collection Book entry).

The dream presented was not an isolated incident according to this Seth, who informed me that it was a, then, recurring dream that related to an incident involving a close female friend of the same age. On one occasion Seth decided to visit his friend whom he had not seen in the community nor had she visited him in approximately two weeks. He grew suspicious of her absence. He approached her house and knocked on the door. Instead of opening the front door his friend spoke to him from behind a closed door and told him she'd visit him soon. Seth grew very suspicious of his friend's actions and demanded she opened the door. At this point in his story he appeared emotional as he relayed the proceedings of that day to me. Upon opening the door Seth noticed bruises on her face and neck and stated that *“she didnt even look at my face when I was there”*. She did not allow him to enter the house. Instead, they remained at the front door during this very brief encounter.

Seth was visibly upset and emotional at this point. He then informed me that upon reaching his home, he decided that he'd take the initiative to contact Childline²¹, whose contact details he obtained from his school the very next day. Seth called Childline and spoke to the school guidance counsellor, reporting a case of suspected child abuse against his friend's father. According to this young actor, Childline in cooperation with the school counsellor intervened, resulting in a court hearing which yielded a restraining order against the father. In addition, this led to the separation of his friend's parents.

²¹ Childline is the national and the most visible South African child protective organization that seeks to protect vulnerable children and promote children's rights.

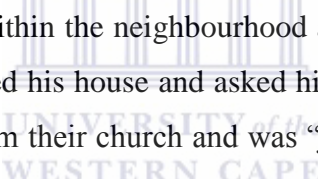
Regardless of the consequences of child abuse reportage in this specific case there are two instances reflecting child agency, problem-solving and decision-making which should be acknowledged as children's potentialities and capabilities as agents which often go unnoticed, are repressed, ignored or disregarded. The first and most obvious instance is Seth's initiative to report the abuse his friend was subjected to by her father, by his own initiative without consulting his friend. He took the initiative and called Childline²² giving voice to his friend's suspected predicament. Seth took the initiative to report this abuse, outlined a plan of action and execution thereof involving Childline and the school counsellor on behalf of his friend whom he felt was violated. This can be understood and perceived as the actor displaying agency as he consciously sought the contact details for and called Childline, initiating intervention. He consciously and voluntarily sought help in a situation he perceived to be threatening and harmful towards his friend. He further told me "*she got help and she is much better, with her mother and aunty*".

The second instance reflecting child agency is his friend's insistence on not allowing Seth to see her or not allowing him into the house at all. This, arguably, could be for various reasons including self-protection and preservation, her desire not to have her father reported or protection of her father, her desires for her friend not to see her in this light or as a victim or for the protection of her friend. Regardless of her reasons, she evidently displayed agency and a conscious negotiation of rationality or decision-making capability highlighting child capacities in traumatic contexts, which should not be ignored, rejected, or misconstrued as merely fear as an acknowledgment of a negotiation of fear or action in light of fear is dependent on an acknowledgment of rationality and agency.

²² Childline is South Africa's national child abuse helpline.

4.6.3 CASE STUDY TWO: AVOIDING CONFLICT AND THE REPORTING OF CHILD ABUSE

The following case study was presented by nine year old Zack at the end of a research workshop. As per routine post-workshop I cleared the workspace, briefed the teachers on the day's proceedings, collected all materials and waited in the carpark or at the front of the school until all participants had either been collected by their parents, guardians, etc or had left the school for home. Zack waited for me and assisted me in clearing the workspace. Whilst clearing the workspace he then proceeded to relay the following story to me stating that he did not want to speak to his parents, teachers or peers about. He had also chosen to present a piece of writing, which was recorded the day after the incident in both his data collection book as well as his journal. Both the case study and the recording are presented.



