

Parental responsibility for the illicit acts of their
children

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ABSTRACT

The aim of this thesis was to explore the psychological, political, legal, and parental notions of parental responsibility in Australia. The initial study involved an analysis of Australian print media over a four-year period (2001-2005) and highlighted how the representation of this topic has been weaved into public awareness. Political justifications of such legislation involved positioning parents whose children offend as either 'bad' parents or parents with poor skills. Once such parents were positioned as problematic then the benefits of the legislation to society, children and the parents was touted. Over the period of the study such representations increased in the Australian print media, with no articles published in 2001 on this topic, and 46 articles relating to parental responsibility by 2005.

The first empirical study involved an examination of the effect of the age and gender of the young offender, the type of offence (property or personal) and the severity of the offence (low or high) on attributions of responsibility to parents and children. Findings suggested that participants (93 parents) view children as mainly responsible when they offend regardless of age (10, or 13 years of age). However, results also indicated that as children mature, their responsibility increases. Parents were attributed significantly less responsibility for their children's offending behaviour, with their responsibility decreasing as their children's age increases. The responsibility of children and their parents also significantly increased as the severity of the offence increased. These findings were replicated in Study 2 (N = 177 parents) despite the inclusion of a 16-year-old offender. The older adolescent child was attributed more

responsibility than the 10 and 13 year old offender, and the parent was attributed less responsibility for their child's offending.

Data from Study 1 and 2 were qualitatively analysed and an analysis of the qualitative components of both studies indicated that parents attributed responsibility to children who were seen to understand issues of right and wrong, or when it was evident that children had planned the behaviour. Parents were attributed responsibility on the basis of their level of surveillance of their children, using supervision and communication to monitor their children appropriately. Inadequate parenting resulted in failure to control and supervise one's children. Parents also employed various justifications to mitigate parents and their children's responsibility, with children's age being used to argue immaturity and therefore diminished culpability. Sixteen-year-old adolescent children were positioned as distinctly different from the two other age groups.

STATEMENT

This thesis contains no material, which has been accepted for the award of any other degree or diploma in any university and to the best of the my knowledge and belief, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

I give consent to this copy of my thesis, when deposited in the University Library, being available for loan and photocopying.

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Chapter 1: Introduction to Parental Responsibility legislation

1.1 Introduction

In 1993 two English ten-year-old boys, Jon Venables and Robert Thompson were arrested for murdering two-year-old Jamie Bulger. One of the first questions asked was what kind of parents had children who could commit such an act? Thompson's father was depicted as a wife-beater, who abandoned his obligations and deserted his wife and children (Kelso, 2001). Media representations of Thompson's mother constructed her as a fat, physically abusive alcoholic. His five older brothers were described as frequently physically abusive to Robert, and he in turn was abusive to the youngest of the Thompson boys. It was reported that the eldest son had been removed from his parents by social welfare as a result of parental abuse. Also the boys were said to have committed various delinquent offences. Jon Venable's father was described as a frequently unemployed forklift driver, who along with Jon's mother was said to have clinical depression. His father, it was hinted, was a possible child sexual predator. Jon's mother was reported as being an over-controlling, promiscuous woman, who had made previous attempts at suicide. The parent's relationship was continually on and then off, so the three children would have moved frequently. Jon's two siblings were described as having developmental problems, which are said to have required their mother's constant attention. Jon as the middle child, also showed disturbing behaviour at school, showing signs of self-harm, aggression against other students, and general anti-social behaviour. The parents of both boys were depicted by the media as neglectful, but more indicative of their behaviour was the opinion of the Judge that:

“...A public debate about the parenting and family background of Thompson and Venables was required. In my judgement...the home background, upbringing, family circumstances, parental behaviour and relationships were needed in the public domain so that informed and worthwhile debate can take place for the public good in the case of grave crimes by young children”.

Within the Bulger case lie the basic issues that underlie the notion of parents' responsibility for their children's actions. In this case we can see that the parents were attributed responsibility by the focus on aspects of their attitude to parenting, their psychological state, their deviant behaviours, and their broken family life. Interestingly the mother of young Jamie Bulger was never accused of being an irresponsible parent, even though she was not supervising her son at the time he was abducted. Did the dysfunctional family environments of these two boys cause the eventual murder of Jamie Bulger? Or were their actions a result of their genetic predisposition? Was it in fact the poor, working class neighbourhood in which they were living? Or were the children's actions a result of a combination of these factors? What is certain is that the British media, and subsequently the British public, attributed responsibility to the accused children, and consequently their parents for the death of Jamie Bulger.

1.2 Aims and Structural aspects of the thesis

This thesis examines the issue of parental responsibility specifically where children are deemed to have committed a delinquent act. Parents as the major stakeholders in this issue were the main focus of this thesis. The value of parental responsibility

legislation was examined with reference to understanding how parents attribute responsibility to parents and children when their children commit a delinquent act. It was felt that without such knowledge the effect of these legislative measures were difficult to gauge.

In order to explore the issue of parental responsibility that is currently being promoted this thesis first presents a review of impact of such legislation to families and parents (Chapter 2). To better understand the political rhetoric relating to parental responsibility, legislative measures that have been proposed and enacted in Australia and North America are examined. This is followed by an examination of current parental responsibility legislation in North America dealing with child delinquency. Next, Australian legislation that holds parents responsible for their child's delinquent acts, is also presented. Finally, this chapter will examine the evaluation of the NSW Children (Protection And Parental Responsibility) Act 1997, conducted in 2001.

It was apparent that parental responsibility is being embraced in an effort to make parents curtail their children's offending behaviours (Lickel, 2003; Thurman, 2003; Tyler, 2000). North American legal jurisdictions have enacted numerous statutes in most States in an attempt to curb juvenile gang membership, and general juvenile offending (Tomaszewski, 2005; Brank, 2001; Hil, 1999; Scarola, 1997; Harrison, 1992). Australian legal authorities have also enacted or proposed various levels of sanctions against parents (Hil, 1998; Bessant, 1998). Parental responsibility is being seriously touted as a more acceptable way to deal with children who offend, both in terms of financial assistance to either government agencies, or victims of children's

offences. Children are still sanctioned and held responsible, but in some case their parents are also being sanctioned and their responsibility seen as taken-for-granted.

The various psychological determinants that have been proposed to be potentially relevant to the issue of parental responsibility: the nature versus nurture debate, social learning theory, and attribution theory, are all discussed (Chapter 3). As much of the basis for such legislation focuses on parental influence on children, psychological understandings of this topic is reviewed. Moreover, as Heider (1958) argues, allocation of responsibility involves notions of attribution and as such attribution theory is also examined.

The nature/nurture debate in psychology was examined and review of this literature suggested that 'nurture' was the principle factor seen as most relevant to the topic of parental responsibility. This was apparent in various studies that have investigated the relationship between parenting and children's behaviour (Pardeck, 1990; (Parish, 1992; Kelley, 1997; Totten, 1997; Laible, 2000; Jones, 2000; Sarris, 2000; Haapasalo, 2001; Levy, 2001; Matherne, 2001; Hill-Smith, 2002; Scaramella, 2002; Oztunca, 2001; Bengtson, 2002; Fletcher, 2004; Haas, 2004). Parents are seen in such studies to impact on their children in a variety of ways including through their own relationship decisions, and as a result of their behaviours around their children. Such research further supports the notion that parents may be responsible for their children's illicit actions.

Yet this proposal is not without its critics with others questioning the impact of parents, suggesting that some behaviour in children is not a result of socialisation rather it emanates from the genetic mixture from their parents (O'Connor, 2001; Harris, 1998).

If this were the case then parental responsibility laws would have little impact on children's behaviour, and therefore are inappropriate as a preventative measure. Overall though there does appear to be more support for parents having an impact on their children's behaviour. Those proponents of the impact of nurture on children's behaviour certainly believe that parents do influence their children.

Social learning theory assisted the investigation of parental responsibility legislation by explaining how parents can impart dysfunctional behaviours to their children, in many cases inadvertently, in others deliberately (Buzzelli, 1997; Bandura, 1977). Based on the concept of modelling, social learning theorists argue that through observing others' behaviours, then practicing, reinforcing, and eventually internalising such behaviours, we learn how to function in our environment. Children reproduce the behaviours they observe, and as such are susceptible to all modelling behaviour, both functional and dysfunctional. Parents are seen to have a more profound impact on their children's behaviour as they are constantly reinforcing behaviours in their children. Parents' moral, social, and cognitive behaviours are regularly on display for children to model and as such more likely to have an impact. This adaptive aspect of our development allows children to learn and to adjust to societal standards, but only where such learning is functional. Where learning is dysfunctional then children may act inappropriately. It is this aspect of parenting that parental responsibility legislation focuses upon, and therefore one could argue that parental responsibility legislation is based on social learning theory.

The final psychological determinant of behaviour examined was that of attribution theory (Heider, 1958). Since parental responsibility legislation involves legal

practitioners making decisions about the parents' involvement or lack of involvement when a young person is apprehended for a delinquent offence, this behavioural determinant was deemed important. There is a distinct causal connection drawn between parenting and children's behaviour. Attribution theorists have contributed to our knowledge of how people perceive causal relations, and how they explain such relations (Stewart, 2005; Pizarro, 2003; Cobb, 2002; Hoza, 2000). People make attributions everyday in order to understand and make decisions about their environment and the people with whom they have contact. When attributing responsibility to parents, for example, people may tend to perceive the causal relations that encompass that person; as either because of internal reasons such as their intentions, motives, character, or external notions such as task ability, or destiny (Heider, 1958). As such people draw causal conclusions based on numerous factors, encompassing their own internal and external perceptions and judgements. Attribution theory was viewed as a suitable tool to examine notions of parental responsibility.

A qualitative analysis of current Australian media news articles that dealt specifically with parental responsibility for their child's delinquent acts is presented in Chapter 4. Articles appearing in national and local newspapers (over a period of 5 years) that specifically relate to parental responsibility and juvenile delinquency were analysed. Using a content thematic approach this analysis deconstructed how meaning is created and offered to justify current political rhetoric.

During the period of the thesis, there was a distinct increase in the number of news articles relating to parental responsibility and the legislation associated with this indicating that many more legal jurisdictions within Australia may adopt this method in

an attempt to curb juvenile crime. Within the articles there was a positive promotion of parental responsibility legislation. This promotion involved the positioning of some parents as acting irresponsibly towards their children, and as such this is used to warrant the introduction of such legislation.

Numerous persuasive arguments were employed to justify the introduction of such legislative measures. Parents were divided into 'good' parents versus 'bad' parents, thereby minimising the impact of such legislation. Parents of delinquent children were constructed as lacking either the skills or the motivation to act responsibly and supervise and control their children. This construction was achieved by the use of a 'deficit' theme that was directed at either the parent (internal attribution) or their parenting skills (external attribution). The articles contained rhetoric that attempted to convince the public that the supervision of children by their parents is paramount in the fight against crime. Irresponsible parents were depicted as having little control of their children, because they failed to supervise them both physically and through knowledge of where their children were at night.

The benefits of such legislative measures were also touted with education of parents mentioned as one of the possible ways proffered to improve the behaviour of the parent and therefore their children. The sanctioning of parents was also presented as an incentive, or deterrent effect of such laws. Sanctioning parents for their children's delinquent behaviour was not only justified by the suggestion that it would encourage and assist parents, but also by the proposal that such legal action would only occur as a 'last resort' thereby minimising the impact.

Chapters 5-9 present the results of two empirical studies undertaken to evaluate parents' notions of responsibility. Chapter 5 presents the quantitative findings from a study of 92 parents who were asked to attribute responsibility to the parent and the child in 8-hypothetical scenarios (this is referred to as Study 1).

Results indicated that the age of the offender had a significant effect on attribution of responsibility to parents and their children. Younger children (10-years-old) were viewed as less responsible for their actions than their older counterparts (13-years-old). Parents of older children were attributed less responsibility than parents of younger children. Responsibility attributions to parents and their children increased as the severity of children's offending increased. Whether the type of offence was a property or an offence against the person, did not affect responsibility attributions, but when age was considered, parents were attributed more responsibility for property offences committed by younger children, and personal offences committed by older children.

Responsibility attributions were shown to relate to the parents' locus of control. The most relevant finding was that parents assessed as believing they had little control over their children's behaviour in the questionnaire (PLOC: Campis, 1986), were found to also attribute little responsibility to the parent in the scenarios. This finding lends support to the validity of the PLOC, and therefore of the scenarios.

The impact of gender was also examined, with results revealing that mothers tended to attribute more responsibility than fathers to parents regardless of the children's age. Mothers in the study allocated greater responsibility to parents than the fathers for the illicit acts of their children. It was seen that when attributing responsibility to the parent

of a ten-year-old mothers allocated greater responsibility than fathers. This trend continued with mothers attributing more responsibility to the parents of 13-year-olds, than fathers.

Study 1 also contained a qualitative component to view parental responsibility from a qualitative as well as a quantitative approach to ascertain how responsibility is attributed and mitigated (Chapter 6). A content/thematic approach was used to examine the reasons participants gave for attributing responsibility, using a Likert scale in Study 1. Findings indicated that parents attributed responsibility to children who were seen to understand issues of right and wrong, or when it was evident that children had planned the behaviour. Parents were attributed responsibility on the basis of their level of surveillance of their children, using supervision and communication to monitor their children appropriately. Inadequate parenting resulted in failure to control and supervise one's children.

Parents also employed various arguments to mitigate parents and their children's responsibility, with children's age used to argue that immaturity and therefore diminished culpability. Moreover children who reacted violently when provoked were excused as a result of their immature status. Mitigation of parents behaviour was justified on the grounds that parents cannot be expected to supervise their children at all times, and that parents who had taught their children to behave appropriately should not be judged irresponsible. Parents used the same arguments to attribute responsibility as legislators and the media, but at the same time were willing to acknowledge that there are many mitigating circumstances that must also be considered when deciding who is responsible.

As a result of the findings from the first study a second larger study of 177 parents was conducted to understand how parents view their responsibility when children reach 16-years of age in comparison to younger children (Chapter 7). This study (referred to as Study 2) further explored the effect of age of the offender, and the type and severity of the offence on responsibility attributions, but the age of the offender included an additional age group: 16-year-olds. Results showed again that parents are attributed little responsibility while children are viewed as mainly responsible whether younger or older. Although responsibility did increase as the child's age increased, the ten-year-olds were positioned as significantly different from the two older age groups. Participants saw the two older groups as similar with slight adjustments for age differences. Parents' responsibility decreased as their children matured. The findings from this study replicated those of the first in regards to the effect of type and severity of the offence, and gender on attributions of responsibility with increased severity of the offence resulting in more responsibility.

As a result of supervision of children being cited as an important determinant of parental responsibility, in Chapter 8 the psychological research on the topic of parental monitoring of children was reviewed (Fletcher, 2004; Smith, 2004; Laird, 2003; Rai & D'Alessandri, 2003; DiClemente, 2001; Stattin, 2000; Smetana, 1994). Research indicated that parental monitoring of their children's friends, activities, and whereabouts combined with children's disclosure of their activities are the best protection against children offending. Where parents fail to use appropriate surveillance techniques children's likelihood of offending increases. Moreover, results also suggested that

children's offending is likely to encourage parents to engage in less monitoring of their behaviour thereby inflaming the situation.

Chapter 8 presents the qualitative component from Study 2. In study 2 the qualitative analysis attempted to tease out the different rhetorical arguments used to attribute responsibility based on the age of the child at the time of offending. First though the justification of parental responsibility legislation was examined, with notions of vicarious, collective, role and task-based responsibility all discussed. This revealed that the relationship that parents share with their children is what attracts expectations of responsibility when children offend. There were those who disagreed that parents are causally linked to their children's actions, suggesting instead that there is no proof parents do influence their children. In other words dysfunctional parents do not always produce dysfunctional children, and not all dysfunctional children have inadequate parents.

Study 2 focussed on how the offending children's age moderated attributions and mitigation of responsibility. It was apparent from the findings that participants did moderate their arguments when age was the variable of interest. Sixteen year olds were depicted as having internal consistent personalities, which their younger counterparts lacked. They were also less likely to be excused for their behaviour than younger children; they were expected to have some degree of control by this age. Participants were willing to consider assault of another as possible where the offender was ten years of age, and even ready to defend the 13-year-old offender, but were not prepared to make excuses for the 16-year-old in such situations. Older children were rhetorically

positioned as distinctly different from the two other age groups, unlike the empirical findings that indicated that the youngest children were a distinctly different group.

Responsibility attributions to parents attracted explanations around supervision issues, and poor parenting skills for property offences committed by their children. Offences against the person saw poor parenting skills and a failure to impart the correct lessons to children as the reasons for the children's offending. It appears that parents in this study believed that children's property offending could be lessened by improved surveillance by parents, and general parenting skills training, whereas offences against the person also involve a lack of moral and behavioural training of children by their parents.

This is followed by a comparison between the empirical and qualitative data from both studies to examine similarities and differences in the findings (Chapter 9). Comparing the findings of both the quantitative and qualitative studies it was obvious from the statistical analysis that children were held mainly responsible when they offend, with their parents positioned as bearing significantly lower levels of responsibility. The statistical results supplied direction to the studies, with the significance of the age of the offender, and severity of the offence highlighted. Yet taken alone, it appeared that parents disagreed with current parental responsibility rhetoric. However, an examination of the rhetorical arguments and accounts employed by participants to attribute responsibility to parents suggested that overall participants do agree that when children offend their parents are doing something dysfunctional, and therefore bear some responsibility. Although, it was still obvious that participants saw children as bearing higher levels of responsibility for offending.

Statistical findings revealed that severity of the offence increased responsibility to parents and children, but of interest was that increases in attributions of responsibility for more severe offending resulted in an increase in the use of the dysfunctional theme to explain parents' responsibility, and an increased use of moral responsibility rhetoric to explain children's responsibility: justifying the attribution of greater responsibility.

An examination of three general questions that were asked of participants in both studies was presented. The age at which children were viewed as becoming responsible for their actions varied considerably, although by the time children reach 18-years most participants believed that children were responsible and parents could relinquish responsibility for their actions. It is important to note however that for some participants the parents' responsibility is never relinquished. The introduction of parental responsibility legislation saw participants equally divided as to whether they should or should not be introduced. Yet all participants appeared to agree, that there are parents who need assistance, and skills training to become more effective parents and to discourage children from offending.

Finally, the findings of the thesis are summarised in relation to results of previous chapters, and conclusions offered (Chapter 10). Overall, parents perceived that dysfunctional behaviour exhibited by children is, in the majority of cases, a reflection of dysfunctional parenting practices. Moreover, parents, politicians, and many in psychology and law consider that parents' behaviours are causative and predictive of children's behaviour, which therefore positions parents as responsible when their children offend. Parents constructed a 'shared' responsibility, as proposed by Lickel

(2003), to explain how responsibility is attributed. One envisions that parents and their children each have a container: the children's tumbler starts empty, with the parents full of liquid (responsibility). As children mature parents gradually release the liquid into the children's tumbler until it is nearly full, but the parents tumbler never quite empties, at least according to some parents. It would appear that some parents, not only children, also start with an empty container, and need it to be filled.

The issues informing parental responsibility legislation thus do appear to be tapping into factors relevant to children's offending. After exploring the issue it would seem that parenting education, possibly before people become parents, but most certainly during parenthood might be required to better prepare people to parent. Teaching parents physical skills, children's developmental phases and behaviours relevant to those ages, and finally explaining to parents the impact that their behaviour might have on their children would assist parents to understand their role. As was previously mentioned some parents were subjected to dysfunctional parenting by their own parents and are merely modelling learned behaviours. Moreover, the responses from parents in the two studies suggests that despite their agreement with the underlying principles of the legislation, parents are not entirely convinced that they should be held criminally responsible for their children's offending behaviours.

Chapter 2: Parental Responsibility legislation in practice

"There are no delinquent children; there are only delinquent parents" (Ludwig, 1952)

2.1 Introduction

Parents' responsibility for their children's behaviour and discussion around this issue has gained momentum within Western political and legal arenas in the past decade. The main focus of this issue is that parents must take responsibility for every aspect of their children's development, and therefore consequent behaviours. Parents are positioned within this discourse as being the foremost influence on their children's physical, social, and psychological behaviour. Behaviours that parents are assumed to influence in their children include among other things, their children's anti-social behaviour, diet, mental health, truancy and Internet use. These assumptions have seen the introduction of parental responsibility legislation in North America, Canada, England and Australia that focus on issues of the parents' responsibility for children's' delinquency, truancy, and suicide (Chapin, 1997; Thurman, 2003; Tomaszewski, 2005). Yet despite the social impact of such legislation there have been no psychological studies that have examined parents' notions of their responsibility for their children's illicit actions. The introduction of parental responsibility legislation in one State within Australia (New South Wales), and the debate of this issue in other States within Australia demanded that this issue be thoroughly investigated.

This chapter presents a review of the impact of such legislation on families and parents. This is followed by an examination of current parental responsibility legislation in North America dealing with children's delinquency. Next, two innovative

measures that have recently been introduced into Australian legislation to curb juvenile delinquency are examined in relation to their impact on parents: parental responsibility laws, and family/youth conferencing.

2.2 The impact of Parental Responsibility legislation

Parental criminal responsibility for their children's misdeeds is now an accepted technique of juvenile crime control in many Western jurisdictions (Bessant, 1998; Brank, 2001; Cunneen & White, 1995). Australian jurisdictions, as in other western countries (USA, Britain, and Canada), have adopted measures holding parents criminally responsible for the actions of their children (Hil, 1998). In July 2004, parental responsibility in Australia reached new heights with the Western Australian Children's Court Judge ordering the parents of two teenage children to pay restitution amounting to \$60,000 to the victims of their crimes (Hickman, 2004). The boys aged 14 and 15 years broke into and set fire to two houses on two separate occasions causing \$400,000 damage. The judge in this case invoked the Western Australian Young Offender's Act 1994, ordering one family to pay \$45,538 and the other \$15,000 in compensation to the victims of their sons' actions. Legal researchers have questioned the validity of criminalizing parents for the acts of their children suggesting that such laws are likely to increase family dysfunction (Hil, 1998). Bessant et al. (1998) argue that such legislation criminalizes negligence, but one could suggest after examination of the legislation that it goes further than this by criminalizing parental behaviour and influence itself.

In America, for example, the first people to be prosecuted under new parental responsibility laws were parents of a sixteen-year-old offender, who were subsequently fined \$100 each and ordered to pay Court costs of \$1000 for failing to control their son (Smolowe, 1996). It was reported that this family had tried to assist their 'out-of-control' son, and had even been attacked by him, yet were still prosecuted. In a recent case reported in the American media, a mother was prosecuted for the suicidal death of her 12-year-old son. She was convicted of failing to provide a sanitary and safe home environment; with a jury of six finding that she had contributed to her son's fatal choice (Fox News, Oct. 6th 2003). In Britain, women have been incarcerated because their children failed to attend school regularly, with the expectation that many other parents will follow (Henry, 2003). Such is the scope of legislation concerning parental responsibility when children fail to adhere to societal standards.

