

laws that protect - laws that endanger

what is 'childhood'? who is 'a child'?

'Children are all foreigners. We treat them as such.'
(Ralph Waldo Emerson)

We protect children. We provide for their needs. We define their responsibilities. We discipline them. We control their admission to our adult world.

The results of our efforts may be less consistent, less even-handed, less clearly guided by the welfare of the child than we would like to believe. There is, for instance, ample proof that we manipulate children in terms of race and gender to regulate the labour supply, to fill the army, and to spare the state the costs of equal maintenance provisions for all. 'Defining children', to use Sandra Burman's words*, is rich in ambiguities which often are embodied in our laws. The ages at which children reach significant milestones on the road to adulthood are shown on the chessboard on the right.

*"Defining Children", in Emile Boonzaier & John Sharp, *South African Keywords, The Uses & Abuses of Political Concepts*.

Under 7

You are protected by certain laws but cannot be held responsible in law for anything you do



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7-13 years

You are presumed not to be responsible for criminal acts of which you are accused but the state can challenge this in court, and you can be detained under security laws, e.g., the Internal Security Act and the Emergency Regulations under the Public Safety Act



18 years

You are no longer protected by the Child Care Act; you may apply to the Supreme Court to be declared a major; if you are male, you may achieve adult legal status through marriage; if you are white, coloured or Indian, you acquire the parliamentary vote but if you are black, you may vote only for your local authority.

10 years

You are entitled to give or withhold consent regarding your adoption

16 years

You may own a firearm; you may make a will; if you are black, you are regarded as a lodger and wage-earner under your parents' roof and your parents (or custodian) cease being eligible for state maintenance (if you belong to any other population group you remain a dependent of your parents)

you may take out life insurance; if you are a member of a non-black population group, your parents (or custodian) cease being eligible for state maintenance (see age 16 for blacks); you may be served liquor in a public place; you may take out a driver's licence

17 years

If you are a white male, you become liable for compulsory military service

under 21

You are defined as a juvenile by the Prisons Act which regulates conditions in police cells and prisons

12 years

If you are female, your consent to sexual intercourse is a defence to a charge of rape but the accused may be charged under Section 14 of the Immorality Act (No 23 of 1957) in terms of which sexual intercourse with a girl under the age of 16, albeit with her consent, is a statutory offence.



14-20 years

You are responsible in law for criminal acts; you may witness a will; you may open an account at a building society

15 years

If you are female, you may marry with your guardian's consent, and you may achieve adult legal status through marriage; if you are detained, you will be treated as a child for statistical purposes by the state

under 18 years

You should be tried in a Juvenile Court and held in a Place of Safety (rather than police cells) in terms of the Criminal Procedure Act

21 years

You attain full legal capacity