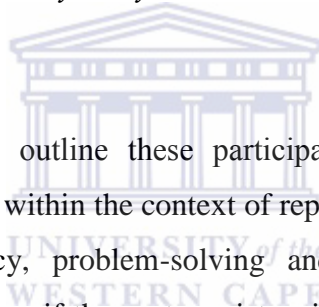
According to Zack a man from within the neighbourhood and with whom he has briefly met on numerous occasions approached his house and asked his father for a ride to the store. His father obliged as the man was from their church and was “friendly” toward the family. Zack, his father and his father’s friend, who was visiting at the time, drove the man to this specific store. The father and friend were seated in the front of the vehicle with Zack and the stranger seated in the back. On route home from the store his father made a detour and stopped at his friend’s home where both the friend and his father exited the car. Zack and the stranger remained seated inside. It was then that the strange man started talking to him. According to Zack, the following happened mid-conversation with the man:

“He (the man) smackt (smacked) me 6 times against the seat (.) I cryed (.) I didnt (didn’t) tell my daddy (.) my arm was grey. That man we have never seen him again.since” (Data Collection Book).

Zack stated that the man hit him for no other reason that replying to the old man’s small talk concerning school, sport, television, etc. He further said that it hurt and he wanted to cry saying “*I didn’t want to cry because I didn’t want my daddy to know*”. When questioned why

he did not alert his father while the man was in the car, on route home, he replied with “*I know my daddy will get angry and fight with the man and I didn’t my daddy to fight*”.

This actor consciously chose not to voice this incident to his father as he did not want his father to fight, displaying children’s capacities for rational complex decision-making, agency and a sense of altruism. Although his exact reasons are unknown it could be surmised that he sought to either avoid confrontation altogether protecting both parties from fighting, protect his father from possible harm, to protect this stranger from his father or for the protection of himself either from his father, the man or both parties. Either way his silence was a conscious negotiation to avoid unpleasant confrontation. During the group discussion that week Zack, whilst the group discussed violence and abuse, stated that “*sometimes it is better not to tell people everything. I don’t tell my daddy everytime Im sad because he will fight*”.



These case studies, collectively outline these participants’ capacity for rationalization, decision-making and agency both within the context of reporting child abuse and generally. It would be hard to deny agency, problem-solving and decision-making capacities or capabilities of the individuals above if the protagonists within these case studies were adults presenting adult-on-adult abuse. One would and could argue that they, respectively and actively, sought to protect their friends from abuse or protect individuals from fighting by sacrificing their own well-being. These case studies and characteristics displayed by these children will only be interpreted as reflections of their limitations as “human becomings” rather than their actions or expressions of their intentions, desires or opinions as actors, agents or “human beings” in their own right if we continue to perceive and see children as irrational and ignorant of their own social contexts (Lee 2003:44). They also present children as conscious and viable reporters of abuse not just in their own right but equal to adult reporters.

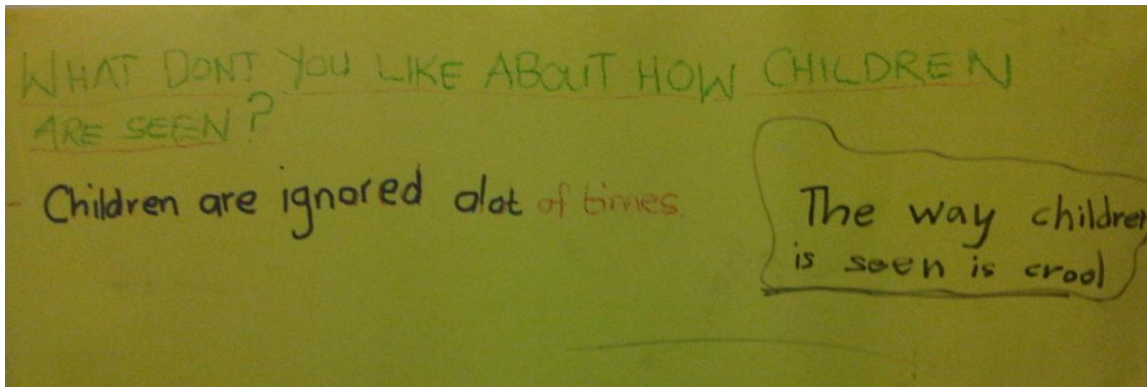
4.6.4 WHAT DO YOU NOT LIKE ABOUT HOW ADULTS SEE CHILDREN

As a means of situating children's perceived positionality in relation to and in comparison with; the literature and with adults within society, I sought to gain insight into children's views on "what you do not like about how adults see children". This theme is related to and should be considered as an extension of "how do adults see children".