Australia too has prosecuted parents as was mentioned above. In the Western Australian case, although the Judge described the parents as reliable and responsible the Court found that a lack of supervision by the parents led to the crime, which occurred while the boys were under the influence of drugs and alcohol. The parents, one assumes by this, should have nipped the drug and alcohol problems in the bud before their children's behaviour reached such destructive heights, by supervising their activities. This decision set a precedent in Western Australia and the Director of Public Prosecutions suggested that more of the same would occur (Hickman, 2004). In New South Wales, the Children (Protection and Parental Responsibility) Act was enacted in 1997, replacing the Children (Parental Responsibility) Act 1994. Although rarely enforced (NSW Attorney General's Department – Legislation and Policy Division), this legislation like all other such legislation takes it for granted that parents are

primarily responsible for their children's actions even as these young people approach adulthood. Such legislation relies heavily on the notion that parents are the main contributors to, and therefore influence on, juvenile offending behaviour, and that in motivating the parents to perform their legal responsibility, children will subsequently improve their behaviour. As outlined below this view is not a novel proposition, as such legislation existed in North America as early as the 1800's.

2.3 Historical View

Parental responsibility legislation is not new, with American states having such laws in operation in the 1800's (Ludwig, 1952). In fact the statement that opened this chapter came from Ludwig, who is said to have often proposed this was the case (p.1). Ludwig was a firm believer that the problem of juvenile delinquency was to be found within the parents rather than the children. Strict liability laws in the 1800's saw parents fined as much as \$2000, which would have been a major financial debt for a family at that time. In 1885, for example, a six-year-old child accidentally injured another child with fireworks, and the offending child's father (who was not present at the time) had to compensate the injured child's parents (Ludwig, 1952). It seems that in 1952 many thousands of American parents were sanctioned for failing to assume parental responsibility, with quite a few being incarcerated from 1 to 3 years, and/or fined as much as \$1000. In all except for two of the American states, parents could be prosecuted for contributing to their children's delinquent acts, either directly or indirectly. A 'child' in these cases was defined as being anyone up to 21 years of age. Ludwig (1952) also notes that some parents were prosecuted with little evidence to suggest that they had in fact committed any wrong, and with their child not found to be delinquent. It is therefore obvious that expecting parents to assume responsibility for

their children's delinquent acts is not new, but rather has come into vogue in the past decade as a technique for reducing juvenile crime.

The belief that parents contribute to their children's behaviour is firmly entrenched in legislation introduced in Australia, Canada and in most American states (Hil, 1998; Brank, 2001). The following section gives an overview of such legislation in North America and Australia.

2.4 Parental Responsibility legislation in North America

In a study conducted by Eve Brank (2001) to examine public opinion of parental responsibility legislation, she found that all but two North American states (Maryland and New Hampshire) have enacted parental civil liability laws for property damage, with two thirds of the states also having civil liability laws for personal damages (Thurman, 2003). The cost to the family of such legal action in 2001 ranges from approximately \$800 to \$25000 for compensation, and can also involve payment of court costs. Texas is one state that can impose the maximum penalty of \$25000, and does so for each property damage incident. Moreover, parents can be required to pay court costs and the opposing lawyer's fees.

Brank established that 39 states have laws that hold parents criminally liable for contributing to the delinquency of a minor either directly or indirectly. Direct contributions involve such actions as deliberately inducing their children to steal, or damage property, or to use a gun. Indirect encouragement refers to actions such as ignoring the children's behaviour, in other words failing to act as a responsible parent

to curb the children's criminal actions. In some states parents can be incarcerated for up to five years, and/or given sanctions to the value of \$5000. Parents in these cases are often charged with a crime that carries more severity than the misdeed the child committed. In some states children may avoid prosecution, yet the parents may still be charged for contributing to the delinquency of their children.

In thirty-five states laws designed to promote parental responsibility are enacted, with parents either ordered to engage in parenting classes, or community work, and others that require the parent to attend Court, or to participate in the Court proceeding. To encourage parental responsibility some states order parents to pay restitution to the victims of their children's crime, or costs of incarceration of their children, or various other financial penalties. Restitution costs are usually limited to the parent's civil liability, but some states limit such liability to a maximum of \$10000 per incident (For more detailed information see Brank, E., 2001).

Parental responsibility in North America is well entrenched in legislation. Yet despite this, Brank (2001) found that the public really showed very little support for the punitive nature of such legislation, with those asked to comment on scenarios involving a child in an illicit act less likely to apportion responsibility and therefore sanctions to the parent. There was greater support however when the participants were asked if parents in general were responsible, and should be sanctioned.

2.4.1 Summary

It would appear from Brank's study that parental responsibility legislation is used in various ways throughout the North American juvenile justice jurisdictions in an

attempt to curb juvenile delinquency rates. Parents are positioned as culpable when they encourage, or ignore their children's delinquent tendencies. Parents are seen as the people with the most influence on their children's behaviour, and therefore it is assumed that if parents can be induced to become more involved in the promotion of correct behavioural standards in their children, then their children will act appropriately. The introduction of parental responsibility legislation in North American legal jurisdictions has led to other Western juvenile justice authorities adopting this method. Australian legislators have also either adopted, or are attempting to implement such legislative measures in endeavouring to control juvenile crime.

2.5 Australian Legislation

Australian State legislators have also enacted forms of parental responsibility legislation that resemble those described by Brank (2001). The following is an overview of legislation enacted to invoke parental responsibility in each of the states and territories of Australia. First though, discussion concerning how the parent is defined within legislation pertinent to juvenile justice will be reviewed, specifically because not all persons in the position of parent are actually targeted by such laws. Subsequently, a brief description of the Australian Family Law Act 1975 will follow. This Act is relevant to the topic of parental responsibility because it defines the rights and obligations expected of all Australian parents in relation to their children. This will be followed by an overview of parental responsibility legislation in each State and Territory's juvenile justice. Finally, family conferencing and parental responsibility will be discussed.

2.5.1 What is a parent?

Prior to examining legislation specifically relating to parents within the various Australian juvenile jurisdictions it is imperative that we understand how the law categorises a 'parent'. Parents are mostly categorised as the legal guardians of their children (biological parents, step-parents, de facto-parents); in other words, the person or persons who are with the children on a daily and ongoing basis. It is this group of people to whom the legislation is directed. There are also many other 'parents' who are not held responsible for the actions of children within the various legislations, yet nonetheless have a relationship with their children. These include absent fathers and mothers, parents of homeless children, the 'State', and parents of children under ten-years of age.

Research has indicated that families with one absent parent, in other words, the single-parent family, have a higher risk of the children being involved in juvenile delinquency (Farrington, 1996; Jaffee, 2003; Kelley, 1997). Furthermore, mothers are more likely to be affected by this legislation than fathers. Parents whose children have left the home environment are also exempt: their children are no longer in their care, for example, homeless children. Hil (1998) has argued that it is possible that parents who view their children as 'uncontrollable' may choose to evict their children from the family home rather than face criminal prosecution for a lack of parental responsibility. This could result in more homeless children, and therefore contribute to an increase in juvenile delinquency.

Since Australian children are exempt from criminal prosecution until they reach 10-years of age, their parents are also exempt from parental responsibility legislation. As such, even where children under ten-years-old are demonstrating delinquent behaviour

the State is unable to insist that the parent take action to arrest such behaviour. New South Wales is the only State in Australia where the parents of children of all ages up to and including the age of sixteen are subject to parental responsibility legislation, but this is an unusual case.

2.5.2 Child Responsibility in legislation

It must be noted that in conjunction with parental responsibility, the responsibility of children is also an important issue in the juvenile justice systems of many states. Each of the states and territories within Australia has legislation dealing specifically with young people apprehended for allegedly engaging in delinquent acts. Young people are labelled delinquent rather than criminal, as legal jurisdictions only refer to adult offenders as criminals.

Child responsibility is expressly mentioned in the legislation of over half of the juvenile legal jurisdictions in Australia (Tasmania, NSW, Western Australia, Queensland, and South Australia). In these states children are encouraged to take responsibility for their actions, and are aided in becoming more responsible members of society. As is obvious from the previous discussion, responsibility for the illicit acts of children is defined in many Australian legal jurisdictions as being shared by children and their parent(s): both are expected to be involved in the legal proceedings, and in some cases both are punished (see below).

2.5.3 *The Family Law Act*

This Act was specifically designed to deal with the breakdown of family relationships, and the consequences to each member of the family unit as a result of the breakdown. The Act deals with issues such as divorce, and the resultant financial division of assets and child custody that need to be decided. As such the Act specifies what duties parents have to their children, and in turn society. Parental responsibility is defined within this Act as:

All the duties, powers, responsibilities and authority which, by law, parents have in relation to children...to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children (s.60 & s.61).

It can be seen then, that this Act governs the interactions and obligations of all parents to their children within the Australian legal jurisdiction (with the exception of Western Australia which enacted the *Western Australian Family Court Act 1997*: an Act that outlines parental responsibility duties similar to the *Family Law Act*). The current *Family Law Act* does not discriminate between a parent who lives with their child and one who does not: both parents are said to be equally responsible and only through the court's prerogative is a parent exempted from the duties of parenthood. This is not the case in parental responsibility legislation.

2.5.4 Juvenile Justice in each Australian State and Territory

The following is an overview of legislation in each of the states and territories regarding parental responsibility measures designed to reduce juvenile delinquency. This is followed by an examination of restorative justice measures and parental responsibility.

2.5.4.1 State similarities and differences

Each State and Territory in Australia has within its legal domain an Act that specifically deals with those young people who become enmeshed in the juvenile justice system (*ACT Children and Young People Act, 1999; Northern Territory Juvenile Justice Act; Queensland Juvenile Justice Act, 1992; South Australian Young Offenders Act, 1993; Tasmanian Youth Justice Act 1997; Victorian Children and Young Persons Act, 1989; Western Australia's Young Offenders Act, 1994*). Young people from the age of 10 years up to their eighteenth birthday who are alleged to have engaged in criminal activities are dealt with by the various state juvenile jurisdictions, unless otherwise decided by a court. In all states, except Victoria and Tasmania, parental presence is encouraged in many of the interactions between police, the courts and young offenders. The parent(s) of the young offender are encouraged to attend the court proceedings, with the Court empowered to order such attendance. The Court in QLD also provides financial support to the parent(s) if required to attend the proceedings (s. 69). Failure to attend can result in the parent being found guilty of an offence and given maximum penalties ranging from \$750 in South Australia, up to \$3750 in Queensland. The Western Australian Act goes so far as to specify that parents be involved (or ordered to be involved) not only in the proceedings, but also in children's punishment and supervision (s.8).

The Courts in SA and NSW may also order the parent(s) to comply with certain conditions in order to secure their children's release from detention, for example ensuring that the young person does not continue to offend (SA: s.27; NSW: s.12): encouraging parents to act more responsibly. Queensland also has within its legislation a civil liability clause. This Act includes civil liability provisions for parents to be ordered to pay compensation for both property and personal damages resulting from the criminal actions of their child.

An innovative approach is that of the Northern Territory where parents can be held responsible for the costs of detaining their child in a juvenile facility should this occur (s.55A). Parents are required to pay up to \$100 per week for a period of no longer than one year of their child's incarceration if they are unable to convince the court that they were adequately supervising and controlling their child (s.55A).

2.5.4.2 New South Wales

New South Wales (NSW) enacted the *Children (Protection And Parental Responsibility) Act* in 1997. This Act deals specifically with parents and in turn their responsibility to their children, but only where the separate local council authorities request that the Act be legislated in their council area. This Act is groundbreaking in that it not only acknowledges the parents involvement in young peoples' environment, but also the community's duty to provide for families. In order to gain approval to enact the legislation (becoming 'operational'), the local council is required to undertake community consultation with the various stakeholders towards the establishment of local crime prevention strategies, and where possible, safer neighbourhood plans to assist the young people in the area.

A novel feature of the Act is that it requires parents to be responsible when their child may have committed no offence. Police are required to return at-risk children to their parents, so that they may fulfil their parental duties to supervise and care for their children (s.19). The young person may have appeared to the police to have looked suspicious, or was making too much noise, or may have been out too late for their age without a responsible adult in such cases the police return children home reminding parents that their children should be at home. Children in this case may be under ten years and therefore incapable, in legal terms, of breaking the law but can still be returned home under the provisions of this Act. Most juvenile justice legislation comes into force when children turn ten years of age, whereas this Act starts from birth.

2.5.4.3 Summary

The Western Australian case described above indicates the impact that parental responsibility legislation may have on the family of the young offender. Parents may see their children incarcerated, and also receive a significant financial penalty, because they did not supervise the activities of their children at all times. Yet, there are assumptions made within this legislation, for example, that parents will be physically with their children at all times, or ensure that they are being monitored by some other responsible person even as their children reach 16-years of age. Parental responsibility means ensuring that proper care and guidance is used to make sure that one's children have no opportunity to offend. Parents are also viewed as the primary influence in their children's life, and it is assumed that they are able to modify/change the behaviour of their children when ordered to do so. Finally, the legislation assumes that parents have the skills required to promote acceptable standards of behaviour in their children, and

that if they do not have these skills they can learn them. Parenting in this case is viewed as a ‘natural’ process that all responsible adults are capable of performing. But do parents agree with such assumptions?

In New South Wales, the parental responsibility legislation has at its forefront the acknowledgement that improvements must be made in children’s public environment as well as in children’s private situation to see real progress in juvenile crime reduction. The following section examines the review of the NSW’s legislation in 2001.

2.6 Review of the NSW Children (Protection And Parental Responsibility) Act 1997

Prior to the introduction of the Act, four local council districts were ready to become ‘operational’ (they had a crime-prevention strategy in place), these being Orange (December 1997), Ballina (December 1998), Moree (December 1998), and Coonamble (March 1999). In 2001 this number had increased to 36 councils having strategies in place to reduce crime, with many others indicating that such plans were in the pipeline.

The review of the legislation included the opinions of various stakeholders; most notably of Part-2 of the Act dealing specifically with parental responsibility. Stakeholders had a variety of opinions regarding this part of the Act, with a couple suggesting that the Act’s provisions may stimulate those parents who were lax in their parental duties to become better parents. But most stakeholders expressed concerns regarding the notion of parents being exclusively responsible for the illegal antics of their children, suggesting that there are so many confounding variables as to make this notion impractical. Parental responsibility legislation that criminalized the parent for the crimes of their children was found to be against the idea of natural justice that says only

the person who commits the crime is responsible. Moreover, some stakeholders felt that to prosecute the parent(s) creates even more dysfunctional behaviour patterns in families with such problems. Other stakeholders believed that to punish people for a lack of skills was in itself criminal, and also that it is often difficult to distinguish between those parents who are apathetic in their attitude to parenting, and those who genuinely are unable to reach acceptable standards of parenting. A final relevant point made by stakeholders was that the Act fails to get to those parents whose children have already vacated the family home: with state wards 15-times more likely to become involved in the juvenile justice arena (Hartley, 1998). A possible side effect could be that more young people become homeless as a result of the Act, with some parents believing that they can release themselves of the responsibility for young people they cannot control by relinquishing their wayward children.

The committee found that there was no discernable improvement in crime reduction rates since the introduction of the Act. Moreover, that parental responsibility measures had failed to encourage any parent to be more responsible, and that despite the so-called importance of parents being responsible, there are little or no skills based training facilities available for parents to attend.

2.6.1 Summary

Despite the ‘good’ intentions of the NSW parental responsibility legislation it appears that it has done little to curb juvenile offending in the operational areas surveyed. This may be the cumulative effect of police in some areas not utilising the Act’s provisions to remove young at-risk people from the streets, and the fact that once young people are answerable to the court, few magistrates appeal to the provisions to

reprimand the young person and their parent(s). Alternatively, it could be that parents have less influence over the activities of young people than the legislation assumes. The lack of skills-based training, family counselling and other rehabilitation therapy available to the courts to choose from may also be impacting on the magistrates' reluctance to utilise this part of the Act's provisions.

Before leaving the legal aspects that encourage parental responsibility it is important to examine family/youth conferencing practices. It was my interest in family conferences that led to the realisation that parental responsibility was being encouraged in the South Australian juvenile legal system. This then inspired the examination of parental responsibility in more depth to understand what this involved.

2.7 Family/youth Conferences

In recent years, restorative justice has become a valuable method for encouraging children and their parents to take responsibility for their children's illegal actions (Braithwaite, 1993; Blagg, 1997; Morris, 2000; Daly, 2000; Daly, 2002; Morrison, 2002; Schiff, 1998; and, Trimboli, 2000). This practice allows children to avoid court proceedings, thereby delaying in some cases incarceration. Restorative justice practices also permit the justice system to engage children in a friendlier, more relaxed environment than would be found in the courts. In this arena rather than using the more coercive method of convincing parents to take responsibility, legal systems are opting to encourage parents to be responsible through conferencing. This process usually involves the concept of mediation between the offender and their victim. In South Australia other stakeholders involved in the process are the Youth Justice coordinator (YJC) who is a magistrate, a police officer, and where possible the parents of both the offender and the

victim (where the child is under 18-years). In NSW it is the police who coordinate the conferences, for example, in Wagga Wagga. In contrast, family conferences in New Zealand are seen to engage the family more, giving them a greater central focus in the process (Maxwell and Harris, 1993). Therefore, there appears to be various types of ‘family’, or ‘youth’ conferences implemented in legal jurisdictions to deal with child offending, and encouraging parents to take a more responsible attitude to their children and their part in their children’s offending behaviour.

In South Australia family conferences involve the police officer restating the offence the young person has pleaded guilty to (with the acceptance of guilt a prerequisite for entry into mediation) (Daly, 1998; Daly, 1999b; Daly, 2001). The police, the victim, the offender, and family members give their opinions and feelings regarding the offensive behaviour. Restitution is then discussed and agreed upon by the police officer and the young offender. The YJC directs and coordinates the proceedings ensuring all involved have a fair say on the incident. Parents are confronted by their child’s unacceptable behaviour in the presence of the law, and by the victim of the child’s behaviour. It is assumed that this encourages the parent to regulate their children’s behaviour in future, although whether this is the case is as yet an unanswered question. Maxwell and Harris (1993) specify that parental empowerment is more indicative in New Zealand conferences, than the child’s empowerment. Although in New Zealand, the family is central to the success of conferences, in South Australia, parents are viewed as supporters rather than a necessary requirement in the process (Daly, 1999a). The other method of mediation that is promoted and employed in many legal jurisdictions (e.g.: Wagga Wagga, NSW) is that of John Braithwaite’s reintegrative shaming.

John Braithwaite, in his theory of reintegrative shaming (1989), advocates parents taking responsibility for the anti-social behaviour of the young (Braithwaite, 1993; Braithwaite, 1994). Reintegrative shaming is a method of both positively shaming the offender, and his or her parents, combined with assimilation of the young offender back into the family environment (Braithwaite, 1993; Braithwaite, 1994; Blagg, 1997). Braithwaite posits this method as a necessary condition to lower the crime rate (Braithwaite, 1993). It is viewed as appropriate for use in youth conferences and various other group activity sessions that involve discussing a wrong, between an offender(s) and their victim(s).

Positive shaming involves discrediting the anti-social actions rather than the person who engaged in such actions. In demeaning the action instead of the person, Braithwaite posits that the young person will be less stigmatised within the justice system. Reintegration in this process sees the young person forgiven for their sins, and welcomed back into the, “continuing support, love and respect” of their family environment (Braithwaite, 1993: p37). Braithwaite proposes that this allows the young person to avoid having to assimilate in a sub-culture of similarly stigmatised individuals. Many questions arise from this notion of reintegrative shaming, such as, what happens if the family environment is the trigger that has led the young person to engage in anti-social behaviour? Sending the young person into such an environment without changing the status quo may reinforce the negative behaviour patterns of both the young person and their parents. Moreover, is the construction of a shaming environment appropriate for dealing with young offenders, who may come from (and often do) an abusive family environment?

Psychological research suggests that one should be wary of creating a shame-based discourse (Tangney, & Fischer, 1995; Blagg, 1997). Even Braithwaite acknowledges that some parents participating in the New Zealand family conferences were more stigmatising towards the young offender than the others involved, including police and the victim (Braithwaite, 1993; Umbreit, 1994). Daly also reported that there were arguments between the offender and their parents, and angry and aggressive comments directed at the young person in nearly 20% of conferences (Daly, 2000). Over a third of the victims viewed the offender as a 'bad' person, rather than direct their attention to the act (Daly, 2000). Umbreit (1994) reported that although many parents were acceptant of the process they did not extend that acceptance to their child. The stigmatising of young offenders in the family conference process can result in the very practices of negative shaming that Braithwaite posits lead to increased criminal activity.

Blagg (1997) argues that shaming is about losing one's standing in one's community: it is about public humiliation (Fitzclarence, 1992: cited in Blagg, 1997). Shaming parents, via their position as the failing 'responsible' adult, within an environment of reintegrative shaming may entice some parents and young people to feel ashamed of the behaviour when meeting the victim. In contrast, proponents argue (Braithwaite, 1989, 1993; Braithwaite and Mugford, 1992; Blagg, 1997; Moore, 1993), that shaming encourages the parents to alter their current patterns of behaviour, and in turn those of the young offender. Blagg points out, however, what happens to those who have no social status, or whose life is so dysfunctional that an explanation of shame has no meaning and therefore no impact is less clear (Blagg, 1997; Tangney and Fischer, 1995). Gilbert and Andrews too perceive that parents give meaning to the social world

of the young (Gilbert, and Andrews, 1998). They praise children for their achievements, and punish them for their failures. They argue that emotional affect develops after the social construction of the emotion (for instance, of shame) becomes meaningful through words and actions: that some cognitive process must pre-exist an emotion such as shame (Gilbert, & Andrews, 1998).

This then suggests that the shaming process will only reach those who can attach significant meaning to the actions and words of the various participants. For the homeless, those in State care, and those from dysfunctional family environments, 'shame' triggers may not work as effectively as in more functioning family contexts. Moore (1993), when reviewing the family conference process in Wagga Wagga proposed that although many young people are victims themselves of their own family members, they and their parents at the very least get some insight into acceptable standards of behaviour. Moreover, the act of communicating may strengthen community bonds, and encourage responsibility in the young offender, and consequently in their parents (Moore, 1993). Since much psychological research has found that those who continue to re-offend throughout childhood, adolescence, and adulthood are normally abused individuals from extremely dysfunctional family environments, one still questions if reintegrative shaming is an appropriate tool for dealing with all young offenders.

Shaming of the young offender and their parents is not aspired to by the South Australian legal system (Daly, 1998). In fact in about 10-20% of cases, the offender's parent does not attend the conference (Umbreit, 1994; Trimboli, 2000; Daly, 2001). In South Australia the emphasis is on children taking responsibility for their actions

through admitting guilt, but also by listening to the victim it is thought that children will better understand the consequences of their actions, and even empathise with the victim. The parent too is requested to contribute where possible in explaining the child's actions, and in supporting both the child, and the legal sanctions applied for the child's behaviour. It is plausible that having the parent(s) attend may also have an impact on the parent, by providing them with insight into the actions of their children, the effect that this behaviour had on the victim, and even possibly their part in their children's behaviour.

2.7.1 Summary

Restorative justice practices are entrenched in many juvenile justice jurisdictions, with the intent to coopt the offender, the victim and the parents in resolving the situation. It is felt that the process allows for a caring as well as less punitive approach to juvenile crime. Although, in a minority of cases it appears that parents actually continue to abuse their children during the process, there is an opportunity for children and their parents to understand notions of empathy, responsibility, and socially acceptable standards of behaviour. In this practice parents are not merely spectators, as they are in the court arena, rather they are seen as best able to change their children's behaviour. As such parents are also the indirect recipients of the children's punishment. They are privy to what the child communicates to the other stakeholders in the process, and are also required to support the child's words, and to see what went wrong. In this way it is hoped that the parent will see the error of their ways, and in turn resolve their children's issues, thereby sharing in the rehabilitation of the young offender.

2.8 Conclusions

It can be seen that parental responsibility legislation is being promoted and employed in Australia, and other Western legal jurisdictions. There are varying degrees to which legal authorities are willing to embrace the notion of parents being responsible for their children's illegal behaviour, but it does appear that all of the Australian state legal jurisdictions require some effort from the parent. Parents are deemed responsible for their children at all times, and if they fail to supervise and care for their children's welfare then they are likely to be sanctioned under such laws. In Australia parents are encouraged, coerced, and if needed, forced to participate with their children in the juvenile justice system. At every stage of children's interaction with the system, parent(s) are expected to be present, although this does not always occur.

Family/youth conferences offer a unique opportunity for the legal and familial environments to combine in an effort to foster more appropriate future behaviour choices from the young person. Although, the effectiveness of shaming practices is yet to be determined, some researchers suggest that re-integrative shaming is a useful resource in the juvenile justice system.

This chapter has explored the legal implications of parental responsibility legislation in North America, and more specifically in Australia. The following chapter examines the psychological constructs that are viewed as relevant to the topic of parental responsibility.

Chapter 3: Psychological Aspects Relevant to an understanding of Parental Responsibility

3.1 Introduction

The relatively new parental responsibility laws make certain assumptions about how behaviour is shaped and influenced in children - primarily premised on social learning theory, which has been very influential in psychology. Related to this is the enduring debate in psychology over nurture versus nature. This dates back historically to Aristotle's notion of a *tabula rasa*, or the blank slate, which presupposes that children are born without innate cognitive tools to deal with the world around them (Locke, 1996). It is only through environmental experience in the form of nurture and community interactions, and consequently social behavioural training that children learn to become acceptable members of their society. In contrast, those who support the nature argument argue that children are born with innate, genetic predispositions that assist them to better deal with their environments. Most recently, behavioural geneticists have questioned the degree to which human behaviour is shaped by learning, with a most influential critique to be published by Judith Harris (1998).

Three central psychological theories are offered in this chapter that are directly relevant to the notion of parental responsibility. The first of these theories is the nature versus nurture hypothesis, which has been central to considerations of the determinants of human behaviour. The logic behind parental responsibility legislation implies that nurture more than nature, has an affect on children's behavioural outcomes. The genetic disposition and characteristics of the young person are sidelined and ignored in parental

responsibility legislation with the parent and their nurturing practices brought into question. Second, social learning theory as posited by Bandura (1977), is also of fundamental relevance. The basic tenet of parental responsibility legislation is that parents regulate, and motivate their children's actions through the modelling of correct behaviour and discouraging incorrect behaviour. Social learning theory discusses the ways in which people learn specific behaviours and is therefore central to the topic of parental responsibility. The final theory discussed in this chapter is Fritz Heider's attribution theory, one that posits the ways in which people interpret causal relations, and thereby make sense of their environment and the people in it. Given the focus of this thesis on perceived attributions of parental responsibility the literature in this area will also be investigated.

The next section examines social learning theory and its relationship with parental responsibility and children's behaviour. Parental responsibility legislation is premised on the notion that parents are the people most likely to influence their children's actions, and as such an understanding of social learning theory is a prerequisite for understanding the assumptions of this legislation.

3.2 Social Learning Theory

In understanding how behaviour is learned, social learning theorists such as Bandura posit that through personal experience and modelling of behaviours by others we are provided with the tools for social adaptation (Bandura, 1977). Bandura speculated that initially behavioural cues are gained from observation of the behaviour. The impact on learning through observation is enhanced by the person attending to, and

understanding the behaviours being observed, and that the behaviour of people who are regularly observed by the individual will have the greatest impact on the learning process. Memory of the behaviour observed is also important if the behaviour is to be learned, so that the person may draw from past experiences to make decisions about present or future behavioural choices. Bandura posits that the memory of an event is either stored as a “verbal or as a visual image” (1977, p 25), and that this allows cognitive manipulation of the behaviour by the person. As such people are able to generalise across behaviours, and to mentally practice behaviours in other settings prior to physically engaging in various actions. He also proposes that people learn by the resultant consequences of their actions, and that these consequences enlighten, persuade, and regulate behavioural choices. For instance, if one engages in an action that results in negative feedback, one is more likely to avoid that behaviour in the future, whereas positive feedback in contrast, would encourage such behaviour.

Bandura and other social learning theorists also propose that through modelling people learn what is socially acceptable behaviour. Bandura states that:

Modelling has been shown to be a highly effective means of establishing abstract or rule-governing behaviour. On the basis of observationally derived rules, people learn, among other things, judgemental orientations, linguistic styles, conceptual schemes, information-processing strategies, cognitive operations, and standards of conduct (Bandura, 1977, p 42).

Moral decisions are treated by social learning theorists as involving the person engaging in a decision making process that entails consideration of such factors as for instance, the character of the person, their action, the consequences of the action, and the mitigating and explanatory aspects of the behaviour. This process strongly resembles the attribution process where the person allocates various positive and negative attributes to the person and their environment, in order to make a decision on whether the behaviour was appropriate or not (see below). Bandura suggests that this learning also allows some people to then mitigate and excuse their own immoral behaviour, as a result of such reflection.

In their study of parent and peer influences on children's moral development, Walker and Taylor (2000) found that children with almost no moral reasoning had parents who were likely to show negative parenting behaviours towards them. For instance, they interrupted and interfered with their children's reasoning by using hostile and threatening actions, which were likely to diminish, and sidetrack the children's discussion. In contrast, children with significant ethical growth were found to have parents who taught moral lessons to their children by asking their children about the situation, giving their children feedback, and then making sure their children understood the discussion in order to promote rational thought in their children.

There are other aspects of modelling that can influence the learning process, such as contradictory behaviour in the person modelling, or contradictions between what is being modelled and socially accepted standards. In this case the person may be confused as to what is acceptable behaviour and what is not. Moreover, if a negative action has little or no negative consequences then that action will be judged to be

acceptable to the person. For example, where violent behaviour in the family is so entrenched that there appears to be acceptance of this behaviour, with no negative consequences for the perpetrator only the victim, it is possible that a young person in this environment may learn that it is preferable to become a perpetrator rather than a victim of violence. Yet this same young person will learn from other sources that violent behaviour in any form is socially unacceptable, thereby leading to a moral dilemma for the young person. Another example of such confused signals to the learner is where a parent denigrates those who steal and yet steals from their own workplace. Such confusing messages indicate that people also learn negative and dysfunctional behaviour from significant others.

Researchers have found in longitudinal studies of intergenerational transmission of behaviours between family members that the criminal behaviour of grandfathers, and fathers is evidenced in their grandsons (Thornberry, 2003). For granddaughters it appears that parenting behaviours and stress are transmitted from the grandmother, through to the mother and then to the granddaughter. Other researchers have shown such transmissions for aggression (Dumas, Margolin, & John, 1994; Huesmann, Eron, Lefkowitz, & Walder, 1984 - cited in Thornberry, 2003), criminal history (Farrington, 2001; Farrington, Lambert, & West, 1998 – cited in Thornberry, 2003; Rowe, 1997), alcohol and drug use (Velleman, 1992 - cited in Thornberry, 2003), family violence (Fagan, Hansen, & Stewart, 1983 - cited in Thornberry, 2003), and child abuse (Widom, 1989 - cited in Thornberry, 2003). Farrington et al. (2001) found in their study of 1395 boys and their families, that having a father who had been arrested was predictive of future juvenile delinquency of their sons. It was evident from this study that for boys having a relative that had been arrested increased the chances of young

men engaging in delinquent behaviours and consequently being arrested (also found by Sarris, 2000). In terms of social learning theory, one could argue that these young people are being sent the wrong message, which is being reinforced by the behaviour of the people closest to them.

The Edinburgh Study, a longitudinal study of over 4,000 youths in Edinburgh has reported a link between parenting and their children's behaviour (Smith, 2004). Parents were surveyed regarding their parenting behaviours and family functioning, and then two years later the behaviour of the children was analysed. Smith (2004) reported that delinquent behaviour in children was associated with the behaviour of their parents two years prior to the event. This large study found that uniformity in parenting, combined with parent and child harmony that encouraged child disclosure, with moderate punishment for unacceptable acts, resulted in positive child development, as predicted by social learning theory. This type of effective parenting combined with parental monitoring ensured children had less opportunity to engage in delinquent acts. Smith points out that reinforcement of behaviour is important in this situation with positive behaviours promoted and encouraged, and negative behaviour discouraged in an appropriate manner. Discursive studies have also found that parents and their children share their thoughts of moral sensibilities during talk of moral events, and it is in this way that children learn social mores of behaviour (Buzzelli, 1997).

Social learning theorists also note that parents are not the only influence on children's learning, with teachers, peers, and the media also modelling a range of behaviours. Bandura argues that the media is the vessel whereby new ideas and social

practices are communicated to the masses. The introduction of a new social practice (for example: drink driving legislation) is reinforced by the use of examples, which convey the rightness (saving lives), or wrongness of the new practice (death, disability, and legal consequences). This is further reinforced by incentives, or sanctions that encourage the proposed behaviour. The positive aspects of the new practice are presented in a persuasive and repetitive manner until the practice is accepted. In some cases the stakeholders targeted in relation to the new social practice are either positively presented or demeaned to encourage the obvious benefits of the proposal. Punishment too can be proposed and focused upon to encourage acceptance of new practices. The lessons being imparted are the benefits to society of such changes of social practices, and this is constantly reinforced until change ensues.

3.2.1 Summary

Social learning theory then assists the investigation of parental responsibility legislation by explaining how parents can impart dysfunctional behaviours to their children, in many cases inadvertently, in others deliberately. Children learn through the modelling of behaviour by others, which is further reinforced by verbal and physical incentives. As parents are viewed as having the greatest contact time with their children from birth onwards, and also of having the strongest and most powerful relationship with their children, it is presumed that their impact will also be the greatest. If the parent has a dysfunctional family background themselves then it may be difficult for their children to behave appropriately if they have had no positive role models in their past. Such issues around parenting and the juvenile and criminal justice jurisdictions are currently salient throughout the world. Although as Bandura has noted, parents are

not the only influences on children's learning, they are the people who have the most sustained contact with the child, and are possibly the people with the most power over children. Holding parents responsible for the illegal actions of their children is very much based on a social learning approach to delinquency. However, not all theorists agree that nurture is the only influence that has an impact on the behaviour of children, with behavioural geneticists proposing that genes also determine behaviour.

3.3 Nature versus Nurture

Although there is still an ongoing debate within psychology of whether 'nature or nurture' is the most important factor in childhood development, and consequent behaviour, it appears that in the matter of parental responsibility legislation that the jury has already decided that 'nature' is inconsequential to the debate. Judith Harris's opinion that 'parents don't matter' as to how a child turns out other than in their genetic relationship to their child (Harris, 1998) is examined. More precisely Harris suggests that the impact of modelling as proposed by social learning theorists, and as embodied in parental responsibility legislation, is minimal. This will be followed by research that would suggest that parents most definitely do 'matter' to the child's development.

3.2.1 Nature

Harris (1998) argues that the views of socialisation researchers are those that have had the most impact on political and social policies that guide our behaviour. Yet, Harris proposes that those promoting socialisation ignore the results of studies conducted in behavioural genetics, comparing the behaviour of identical twins (same genetic codes), fraternal twins (different genes, but same parental genes), and adopted siblings (different

genes for children and parents), and which have suggested that one's genes account for at least 50% of the differences found between the pairs of children. Harris also posits that the methodology used in many socialisation studies is questionable, with the suggestion that such research is based on biased methods of data collection, and therefore fails to give a true understanding of those factors that impact on children's development. In addition, she posits that even meta-analyses conducted into parental influence on their children's behaviour and ultimate socialisation fail to show any significant correlation, despite many such studies being conducted. Harris proposes that children's genetic predispositions, and their peer relationships, are the factors that significantly influence how children behave and become socialised within their community. According to Harris it is these two factors that predict children's behaviour rather than their parents influence. In fact, Harris states that, "Parents don't matter", to their children's development, other than in relation to the shared genetic traits they have in common with their children.

Harris's central claim is that behavioural genetic studies examining the influence of genetics and parental environment have consistently shown that where identical twins have been reared apart, similarities in their traits are significant, whereas, fraternal twins who are separated show only few similarities. Fraternal twins, by having a combination of their parents' genes, do not have the same exact genetic code as identical twins do, and as such are different to each other, and because of their individual genetic codes attract different environmental pressures from those around them. Studies examining adopted children have found that even where their adoptive parents attempt to treat their multiple adoptive children exactly the same the children bear the same similarities as would be found by chance. According to Harris this indicates that genes are more

important than parents, because identical twins with their identical genetic codes develop in a similar manner.

Harris suggests that the other 50% of the difference is attributed to environmental interactions that are in turn a result of the effect of the genetic dispositions of children, and the genes that are passed on from the parents. For instance, Harris posits that abused children may elicit abusive behaviour from their parents, due to their genetic predisposition in temperament or personality. This is in contrast to children who are 'attractive', quiet, and pleasant and therefore are not abused by their parents. To further substantiate this argument Harris then suggests that social psychology invariably draws conclusions about parenting practices by focussing on only one child in the multiple child family. Parents in these families are seen as consistent in the way they interact with their different children, and therefore in their parenting practices. Harris concludes that this is not necessarily the case, with parents actually interacting with individual children based on the children's genetic dispositions, and the impact that these individual differences have on parents. In this way children who are naughty are more strictly controlled than children who are attentive and quiet: the parent can be seen to be reacting to the children's individual differences.

In regards to the genetic similarities of children and their parents, Harris suggests that it is obvious that optimistic, friendly, competent parents will produce the same characteristics in their children due to the children's shared genetic influences from their parents. Harris therefore argues that genes rather than parents are the reason why some children are good and some are bad. This conclusion means that parental responsibility

for the illicit acts of their children is primarily due to the parents' genes, not necessarily their consequent behavioural practices towards their children.

In a study that examined the association between parenting, child traits, and conduct problems in 402 six to thirteen year-olds, it was found that those children who showed almost 'psychopathic' type traits were unaffected by poor parenting (O'Connor, 2001). Those children who were observed as being cold-hearted, scheming, with little empathy for others, or guilt for their actions, had conduct problems that were a result of their personality rather than environmental influences such as parenting. Children in the study who did not show such traits were seen to have conduct problems as a result of poor parenting practices (O'Connor, 2001). One could argue that since the study only began once the children were at least 6-years-old, that in fact the parents' impact may have been well entrenched and as such was not observed in the study. One asks whether such treatment resulted in the children reacting by inhibiting their emotions as a defence against their less than adequate parents. Or one could argue that the genetic code for callous-unemotional traits does override environmental pressure in such individuals.

Harris does concede that identical same-gender twins usually share indistinguishable environmental conditions, for instance, identical parents, social and cultural environments, and peer groups that could also impact on the similar character of identical twins. Here then is the dilemma for Harris's position in that in many cases it is difficult to disentangle environmental from genetic effects/factors. For example, in the research reported by Thornberry (2003) (see previous section), regarding the criminal propensity of family members, it could be argued that genetic factors rather than social/familial factors are contributing to the generational transmission of such

behaviour. How then can this dilemma be disentangled? Harris does not propose how this may be achieved, and really dismisses the impact that social learning has in this behaviour.

There are many environmental factors that can impinge upon families and in turn cause stress to parents who then find it difficult to cope. It is true that parents and their children share genetic codes, and that genes have been shown to have an impact on how people develop. Maybe a genetic code gives the propensity to develop in a certain way if all things are equal, although human nature does not always conform to such expectations. Maccoby (2000) has suggested that it is more sensible to consider the combination of hereditary and parenting effects when examining children's behaviours. In other words rather than argue for nature versus nurture, it should be seen as a combination of a propensity towards certain behaviours due to genetic disposition (nature) and the possibility of certain behaviours due to environmental impacts, such as parenting (nurture).

3.2.2 Nurture

As Harris notes, there are many socialisation studies that indicate that parents, and their interactions with their children do matter in their child's development (Pardeck, 1990; Parish, 1992; Kelley, 1997; Totten, 1997; Laible, 2000; Jones, 2000; Sarris, 2000; Haapasalo, 2001; Levy, 2001; Matherne, 2001; Hill-Smith, 2002; Scaramella, 2002; Oztunca, 2001; Bengtson, 2002; Fletcher, 2004; Haas, 2004). Galambos et al (2003) specifically argue against Harris's proposal and also conducted a study of over 100 families in a 4-year period to examine parents' impact on their children. The children in

these families were exhibiting anti-social behaviours, and mental health problems at the start of the study (Galambos, 2003). The authors found that when parents took control and dealt with their children in a firm manner they managed to stop the anti-social behaviour of their children, despite their children having delinquent friends. They also found that those parents who failed to manage their children effectively had children who tended to continue to have problems. Such research suggests that changes in parenting attitudes and behaviours do have an impact on children's future actions. Another study that compared adolescent murderers with adolescent burglars, found that the murderers were more likely to have been subjected to cruel parenting, especially by their mother (Hill-Smith, 2002). Haapasalo (2001) reported similar findings with incarcerated young males describing their parents (mothers and fathers) as ineffective, and abusive.

In contrast, a study involving 84 incarcerated English youths found that these young people believed their parenting had had no impact on their offending behaviour (Lyon, 2000). What was also obvious in this study was that when the young offenders were asked about their hopes, fears and plans for the future they consistently suggested that as parents they would communicate more positively with their children. This signifies that although the young people were incapable of, or unwilling to draw a causal link between their actions and the prior actions of their parent, they could envisage a more positive environment for their own children. Also obvious was the amount of family violence these children were subjected to as indicated by this statement by a young man under-18, "*they used to beat me up to keep me out of trouble*" (p 9). Despite the protestations of the young people that the nurturing they received from their parents had no impact on their behavioural choices they appeared to justify and rationalise

violent actions as a method of behavioural control. Furthermore, the violence they received was depicted as essential for their development.

Haas et al., (2004) in their study of over 21,000 boys found that those children who had been institutionalised before the age of 12-years, or who lived in two parent dysfunctional families, or who lived without their mothers, or lived in separated families were more likely to persist in delinquent behaviours (Haas, 2004). The study indicated that constant positive nurturing by parents, especially the mother, is important for positive outcomes for children. Young people who are deprived of positive nurturing either due to separation, or because of dysfunctional nurturing are capable of engaging in inappropriate behaviours. This does not suggest that all young people who either have interrupted nurturing, or inadequate nurturing all become dysfunctional, but it increases their chances of becoming so.

It is also important to consider cultural norms when understanding acceptable parental nurturing. A study of Turkish adolescents by Oztunca (2001), found that children in this culture dealt naturally with strict parenting (all parents in Turkey are strict according to the author). The taken-for-granted nature of 'authoritarian' parenting practices appeared to negate the negative influence of such behaviour. Children were seen as unaffected by the firmness of their parents' control, but they suffered where the family was a fractured unit that failed to communicate and support each other. Children in such families tended to have low self-esteem, and were liable to become depressed (Oztunca, 2001). Positive parental nurturing involves a close communicative relationship being developed, between parents and their child, where this fails it appears that the ramifications for children are diverse and certainly negative.

Loeber and Stouthamer-Loeber in their study (1987, cited in Sarris, Winefield & Cooper 2000), found a plethora of evidence suggesting that the family contributes to juvenile delinquency. Inadequate parenting in the form of poor parental supervision of the child; absent parenting; parental rejection, and, aggressiveness or acceptance of aggressive behaviour all resulted in delinquent actions by the child. Sarris, Winefield and Cooper (2000) studied three groups of participants including, one from the general population, one from a clinical environment, and a group of young offenders. They found that positive family relationships contributed significantly to a healthier outlook in terms of offending, with happy or contented children being less likely to offend.

The final study that needs mention on this topic is that of Bengston et al. (2002) that is reported in their book *How Families Still Matter: A Longitudinal Study of Youth in Two Generations*. In this long-term study of families, the authors compared the impact of the parents of the generation described as the 'baby-boomers' on their children, and then examined this group with their own children. As the title of their book indicates they concluded from their longitudinal study that parents continue to be an important influence on their children.

3.2.3 Summary

It is difficult to agree in full with Judith Harris's notion that parents are not essential to the development of their children. That parents are shown to have a profound impact on their children when things go wrong has been shown in numerous studies. That our genetic code is important to what we are is not at question, but the environmental pressures that come to bear against that code must have some influence

in shaping our subsequent development. It is accepted that some children cry continuously, and make parenting difficult, but many parents survive without resorting to violence, or neglect to deal with such children.

Parental nurture is consistently correlated with positive and negative outcomes in children's development. Incarcerated children report that their parents have invariably abused them and as such this impacts on their ability to function acceptably within society, and to adhere to socially accepted rules. It is therefore plausible to suggest that parental responsibility laws may be appropriate to teach offending children, and their parents how to behave in more appropriate ways.

The final theory that will be examined regarding the determinants of human behaviour is that of attribution theory.