The following statements were recorded on expression sheets, recorded or mentioned in their data collection books and discussed in group discussions. They include:

- *"The way they see you like they see us (servants)"*,
- *"They see children as ants"*,
- *"Children are seen as slaves in adults eyes"*,
- *"Children are seen like you no (know) nothing"*,
- *"The way they let children think. You must think like a small child"*,
- *"I don't like what they make us do and the way they make us think"*,
- *"They see children like you are stupid"*,
- *"They think they can control us and make us do their chores (chores) and do all their (their) dirty work and that we won't do anything"*,
- *"...we are not stupid but why do they think we're (we're) stupid"*,
- *"Adults think we are stupid but we now (know) what (what) they (they) do to us(.) there (they) think we are stupid"*,
- *"They see us (us) as baby and slaves (slaves) we are big (.) we are not babies (babies) and small (small) people (people)"*, and
- *"It's not the way they see but treat their children and children are sad because some children feel that they don't get enough love in their life (life). Even servants don't get hurt and spend a lot of time with friends and families. Some children are lucky to have servants and some children are lucky to be servants"*.

FIG. 4.4 WHAT DON'T YOU LIKE ABOUT HOW CHILDREN ARE SEEN?

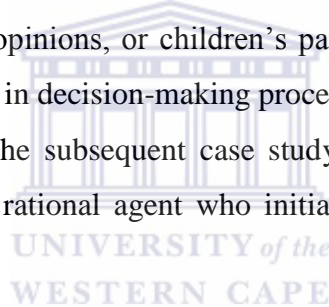


Themes relating to discourses of power and control are ubiquitous in almost all recordings. Children felt powerless and controlled by adults who, according to participants, see them as “sevenst”/“servants”, “ants”, “small child”, “stupid”, “smole peaple”, “babys” and “gost”. Narratives were often composed of physical descriptions including the size of adults in comparison to children which influenced or determined; their perceived power and influence in relation to adults or interaction with adults; as well as their perceptions of adult constructions of children and childhood. Children’s opinions of adults’ perceptions of them often reflected and paralleled the idea of children as “human becomings” as opposed to “human beings” and childhood as a transitional stage or quarantine between infancy and adulthood (Heywood 2001:11). Lee (2003:44) asserts that as long as children are seen as irrational, ignorant, passive, vulnerable and dependent in the society in which they live then those things they do and say can be interpreted as reflections of their limitations rather than their intentions, desires or opinions. I argue that the idea that children should not, cannot and are excluded from decisions that impact on their lives, that they are denied participation rights, bears testament to their perceived vulnerability both within the Act and within public discourse and positions them as non-agent, “human becoming”, “human-in-the-making” or citizen-in-the-making.

My own reservations concerning children in policy should not be considered as a departure from those perceptions held in policy. Instead I aimed to study the representation of children

and childhood within the Act from a social constructionist approach and to contrast this not with children's actual capabilities but their perceived capabilities or lack thereof, which in effect says much more about the society in which children are brought up than the children themselves, who on all counts would differ and have differed, as my research would suggest, from what is being said about them.

Two case studies illustrating children as “citizens and agents” subscribing to “child as citizen” paradigm and their initiation of change and agency and its resultant impact on their respective environments will be presented. The first case study illustrates child agency on the one hand, and involvement or participation rights in the placement of a child in alternative care. This resonates with my discussion of the representation of children as “citizens and agents” in the context of the “transfer of children in alternative care” (171)(4)(a)-(d) which states that children's views and opinions, or children's participation, are taken into account by the legally relevant authorities in decision-making processes concerning their guardianship or transfer to alternative care. The subsequent case study chronicles the experience of an eleven year old participant as a rational agent who initiated and influenced change in her environment.



4.6.5 CASE STUDY THREE: CHILD IN FOSTER CARE

During one of our group discussion sessions Serene, a 10 year old female actor, chose to speak to the group about an experience she recently had with a close female friend of the same age, Asa. Judging by her tone and the emotion in her voice Asa was someone she cared for. According to Serene, Asa ran away from home and was living on the streets after having one of many fights with her father. Before this incident Asa lived with her father and her stepmother and was victim to physical and emotional abuse by the couple. Her biological mother was deceased. Asa then ran away from home after being hit by her father and “*skelled out (yelled at) by her stepmother*” and lived on the streets with other young children whom

she met prior to this incident, who were also attracted to the streets because of unfavourable social situations at home.