3.4 Attribution Theory

Parental responsibility legislation involves legal practitioners making decisions about the parents' involvement or lack of involvement when a young person is apprehended for a delinquent offence. Practitioners are expected to decide whether parents acted in a responsible manner towards their children. There is a distinct causal connection being drawn between parenting and children's behaviour. Legal practitioners therefore within this legislation, are asked to attribute responsibility to parents for their children's crimes. Discussion around notions of attribution of responsibility to parents is also evident in the media (see Chapter 4), and is also the focus of the two studies presented in Chapters 5-9. Parents in these studies were asked

specifically to attribute responsibility to parents and children in hypothetical scenarios. As such, it is difficult to understand parental responsibility legislation without examining how people attribute responsibility. There have been many studies that have examined how people attribute causes to other people's behaviour, with Fritz Heider being the first to develop what social psychologists refer to as 'attribution theory'.

Heider (1958) examined the issue of interpersonal relations and in doing so demonstrated a myriad of ways that people attribute qualities to people and objects. Heider's theory is most relevant to the topic of parental responsibility for two reasons: the first being his focus on attribution, but possibly more relevant is how this notion assists in creating, sustaining, or terminating the interpersonal relations between two or more persons. His use of logical methods to posit his theory of interpersonal relations gave researchers a basis to further examine attribution data and the relations between people. It is for this reason that we must examine Heider's theory in more depth.

3.4.1 Heider

In analysing the interpersonal relations of people Heider first examined how we perceive the other person, which according to Heider involves perception of the causal relations that contribute to that person (Heider, 1958). For instance these can be internal causes such as their intentions, motives, character, or external notions such as task ability, or destiny. People are posited to make such attributions about others in order to ascribe qualities to the other that allow for decisions concerning themselves and the other. Asch (cited in Heider 1958) suggests that we are engaged in a "mutually shared environment" (p.61), and as such we perceive that others see what we see. Although when we are observing another person we may often only perceive the

attributes the person allows us to perceive. The environmental pressures surrounding the person can also be taken into account when attributing qualities to the other.

Heider also distinguishes between intentions and ability. A person who is posited to have a brain dysfunction, or is immature, is attributed less causality in their actions than the person who is said to have been cognitively motivated to commit an action. The former is out of the person's control, whereas the latter is the direct result of the person's control. Therefore in perceiving others, and ourselves we consider the environment, the person's overt behaviours, and psychological constructs such as intentions, and abilities. This evaluation of the other in relation to the person gives each person some control and knowledge of their environment and the people in it. It also allows the person to perform within the environment and to predict other people's actions.

Heider (1958) also indicated that in order for one to attribute fault to another, one must first consider two factors: whether the behaviour of the person was internally or externally driven. In analysing ordinary people's behaviour, Heider found that they considered whether the individual was responsible due to something within them, or because of some other more external cause. In the context of parental responsibility legislation this could mean consideration of whether the child's behaviour is a result of the parent's lack of effort (internal factor), or because of lack of community support (external factor). Heider, in his studies, consistently found that people assess causal relationships using this perceived information about the other person's involvement. Behaviour that is viewed as being within the person is considered to be the person's fault, whereas behaviour that is out of the persons control cannot be that person's

responsibility. He also found that people tended to view internal reasons as more likely for explaining the others' negative and even positive behaviour, than external reasons. In contrast, when accounting for one's own behaviour, people are more likely to attribute negative consequences as being the result of external factors, and positive consequences as a result of internal attributes. This type of attribution is seen as a protective measure for self-esteem, with the negative cause depicted as out of our control. This could also be due to our lack of knowledge of the environmental impacts on others, which does not exist in the case of the self. This could also explain why parents can be more accepting of their children's behaviour, as they have knowledge of situational pressures on their children.

3.4.2 Fundamental attribution error

This universal phenomenon known in modern socialisation studies as the 'fundamental attribution error', which is: *the tendency for attributers to underestimate the impact of situational factors and to overestimate the role of dispositional factors in controlling behaviour* (Ross, 1977, p. 183, cited in Augoustinos, 2006). The inclination to view behaviour as person oriented rather than as impacted by social environmental influences is seen as central to understandings of how bias can be introduced into attributions of cause. The importance of this aspect of attribution is that in taking such a position poor parenting practices, and subsequent delinquent children, will be viewed as the parent's fault rather than because of the impact of situational factors including the impact of past modelling, current poverty, and over-crowded housing.

3.4.3 Can and ought of responsibility

Heider posits various inferences that lead to people making assumptions about other people. These involve such notions as whether the experience was good, bad, or neutral, and whether the cause of the event was externally mediated or internally mediated. The notion of whether a person 'can' or 'cannot' effect a change in the environment is also important when attributing causal attribution to another. If, for example, we view the person as having the capacity to make a change yet choosing not to we are more likely to attribute a pessimistic quality to that person. If despite the person's effort to affect a change, they cannot bring this about, we are likely to attribute a more positive albeit possibly demeaning quality to that person. The notion of 'want' is also discussed in relation to causal attribution, in that if we infer that the person actually wants to change, then this will make a difference to how we allocate cause. Moreover, whether the change the person makes is something that they ought to do or ought not to do will influence how we perceive the event.

In discussing the notion of 'ought', Heider distinguishes between the words 'should' and 'ought'. In relation to 'should' he suggests that whether a person should do an action may not be based on a moral requirement. For example, it may be that a person 'should' stop to help someone whose car has broken down, but it does not mean that they have ('ought') to stop, only that it is good to do so. In relation to the notion of 'ought', Heider describes the characteristics of 'ought', as "impersonal" in that everyone is required to behave in this manner (p 219), and as "dispositional" (p 220) in that such requirements exist in spite of social and personal variations. Moral and ethical codes are dispositional in that they are embedded within a culture, with notions such as

one ought not to lie, steal, kill etc, but there are instances when lying, stealing and killing can be accepted due to environmental or personal pressures that brought such actions to bear. Despite this acceptance however, the 'ought not' still adheres, therefore retaining its impersonal quality.

In relation to parental responsibility legislation, it can be seen that attribution theory will enable some insight into the logic behind the legislation. Specifically, such legislation infers that: p (the parent or parents) causes o (the young offender) to engage in x (delinquent behaviour). In fact, what the legislation really posits is that of p causes x , being that the parent is the cause of the delinquent behaviour. The behaviour of the young offender (o) may be defined as being the result of the parent (p) intentionally or inadvertently contributing to the child's behaviour (x). Either way the logic holds that by changing, educating, or punishing the parent this will cause the young offender (o) to not do x in the future. Within this argument there is no notion that environmental pressure (e) causes o (*or* p) to do x . Neither is there consideration that the parent's behaviour may not contribute to the child's subsequent actions. It is also apparent that legislators believe that parents can and ought to control the behaviour of their children, thereby enshrining this causal relationship and enforcing the 'ought' of such social relations. Through the introduction of such legislation and the public discussion around this issue it can be seen that the notion of parents taking responsibility for their children's illicit actions will become part of the social discourse and therefore objectified within society's cultural norms. The 'ought' of parental responsibility will become an expected part of parenting.

3.4.4 The family unit

Attribution theorists perceive the family to be what is termed a 'unit'. Within this unit it is argued that members try reaching a state of equilibrium. This 'balanced state', as Heider refers to it, is reached through the members adapting to one another. Therefore in the situation where the parents and their children are all involved in socially acceptable behaviours, and all coexist in a friendly and supportive environment it can be seen that this is a fairly balanced unit. Even in a situation where the parents and their children are all involved in socially unacceptable behaviours, and all coexist in an unfriendly and unsupportive environment; this is still a fairly balanced unit. All members in the unit have the same expectations and goals as all other members in the unit. An unbalanced unit, for example, may be one where parents promote socially acceptable behaviours, but despite this their children engage in socially unacceptable behaviours regardless of the supportive nature of their environment. To balance this situation the parent must either accept the behaviour of their children thereby compromising their own beliefs (changing attributions), or mitigate their children's behaviour with excuses (diminish their belief in the attribution), or change the behaviour of their children (no attribution change for the parent). If the parent is the unit member that engages in socially unacceptable behaviour, and not the children, then this presents the children with an unbalanced state that must be rectified. The children may attribute the unacceptable behaviour of the parent as normal and acceptable, and therefore balance is achieved, but the price of that balance is that the children now come to see that deviant behaviour as 'right', and socially acceptable. The children could mitigate the parent's behaviour using various excuses to alleviate the confusion generated by the parent's deviant behaviour. This action diminishes the strength of the attribution therefore again giving the children the opportunity to engage in the same

behaviour in the future. Changing the behaviour of the parent is a much more awkward enterprise for children to embark upon and much less likely to occur. Although, Pinquart and Silbereisen (2004) have shown that adolescents can influence their parents' beliefs, but only in areas involving religious beliefs, and technology (Pinquart, 2004).

In dysfunctional family units such as those described above it can be posited that the attributions made by the members of the unit sustain the behaviours, and the unit as a whole. Members protect each other, encourage each other, and generally excuse the bad behaviour of the other, allowing such behaviours to continue. Moreover it would be difficult for the parent to engage in criminal activities whilst expecting their children to desist from such actions. It could be as Ryan et al. (1995: cited in Koenig, 2000) suggest, that children who are abused externalise the ethical consequences of their actions, possibly as a protective measure. This in turn increases their chances of taking risks that others who internalise their morality are inclined not to do. These actions and decisions may not be made consciously, rather they may be the result of the parents' own intergenerational learning cycle.

Palmer et al. (2000) examined the attribution of intent, moral reasoning, and parental perceptions of 174 young males, over half of whom were offenders. They found that young offenders misconstrued perceptually the aggression of other people and reacted accordingly from that position (Palmer, 2000). They were much more likely to view the other person as more aggressive than they really were. The group classed as non-offenders, who had reported that they had engaged in illegal acts without being apprehended, also reported attribution bias towards the other. It is

plausible to suggest that when placed in a challenging position, young people find it difficult to 'read' the other person, because they themselves are highly emotional they therefore assume that the other person is in the same or in an even more heightened state than they are.

3.4.5 Causal Relation

Attribution theorists have contributed to our knowledge of how people perceive causal relations, and how they explain such relations. Researchers have examined the attributions of those diagnosed as having attention deficit/hyperactivity disorder (ADHD) (Hoza, 2000); motor vehicle accident drivers and their passengers' attributions of accidents (Stewart, 2005); the attributions of carers of those with HIV/AIDS (Cobb, 2002); and, attributions of moral responsibility (Pizarro, 2003). Hoza et al. (2000) in their study of 185 young adolescent males, consisting of 120 ADHD boys, and a control group of 65 other boys, found differences in how the two groups attributed social success versus failure. The control group described their failures in terms of their lack of effort (internal attribution), whereas the ADHD group attributed their success to environmental aspects (external attribution: for example: luck). These findings indicate that the control group were willing to take responsibility for their failures, as would have been expected. Further the findings suggest that the clinical group did not take responsibility for their successes, thereby failing to gain incentives from their efforts.

In their study of carers of HIV/AIDS victims, Cobb and De Chabert (2002), found that carers who believed the victim was responsible for their predicament (internal attribution) were angrier with the victim, less caring and blamed the victim

more than those who did not attribute responsibility to the victim. Consistent with these findings, Weiner (1986) suggested that if internal reasons were given for a situation then the person would be held responsible (Weiner, 1986 – cited in Cobb, 2002). In the case of parental responsibility then this indicates that if parents are deemed as lacking in effort, warmth, attentiveness, or control then they should be seen as responsible for their children's actions. However, if the parent is viewed as trying to be an acceptable parent, with no community support, living in poverty, or in a high crime area then they could be viewed as not responsible for their children's actions.

An unusual yet relevant group of four studies that were undertaken by Pizarro et al. (2003), used scenarios that attempted to gauge responsibility attributions for situations where there is not a causal connection between an event and the person yet the person did intend to do something that they later were unable to achieve, but the event occurred regardless. They employed stories where a person planned to kill someone, but something interjected, stopping this from occurring, but the person died anyway. The results indicated that where no actual causal connection could be drawn participants found it difficult to attribute responsibility to the would-be perpetrator (Pizarro, 2003). The reason this study is relevant is because parents may be deemed by the media and other parents to be indirectly rather than directly responsible for their children's behaviour and this may make it difficult for people to attribute responsibility to the parent for their children's actions.

3.4.6 Summary

Since the issue of parental responsibility is about inferring a causal relationship, albeit possibly an indirect one, between parents and their children's actions, attribution

theory is central to the research in this thesis. The importance of the discursive propensities of the word usages described by Heider will assist in understanding the ways in which parental responsibility is accepted or rejected by participants in several studies reported in this thesis.

3.5 Conclusions

The three theories examined in this chapter are central to understanding the factors that are relevant in investigating notions of parental responsibility. It should be noted that the brief examination of the debate between ‘nature and nurture’, in this thesis is not concerned with examining the evidence that has been marshalled in this enduring controversy, but how people attribute causality and responsibility – this is the subject matter of attribution theory.

The point to emphasise is that parental responsibility legislation assumes that ‘nurture’ is the most significant factor in assigning children’s behaviour; moreover possible genetic factors are totally ignored or sidelined. While socialisation researchers indicate that anti-social and or the criminal behaviour the parent models is then mimicked by their children it is also possible that violent parents have violent children because they share the genetic code for violent behaviour. Either way, research indicates that recidivist child offenders, and adults in prison populations show a high concentration of child abuse victims. Whether this is due to a genetic link between them and their parents, or because of the dysfunctional parental modelling that impacted upon them, or whether it is a result of a combination of genes and modelling, parents are being held responsible for their children’s actions.

The obvious connection between the premises underlying parental responsibility legislation and social learning theory suggest that the proponents of this method of doing justice support the notion that we learn by absorbing the modelling of others, specifically our parents. Such modelling can be physical, verbal, and emotional. Children it would appear, mimic their parents and others around them in order to find their place in the world. If the behaviour being modelled is socially acceptable, then children will engage in socially acceptable behaviour. But if the modelled behaviour is dysfunctional then this will be reflected in children's behaviour. Social learning theory then is important because it allows us to understand how behaviour is learned, but also how behaviour can be changed. It is with these two notions in mind that parental responsibility is being promoted: parents influence their children, and those parents who have a dysfunctional influence on their children can be influenced to change their own behaviour to promote a positive transformation in their children's behaviour.

Since the issue of parental responsibility is about inferring a contributory relationship between a child's current behaviour and the previous behaviour of the parent, the way that people attribute responsibility is of vital importance to understanding lay views of parental and child responsibility. Legislators are being asked to attribute criminal responsibility to the parents of young offenders. The media, as Chapter 4 will demonstrate, help construct attributions of parental responsibility. Moreover, the studies reported in Chapters 5 through to 9 examine laypersons' notions of parental responsibility and explicitly requires participants to attribute responsibility to parents and children in hypothetical scenarios.

The next chapter describes a study conducted to examine how the Australian media have constructed parental responsibility within the past five years (2001 - 2005). It is often argued that media representations impact on public knowledge, and vice versa. The importance of the media in promoting or dismissing such actions by legislators will assist in giving a better overall impression of the possible impact of such legislation. It will also add to understanding how responsibility is attributed to parents and their children in relation to anti-social practices in public discourse.

Chapter 4: Representations of Parental Responsibility in the Media

4.1 Introduction

During the period of this study it appeared that public discussion of parental responsibility within the Australian media, specifically in relation to juvenile crime, was significantly increasing. My initial thoughts were that this was because of my interest in the topic and therefore a result of my focussing on the issue. I therefore decided to investigate this observation empirically by a systematic search and analysis of Australian newsprint media for articles pertaining to this issue.

This chapter presents the findings of a qualitative analysis examining a sample of 95 'news' articles from a total of 116 articles that appeared in the Australian newsprint media from January 2001 to December 2005. Included are articles from 7 major newspapers: *The Australian* (national), *The Advertiser* (Adelaide), *The Sydney Morning Herald* (Sydney), *The Age* and *Herald Sun* (Melbourne), *The Courier Mail* (Brisbane) and *The Bulletin* (Townsville). Other news/media sources included *ABC News Online*, and *AAP General News* from the Internet were also included as well as other newspapers (See Table 1 for a full list of sources). It is clear from the findings reported in this chapter that there has been a marked increase in the number of news items that have mentioned parental responsibility in relation to juvenile crime (delinquent behaviours) in the past 4 years. Also apparent throughout the articles is the promotion of a consistent overriding principle that parental responsibility, and

therefore parental influence is either directly or indirectly linked to the problem of juvenile crime.

It is often argued that media representations impact on public knowledge, and vice versa. That while the general public engage in social discourse through communicating thoughts and impressions to each other, there are some within society that have the ability to direct and control social dialogue more than others. For instance, although some or even the majority of the members of the public may privately believe that parents should be held responsible for the illegal acts of their children, it is only through media representations that such notions are widely disseminated to the general public. As Foucault (1965) argued, powerful institutions such as the media dictate which representations become important, and how these representations are portrayed. It is also obvious that the media are more likely to focus on deviant and unusual behaviour (both positive and negative), because such behaviour is what sells newspapers. The media also report the arguments of legislators, and invariably either confirm or attack their position. In doing so the media are unlikely to be seen as merely reporting the 'facts', rather they position themselves by the rhetorical arguments that they disseminate. It is for this reason that analysing media reports on the topic of parental responsibility will shed light on the institutional rhetoric around this topic. Representations of parental responsibility in the media will highlight the meanings being disseminated to the general public, and thereby allow for insight into how the topic of parental responsibility is being constructed and presented to Australian society, and more specifically to parents. Since the media have the ability to

direct and control social dialogue more than most in the community, such an analysis will further expand our knowledge of this topic, and is therefore most relevant to this thesis.

4.2 The Data

This study was limited specifically to *The Australian* news media, with particular reference to the topic of parental responsibility for juvenile crime. The articles analysed appeared either as editorial, or news items within the daily State newspapers, such as *The Advertiser* (Adelaide), and the National daily newspaper, *The Australian* (see Table 1). Also included were online news items from the Australian Broadcaster (*ABC News Online*). Inclusion in the study was determined by whether the articles and news items specifically mentioned parental responsibility in relation to children's delinquent actions. These will all be referred to as the 'data' whether from the print media, or an online news item.

Table 1: Media articles; location and number

Newspaper	Location	No. Of Articles
ABC Online	Internet	68
The Australian	National	10
The Morning Herald	Sydney	6
The Advertiser	Adelaide	6
The Age	Melbourne	5
AAP General News	Internet	4
The Courier Mail	Brisbane	4
Daily Telegraph	Sydney	3
The Mercury	Hobart	3
The Sunday Times	Perth	2
The Sun-Herald	Sydney	1
The Guardian	Sydney	1
The Bulletin	Townsville	1
The Herald Sun	Melbourne	1
The Herald	Newcastle	1
Total		116

Although there were many more newspaper articles available on the topic of parental responsibility within Australian newspapers and over the Internet including those discussing parents' responsibility for their children's diet, mental health, Internet use (which has increased dramatically in the last 4 years), and truancy, these were omitted. Furthermore, local council newspapers, and Letters to the Editor were not included in the study.

Collection and compilation of the relevant data (95 in all) involved searching the Internet, and various newspapers for all news items relating to the topic of interest. Data that met the criteria were examined using Provalis's QDA Miner® 4:00 (Péladeau, 2004). This program performs various functions, including content analysis, and is also excellent for coding and examining qualitative data sets. The articles were read and reread in order to gain a deep understanding of each article in comparison to the other articles. The analysis involved a combination of searching for the most frequently used

words and themes in the data, and also those words or themes that were likely to be used in combination with other themes.

4.3 Frequency description of the data

Of interest within the data set is the significant increase in the number of news items within newspapers relating to parental responsibility and juvenile crime throughout the study period (See Table 2). Throughout the study period, the number of articles nearly doubled each year since 2002. As can be seen in Table 2, there were no articles in the Australian news media, and *ABC News Online* that mentioned parental responsibility and juvenile crime during 2001, yet by 2005 this number had increased to 46.

Table 2: Number of articles per annum in Australian newspapers and ABC Online from 2000-2005.

Year	Number of articles
2001	0
2002	9
2003	22
2004	36
2005	46*

* Only 11 of these articles are part of the dataset analysed

The Australian State that most frequently had specific mention of parental responsibility for juvenile delinquency in newspaper articles was New South Wales ($N=45$), followed by Western Australia ($N=29$), Queensland ($N=11$), South Australia ($N=10$), Victoria ($N=7$), Northern Territory ($N=6$), Tasmania ($N=2$), and Canberra ($N=2$). There were also three articles that emanated from Canberra, which were of a more general nature, and reported on comments from Federal politicians. These latter articles appeared in *The Australian* newspaper.

The results are worth examining, with nearly two thirds (64%) of the articles mentioning parental responsibility emanating from New South Wales (NSW) and Western Australia (WA). New South Wales is the one State in Australia that currently has parental responsibility legislation enacted, but only where a local council requests permission to use the legislation. Many of the articles directed at the public in NSW were in areas (for example: Dubbo), where this legislation is not in place. In Western

Australia, the government is keen to introduce such laws, and the media is one resource that can be utilised to convince the public of the need for such a law.

4.4 Qualitative Findings

A pervasive representation in the newspaper articles was the taken-for-granted notion that parents are responsible for their children and consequently for their children's delinquent activities. Parents are positioned as causal agents of their children's actions specifically when their children have engaged in delinquent acts. There is a taken-for-granted notion throughout the articles that parents do influence their children's behaviour, and are therefore responsible for their children's delinquent actions.

Parental responsibility is produced within the articles through the use of examples of parental 'irresponsibility' in action. This is achieved by employing a 'deficit' theme. In some articles, the parents themselves are portrayed as having an obvious 'deficit': they are seen as either physically and/or psychologically failing in their duties as a parent. In other cases, the focus of the articles is on the 'deficits' in parenting attitudes or skills. These 'deficits' in the parent or their parenting are presented to the public, and then followed by arguments to persuade the public that through education in the first instance, and sanctions as a last resort, these 'deficits' can be overcome. As such 'state' legal intervention and supervision is represented as being for the parents 'own good', and consequently of direct benefit to wayward children. Finally, the articles give the public the impression that these actions by the State will result in a reduction in juvenile crime.

4.4.1 Parental Influence

The promotion of parental responsibility and influence was consistent throughout the articles examined. Seventy percent of the articles presented views that both vindicated parental responsibility legislation, and argued that the legislation needed to be introduced. The views presented in the other 30% of the articles suggested that there were misgivings regarding the implementation of such legislation, but that parental responsibility was important, and that parenting classes were appropriate in some cases. The positioning of parents as responsible for their children's actions, was therefore either explicitly stated, or implied in these articles.

Parents in the two excerpts presented below are attributed with being responsible for their children being 'on the streets' (A39 & A35), and 'causing damage' (A39). Parental responsibility is assumed to be implicated in children's delinquent behaviour. Within the excerpts there is little suggestion that the parents are not being responsible at all, but rather that they are not being responsible enough. The following excerpts give examples of this type of positioning:

"We're a society of rights plus responsibilities, and one of the basic responsibilities is for parents to ensure that their kids are not causing damage out on the streets," (A39: Sydney Morning Herald).