Serene attempted to assist Asa whom she felt was in need of assistance. Her friend refused her pleas, accepting food Serene brought to her for the period of approximately 4-5 days she was on the streets. Asa's refusal of intervention upset Serene, who against Asa's wishes, contacted and informed her own parents, Asa's school guidance counselor and (Serene's school's) resident social worker about Asa's situation, which resulted in an intervention to remove Asa from the street.

According to Serene Asa was fostered by her maternal aunt as a result of the intervention, upon both her and her aunt's wishes²³. Serene recorded the following entry in her data collection booklet approximately one week after her initial presentation of Asa's case within a group discussion;

“Ek voel baie gelukkig vir vandag is die beste dag op aarde”.

(I am very happy today because today is the best day on Earth)

This case study illustrates one child's capacity for selflessness, altruism, rationality and as an agent of change. This seemingly altruistic feat can be perceived as a display of agency on both sides, that is Serene for initiating an intervention as well Asa's refusal of her assistance and desire for independence. Situating this within the “*child as citizen*” paradigm, Asa was influenced by and in effect influenced or impacted on her social environment. As a result she was fostered by her maternal aunt due to her own actions, Serene's actions as well as her maternal aunt's desires to foster her. As such, both her and her aunt's views and opinions were taken into account in her legal guardianship. I admittedly, did not investigate this case

²³ Names have been altered, as throughout this thesis, to protect the identities of participants. Only relevant information related to these case studies will be presented as a means of situating argument only. Any information that may identify participants has deliberately been ignored or excluded.

further as I felt it was not my place as a researcher within this specific venture. Instead, I sought to gain insight from Serene and present this case study as an illustration of child agency, rationality and decision-making. This case study also illustrates child participation rights in decisions that affect their lives.

4.6.6 CASE STUDY FOUR: CHILD AS AGENT OF CHANGE

The following case study should be considered as a single narrative chronicling the experience of an 11 year old female actor, Zayaan, as a rational agent who influenced change within her own environment. It consists of a juxtaposition of a dream entry, an entry titled 'Lonely' and entries recorded under the themes 'how do adults see children' and 'what do you not like about the way adults see children' in her data collection book. When studied as a collective one is presented with a narrative into the choices that led to Zayaan's running away from home, her rational construction of hierarchies of "needs" and "haves" which led to her return to her home environment influencing change within her household. It should also be noted that Zayaan suggested that the segment of the play synonymous with Cinderella's abuse in the fairytale "Cinderella" or themes thereof be incorporated or replicated in the script developed in research workshops titled "Living Next to Alice".

These collective entries illustrate the rationalization, logical decision-making processes and consequent actions that led to her running away from and eventual return to home. Characteristics associated with agents including; action, transformative or reproductive; decision-making; rationality are evident in this case. This initial entry reflects Zayaan's opinions on adult perceptions of children. She recorded the following;

"I think some children feel like they are slaves who think they have worked enough for adults (.) sometimes adults don't know children are busy and they call the children to do something when they should actually be busy with homework or playing with friends and if they are playing or walking with friends and they know when you come home

they scold at you and some times they scold or hit the children for nothing and I just think it's unfair”.

This second entry reflects her dislike of adult perceptions of children. She says that:

“It's not the way they see but treat their children and children are sad because some children feel that they don't get enough love in their live (life). Even servants don't get hurt and spend a lot of time with friends and families. Some children are lucky to have servants and some children are lucky to be servants”.

Zayaan is the eldest of three children. As the eldest of her siblings she was expected to do chores around the house as both parents were employed. She was also expected by her father to assist him in his entrepreneurial business, regularly cooked for the family and regulated the upkeep of the household and care of her younger siblings. Her entries on adult perceptions of children and her dislike of adult perceptions of children reflect her grievance with her social positioning within her household. It is reiterated by her entry titled “Lonely” which reflects her rationalization, decision-making processes and actions that led to her running away from and her return to her household. Her actions furthermore led to the establishment of dialogue and a negotiation of roles within her household, which in itself represents characteristics of agency in its transformative capacity. Her entry “lonely” follows:

“Lonely

I am lonely, hungry and frightened. I ran away from my family and friends but now I see light inside the light (.) I found love and love gave me friends and friends became family and I can't ask for more because I have enough right now.”

Themes reflecting insecurity, and grievance with her social positioning in the household and more generally, feelings of exploitation, abuse and loneliness are reflected in her dream entry.

“One night I had a dream I was wearing a wedding dress. I was lonely and I thought to myself where am I (.) I came to this house which looked like mine and saw a lady (.) she told me ‘run while you can’. I started to run and all of a sudden millions of dogs bit and chewed me but I was lucky to escape (.) I ran and ran and never looked back but I

kept on running down a road and I came to the end of the road (.) I sat to rest awhile and there was two roads (.) one roads name was spooky and the other looky and I walked down spooky road (.) it was ok. Until I saw a playstation. I opened it and saw a game called 'Stay alive' (.) I played it (.) it was very scary when I died (.) I stopped playing and walked further away (.) and I died exzactly the same way I did in my game."

I argue that these collective entries as well as all the case studies presented in this thesis situate and position children as agents and citizens as child rationality, child decision-making and child capacities and capabilities, comparable and equivalent to adult capacities, are presented and illustrated by children themselves as they negotiate and contribute to their social worlds. The participants in this study have furnished this thesis with illustrations of agency and rational decision-making processes which position them as agents, actors and citizens according to the discussion of these ideological social concepts outlined in the study's conceptual framework. This resonates with a number of writers, subscribing to the 'new' sociology of childhood studies, who have suggested that societies need to discuss a new approach to children's services that recognizes the child "as citizen" as opposed to "citizen-in-the-making" who is not shaped solely by adult institutions but who plays an active role in shaping them and in co-constructing knowledge and identity. Hodgkin & Newell (1996) also call for a visibility of children through provision of information about; children as a group and as individuals in their own right; statistical information; research; and monitoring (Mitchell 2007:11).

Two approaches adopted from the sociology of childhood have informed this study;

1. One emphasizes childhood as a feature of social structure separate from other social structures, such as the family, and examines the position of children as a group within society (Qvortrup 1997).

2. The second approach is concerned with the idea that concepts of childhood are constructed in different times and contexts, highlights limitations of some dominant

constructions to adequately represent children's experiences, and emphasizes the importance of children's agency (Mitchell 2007: 15).

These ideas rooted in the sociology of childhood have highlighted new ways of representing and understanding children and childhood that foreground children's experiences. Children are thus given visibility in their own right (Mitchell 2007:15) as the empirical data on child views and opinions presented in this thesis suggest and prescribe. Children are agents with rights, in this case, equal to adults. An egalitarian or likely consideration of children in comparison to adults is adopted which is very different from the perspective held of children as outlined in "*the vulnerable child*". This thesis advocates for a changing consideration or rather acknowledgment of child agency and decision making capacities. This consideration of children and childhood resonates with the ideologies of the 'new' sociology of children school, which suggests that childhood and children are social constructs.

4.7 CONCLUSION



This chapter discussed the findings of data yield from an analysis of the Children's Amendment Act (41 of 2007) and data yield from research workshops with child participants, respectively. The next chapter draws conclusions and recommendations based on these findings.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter provides a summary of the findings, methodological limitations and further research possibilities of the research study. The chapter outlines recommendations for how service provision and policy can be improved to be more accommodating of children's views, outputs and capabilities.

5.2 SUMMARY OF FINDINGS



The data unveils the representations of children and childhood present in the Children's Amendment Act (41 of 2007), by using a social constructionist approach, and contrasts those representations with the reality of children's agency and decision-making capabilities. The study sought to juxtapose the policy's representations of children and childhood with empirical data on children by children as yield from group discussions and research workshops designed to highlight children's views, opinions, experiences and capabilities. There are two general representations of children and childhood within the Act; namely (1) "the vulnerable child" and (2) "the child as citizen and agent".