"Parents will have to be more responsible for their children if Townsville is to clear its streets of roaming youths..." (A35: Townsville Bulletin).

The notion that juvenile crime is the fault of the parent, who is not being responsible enough, is subtler than suggesting that these parents are just not acting responsibly. Parents have to increase their level of responsibility towards their children,

by being ‘more’ responsible. Such vagueness is interesting because it is unclear how parental responsibility is to be measured within the legal system, and how a parent can know if they are being responsible enough, although less parental responsibility does appear to be equated with less child supervision. Yet within each of these excerpts is the overriding principle that acceptable levels of parental responsibility and therefore parental influence will solve the problem of juvenile crime. In contrast, the next example states explicitly that parents are the main influence on children:

“Parents are still the greatest formative influence on the child - they still have the greatest impact, they still are the most significant role models. “Parents should understand that”
(A26: *Sunday Times*, Perth)

This rhetoric was implicit in all the published articles that were analysed, that is, that parents can influence their children’s behaviour, and solve juvenile crime issues. The argument presented in the media for the introduction of parental responsibility legislation involved constructing the irresponsible parent as one who is failing due to some ‘deficit’ within themselves or in their parenting skills.

4.4.1.1 Deficit theme: The parent

Many articles contained reference to what I have chosen to label a ‘deficit’ theme regarding parents who fail in their responsibilities to their children and who then subsequently engage in delinquent acts. Such parents are described as either not caring, or being incapable of having the skills to control their child’s activities, and are therefore defined as acting irresponsibly as parents. There are varying degrees of parental irresponsibility portrayed within the articles, from the parent who despite all efforts is

unable to control their child and achieve parental responsibility, to the parent who does not do enough to be responsible because of a lack of will.

Within the three excerpts presented below, irresponsible parents are portrayed as either, having ‘difficulty coping’ (A1), ‘struggling to control their child’ (A15), or ‘simply don’t understand’ (A23):

“... it's targeted at all sections of society that are having difficulty coping with parental skills” (A1: The Australian),

“West Australian parents who struggle to control their children will be encouraged to sign Responsible Parenting Agreements” (A15: ABC Online).

“We need to encourage parents to accept their responsibilities. Some parents simply don't understand the importance of their role” (A23: The Sunday Times, Perth)

Parents are constructed in these excerpts, as at fault, not because of wilful disregard, but rather in their failure to reach the status of responsible parents. They are defined as distressed with the duties involved in being a responsible parent, by having ‘difficulty coping’, ‘struggling’, or ‘simply not understanding’. The interesting point of this construction is how the parent is positioned as part of a larger group of parents with the same problems. This suggests that there are many other parents who are having similar problems with their children.

Within the following excerpts the parent is represented as having failed to exercise enough control and responsibility over their children:

“I would say to parents who perhaps don't exercise as much control over, or interest in, their children, perhaps they should

look
to be doing a lot more of that," (A26: *The Sunday Times*, Perth).

"...there are some problems where parents aren't meeting their proper responsibility". (A43: *The Daily Telegraph*, Sydney)

"Parents who are struggling are just a reflection of their own inadequacies and their abandonment of traditional family values..." (A34: *The Australian*).

The parents in these excerpts are seen as failing in the amount of responsibility they show towards their children: they are not trying hard enough. Here parents are depicted as being somewhat irresponsible, and are viewed as failing in the degree of responsibility they are engaging in. The parent is either failing to attend enough to their children, or to show appropriate concern for their children, if they are attending to the children; they are failing to control their children. The language used suggests that these parents are part of a small group who choose to take less seriously their parental duties for their children, and subsequently to society.

In the next example the question is either left hanging: is the parent incapable or unwilling to parent responsibly?

"Some parents are either unable or unwilling to carry out their duties as parents" (A75: *The Guardian*),

This positioning of the parent as either unable or unwilling to act responsibly still defines the parent as being the 'problem', either by choice or circumstance. Again the irresponsible parent is constructed as being part of a sub-group of parents, as indexed by the words 'some parents'.

In contrast, the excerpts presented below depict all parents who fail to act responsibly as choosing to do so. The irresponsible parent is depicted as being both 'selfish' and 'indifferent', and therefore not caring about nor controlling their children. Here the parent is viewed as wilfully ignoring their duty to act responsibly for their children, for instance:

"I think one of the reasons children run riot in the streets is that parents are too selfish about the pursuit of their own pleasures and too indifferent to their own responsibilities as parents" (A11: The Daily Telegraph, Sydney).

"It's a failure of parental responsibility and in some cases parental indifference that results in (young) people being out at night." (A26: The Sunday Times, Perth)

"Well, where were their parents? Surely parents need to know where their kids are and ensure they're not on the streets doing that sort of thing" (A19: ABC Online).

Parents in these articles are depicted as choosing to disregard their children's behaviour. They allow their children to 'run riot', and loiter in the streets, when any other parent would know better and have more control. These parents are constructed as being indifferent, disinterested, and irresponsible, they are ascribed responsibility due to their own internal attributes. Constructing the parents of juvenile delinquents as having a 'deficit' sets up a 'common-sense' argument and practical solution for parental responsibility legislation to be introduced.

4.4.4.2 Deficit Theme: The parenting

Deficits in parenting were constructed in the articles by the use of a combination of positional, developmental, knowledge/surveillance, and temporal arguments to convince the public that these parents need help. There were many first hand accounts

of irresponsible parents allowing their children to ‘roam the streets’ (*positional*), at an unacceptably young age (*developmental*), without proper parental supervision or surveillance (*knowledge/surveillance*). The most frequently used reason to introduce the laws was that these children were not only too young to be out without an adult, but they were doing so at a time that was unacceptable and within the control of the parent(s) – at night. This is referred to as the use of a *temporal* theme. The following excerpts are examples of the *positional* and *developmental* themes combined with the *temporal* theme:

"In many of these cases kids as young as eight and 10 and 12 are on the streets in the early hours of the morning in Dubbo committing crimes. You have to ask yourself why are they on the streets, why aren't they at home, and in many cases it comes back down to parental responsibility," (A36: Sydney Morning Herald)

“It's unacceptable to have groups of young people aged six or seven and up to 18 rampaging in the streets of cities and towns until two or three o'clock in the morning,” (A13: The Advertiser, Adelaide)

Central within these extracts is the argument that the parent who allows their young children to be out on the streets, unsupervised at night is acting irresponsibly. The parenting skills of the parents are questioned by focussing on the children’s behaviour, which in turn focuses on the parents’ behaviour. The authors appeal to the common sense notion of acceptable parental behaviour to focus the public’s attention to the gravity of the situation. This is accomplished by focussing on the developmental status of the children in question (for example: six-year-olds, ten-year-olds), combined with a time that many adults let alone children should be at home in bed (two to three in the morning), instead of wandering the streets. Here is an appeal to ‘rational’

responsible adults to understand the extent of the problem and the irresponsible attitude of the implicated parents.

The following excerpts are examples of a combination of the temporal theme with the knowledge/surveillance theme:

“I think the crux is the parents better have a good look at themselves...and say, 'look, it's 11 o'clock at night, or it's 11:30pm, I wonder where my children are?’” (A10: ABC Online)

“I believe that all parents should know where their children are at night” (A51: The Age, Melbourne)

Central here is the idea that parental knowledge of their children’s activities by physical supervision and through parental surveillance is expected especially at certain times. It is understood within these accounts that children should not be allowed to be out on the streets at night without parental supervision. Parents who allow their children to be out at night alone are failing to supervise, control, and subsequently communicate with their children. They are constructed as failing to attend to their children and their parental duty, and therefore as not caring about their children sufficiently. These parents are therefore primarily constructed as failing in their parental responsibilities and duties.

The use of the ‘deficit’ theme of irresponsible parenting allows for the charge that children roaming the streets at night, especially when young, leads to no good. In addition there is no room to question whether the parents should know better, and are capable of controlling this aspect of their children’s behaviour. .

4.4.1.2 Summary

Within the articles the construction of a need for parental responsibility laws so that parents can adequately supervise their children was seen as paramount in the fight against crime. To emphasize this point many articles cited various speakers stating that children as young as “6, 8, and 10-years are on the streets unsupervised...at night”. A lack of responsibility by the parent was seen to be obvious in these accounts because irresponsible parents were positioned as parents who did not know or care what their children were doing. Some accounts stated explicitly that the parents were selfish, and therefore did not want to know where their children were. Many accounts just left the question or inference hanging for the public to make up their own mind as to how responsible a parent would be if they permitted such behaviour from their children. Irresponsible parents were depicted as having little control of their children, because they had failed to supervise them both physically and through lack of knowledge of where their children were at night. Another method employed to impress upon the public the importance of parental responsibility laws was to distinguish good parents from bad parents with the use of an, ‘*us versus them*’ theme.

4.4.2 The ‘*Us versus Them*’ theme

Another notable feature of the articles was the deployment of an ‘us versus them’ categorisation device. This divisive tool segregates the members of an over-riding category such as the group known as ‘parents’ into various sub-groups, based on some characteristic of the group. It also allows people to view themselves as part of the acceptable majority, rather than the incriminated minority. One is able to identify with

part of the majority group, and is then able to distance themselves from those of the minority group. The following excerpts are examples of the ‘us and them’ theme in action:

“...most parents did a wonderful job bringing up their children and resented being told what to do by politicians. My view about these things is that 98 per cent of parents do the right thing and they don't want to be told by me...anybody else how to look after their children” (A11: The Daily Telegraph, Sydney)

“The overwhelming majority of parents do it very well. I think Australian parents are fantastic” (A26: The Sunday Times, Perth).

“Now, the vast majority of parents do a wonderful job, but we need to be honest about it, there are some problems where parents aren't meeting their proper responsibility. Their kids get out on the streets. They cause trouble” (A24: The Herald Sun, Melbourne)

“For a small number of families, the problem is more severe. Things have got out of hand and the children are out of control. This is a big issue in our society and we need to be honest about it. Some people need help (and sometimes pressure) to be responsible parents” (A51: The Age, Melbourne).

The authors in the first three excerpts use words such as ‘most’, the ‘vast majority’, and the ‘overwhelming majority’ to divide parents into good parents and bad parents. In the third excerpt the author uses the words, ‘a small number’, and ‘some’ to achieve the same result. In all cases good parenting is constructed as being practiced by the majority of parents, with a minority of parents failing to act in an appropriate and acceptable manner. Nearly half (49%) of the articles had an example of this technique in use. Good parenting involves ‘doing the right thing’, and not letting your ‘kids out on the streets causing trouble’, and ‘getting out of control’. The latter two excerpts also appeal to the public with a plea to be honest, or realistic regarding the situation. That is, that a minority of parents who fail to meet their obligations of parental responsibility are

obviously in need of assistance. In justifying parental responsibility legislation the assistance is constructed as being good for the wayward parent (and child) whether they like it or not.

The ‘*us versus them*’ theme was also employed by some speakers to emphasise the ramifications to some groups in society of the introduction of parental responsibility laws. Indigenous Australians, the marginalized, and the poor are posited to be the parents most likely to be targeted by such laws. The following excerpts are examples of the use of the ‘*us versus them*’ theme to highlight the targets of the laws:

“...Let's hope that this is an exercise that is well intended, and not just one to punish those in society that are most disadvantaged,” he said. “These types of programs appear to be designed for everybody and anybody. (But) the reality is that they unintentionally and ultimately have a great impact on the Aboriginal community, because of that great gulf of disadvantage” (A65: The Australian)

“...a punitive approach, bringing parents in to make them accountable . . . is often not going to work in families that are already struggling” (A4: ABC Online).

“People might say ‘we haven't mentioned Aboriginal kids’ but everyone knows what they are talking about” (A36: Sydney Morning Herald)

In these excerpts it is argued that ‘the disadvantaged’ are the most likely to be classed as irresponsible parents. This theme was used in reference to the consequence of such laws on Indigenous Australians most often in the articles than any other ‘disadvantaged’ group (25% of articles). Parental responsibility laws in New South Wales are more likely to target Indigenous than non-Indigenous young people as more of the former are picked up and taken home for being on the streets (Legislation and

Policy Division, NSW Attorney General's Department). Moreover young Indigenous Australians are highly over-represented in the justice system so that their parents would be more likely to be affected by parental responsibility laws. The latter excerpt above specifically declares that *'we haven't mentioned Aboriginal kids' but everyone knows what they are talking about*", to indicate that it is well known that these children are the targets of such laws.

This recognition that the laws would disproportionately target Indigenous youth left open the charge that the laws would be discriminatory. The following two excerpts also use the *'us versus them'* theme to discredit claims of bias in the laws:

(The Western Australian Premier Geoff Gallop) *"did not believe the move would breach civil liberties and said it was wrong to suggest the policy targeted Aboriginal and disadvantaged families...The policy was aimed at irresponsible parents regardless of what section of the community they came from, he said. The civil liberties of people in the community -- those affected by anti-social and criminal behaviour -- came first."* (A23: *The Sunday Times*, Perth).

(Dr. Gallop) *"rejected suggestions the laws would target Aborigines. "This isn't targeted at Aboriginal families, it's targeted at all sections of society that are having difficulty coping with parental skills," he said* (A1: *The Australian*)

In both excerpts any suggestion of racial bias is counteracted by the argument that if Indigenous parents are acting irresponsibly, they will be targeted for that reason alone, and not because of their Indigenous background and status.

The next excerpt was the only example of the use of the *'us and them'* theme to explicitly attack the *'disadvantaged'*:

(The Opposition Leader Mark Latham)“ *yesterday slammed many poor and disadvantaged Australians, saying it was not good enough to use difficult circumstances as an excuse for bad behaviour...too many people used disadvantage as `an alibi`...Disadvantage is not an alibi for bad parental behaviour," He said he could not tolerate the view that it was all right to do whatever a person liked.*” (A52: The Courier Mail, Brisbane)

Here the ‘poor and disadvantaged’ who are not given a voice in any of the 72 articles (except through welfare and legal groups) are criticized for using their underprivileged status to excuse their bad parenting. The use of the words ‘too many people used disadvantage as an alibi’ suggests that this speaker divides the parent population into the ‘disadvantaged’ versus the ‘advantaged’, and then attributes to the disadvantaged group as a whole the tendency to use their underprivileged status as an ‘alibi’. It is also insinuated that bad parents choose to ignore and flaunt acceptable social standards.

4.4.2.1 Summary

The media appear to employ the ‘us versus them’ theme in various ways within the articles presented. In many articles the category of parents is separated into two mutually exclusive groups of ‘good versus bad’ parents. In other articles the theme is used to indicate that particular groups of parents would be more likely to be affected by the legislation, for instance indigenous and financially disadvantaged parents. Yet this same theme is used in other articles to defend against any accusations of bias towards particular groups of parents.

4.4.3 Educational Benefits

One of the aims of the proposed parental responsibility laws is to send parents who are found to lack a suitable degree of responsibility for their children's delinquent actions to parenting classes. This notion was consistently promoted within the articles, with 72% of the articles including some reference to parenting classes. The message clearly emphasised is that through education, irresponsible parents will learn the appropriate skills that will consequently lead to a change in their behaviour and that of their children. Those parents who refuse, or fail to be educated can be compelled to undertake classes, or sanctioned for their decision not to, and this is justified by the proposed benefits to society and children of such action. Even the few spokespeople who were said to disagree with the introduction of such laws mentioned the beneficial aspects of assisting those who do not have the skills required to impart proper values to their children. Parental education was also reported to result in children improving their own education, through parents being made more responsible and therefore more likely to encourage children to gain the skills they need through attending school.

The following excerpts are examples of use of the argument that the education of the parent is important to behaviour change in their children:

“Parents of children belonging to teenage gangs would be required to attend special counselling classes to learn how to manage their delinquent offspring, under a federal Labor plan to reduce the level of street crime” (A7: The Australian).

“I think the parents have to be more responsible for the actions of their children...That is No. 1. I think the parents have got to get counselling. With that, I do not think a lot of this would happen” (A35: Townsville Bulletin).

“These orders would require parents to attend special classes where they could learn how to exercise discipline and control their children more effectively” (A21: The Advertiser, Adelaide).

“...proposed parental responsibility orders -- under which parents with delinquent children would be forced to undertake parenting classes...improve the behaviour of their children” (A8: The Australian).

Parental responsibility is represented here as something that can be taught to the parent through education. The message conveyed is that parents can become more effective in managing their delinquent children by attending parenting classes: that they merely lack the skills required. There is a causal link assumed between poor parenting skills and juvenile delinquency. The problem of juvenile delinquency is firmly blamed on the lack of parenting skills of the parent. The use of words such as ‘required’, and ‘forced’ in reference to parents attending such classes serves to indicate the seriousness of the situation, and the lengths to which the ‘State’ will go to ensure compliance. The message presented is that whether parents like it or not they should be forced to learn how to handle their delinquent children effectively.

In over 34% of the articles, the case for the introduction of parental responsibility legislation was legitimised by reference to a British program that was reported to have resulted in a drastic reduction in juvenile delinquency (of 50%) as a consequence of parental skills education. The reporting of the program was employed to enhance the veracity of the claims made for the introduction of laws to encourage parents to improve their parenting skills. The following selection of quotes demonstrate how reference to the British program’s results served as a rhetorical device to persuade the public of the success of parenting classes:

"...many British parents forced into parenting classes found them helpful...Everyone predicted it would be a disaster...but it's been hugely successful...A similar program in Britain has produced a 50 per cent reduction in the number of offences committed by children whose parents were placed on an order" (A38: Sydney Morning Herald).

"The British Government introduced a similar program in 2000, resulting in a 50 per cent reduction in offences by children of parents on the order. Nine out of 10 parents who attended the classes in Britain said they had benefited and recommended it to others.

The Premier (Geoff Gallop) said the Government's aim was to support parents who needed help" (A23: The Sunday Times, Perth).

"This is about teaching parents their responsibilities, A similar program in Britain has produced a 50 per cent reduction in the number of offences committed by children whose parents were placed on an order. While only a small number of parents were involved (fewer than 2000), a huge result has been achieved in local communities" (A51: The Age, Melbourne).

"Parental responsibility orders have been used by British authorities since 2000, after a trial showed criminal offences by children involved was reduced by 50 per cent" (A8: The Australian).

"The idea mirrors a plan pioneered in Britain and being pursued by the West Australian Government and would be supported by a Latham government" (A24: Herald Sun, Melbourne).

This British program is therefore continuously described as a pinnacle of the success of parental educational intervention in reducing juvenile delinquency. The reporting within the articles that even parents and others who were at first sceptical, had their fears overcome by the obvious achievement of the project, serves to allay any misgivings that people may have of such a program. The argument for parental skills education is strengthened by reference to the success of the British results, due

specifically to parent training. Throughout the articles that expressly referred to the British program there is a link constructed between the legislative changes being proposed in Australia, and those implemented in the British program. This is achieved by the use of the words 'similar program', and 'mirrors a plan' and leaves the public in no doubt that introducing such legislation will be beneficial: that parents attending parenting classes, either willingly or by force, resulted in a 50% decrease in the juvenile crime rates of their children.

In only two articles was there mention that the British program involved a lot more than just parenting classes, for example:

“What the notes did not indicate was that figure came from a study of a much wider British strategy, which also included teams of police and workers from social, education and health departments to help the children as well as their parents. Ms B said the narrower ALP policy of encouraging the states to follow Western Australia and adopt parental responsibility contracts and court orders would not work as well, although it was “unlikely to do harm” (A38: Sydney Morning Herald).

“The parental responsibility idea may not be the answer. It has had some success in Britain, where parents who do not comply risk losing child benefits” (A6: Sydney Morning Herald).

As the above excerpts state, education of the parents was only part of the solution. Yet, most of the articles neglected to mention the community approach of the British programs success. In doing so, the public is left with the impression that teaching parents new skills alone, will result in a marked reduction in juvenile crime. Mentioning the community effort that was involved in the British program is not entirely consistent with the argument for parental responsibility legislation. It in fact weakens the argument for parental responsibility laws: as an individualised problem-

approach rather than a community-based approach to the problem. Educating the parent was only one of the possible ways proffered to improve the behaviour of the parent and therefore their children, with the sanctioning of parents also presented as an incentive, or deterrent effect of such laws.

4.4.4 The sanctioning of parents

Parental responsibility legislation invariably includes not only that parents must be educated, but also that if this is to succeed some parents may need to be forced rather than encouraged to participate. Parents who fail to adhere to the directions of the Court could face fines. The legislation that is already in place in some states and that is being proposed in other states, also allows for the Courts to order parents to pay compensation for their children's damage, for example:

“The parents of two teenaged arsonists, who caused more than \$400,000 damage by burning down two homes in Western Australia, have been ordered by a judge to pay compensation to the victims...in a landmark judgment” (A32: [ABC Online](#)).

“The Director of Public Prosecutions (DPP) says an application to make the guardians of two juvenile offenders pay compensation to their victims, may set a precedent in Western Australia. Under the Young Offenders Act, restitution can be sought from the parents or guardians of those responsible for a crime. The DPP hopes the restitution order is approved, so it can send a strong message to the broader community” (A59: [ABC Online](#)).

“This law, according to an explanatory note in the act, “provides a mechanism for a person who suffers property damage or loss to hold accountable the parent of a child who intentionally caused damage to or loss of the property”. That would be bound to curtail a good deal of the excusing” (A45: [Newcastle Herald](#)).

“He is calling on the parents of children who commit crimes to pay for any damage. “If there's an issue of costs involved, you involve them in paying those costs,” Mr B said. “I would imagine

many parents would take a greater interest overnight if they had to start forking out” (A58: ABC Online).

The first excerpt indicates that failing to control one’s children has already resulted in parents being ordered to pay compensation in some jurisdictions in Australia. In this case the parents of both boys were ordered to pay a total of \$60,000 between them. Of interest in the three latter excerpts is that not only is the matter of compensation presented, but also the deterrent effect of such sanctions is promoted. Statements such as, ‘so it can send a strong message to the broader community’, and ‘that would be bound to curtail a good deal of the excusing’, and “I would imagine many parents would take a greater interest overnight if they had to start forking out”, all infer that such legislation will encourage parents to be more responsible. More importantly, such legal actions are justified and legitimised with the implication that such parents ‘deserve’ this treatment. Parents whose children are involved within the juvenile justice system are therefore depicted as failing to pay attention, or trying to excuse their own behaviour: the rhetorical representation of the situation is that such parents are the cause (either directly or indirectly) of their children’s actions. Sanctioning parents for their children’s delinquent behaviour is not only justified by the suggestion that it will encourage the parent, but also by the proposal that such legal action would only occur as a ‘last resort’.