(1) "*The vulnerable child*". Children and childhood were predominantly represented as a vulnerable bio-developmental stage in the Children's Amendment Act (41 of 2007). The study explored the words used to describe children, childhood, child care as well as the rules regulating child care within the Act (41 of 2007). Specific text selections within the text were analyzed as a means of highlighting the predominant discourse on children and childhood in

the Act including; (110) Reporting of abused or neglected child and Child in need of care and protection; (168) Leave of absence from Alternative care; and (170) Child absconding from Alternative care. The predominant representation of children and childhood as vulnerable within the Act resonates with and extends Moses' (2008:329) assertion to the Children's Amendment Act (41 of 2007) that the rights prioritized for children within the South African Constitution are protection-oriented rather than citizens with agency. The findings of this paper furthermore suggest that this conception of children in South African policy "believes or contradicts perceptions of children as active meaning-makers, employing a range of coping strategies". Children are thus marginalized in adult thinking and actions and this results in "major restrictions to children's access to attention, places and resources" (Qvortrup et al 1994, Hill & Tisdall 1997:12) which is justified by children's need for protection positioning them as a resource subordinate to adults (Hill & Tisdall 1997:12).

(2) "*The child as citizen and agent*". Dahlberg et al (1999:48 in Mitchell 2007:31) prescribes and calls for a consideration of children and childhood as "co-constructors of knowledge, identity and culture" from a social constructionist approach and "the child as citizen" paradigm. Selected texts from the Act (41 of 2007) were studied which resonated with Dahlberg's et al prescription (1999:48 in Mitchell 2007:31) including: (134) Access to Contraceptives, (137) Child-Headed Households, and extracts relating to the Alternative Care and Foster Care of children. Children and childhood within these subsections in the Act (41 of 2007) are represented as agents and citizens with participation rights whose views and opinions should be consulted in decisions that affect them. This representation of children and childhood resonates with the 'new' sociology of childhood theorists who recognize "children's right to act for themselves" (Tisdall & Hill 1997:19) and acknowledge children as agents and citizens.

- The research workshops and group discussions used in this study sought to explore child participants' views and opinions of adult attitudes toward them, child agency and decision-making capabilities. It also presented case studies illustrating children's capacities and capabilities as agents and citizens as a means of juxtaposing children's

views and capacities for agency and decision-making with those representations of children and childhood in the Act (41 of 2007). Child views on adult attitudes toward them included but were not limited to:

- *“I think some children feel like adults own them. They feel they hav(e) worked enuff (enough) for adults (.) sometimes adults don(‘)t know children are busy with homework or plans and they call children to do everything. It(‘)s not the way they see but treat their children and children are sad because they feel adults don(‘)t listen.” (11 year old female),*
- *“Children are ignoned (ignored) alot of time.” (9 year old female),*
- *“They see us as slaves and they also think we are stupid” (10 year old male),*
- *“They see us as babys (babies)” (10 year old male),*
- *“They see you as a child who can do nothing for yourself and they want us to do everything for them” (9 year old female),*
- *“We are not their slaves to do everything for them. They think they can controle us. We are their children but why do they think this” (10 year old male), and*
- *“They see us as small harmless people. They see us as ants and mad people who cant thinking. Like less than human.” (9 year old male).*

Data yield from the research workshops and group discussions suggests that children and childhood are not solely shaped by adult institutions but that they play an active role in shaping them and in co-constructing knowledge and identity (Hill & Tisdall 1997:1). Researchers subscribing to the ‘new’ sociology of childhood thus perceive children as subjective, contextual, self-determining and dynamic (Greig, Taylor & MacKay 2007:48), characteristics that are evidenced by the child participants in this study contrary to the dominant representation of children and childhood in the Act (41 of 2007). The representations of children and childhood in the Act (41 of 2007) in effect provide knowledge that is more focused on what adults think about children than on children’s actual capabilities and capacities, which speaks toward the social constructedness of children and childhood both within the Act (41 of 2007) and in society.

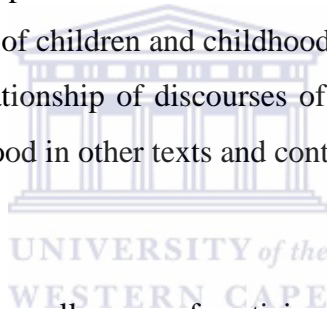
The central shared theme that was ubiquitous across the research data collection phases used in this study was power and, in effect, control. The Act (41 of 2007) constructs two representations of children and childhood with power as its differentiating factor. Children in this study also considered power to be the main differentiating factor between adults and children, as evidenced in their utterances, recordings and group discussions. The policy analysis presented two representations of children and childhood, namely “the vulnerable child” and “the child as citizen and agent”. In the exploration and discussion of “the vulnerable child” children are positioned as an authoritative resource subordinate to adult authority, in the context of power and structuration theory which results in the general “exclusion or devaluing of children’s inputs and participation” (Moses 1998:337). There are however instances in the Act (41 of 2007) in which children are afforded participation rights in decisions that affect their lives as discussed in the analysis of the Act addressing “the child as citizen and agent”. They are positioned as child citizens and agents with participation rights to ensure that their views influence, not necessarily determine, decisions that affect their lives, which further reflects the centrality of power in child law. These arguments resonate with Hill & Tisdall's (1997:20) assertion that adults potentially constrain children’s choices in the interest of children which could be considered to be a rationalisation for marginalizing children for the convenience of adults, and furthermore suggests that power is the main differentiating factor differentiating the child from the adult.

Children in this study saw children’s lack of power as the main differentiating factor between adults and children, or adulthood and childhood. Child participants’ views and opinions expressed their desire to have their views, voices and opinions heard and respected by adults, as one participant stated “*They see us as small harmless people. They see us as ants and mad people who cant thinking. Like less than human*”. Child participants thus felt powerless and controlled by adults whom, according to children, see them as “*sevents (servants)*”, “*ants*”, “*small child*”, “*small people*”, “*babys*” and “*gosts*”. These child views resonate with Lee (2003:1) and Hill and Tisdall’s (1997:20) assertion that children’s views, opinions and desires are often ignored because their bio-developmental age is taken as a sign that they are not worth listening to.

Whereas the Act (41 of 2007) and adults construct representations of children and childhood based on children's presumed lack of power or agency children in the study saw power as the main differentiating factor between adults and children. Adults and law thus use power or discourses of power to construct favourable depictions and representations of children and childhood, whereas children saw their lack of power as barriers to effective participation and communication.

5.3 RESEARCH LIMITATIONS

This study was focused on a single act or law and its representation of children and childhoods. There is a need to expand this to additional child laws or acts to draw broader conclusions on the representation of children and childhood in South African child law. There is also a need to explore the relationship of discourses of children and childhood in law to discourses of children and childhood in other texts and contexts.



This study was conducted with a small group of participants aged nine to thirteen from one municipality in Cape Town in its exploration of child agency and decision making capability. There is a need for cross cultural and cross sectional studies on child agency and decision making capability to allow for a greater number of participants of differing ages and backgrounds to be accessed. Although a sufficient rapport was established with participants during the data collection process longitudinal studies with children are desirable to detail child agency and their decision-making capabilities.

5.4 RECOMMENDATIONS FOR FURTHER RESEARCH

Based on the findings of this inquiry the following recommendations for further research are suggested. These are summarized below:

- Research should be conducted on the representation of children and childhood in law, public, media, etc and their relationship to each other. The researcher was unable to locate any studies exploring the representation of children and childhood in law at the commencement of his study.
- Children are however, increasingly being acknowledged and recognized not merely as passive recipients of adult models, knowledge and values but as beings that are actively contributing to the social worlds in which they live, both individually and collectively (Tisdall & Hill 1997:1). According to Hill and Tisdall (1997:246) the literature on children and childhood tends to provide knowledge that is more focused on what adults think about children than on knowledge focused on children themselves. There is a definitive scarcity of research that actively seeks to engage with children's worldviews, opinion and capabilities as agents and citizens in their own right.
- Research should be conducted on adults' attitudes toward children, childhood, child capabilities and capacities as a means of situating and exploring the incongruence between adult and child perceptions of child competencies. This would further illustrate how representations of children are derived from and feed into other discourses and contexts.

5.5 RECOMMENDATIONS FOR THE IMPROVEMENT OF SERVICE PROVISION

This study has noted the dual representations of children and childhood present in the Children's Amendment Act (41 of 2007). By juxtaposing the dominant representation of children and childhood as "vulnerable" in the Act with research on children it highlighted child participants' capacities, capabilities and experience of agency, rationality and decision-making. There are instances in the Act (41 of 2007) in which children are represented as agents and citizens with participation rights that allow them to influence decisions that affect their lives and protect their freedom of choice that is central to their recognition as rights-holders and citizens (Jamieson 2011:26). Jamieson (2011:23) asserts that children's presumed and institutional reliance and dependence on adults to fulfill their rights and make decisions in their best interests coupled with beliefs about children's status in society often lead adults to see children as objects of protection rather than individual rights-bearers which often act against children's meaningful participation in decision-making (Jamieson 2011:23).