4.4.5 *The Last Resort*

In a third of the articles there was reference made of the need for parental responsibility laws to be introduced as a government imperative. In some cases as in the following examples, the reference specifically stated that this legal action was as a ‘last resort’:

(Premier Geoff Gallop) “... said the measure was a last resort and would affect only parents who were unable or unwilling to accept their responsibilities” (A23: The Sunday Times, Perth).

“Courts could impose a “parental responsibility order” as a last resort if they failed to adequately discipline their children or ensure they attended school” (A30: The Mercury, Hobart).

“Parents would first be given the opportunity to take the classes voluntarily, but as a last resort the courts will have the power to issue a parental responsibility order” (A31: ABC Online).

Such arguments warrant the use of the laws, as they are constructed as ‘only’ applying to those parents who after being given a chance continue to act in an irresponsible manner. This is achieved by representing the situation as being frustrated by parents who are given every opportunity to improve the issue, but either due to their own lack of effort, or their inability to control their children, require legal encouragement. The last extract suggests that the order will only be issued among those who fail to attend the classes of their own free will. Proposing that such legislation is pertinent to only those who stubbornly continue to ignore their children’s delinquent behaviour serves to minimise the impact such legislation has on the general community of parents.

In the next selection of extracts a more subtle rhetoric is used to achieve the same aim:

“However, Mr. Latham said his “parental responsibility contracts and orders would help when things have got out of hand and children have got out of control” (A43: Daily Telegraph, Sydney).

“This process also allows the local courts, when all else fails, to impose a parental responsibility order on the parents of unruly and truant children - those at serious risk of delinquency” (A51: The Age, Melbourne).

“In my view you cannot go far enough in protecting your children. You cannot have laws that are too tough if they are designed to protect our children” (A28: The Australian).

In all these extracts the situation is depicted as being extreme, for instance, as ‘out of hand’. Again, there is a suggestion that this legislation is only for those who are having major problems controlling their children. It also appeals to common sense notions of parental duties, which those affected by the legislation fail to adhere to. In the extracts there is an assumption that these laws will assist the parent: it is good for them and their children. The construction of the parent as ‘in need’, possibly without realising that they require such assistance, appeals to the common sense notion that dysfunctional families need to be assisted. Furthermore, there is a clear message underlying these extracts: delinquent, and therefore unrestrained and unmanaged children are a result of poor parenting. This parenting ‘problem’ can be rectified by educating the parent, even in extreme cases, and therefore must be implemented. The last extract argues that taking such action is ultimately to protect children, and as such it cannot be wrong to introduce such laws.

4.4.5.1 Summary

The majority of newspaper articles emphasised the benefits of introducing parental responsibility legislation, by appealing to the benefits of such legislation to the parents and their children. The position promoted is that either as a result of parenting education classes, or counselling the parent will be given the chance to become a socially responsible parent. For the minority of parents who fail to embrace their opportunity to improve their own and their children's behaviour, sanctions to encourage compliance, but only as a last resort, are argued for. The construction of the situation as serious and extreme with the use of the 'last resort' theme serves to alert the public to the need for such legislation. Moreover, it positions those promoting such legislation as trying other less punitive methods before resorting to extreme sanctions as a result of extreme and persistent anti-social behaviour. Those promoting the introduction of such legislation are seen as having their hands tied in this situation, one that can be resolved simply by educating some parents. Such legislation is therefore promoted as serving to 'fix' the rates of juvenile delinquency, even for those who are at the extreme end of the continuum.

The following section examines how the various stakeholders in parental responsibility legislation are publicly represented in the newspaper articles.

4.4.6 Stakeholders

There are various stakeholders involved in parental responsibility legislation, with parents of course, being the major stakeholders. Politicians are also important stakeholders in this legislation, as they are the ones promoting or opposing such

legislative proposals. Legal practitioners and commentators, such as judges, lawyers, and academics also have a stake in this as the people who must administer the legislation. Young people who are enmeshed within the juvenile justice system, or those who become entangled in this institution in the future are indirect stakeholders in the proposal to sanction their parent for their behaviour. There are also many other groups indirectly affected by this proposal, such as those involved in parent training. The following section examines who is given a 'voice' within the news articles that discuss parental responsibility: parents, politicians, legal providers, and community groups.

4.4.6.1. *The Parent*

Despite the important position of parents within parental responsibility legislation, parents, whether 'bad' or 'good', were given few opportunities to voice their opinions in the articles. In two of the 95 articles parents were given a voice, through direct quotes. Each article presented a parent who had views that were consistent with the parental responsibility laws being promoted. The two parents are constructed differently in the articles, but the outcome in terms of parental responsibility is the same. The excerpt below is an example of negative positioning of the parent:

"Mother of three...shouted at Mark Latham calling him a ``silver spoon with a suit"...Ms M told ML that it was not possible to police responsibility and called for more youth drop-in centres, prompting ML to say ``the best drop-in centre for kids is a library". After the meeting, Ms M said that responsibility did begin in the home but it could not be policed" (A52: The Courier Mail, Brisbane).

The parent (Ms M) is positioned as abusive (shouted at, and insulted the speaker), and as disagreeing with the speaker (Leader of the then Federal Opposition: Mark Latham). Moreover, the title 'Ms' could be taken to indicate that the mother of three is also a sole parent. The excerpt describes the parent's call for 'more youth drop-in centres', which is subsequently undermined by the speaker's suggestion that a 'library' serves that function more than adequately. The mention of the library serves to turn the discussion back to parental responsibility issues: parents should encourage their children to read, and go to the library. The parent up to this point is constructed as highly suspect in her behaviour, and in her argument against the introduction of the law. This continues into the last sentence where although the parent was reported to have shouted at the speaker in the meeting and publicly called the speaker names (a silver spoon with a suit), she did not admit that parents are responsible until 'after the meeting' which served to further undermine her credibility.

The parent in the following excerpt admits to having had problems controlling her young child, which were solved by attending classes:

“LS, who has been helped by Working Together (a program run by Uniting Care Connections that has helped more than 125 families in Melbourne's southern and eastern suburbs- given \$800,000 ongoing funding), said some parents who were doing "the right thing" were still in desperate need of help. She said the program had turned her four-year-old boy who was prone to violence into a well-adjusted five-year-old” (A69: The Age, Melbourne).

The parent's voice appeals to the public, and more specifically parents, with the notion that despite one's best efforts sometimes children are difficult and that with assistance this can be rectified. This parent's voice promotes the aims of parental

responsibility legislation, with parents of ‘problem’ children being taught how to manage their children. The situation for these parents is depicted as one where they are crying out for help (*‘in desperate need of help’*), and as such the legislation would assist them and their children.

It should also be noted that in a couple of cases parents were given an indirect ‘voice’ through the citing of the British program, previously mentioned. This program was stated to have involved approximately 2,000 parents, and to have been very successful in curbing delinquent behaviour in their children. Below are examples of parents being given an indirect voice to endorse parenting classes:

“Nine out of 10 parents who attended the classes in Britain said they had benefited and recommended it to others” (A23: The Sunday Times, Perth).

“...many British parents forced into parenting classes found them helpful.

"Everyone predicted it would be a disaster...but it's been hugely successful" (A38: Sydney Morning Herald).

The use of the terminology ‘*many parents*’ and ‘*nine out of ten parents*’ strongly suggests that the majority of parents involved believed the parenting education was successful and beneficial. Again, the parent is given a voice to extol the virtues of teaching parents how to parent: The suggestion here is that parents received benefits from such education, by becoming better parents even when they had failed to realise that they had poor parenting skills.

The parents, as the major stakeholders in parental responsibility legislation are however, given minimal opportunity to ‘voice’ their opinion of the legislation, in the

media articles. As has been suggested, when parents are given a voice in the press it is inserted to further reinforce the idea of introducing parental responsibility laws. Whereas parents are given little say in the legislation, politicians on the other hand, as the people motivating the public to embrace the legislation, are afforded the main ‘voice’ within the articles.

4.4.6.2 *Politicians*

Almost all the articles featured the opinions of a Federal, State, or Local politician commenting on the reasons why parental responsibility legislation was needed, or not needed. Eighty-seven percent of the featured news articles were written to inform the public of the proposed introduction of parental responsibility laws. Many of the articles involved various politicians promoting the anticipated introduction of the law, and the call for such action, for example:

Parents would first be given the opportunity to take the classes voluntarily, but as a last resort the courts will have the power to issue a parental responsibility order. Premier Geoff Gallop says the parental programs will work hand-in-hand with existing programs for young offenders. "Parental responsibility is a key factor in the upbringing of youngsters and all too often we find that the government programs we initiate to help youngsters are thwarted by the fact that the parents of those youngsters are either unable or unwilling to carry out their duties," he said " (A60: [ABC Online](#)).

In the above example, as in many articles, a politician (The Premier of Western Australia) is seen as both advancing and vindicating the use of parental responsibility laws. In this the ‘State’ is viewed as obliged to take such action as a result of parents who are unable to control their children’s unacceptable behaviour. The Premier is positioned as acting on behalf of the children, despite the actions of irresponsible parents who have deliberately frustrated such actions in the past. Nonetheless, there

were some articles in which politicians rejected the notion that parents who had delinquent children should be educated to improve their children's behaviour. For instance, in the following extract the Prime Minister John Howard argues for parental influence but not necessarily with the use of legislation:

"Before the intervention of magistrates, families would be asked to voluntarily sign a parenting contract in which they would agree to control unruly children. But Prime Minister John Howard dismissed the proposal, saying "You can't change a law to change behaviour"...Mr. Howard said laws could be used to encourage and influence parents, "but in the end you derive your values and your attitudes to how you bring up your own children from your own parents, " (A43: The Daily Telegraph, Sydney)

This extract indicates that there are more convergent aspects of the argument presented by politicians than divergence. It would appear from this article that the politician in question is 'dismissing' the proposal for parenting contracts, suggesting that legislation does not change peoples' behaviour. Yet, there is little argument that parents do influence their children's' behaviour, and that legislation may well motivate and persuade parents to promote better values and therefore more acceptable behaviour in their children.

Overall politicians' views were cited in the articles either to give space to the argument for parental responsibility legislation, or to criticise the introduction of such laws. Yet when the articles were examined closer, all politicians promoted the idea that parents do influence their children's actions, and that juvenile delinquency is a result of lack of parental responsibility. This common sense argument however fails to acknowledge other influences that impact on juvenile delinquency, and at the same time

convinces the public that the introduction of such laws will ‘cure’ the problem of juvenile crime.

4.4.6.3 *Legal Providers and Community Groups*

There were 6 articles that specifically gave voice to legal providers on the issue of parental responsibility laws. Four of the articles were written in reference to the prosecution of parents in Western Australia for their children’s illicit acts. The other two articles were calls by police to increase parental responsibility, for example:

Northern Territory police say more parental control over children at night would help reduce property crime (A27: [ABC Online](#)).

Senior police in Broome have placed the onus on parents to put an end to antisocial behaviour by their children. The appeal comes after officers were pelted with rocks when they tried to disperse a crowd of youths causing a disturbance at the town's Dakas Street Reserve on the weekend” (A10: [ABC Online](#))

The police in these excerpts again firmly place the burden of responsibility on the parents, and encourage public support for parental responsibility legislation to be introduced.

Legal providers and various community groups were also given a voice in the articles, with many disagreeing with the introduction of such laws, for example:

*“The WA plan -- which has been the subject of community debate with the release of a discussion paper -- has been widely criticised.
The Government has received 55 submissions on the proposal -- mostly expressing doubts, or rejecting the idea of parenting classes*

being compulsory and the imposition of fines” (A25: The Mercury, Hobart).

“The Salvation Army was also lukewarm. “We support the development of responsible parenting but do not support the idea of fining parents for children's misdemeanours,” said spokesman John Dalziel” (A41: The Age, Melbourne).

“West Australian Aboriginal Legal Service director Dennis Eggington said the Government should be focusing on how to create a more equal society rather than punishing those who found it difficult to bring up children in today's society” (A1: The Australian).

Although these articles appear on the surface to oppose the proposed legislation, all three nonetheless construct parents as requiring assistance in parenting difficult children; thus teaching the parent is not at issue.

4.4.6.4 *Community aspects of the issue*

What was apparent from examining the media articles was that the parent was the entire focus of the argument posited. The social pressures that may contribute to family dysfunction were rarely mentioned, for instance:

“Sadly, truancy is more prevalent in socio-economic areas where there are more single parents and broken homes with neither the resources nor enough time to properly monitor children” (A46: The Advertiser, Adelaide).

“For many people, with the decline of traditional family and community life, parenting has become a tough and challenging role. Many of the informal networks that assisted families have been lost. As a society, we need to find new ways of providing family support, with universal programs and assistance. We can't allow parents and children to be isolated from a caring community” (A51: The Age, Melbourne).

In both of these extracts social pressures on the parents are acknowledged as contributing to parents failing to reach acceptable levels of parenting. Parents are constructed in these articles as time stressed, and doing it tough, without community support. Society and the community are seen as failing to respond to social changes, and are therefore positioned as contributing to parenting problems, and the consequent result of such problems. There were few times where this argument was offered, in fact the wider community was largely absent from the argument for parental responsibility legislation.

4.5 Conclusion

The media articles examined presented a consistent argument promoting the notion that parental influence is a causal factor in children's delinquent behaviour. The attribution of parental influence subsequently saw the parent ascribed responsibility for their children's acts. Parents of delinquent children were constructed as lacking either the skills or the motivation to act responsibly and supervise and control their children. This construction was achieved by the use of a 'deficit' theme that was directed at either the parent (internal attribution) or their parenting skills (external attribution), or lack thereof. The use of the deficit theme allowed the endorsement of parental education to assist such parents to better manage their offspring, and where this failed despite efforts, sanctions could be used to encourage or punish the irresponsible parent.

Another rhetorical theme evident in the articles was a categorisation device that divided the category 'parents' into good and bad parents. This approach allows the majority of parents to distance themselves from the minority of parents who are

characterized as being irresponsible and therefore ‘bad’. Furthermore, this technique minimizes the impact of such legislation on the general population of parents who are depicted as ‘doing the right thing’, and encourages their support for the legislation. The minority group, classed as irresponsible parents, is depicted as failing to do what other parents do naturally. This then is used to warrant ‘State’ intervention to supervise and educate those parents who fail to effectively supervise and educate their children.

The stakeholders within the parental responsibility literature include parents, politicians, legal providers, and various community groups. The politicians as the lawmakers were the stakeholders given the most say in the articles. It is this group combined with the media that have the power to shape and influence public discourse on parental responsibility legislation. Politicians in almost all the articles encouraged the introduction of parental responsibility legislation, or alternately promoted the causal link between juvenile delinquency, and parenting practices. Legal providers were given little voice in the articles and when they did they commented on particular cases, and promoted the notion of parental influence being the reason for juvenile crime rates. The various community groups that were mentioned appeared to disagree with the concept of sanctioning parents because of their children’s actions. Yet they still agreed with the fundamental premise that parents not only influence their children’s behaviour, but that they are responsible for that behaviour. Despite the obvious importance of parents as the target of the legislation they were given limited chance to speak within the newsprint media. Even the two parents that were given a voice within the articles were positioned as dysfunctional, and as eventually promoting the argument for parental responsibility. Children were never given a voice within the articles despite their importance as the trigger and focus of the legislation.

There were limitations to this study that must be acknowledged. As with any qualitative analysis the themes and opinions offered are a result of this researcher's specific interests. Attempts have been made to give a general overview of the media items in relation to the research into the topic, but others may have chosen to concentrate on other aspects of the data. Another limitation is that I chose to use the Internet as my source to find the articles used in the study, and as such may have missed other relevant items. Despite this, the 95 articles examined show a consistent theme and it is more than likely that this theme could also be prevalent in any articles that were examined.

The increase in the number of news articles relating to parental responsibility and the legislation indicates that many more legal jurisdictions within Australia may adopt this method in an attempt to curb juvenile crime. Clearly, this analysis demonstrates that there is a positive promotion of parental responsibility legislation within the Australian news media. This promotion involved the positioning of some parents as acting irresponsibly towards their children, and as such warrants the introduction of such legislation. The impact of such promotion of the topic is yet to be seen, but there is no doubt that such media exposure on the topic has at least served to inform the public that such actions may become law, if they are not already. Moreover the positive promotion in the media of such actions against parents gives little room to those who do not agree with this direction.

This analysis of media articles on parental responsibility legislation over a five year period also indicates that parents as primary stakeholders were not given a

sufficient 'voice' to express their views and attitudes towards such legislation. As such, it was felt that this should become a primary empirical focus for the rest of the thesis. The next chapter describes the first quantitative study examining parental notions of responsibility when their child commits an illicit act.

Chapter 5: Parent and child responsibility: Effects of age, type and severity of offence¹

5.1 Introduction

Parental responsibility legislation in most instances only holds parents responsible for their children's behaviour once children reach the age of criminal responsibility. In many, but not all legal jurisdictions that age is around 10-years, with Australian State legislatures recognizing this age as indicative of when children are legally held responsible for committing unlawful acts (Crofts, 2003; Morse, 1997; Grove, 1996; The Committee on Child Psychiatry, 1989). Parental responsibility also appears to end when children reach the age of 16 years, but may continue until children reach adulthood: at the age of 18 years. One may wonder why these particular ages are taken as reflecting the time at which parents are responsible for their children, and it is with this in mind that I will first identify age related matters consistent with current juvenile legislation.

Psychological research is scant however, on parents' perceptions of their own and their children's responsibility and how factors such as the age of the offender, the type of offence, and severity of offence affect these perceptions. Legal jurisdictions throughout the world are inconsistent in their approach to juvenile cognitive capabilities, and the age at which children become responsible, with children deemed criminally responsible anywhere from the age of seven through to eighteen years

¹ White, N., Augoustinos, M. & Taplin, J. (2007). Parental responsibility for the illicit acts of their children: Effects of age, type and severity of offence. *Australian Journal of Psychology*, 59(1), 43 – 50. (To view this article see Appendix 3)

(Steinberg, 2003). Such research however, documents the fact that there are age trends when one considers juvenile offending rates, with a consistent pattern seen throughout most legal authorities. Two distinct patterns of offending behaviour have been proposed in the literature, suggesting that young offenders either begin offending when they reach ten years of age, and then continue to offend into adulthood, or they begin offending in adolescence (around 14-years of age) and stop offending prior to reaching adulthood. Research indicates that children are more likely to commit property offences, such as, theft and shoplifting, rather than offences against the person such as common assault, and sexual assault (Kelley, 2003). Children are also more likely to engage in less severe offences rather than serious indictable offences, although there are exceptions (cited on AIC Crime and Justice Statistics web page). Research examining responsibility and the type of offence (property or personal), is unavailable.

This chapter examines the effect of age, type of offence, and severity of the offence on attributions of responsibility. Firstly, legal and psychological issues relevant to responsibility and age are presented in relation to children up to the age of thirteen (older children are discussed in Chapter 7), then a brief review of research will be conducted that assists in an understanding of how the type and the severity of the offence committed may affect attributions of responsibility. This is followed by a study specifically designed to examine parents' views of parent and child responsibility when children commit illicit acts, with the effects of the age of the offender, the type of offence, and the severity of the offence considered.

5.2 *The minimum age of criminal responsibility*

5.2.1 *Legal Considerations: Doli Incapax and the irrebuttable presumption*

Prior to discussing this topic it is important to reiterate that Australian children are not attributed ‘criminal’ status for their illegal actions, they are said to commit delinquent acts for offences that would be defined as criminal if an adult committed the same action. Legal jurisdictions in most countries assume that there is a time when children who commit an unlawful act neither have the cognitive, or social wherewithal, or experience to recognize that their act was criminal. In legal terms this is called ‘*doli incapax*’, and at this stage of children’s development there is an ‘*irrebuttable presumption*’ of innocence, which means that children cannot be called to answer legally for their behaviour. In fact, those countries that are signatories (only 2 countries are exceptions, one being North America) to the *United Nations Convention on the Rights of the Child* (UNCRC), are expected to:

Promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law, and in particular: The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law (Article 40).

Despite this, the establishment of a minimum age at which children are viewed as incapable of committing a criminal act shows little consistency in legal jurisdictions throughout the World. As Urbas (2000) indicates, in Belgium and Luxembourg, this

age is set at 18 years, while in Australia and in Britain, 10-years is the minimum age. Canada, the Netherlands and Greece believe that prior to the age of 12 the child is incapable of committing a criminal act, with Israel, New Zealand, and France all designating 13-years as the cut-off point. Rumania, and Germany have chosen 14-years, whereas, Scandinavian countries such as Sweden, Finland, Denmark, Norway, and Iceland invoke the penal law at age of 15-years. Portugal, Spain and Japan all view 16-years as the time the child is capable of being judged criminally responsible (Urbas, 2000). The Swiss have the lowest age of criminal responsibility at 7-years of age, with Scotland closely following with 8-years (Rutter M, 1998). The Scottish and Swiss legal systems approach 'juvenile' justice issues in different ways from those of other Western jurisdictions. Switzerland though, is undergoing major structural and social change at the present time (Zermatten, 2004). The age of criminal responsibility is being reviewed and an increase to 10-years of age is expected in 2006 (Zermatten, 2004). It is also worth noting that there is no youth justice system in Switzerland at present, with children treated as younger adults. The United Nations also specifically mention in the *Beijing Rules* the logic behind the inconsistencies found in the designation of the minimum age of criminal responsibility, stating that:

The minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility, that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially anti-social behaviour. If the age of criminal responsibility is fixed too

low or if there is no age limit at all, the notion of responsibility would become meaningless. In general, there is a close relationship between the notion of responsibility for delinquent or criminal behaviour and other social rights and responsibilities (such as marital status, civil majority, etc.)

(Found in the Commentary).

The *Beijing Rules* relate specifically to juvenile justice, and the rights of children to have different legal jurisdictions to that of adults that respect their status as children. Young children are deemed incapable of committing an unlawful act because they are perceived as being incapable of understanding the moral and legal aspects of criminal law: they have no malice. They are said to have no intention to commit a wrong, as they do not have the cognitive capacity/reason to comprehend the action itself, or the consequences of their actions, and certainly would find the justice system far beyond their understanding (Morse, 1997). Due to this age barrier, parents are not held criminally liable because their children's actions are not called into question. Parental responsibility is only called into question when the police deem the unlawful action of the child as such, although the NSW Parental Responsibility Act does hold parents of children of all ages responsible for their children's actions, this is the exception rather than the rule.

So what happens to parents whose children engage in unlawful activities prior to age 10-years in most parts of Australia? Nothing happens legally: if however, it is shown that parents are neglecting or abusing their children then the children can be removed from the parents (Bessant, 1998; Salmelainen, 1996). Otherwise there is really no

pressure on parents to curb young children's anti-social activities, despite such behaviours being seen, in some cases, to lead to future offending behaviour (Farrington, 1996). One could argue that by this age, much behaviour is already entrenched in children and will be difficult to change. Moreover, if the parenting is contributing to the behaviour of children, by reinforcing or motivating the behaviour of children, as is the presumption of parental responsibility legislation, then this too may be well entrenched.

5.2.2 Psychological Aspects

Psychological research appears to agree that prior to ten-years of age children are developmentally immature (Steinberg, 2003), although, there are others who argue that even this age is too young, and that the age of criminal responsibility should not begin until children are 12-years of age (United Nations). According to Piaget's stage theory of child development, children prior to this stage lack the ability to engage in conceptual thought: they are still confined by the physical presentation of stimuli, because of biological and social constraints (Flavell, 1963). Piaget's findings suggest that until children reach the ages of around 11-12 years they are unable to understand 'formal operations', or prescribed processes. The inability to grasp the 'intangible' would limit children of this age in many ways. If as Piaget proposed children prior to 11 or 12-years are unable to conceptualise events, then it is plausible to consider that children who kill another after seeing such an event in a movie really are unable to understand the concepts of cause, and consequences, believing that the person will survive the event (Crofts, 2003).

Hook (1989) found when examining Heider's 'foreseeability rule' that children do not develop this ability until around 11-years (Hook, 1989). The ability to predict future

consequences was found to follow the development of commission, then intention in children (Hook, 1989). This finding indicates that in general, children are able to engage in intentional unlawful acts, but are unable to anticipate the future consequences of such behaviour, nor to even contemplate these consequences until they are at least 11-years of age.

During this short phase of development children are still learning how to think in terms of another person's perspective, instead of just their own. It has also been found that until children reach between nine and eleven years of age they are unaware "*of how standards regarding personal attributes affect others' reactions to them*" (Ferguson, 1995, p.177). Although, they are able to infer different situations from available information, this is still limited. Tangney (1995) argues that this notion of relating to the others' perspective is an important factor in empathy, because one needs to be able to appreciate the other's emotional status, and to be able to relate that to one's own feelings (Tangney, 1995). Empathy is one of the key factors in taking responsibility for one's actions, and so it appears that until the child is around 11-years of age this may not be possible.

Kohlberg's stage theory of moral development, positions children at this age as controlled by adults, (usually parents) through punishment and reward reinforcements, to obey the rules (Carpendale, 2000). Children behave in ways that are consistent with reinforcements and what they are told is right and wrong. They do not contemplate the rightness or wrongness of their acts; they do what they are told by adults. Children's moral reasoning is confined at this point to the notions of 'right and wrong', with the majority of children under compliance to parents' wishes, and authority (Carpendale,

2000; Levy, 2001). This situation is one-sided where the power exists in the parent. Carpendale proposes that the closeness and regard that children have for their parents leads to such compliance (Carpendale, 2000). Koenig et al (2000) found that children can be obedient due to harsh physical sanctioning, or anger by parents, and where parents withdraw warmth and attention. They are thought to know the moral rules as taught to them by adults, but not why the rules exist, and to view the rules as external to their control. Children of this age will do ill-disciplined things, but few are known to engage in deliberately malicious acts (Bandura, 1977). One could also speculate that, as parents are responsible for making the most of their children's decisions up to this age (due to children's inability to cognise effectively) it is at this stage that parents are most responsible for their children's actions. One could hardly expect children to be responsible given their limited cognitive capacity at such a young age.

5.2.3 Summary

As previously mentioned most legal jurisdictions recognise that there is an arbitrary developmental phase where the cognitive and social immaturity of children precludes them from being adjudged responsible for their unlawful actions. Psychological studies appear to indicate that children prior to the age of 11-years are cognitively and socially immature and therefore incapable of being held responsible for delinquent behaviours. Children under 11-years are bereft of abstract thinking, unable to comprehend empathy, and their moral training is at the mercy of the adults around them. They are therefore unable to grasp the notion of intent, despite the ability to engage in goal-oriented behaviours. Once children reach the minimum age of criminal responsibility, in many countries (for example: Australia), this is then followed by a phase in which children's responsibility for their unlawful actions is scrutinised, yet not

taken for granted. This is known as the rebuttable presumption stage of the doctrine of '*doli in capax*'.

5.3 The 'middle ages' of criminal responsibility

5.3.1 Legal Considerations: Doli In capax and the rebuttable presumption

In Australian juvenile jurisdictions from the age of ten up to, but not including the age of 14-years, it is possible to refute the charge that children know that the act they were engaged in was wrong; in other words to refute that they are criminally responsible. Until children reach 14-years of age they can still be legally positioned as not responsible for their unlawful actions, equivalent to that of children under 10-years. If there is a suggestion that children should not be held criminally responsible, the onus is on the prosecution to prove that children were aware not only of their actions but that the actions were illegal. This situation is unusual, but not beyond the realms where children are charged with a more serious offence, for instance manslaughter or murder. One example of the use of '*doli in capax*' in the Australian context involved a case in 1999, where the jury of an Australian Supreme Court exonerated an 11-year-old boy of manslaughter, as a result of the '*doli in capax*' doctrine (Crofts, 2003).

In Britain's Bulger case, the two boys were both just 10-years-old at the time they murdered the young boy, yet despite this they were held criminally responsible. There was much debate in the media as to whether the children were too young to be prosecuted for their offence, but only as to whether the matter should be held in an adult court, rather than a juvenile facility, not as to whether they were to be prosecuted. They were charged with murder, and were prosecuted in an adult court. The European Court

of Human Rights reviewed the case (*T v. United Kingdom and V v. UK*), and found that at the time of the trial the boys were psychologically and emotionally distraught, and that justice practices were compromised (Hubble, 2000). The Court ruled that the trial contravened Article 6 of the European convention to which Britain is a signatory, and that the children had not received a fair trial. This was justified not because of the children's age so much as the trial procedures were not explained, nor understood by the children (Hubble, 2000). The children, due to their cognitive, social and psychological development were unable to appreciate the situation, and possibly even the implications of their actions. Indeed, given the limitations on cognitive development in children, it is possible that the children's age alone, rather than any other factor rendered them incapable of understanding the proceedings, and the actual ramifications of the act of murder itself.

Although the common law concept of 'doli in capax' was judged as inappropriate for those particular children, it can be seen that children under this age could quite easily not understand the ramifications of their actions, or the legal aspects of their behaviour (Crofts, 2003). It also points to the problem of arguing that children did not know that their actions were wrong, because by informing children of the criminal charges being levelled against them the police are telling children their actions were illegal. It is therefore difficult to prove that at the time the offence was committed that children did not know what they were doing was wrong. The notion of doli in capax has been eliminated in Britain since 1998 (*Crime & Disorder Act, 1998, s. 34*). This means that 10-year-old offenders are treated as adults in criminal proceedings. In Australia some have also argued for the age at which this doctrine ends to be either lowered to 12-years, or to be eliminated altogether (Urbas, 2000; Grove, 1996).

5.3.2 Psychological Aspects

Psychological studies indicate that the ages of 10-14 years are transitional, with this being the time of childhood development where children acquire the ability to think abstractly about their social world and the people in it. Piaget indicated that this period of adolescence has 2-stages: the first from 11 or 12 years to around 14-15 years; the second stage being from then on to adulthood (Flavell, 1963). In the first stage known as the 'formal operations stage', children develop their ability to cognise the world in theoretical rather than merely physical forms. They can think inside their head, so to speak, and can begin to realise that if I do this then this might happen. It is not until the second stage of 'formal operations' (14-15 years) that children begin to develop the notion that there is more than one consequence to an action. By this period they are fully socialised, with a developing empathy for others. They are still risk-takers exploring their environment, prone to peer pressure (Rai & D'Alessandri, 2003; Wiesner, 2003; Rainer, 2002; Weatherburn, 2001; Erickson, 2000; Smith, 1995), and still likely to be impulsive in their decision making capacity (Steinberg, 2003; Beschle, 1999).

Adolescent decision-making has been explored and results indicate that prior to 18-years, young people show paucity of decision-making skills, thereby compromising their responsibility for their actions (Steinberg, 2003; Steinberg, 2001; Lewis, 1981). In a study of 108 children, Lewis (1981) compared the decision-making skills of year 7 (average age 13.7-years), year 10 (average age 15.10-years), and year 12 (average age 18-years) students. Lewis reported that there was a significant difference found for awareness of risk when making decisions between those students in years 7 to 10, compared to year 12 students, with the older child being more aware of possible risks

involved in decision making. Knowledge of the consequences of one's actions significantly increased with age, with only 11% of thirteen year olds considering the future consequences of their actions, which increased to 25% for those nearly 16-years of age, and 42% for the oldest group. Lewis (1981) and others have also questioned whether children are rational at all when they are under stress, which many illegal situations invoke (Steinberg, 2003). As such it is understandable that children up to the age of 14-years are considered cognitively immature, and as such are unable to engage in appropriate decision making, and therefore given the benefit of the doubt in some cases. Where the doctrine of 'doli in capax' is not involved, children are still treated with leniency within juvenile justice jurisdictions when compared to adults who have committed similar offences, because of their immature status.

5.3.3 Summary

Most legal jurisdictions consider that children up to but not including 14-years of age are still bereft of the capabilities required to fully understand intent, and the full consequences of their actions. Psychological research also indicates that children prior to 14-years of age are still incapable of making decisions equivalent to adults, therefore those children younger than these make delinquent choices without understanding the full ramifications of their actions (Lewis, 1981). Children under 14-years are impulsive, and prone to the coercion of others: especially their peers. Again it could be argued that as children are seen as still falling short of being able to accept full responsibility for their actions that parents should somehow 'share' the responsibility. The parent after all is charged with making most of the children's decisions to this point, and who have day-to-day control of them. One wonders whether parents also believe that their younger

children are incapable of being responsible for their delinquent actions, and whether they view parents as being responsible for their children's actions.

5.4 Responsibility and the Type and Severity of offence

Although there is little research examining responsibility while considering the effects of the type and severity of the offence, it is known that magistrates often consider the previous delinquent record of young offenders, as well as the type of offence the child has been apprehended for. The severity of the offence is also measured when sanctions are considered. This is especially apparent when children commit serious offences, such as murder. There have been some studies that have found that serious offences tend to attract more punishment and possibly more responsibility than less serious offences (Baldwin and Kleinke, 1994; Taylor & Kleinke, 1992; cited in Stewart, 2005). Stewart (2005) conducted a study employing the notions of 'defensive attribution theory' and the 'actor-observer effect' to investigate how survivors attributed responsibility in their own accidents as a result of the severity of the accident. Defensive attribution theory posits that dysfunctional responsibility is attributed when people can relate to the person in the incident, or where there is a possibility that they could, in the future, be caught in the same predicament (Shaver, 1970; cited in Stewart, 2005). The 'actor-observer effect' is the equivalent to Heider's notion of people explaining behaviour by attributing internal causal reasoning to others (using personality characteristics), and external causal reasoning to explain their own actions (for example, environmental and social conditions).

Stewart's study (2005) involved 321 survivors of motor vehicle accidents. The findings indicated that the more severe the accident the more likely the participants were to attribute responsibility to other drivers, rather than themselves (Stewart, 2005). Less severe accidents resulted in equal distribution of responsibility between the participants and other drivers. As Stewart points out, other studies have indicated that those with a previous history of road traffic offences also attribute less responsibility for more serious accidents (Wilson & Jonah, 1988; cited in Stewart, 2005). The results of this study indicate that the attribution of responsibility to parents and children when children engage in unlawful acts, may take either a functional (increased responsibility for increased severity of the offence), or dysfunctional route (less responsibility for increased severity). There appears to be no conclusive answer regarding how the severity of the offence will effect participants' attributions of responsibility to children and parents.

5.5 Conclusions

It would seem that there is a stage theory approach taken in Australian legal jurisdictions to juvenile crime. The cognitive, social, and moral maturity of children is considered to develop gradually and the legal system reflects this notion, with young children viewed as incapable of having any intention to commit a criminal act. This is then arguable from the time children are ten-years-old until prior to reaching 14-years of age. Legal and psychological research indicates that such phases of development should be considered due to various age-related factors that mitigate, but rarely excuse children's behaviours.

Children are malleable, vulnerable to the protestations of others, impetuous, and subject to adult directions (Steinberg, 2003). As such children are prone to engage in reckless behaviour, which is often as a result of group activities. They get carried away with situations, failing to think of the possible risks, and or dangers involved, let alone whether they are doing something illegal. They make good and bad decisions, and hopefully learn from their mistakes, but for younger children, and even young adolescents, they are still manipulating their objective world. Only with increasing age and maturity are children able to think abstractly, and without this requirement it is difficult to really have a true notion of all the consequences of their actions: to think of everything that could happen because of some particular action.

The Bulger case highlights the need for considering children's immaturity, for example, did the killers understand that the victim would die as a result of their behaviour, or were they under the impression that the victim would, like many television actors, live on after their treatment? Or were they subjected to such violence in their own homes that their behaviour was a result of imitation, imitation that exceeded the violence that they themselves were subject to, and as such was an extension of their normal environmental expectations? Could it be therefore argued that the children were unable to know what they were really doing? Such is the dilemma for legal jurisdictions that have to decide such issues in the case of younger children. Are parents viewed as responsible during this phase of children's development? Does the type of offence or the severity of the offence result in differences in responsibility attribution?

The aim of the present research is to investigate parental notions of responsibility for the illicit acts of their children, and specifically to ask: (a) what is the effect of the

age of the child on the perceived responsibility of child and parent? (b) What effect does the seriousness of the illicit behaviour have on the perceived responsibility of the child and the parent? (c) What is the effect of the type of offence (person-related vs. property-related) on the perceived responsibility of the child and the parent? And, (d) what is the relationship between parental locus of control, and perceived responsibility for the illicit acts of children?

5.6 Method

5.6.1 Participants

The sample consisted of 67 mothers and 26 fathers (N=93). The average age of participants was 44.05 years (range 28-59 years). All had care and control of a child between 10 and 18 years (N=233, $X=2.50$, $sd= 1.17$). The average age of the first-born child was 17.21 years ($SD= 5.21$), and for the second-born 12.64 years ($SD=6.82$). Participants were recruited through community organizations, and friends or parents of first year Psychology students. Informed consent was sought and gained from all participants, who were assessed individually.

Demographic information indicated that the educational background of the sample was representative of current South Australian norms, with 29% of participants having attained either an advanced diploma, bachelor, masters, or post-graduate degree, with the majority of participants reporting no such further education (71%). Participants' income levels indicated that 50% of the participants earned less than \$50,000 with a third of the sample earning more than \$75,000.

Participants were also asked whether the police had previously apprehended them to ascertain whether their own involvement with the criminal justice system would affect their view of responsibility.

5.6.2 Materials

5.6.2.1 Scenarios:

The eight hypothetical scenarios related to illicit acts by young people (see Appendix 1). Each scenario included a child aged 10 or 13 years of age, involved in either a property or personal crime. The severity of the crime (*low* or *high*) was also manipulated. Below is an example of the type of scenario used for a ten-year-old offender involved in a property crime of low severity:

Your child, a 10 year old, has been charged by the police for intentionally stealing \$45 worth of goods from the local supermarket. The theft occurred on Saturday afternoon. This has never happened before. Your child gave no reasons for the behaviour.

Participants rated responsibility attributions on the Likert scale for both the child and the parent in each scenario.

Three questions were also asked: the first, regarding *the age at which parents believed that responsibility is attained by young people*; the second, asking parents *at what age they believed parental responsibility ended*; and third, *whether parental*

responsibility laws should be introduced. These results are not reported in this chapter, but are detailed in Chapter 9.

5.6.2.2. Parental Locus of Control Scale:

The Parental Locus of Control Scale (PLOC; (Campis, 1986) was included to examine whether there is a relationship between parents' locus of control, and responsibility attributions.

The PLOC is a 47-item scale that has 5 sub-scales that assess parents' locus of control. The sub-scales measure: Parental efficacy (e.g., *When my child gets angry I can usually deal with him/her if I stay calm*); parental responsibility (e.g., *I am responsible for my child's behaviour*); fate-chance (e.g., *Neither my child or myself is responsible for his/her behaviour*); parent control (e.g., *I find that sometimes my child can get me to do things I really do not want to do*); and, child control (e.g., *My child does not control my life*). A high score on the sub-scales indicates a negative outcome, for example in the parental responsibility sub-scale this would indicate that the parent lacks responsibility.

Campis et al. (1986) tested the reliability of the total scale and found a Cronbach alpha of .92, with 5 sub-scales yielding alphas of .77 for *Parental Responsibility*, .75 for *Parental Efficacy*, .75 for *Fate/Chance*, .67 for *Child Control*, and .65 for *Parental Control*. The validity of the measure was evaluated by its ability to discriminate between two groups of parents on parenting abilities: one group that had experienced trouble with parenting and the other group, which had not ($F(5,99) = 4.36, p < .002$).

5.6.3 Procedure

Each participant was asked to place themselves in the position of the parent in 8 hypothetical scenarios, concerning various infractions of the law. The participant was asked to indicate the degree of responsibility attributed to the parent and to the child for each scenario, using a 5-point Likert Scale (1: *not at all*, 2: *partially*, 3: *equally*, 4: *mainly*, 5: *totally*). Answers were entered in the spaces provided after each scenario.

Participants were also asked to complete the *Parental Locus of Control Scale* (PLOC: (Campis, 1986). In the PLOC scale, items tend to be numbered in factor order (e.g. items 1-10 relate to *parental efficacy*, etc.). In this study the items were randomised to minimise order effects. Participants were instructed to answer these questions along a 5-point Likert scale ranging from (1) *strongly disagree* to (5) *strongly agree*.

5.7 Results

Two repeated measures ANOVA were performed on the responsibility attribution ratings in the scenarios: (1) Child responsibility attributions; and, (2) Parental responsibility attributions, using a 2 (age: 10-years vs. 13-years), by 2 (type of offence: property vs. personal), by 2 (severity of offence: low vs. high) factorial design analysis. Data met the assumptions of normality, sphericity, and homogeneity of variance. Descriptive statistics were examined for trends in attributing responsibility.

5.7.1 What is the effect of age on child and parent attributions?

Table 1 presents the descriptive statistics given for child and parent responsibility attributions for each scenario. Of interest is that for child responsibility all means are above the mid-point of the 5-point scale, so overall the sample attributes relatively higher levels of responsibility to the child. In contrast, the sample attributes relatively lower levels of responsibility to the parent for their child's offences, with all means below 3 on the 5-point scale.

Table 1: Attributed mean averages for responsibility attributions to the parent and the child by scenarios

Scenarios	Child		Parent	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
10-property: low	3.47	1.21	2.67	1.15
10-property: high	3.67	1.18	2.71	1.13
10-personal: low	3.53	1.16	2.45	1.01
10-personal: high	3.71	1.20	2.67	1.16
13-property: low	4.18	1.00	1.98	0.90
13-property: high	4.17	0.96	2.37	0.98
13-personal: low	3.83	1.04	2.19	0.91
13-personal: high	4.32	0.87	2.29	1.00

Specifically, participants attributed greater responsibility to 13-year-olds ($M=4.12$, $SD=0.97$) than 10-year-olds ($M=3.59$, $SD=1.19$), and to parents of 10-year-olds ($M=2.62$, $SD=1.15$) than to parents of 13-year-olds ($M=2.21$, $SD=0.94$). Accordingly, ANOVA results indicated a significant main effect of age of child ($F(1,88) = 47.03$, $p < .05$), and parent responsibility ($F(1,87) = 45.01$, $p < .05$).

A significant 2-way interaction between age and type of offence also emerged for parental responsibility ($F(1,87) = 5.94$, $p < .05$). Results indicate that for both offence

types, overall the sample attributed similar levels of responsibility (*property*: M= 2.43, SD = 1.04; *personal*: M= 2.40, SD = 1.01), but when age is considered differences appear: Parents of ten year olds are attributed more responsibility for property offences (M=2.69, SD=1.14) than personal offences (M=2.56, SD=1.08), whereas 13-year-old's are attributed slightly greater responsibility for personal offences (M=2.24, SD=0.95) when compared to property offences (M=2.17, SD=0.94) (See Table 2 below).

Table 2: Attributions of responsibility to parent and child by age and type of offence

AGE	Property (SD)	Personal (SD)
10 years	2.69 (1.14)	2.56 (1.08)
13 years	2.17 (0.94)	2.24 (0.95)
Average (mean)	2.43 (1.04)	2.40 (1.01)

5.7.2 What is the effect of the severity of the offence on child and parent attributions?

The severity of the offence whether low or high did impact on attributions of responsibility, with an increase in the severity of the offence resulting in increased responsibility to both the child (*high*: M=3.97, SD=1.05; *low*: M=3.75, SD=1.10) and to the parent (*high*: M= 2.51, SD = 1.07; *low*: M= 2.32, SD = 0.99). There was a significant main effect of severity of the offence on child ($F(1,88) = 15.46, p < 0.05$) and parent responsibility ($F(1,88) = 8.47, p < 0.05$).

The ANOVA also revealed a significant interaction between severity and type of offence ($F(1,88) = 5.26, p < 0.05$), but only when attributing responsibility to the child.

Specifically, personal offences result in the greatest shift in child responsibility when severity is considered (*low*: $M=3.68$, $SD=1.10$; *high*: $M=4.01$, $SD=1.03$).

5.7.3 What is the effect of the type of the offence on child and parent attributions?

There was no main effect of the type of offence on responsibility attributions to either the child or the parent. Results though did reveal significant 3-way interactions between age, severity and type of offence to the child ($F(1,88) = 9.39$, $p < .05$) and the parent ($F(1,92) = 16.19$, $p < .05$). Specifically, parents of thirteen-year-olds are attributed greater responsibility for *high* severity *property* offences ($M=2.37$, $SD=0.98$), than for *low* severity *property* offences ($M=1.98$, $SD=0.90$) (See Table 4). In contrast, parents of ten-year-olds are attributed more responsibility for *high* severity *personal* offences ($M=2.67$, $SD= 1.16$), than for *low* severity *personal* offences ($M=2.45$, $SD= 1.01$).

5.7.4 What is the effect of the parents' locus of control?

Pearson's product moment correlation coefficients examined the relationship between the parents' locus of control, and responsibility attributed to the child and to the parent in the scenarios. The PLOC sub-scales of parental-efficacy (PE) and child-control (CC) both demonstrated significant negative correlations with child responsibility attributions, but only for thirteen year olds. High scores on PE (e.g. *parents who consider themselves low on parental-efficacy*), significantly correlated with low responsibility scores, but only for high property ($r = -.25$, $p < .05$) and low personal offences ($r = -.36$, $p < .05$) (See Table 3). High scores on Child Control (e.g. *parent actions are child centred*), correlated with low responsibility scores for all offences

(*property low*: $r = -.25$, $p < .05$; *property high*: $r = -.24$, $p < .05$; *personal low*: $r = -.21$, $p < .05$) with the exception of the personal offence of high severity ($r = -.15$, $p > .05$).