Participation rights should therefore be prioritised in child service design and delivery as suggested by Nomdo (2011:50) as a means of acknowledging their capabilities and capacities as agents and citizens. This study resonates with Nomdo's (2011:50) assertion that children's perspectives and priorities should be taken into account during service design and delivery if we intend for services to be responsive to children's actual needs. This, according to Nomdo, requires listening and responding to children's expressed needs which can and will improve their situation (2011:50) and empower them to develop the political experience required to participate in decision-making processes (2011:51).

5.6 CONCLUSION

This chapter has discussed the findings of this study and has made recommendations for further study. It has also made recommendations for child policy reform and how service provision can be improved.



APPENDIX A:

**University of the Western Cape
Child's play and Decision-making study
Participation Assent Form**

Investigator: Nabeel Petersen
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Supervisor: Dr Nicolette Roman
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nroman@uwc.ac.za

Researcher's Statement

PURPOSE AND BENEFITS

I am interested in studying children and their expression of everyday decision-making, twice a week for a period of 8 weeks. This could help us to understand how children perceive and make sense of their social worlds.

PROCEDURES

I would like to teach children various games, also observe them while playing, and conduct creative writing exercises to find out their views on various social phenomenon and social issues through observation, discussion and play.

RISKS, STRESS AND DISCOMFORT

Children will be trained in various acting techniques which could potentially be exhausting. Childrens' experience of violence and trauma could be expressed while playing and counselling will be provided (if necessary) as a precautionary measure.

OTHER INFORMATION

Childrens' names and identities will be strictly confidential; and will not be published. You have the right to cancel program at any time and do not have to participate as this is a voluntary study.

Researcher

Date

Parent's Statement

This research study has been explained to me and I agree to allow my child to participate in this study. If I have any questions or queries I can ask the researcher and can cancel program if I want to.

Signature of Parent

Date

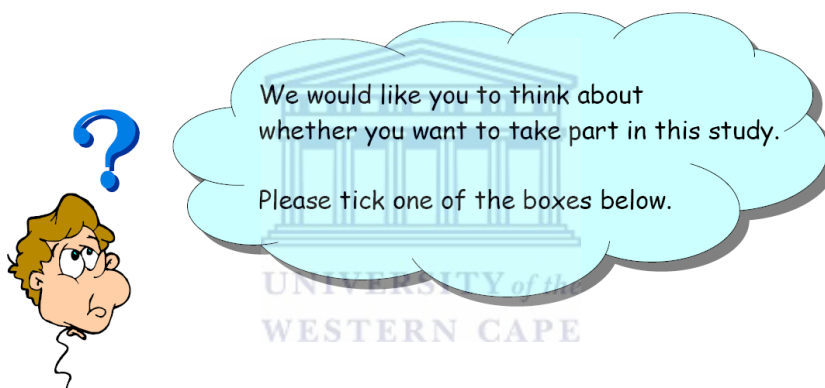
APPENDIX B:

University of the Western Cape Child's play and Decision-making study Child Consent Form

Investigator: Nabeel Petersen
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Supervisor: Dr Nicolette Roman
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I would like to study children and their ideas on the world and the choices they make in their lives. I will also be teaching drama twice a week for 8 weeks. You will play games, learn to act, do some creative writing exercises, write poetry and speak about your ideas. We will meet after school and this could make you tired. We will give you some food and fruit each day before we start for extra energy. You can stop joining the sessions any time you feel and do not have to join in games or talks if you do not want to. We will not tell anyone what you say in our talks or what you write down and will speak to you before we use any of your writing or talks.



I want to take part
in this study



I don't want to take
part in this study



Signature

Parent Signature

Research Signature

Date

Date

Date

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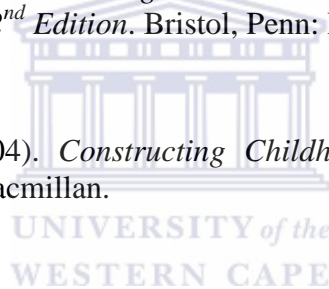
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