Table 3: Correlations involving attributions of responsibility to the parent and parents' locus of control: parent responsibility and parent control

Scenario	PR	PC
Parent-10-prop-low	-.24*	-.25*
Parent-10-prop-high	-.35**	-.15
Parent-10-pers-low	-.23*	-.32**
Parent-10-pers-high	-.31**	-.19
Parent-13-prop-low	-.27**	-.17
Parent-13-prop-high	-.30**	-.25**
Parent-13-pers-low	-.25*	-.31**
Parent-13-pers-high	-.38**	-.32**

** Correlation is significant at the 0.01 level (2-tailed)

* Correlation is significant at the 0.05 level (2-tailed)

When attributing responsibility to the parent, high scores on the PLOC sub-scale of *responsibility* (e.g. *a parent who feels not responsible for child's behaviour*), showed consistent significant negative correlations with low scores for all scenarios (parent attributed little responsibility), indicating the PR sub-scale appears to be tapping into attributions of responsibility.

Table 4: Correlations between attributions of responsibility to child and parental locus of control; efficacy and child control factors

PLOC	Fate chance	Efficacy	Resp[^]	Parent Control	Child Control
10 year olds:					
Property low	.037	-.061	.008	-.117	-.146
Property high	-.028	-.075	-.018	-.129	-.162
Personal low	.101	-.105	-.120	-.057	-.056
Personal high	.021	-.028	.080	-.069	-.072
13 year olds:					
Property low	-.011	-.082	-.018	-.091	-.247*
Property high	-.071	-.248*	-.069	-.067	-.244*
Personal low	-.158	-.355**	.070	-.070	-.214*
Personal high	.036	-.081	.026	-.007	-.149

** Correlation is significant at the 0.01 level (2-tailed)

* Correlation is significant at the 0.05 level (2-tailed)

[^] Responsibility

The *parent control* sub-scale also indicated significant negative relationships with parental responsibility attributions, for most offences. The strongest relationships were found in offences of high severity: 10-year-olds' personal ($r=-.31$, $p<.01$), and property offences ($r=-.35$, $p<.01$); and for 13-year-olds' personal ($r=-.38$, $p<.01$), and property offences ($r=-.30$, $p<.01$) (see Table 4).

5.7.5 Gender Effects

There were twenty-six fathers and 67 mothers included in the study. There was a significant 3-way interaction when the gender of the parent commenting was considered as a between subject factor, but only when attributing responsibility to the parent ($F(1,86) = 5.77$, $p<0.05$). The gender of the parent had a significant main effect on attributions of responsibility to the parent ($F(1,6) = 4.70$, $p<0.05$). This was further explored using the option of 'split file' in SPSS. It was seen that when attributing responsibility to the parent of a ten-year-old mothers allocated greater responsibility ($M= 2.75$, $SD= 1.17$) than fathers ($M= 2.31$, $SD= 0.89$). This trend continued with

mothers attributing more responsibility to the parents of 13-year-olds (M= 2.31, SD= 1.02), than fathers (M= 1.96, SD= 0.68). Responsibility attributed to the child showed no significance with fathers attributing slightly more responsibility (M= 3.69, SD= 1.19) than mothers (M= 3.56, SD= 1.19) to ten year olds (see Table 4 below). However, once the child reaches 13-years-old, mothers and fathers allocated the same level of responsibility to the child (Fathers: M= 4.12, SD= 1.0; Mothers: M= 4.13, SD= 0.96).

Table 5: Father and mother allocations of responsibility to child and parent by age of offending child

	Child 10 years	Child 13 years	Parent 10 year	Parent 13 years
Father	3.69	4.12	2.31	1.96
Mother	3.56	4.13	2.75	2.31

5.7.6 Previous apprehension by Police

As stated previously, participants were asked whether the police had previously apprehended them. In the current study a small sub-set of participants answered in the affirmative for this question (N=8). Existing research indicates that children with parents with a record of criminal offences are more likely to engage in delinquent behaviour so this relationship was investigated in the present study. The file was split by the variable **parent offence** (no or yes). Given the small number of participants involved only mean scores will be compared.

Participants who reported a previous apprehension by police ('yes' group) attributed responsibility differently to those participants without a previous police apprehension ('no' group). An examination of the average mean (See Table 6), indicate

that the ‘yes’ group attribute less responsibility to the child (M=2.95, SD=1.28) than the ‘no’ group (M=3.86, SD=1.17).

Table 6: Previous police apprehension mean average scores for responsibility attributions to child

	<i>YES</i>	<i>NO</i>
10-prop-low	2.71 (1.25)	3.45 (1.30)
10-prop-high	2.57 (1.40)	3.63 (1.30)
10-pers-low	2.43 (0.97)	3.58 (1.19)
10-pers-high	2.71 (1.25)	3.66 (1.34)
13-prop-low	3.00 (1.29)	4.23 (1.02)
13-prop-high	3.43 (1.40)	4.19 (1.00)
13-pers-low	3.29 (1.25)	3.87 (1.01)
13-pers-high	3.43 (1.40)	4.24 (1.17)
Mean Total	2.95 (1.28)	3.86 (1.17)

This trend continues for parental responsibility attributions, with the ‘yes’ group attributing less responsibility to the parent (M=1.79, Sd=0.57) than the ‘no’ group (M=2.41, SD=0.98).

5.8 Discussion

This study asked what effect the age of the child (offender) has on attributions of responsibility to parents and their children. Results indicate that age has a major effect by moderating the level of responsibility attributed to parents and their children. Ten-year-old offenders were attributed less responsibility for their behaviour than 13-year-old offenders. In contrast, an inverse relationship exists for the attribution of responsibility to parents, with parents of ten-year-olds attributed greater responsibility than parents of thirteen year olds (although lower levels of responsibility in comparison to the child). Parents clearly perceive that younger children are not as capable of being responsible for their actions than young adolescents. This is consistent with the views of

current research that suggests children of ten do not have the cognitive, social and life skills that allow them to take the right action (Steinberg, 2003). Research also indicates that as children mature towards adulthood, parental responsibility will decrease and that children's responsibility will increase. The findings of this study suggest that parents agree with this notion (Chassin et al, 1986).

The study also found that the severity of the offence did influence attributions of responsibility. High severity offences resulted in significantly increased responsibility to both children and their parents. This finding is consistent with those of Baldwin and Kleinke in 1994, and Taylor & Kleinke in 1992 (cited in Stewart, 2005). The reason for increased responsibility being allocated for higher severity offences is not known. It could be postulated that parents view more severe offences as within the control of the parent, seeing parents as having obvious problems with the child that should have alerted the parent to take control. Less serious offences may suggest more risk taking behaviour by children that is then normalised. Unfortunately as this study examined quantitative results such suggestions are merely speculative, but will be examined in the next chapter.

The type of offence whether personal or property, was also examined and although this factor did interact with the age of the offender and the severity of the offence it was not found to be of major consideration when attributing responsibility.

Significant interactions were also found between all three factors: age, severity and type of offence. Although responsibility increases as the severity of the offence increases (whether the offence is property or personal), serious personal crimes result in

the greatest shift in responsibility. Age of the offender interacted with the type of offence when attributing responsibility to the parent, with the age of the child moderating the extent to which the parent was held responsible depending on whether the offence was personal or property. Further, there was a significant three-way interaction between the age of the offender, and the type and severity of the offence to both children and their parents.

The relationship between parental locus of control and perceived responsibility to the child demonstrated moderate significant negative correlations between the PLOC sub-scales of parental-efficacy and child-control, but only for thirteen-year-olds. This occurred with parents who considered they had little effect on their children, attributing less responsibility to children. Those parents who saw their locus of control as *child-centred* also attributed less responsibility than those who did not.

The parental locus of control and responsibility attributions to parents also indicated significant negative relationships. In the PLOC sub-scale of parental responsibility the parents who perceived themselves as not responsible for their children's behaviour also consistently attributed little responsibility to the parent in the scenarios. This indicates that parents who were assessed by the PLOC as showing a lack of parental responsibility in their parenting also perceived themselves as less responsible in the scenarios. As mentioned previously this indicates that the PR sub-scale does appear to be tapping into attributions of responsibility and could possibly be used as the only measure of the locus of control scale required when measuring responsibility attributions and their relationship to the parents locus of control. The sub-scale of Parent Control also negatively correlated with parental responsibility attributions, suggesting

that when a parent cannot effectively control their children they are less likely to perceive themselves as responsible for their children's actions.

The results also highlighted gender differences in the data. Mothers in the study allocated greater responsibility to parents than the fathers for the illicit acts of their children. It was seen that when attributing responsibility to the parent of a ten-year-old mothers allocated greater responsibility than fathers. This trend continued with mothers attributing more responsibility to the parents of 13-year-olds, than fathers.

Since much has been written on parental criminality and the subsequent criminality of their children, this study examined whether a prior police apprehension of participants affected attributions of responsibility to the child and parent in the scenarios. The findings (though tentative due to the small participant base) indicate that those with a prior police record do attribute less responsibility to both children and their parents. This is an interesting outcome that needs to be followed-up with a larger sample. If parents with prior police apprehensions do perceive themselves to be less responsible for their child's actions, then education and training measures may need to be undertaken to encourage more responsibility taking from this group. This is consistent with the findings of Stewart (2005) and other studies where those with a prior offence record do tend to minimise responsibility for offending (Wilson & Jonah, 1988; cited in Stewart, 2005).

The present study, did however, have some limitations. For instance, studying hypothetical scenarios rather than real-life situations is problematic, but studies of real life situations are also fraught with limitations. Such limitations include a lack of

consistency across individual situations that increase the effect of confounding variables. Social desirability of the answers needs also to be taken into consideration, and cannot be overlooked in such studies.

The significance of this study is that it is the first of two psychological studies into attributions of parental responsibility to be discussed in this thesis (see Chapters 7 & 8). Parental responsibility is being embraced as an important method for preventing future juvenile delinquency. As such, it is imperative that more investigations into this notion are undertaken. Although some of the findings of this study were to be expected, these are the first results that actually investigate how parents embrace, justify, and/or deny responsibility for their children's misdeeds. Finally, as parents are major stakeholders in parental responsibility laws, it is only right to include their contributions to the topic. Importantly, this study has found that parents' perceptions maybe inconsistent with the current laws and view their children as the main agents of responsibility when committing crime. The implications that such disparities may have for effective public policy requires further investigation.

The study described above also included a quantitative element built into the questionnaire. The next chapter describes the qualitative analysis of the reasons that the 92 parents in this study gave for attributing responsibility to children and their parents in the scenarios. This was undertaken to give a deeper understanding of parents' notions of parent and child responsibility. In analysing the words of the participants it is thought that inconsistencies and regularities will highlight the social discourses involved in explaining parental responsibility.

Chapter 6: Attribution and mitigation of parental and child responsibility: A qualitative analysis²

6.1 Introduction

As is apparent from the previous chapters, parental responsibility legislation is important to all families whose children become enmeshed in the juvenile justice system. In such legislation, parents can be ordered to parenting classes, or sanctioned for the costs of the damage their children have caused, and in some cases incarcerated for failing to adequately supervise and monitor their children's behaviour (Tyler, 2000). As such it is imperative to understand how parents view their responsibility, and that of their children in such situations. This chapter presents a qualitative/thematic analysis of open-ended responses participants provided to account for and explain their responsibility attributions to the 8 scenarios used in the quantitative study. This study is the qualitative analytical section of the quantitative study reported in the previous chapter, where participants attributed responsibility, using a 5-point Likert scale, to children and the parents.

A delinquent act is defined as an act that if committed by an adult would be considered a criminal offence. Parental responsibility legislation is employed by juvenile legal jurisdictions in Western countries (North America, Canada, England, and Australia) as a protective measure against juvenile delinquency. Recently, as previously mentioned, two families in Western Australia felt the full force of being found guilty of

² White, N. (2005). Attribution and Mitigation of Parent and Child Responsibility: A Qualitative Analysis. *Psychiatry, Psychology and Law*, 12(2), 401–410. (To view this article see Appendix 4)

failing to act responsibly in relation to their respective 14 and 15-year-old sons' delinquent actions (Hickman, 2004). Fines totalling \$60,000 were exacted, with one family ordered to pay \$45,000 and the other family \$15,000 remuneration to the victims of their sons' damage. The young offenders were also incarcerated for 12 months in a juvenile detention facility. The parents, in this situation, were given the highest fines in Australia up to that point (2004). One asks, what did these parents do, or fail to do, that allowed the Court to order such high compensation to be paid to the victims of their sons' acts?

Parental responsibility legislation specifically requires that parents physically supervise their children (or nominate another responsible adult), and in doing so control their children's activities (Fletcher, 2004; Laird, 2003; Smetana, 1994). Those found to have violated such laws are found guilty of failing to show responsibility by not knowing the whereabouts of their children, whom they were with, or the type of activities their children were engaging in (Hil, 1998; Hickman, 2004). The parents of the previously mentioned young offenders were found guilty of failing to effectively supervise their children, and consequently received financial sanctions. Parents can dispute the accusation of irresponsibility by showing that they, and/or their children were or are receiving counselling, or that they had honestly believed that their children were with another responsible adult. Legislators view these laws as fair because parents are expected to care for and control their children: to feed, clothe, educate, stimulate and generally nurture their children towards adulthood. The assumption is that such nurturing should, if the parent succeeds, ensure that children would have neither the opportunity, nor the inclination to engage in activities that could result in delinquent behaviours. As much of the focus of parental responsibility legislation is on parental

supervision and monitoring of their children this Chapter will examine psychological research that has investigated these constructs.

6.2 Parental Monitoring/Knowledge

Recent psychological research investigating parental monitoring and/or parental knowledge also posits that parents who monitor their children both by direct supervision and through having an awareness of their children's activities decrease the likelihood of young people engaging in delinquent activity (Fletcher, 2004; Laird, 2003; Smetana, 1994; Stattin, 2000). Parental monitoring as a protective measure is well documented in psychological studies, with the incidence of drug use (Rai & D'Alessandri, 2003; DiClemente, 2001), sexual activity (Rai & D'Alessandri, 2003); (DiClemente, 2001; DiClemente, 2001), lack of condom use (DiClemente, 2001), violence (DiClemente, 2001), and various anti-social behaviours (DiClemente, 2001; Fletcher, 2004; Galambos, 2003) being significantly less for those young people who reported perceived parental scrutiny of their activities.

Fletcher, Steinberg, and Williams-Wheeler (2004) in a study of 2568 secondary school students investigated factors that were predictive of problem behaviours including drug use and delinquency. They found that children who were managed by their parents through a combination of fairness and firmness and the use of communication to understand and therefore keep an eye on their activities were less likely to engage in problem activities (Fletcher, 2004). In addition, findings indicated that direct observation by the parent also resulted in less problem behaviour (Fletcher, 2004; Smith, 2004). Laird (2003), in a longitudinal study of 396 adolescent children (aged 14 years at start of study) and their parents, over a period of four years, reported

that a lack of parental knowledge resulted in an increase in delinquent activities, conversely finding that an increase in delinquent activities also resulted in many parents decreasing their urge to monitor their children's activities (Laird, 2003).

Although many researchers have argued that parental monitoring is indicative of the level of delinquency undertaken by children, Stattin & Kerr (2000) argue that this is not the case. Rather, they argue that children who engage in delinquent activities are less likely to communicate freely and openly with their parents. This in turn means that parents have little knowledge of their children's activities. Their study of 703 Swedish 14-year-olds and their parents indicated that rather than parental monitoring being the key to lower delinquency rates, child 'disclosure' was an equally if not more important factor (Stattin, 2000). They state that many researchers investigating parental monitoring are actually examining parental knowledge. Further, they suggest that parental monitoring is the physical act of observing children's behaviour, whereas parental knowledge is the information gleaned about what one's children are doing. Parents gain knowledge of their children's activities from various sources, such as peers, and the parents of these peers, but Stattin and Kerr found child disclosure was the main source of parental information conducive to lower delinquency rates (Stattin, 2000). Smith et al. (2004), in their longitudinal study of more than 4,000 Scottish secondary students also found significant negative correlations between delinquency rates, parental monitoring, and child disclosure (Smith, 2004). It appears therefore, that factors such as parental monitoring and child disclosure are viewed both in the psychological and legal realms as important tools in lowering juvenile anti-social behaviour.

6.2.1 Conclusions

In conclusion then, parental responsibility laws are based on the presumption that responsible adults should monitor children's activities at all times. Moreover, there is an assumption that monitoring should also involve parents knowing their children's peer group, their whereabouts, and their activities. Research studies also indicate that parents who supervise their children's activities, friends, and whereabouts are less likely to have children who engage in delinquent activities. Children too are deemed to be responsible for their actions if they plead or are found guilty of committing an offence, and it is this behaviour that eventually sees parents called to Court to explain why they should not be punished for failing to control their wayward children.

Although this appears to be the rationale underlying parental responsibility legislation the question arises as to whether parents agree with such notions. The social, psychological, and financial impact of such legislation demands that we know parents' views on this matter. How do parents attribute responsibility to parents and children in situations where children have been accused of committing a delinquent act? What understandings best capture parental notions of responsibility?

Using a content/thematic analytical approach, the present study examined how parents accounted for the level of responsibility attributed to both the child and the parent in 8-specifically designed hypothetical scenarios (see Method section). This study examines: a) how participants account for the responsibility of children; b) how participants account for the responsibility of parents; c) how participants mitigate offending children's responsibility; and, d) how participants mitigate parent's responsibility.

6.3 Method

As previously indicated, this is the qualitative analytical section of the study reported in Chapter 5, where participants gave reasons for attributing responsibility to children and their parents.

6.3.1 Participants

The sample consisted of the same 67 mothers and 26 fathers (N=92) described in the previous chapter. The average age of participants was 44.05 years (range 28-59 years). All had care and control of a child between 10 and 18 years. The total number of children was 233, with an average of 2.5 children per participant ($SD = 1.17$). The average age of first-born children was 17.21 years ($SD= 5.21$) with the average of the second-born, 12.64 years ($SD=6.82$). Participants were recruited through community organizations, or were friends or parents of first year Psychology students. Informed consent was sought and gained from all participants, who were assessed individually.

6.3.2 Procedure and Instructions

Each participant was asked to place themselves in the position of the parent in 8 hypothetical scenarios concerning various infractions of the law (see Appendix 1). The participant was asked to indicate the degree of responsibility attributed to parents and to children for each scenario using a 5-point Likert Scale (1: *not at all*, 2: *partially*, 3: *equally*, 4: *mainly*, 5: *totally*). Answers were entered in the spaces provided after each scenario. Participants were also asked to explain *in their own words* their responsibility attributions for both children and parents in each scenario. To overcome order effects, each participant was given the scenarios in random order.

6.3.3 Materials

To reiterate, participants were given 8-hypothetical scenarios relating to illicit acts committed by young people. Each scenario included a child aged 10 or 13 years who was involved in either a property or personal crime (see Appendix 1). The severity of the crime (*low* or *high*) was also manipulated. Below is another example of the type of scenario used for a thirteen-year-old offender involved in a crime against the person of high severity:

The police arrive at your home to inform you that your 13-year-old child has been charged with assaulting an elderly man with a weapon, and attempted robbery. Your child walked past the victim, then turned around and followed him down a side street, and then stopped to ask him the time. Your child then pulled out a knife and threatened to cut the victim if he did not give him all his money. The victim attempted to stop your child and, in the process, was cut on the arm and leg by the knife. The victim has suffered major injuries, and is also extremely upset and anxious. Your child admits that they did do the things described to the elderly man.

Data was analysed using Provalis's QDAMiner® 1.0, a qualitative data analysis software program. Data was coded using this program and reflects the researcher's interpretation of the data. The data was then analysed with parental responsibility legislation, and parents, in mind.

6.4 Results

The data for this study comprise the written responses that parents provided when attributing responsibility to both the young offender and the parent in the 8 scenarios. The results indicate the frequency of times either a specific word or phrase is used, and the number of times a nominated 'code' is employed by the participant. In

some cases the frequency given exceeds the number of participants. This comes about where a participant has used the word or code in more than one scenario. Where the percentage of participants is provided, this refers to participants mentioning a word or code in at least one scenario.

In order to examine how **responsibility** was attributed to children, the attribution data was analysed/searched for instances where the participants had used the words *right* and *wrong*, and for phrases that indicated the participant was attributing responsibility by inferring that the child had knowledge of having committed a wrong. Also examined was the notion that the offending act was *premeditated*, that the child planned the act and knew what they were doing. Parent responsibility notions were identified by looking at participants' references to the parent *supervising* or controlling their child's activity, and by finding instances in the text that mentioned that the parent should know what children were doing. A parent's *lack of responsibility* was also examined in instances where the participants had specifically mentioned lack of parenting skills or referred to the parent's lack of attention to their children. Circumstances that were used to mitigate children and parents' responsibility were also examined.

6.4.1 Child Responsibility

6.4.1.1 Right and Wrong

A pervasive and recurring explanation that participants used to explain responsibility attributions for children was that, '*the child knows right from wrong*'. Participants' responses were coded under this theme if they either specifically used the words *right* and *wrong* together ($N=51$), or *right* ($N=57$) and *wrong* ($N=130$)

separately, or where the participant referred to children *knowing better*, or being *aware* that what they were doing was unacceptable behaviour (see cases 17 & 29 below). Eighty-five percent of participants referred to children's knowledge of right and/or wrong at least once, doing so on 123 occasions for 10-year-olds, and 143 times for thirteen-year-olds. For example:

“Even a 10 year old can assess whether their actions are right or wrong. Has choices. His responsibility and must be reprimanded when choice is wrong” (case 14)’

“Should be held responsible for actions. Old enough (10-years) to know right from wrong” (case 23).

“I'd expect a 13 year old to be aware of what they're doing. I don't care about the money value” (case 17).

“He (13-year-old) should know better and understand the consequences of their behaviour. They should be aware of other ways to obtain goods that they want” (case 29).

“At thirteen the child would be old enough to understand the seriousness of the crime and the consequences, even if they have been pressured, they are old enough to make the right decision” (case 45).

Participants attributed responsibility to children, even at ten-years-old by arguing that children knew that what they were doing was wrong. Awareness between ‘right and wrong’ was a common argument used to attribute responsibility directly to children. Where participants mentioned older children and knowing the consequences of their actions, only a third of the participants questioned whether children would actually understand the costs of their actions (see below, case 20), the rest unequivocally attributed rational forethought to children of 13-years of age.

6.4.1.2 Premeditation

It can be seen therefore that some participants (45%) felt that children not only knew the difference between right and wrong, but also deliberately engaged in delinquent acts. Responsibility for one's action is often established when one planned, and therefore premeditated the act, that is when one can be said to have had the intent to commit the act. Premeditation for ten-year-olds (20% of participants) was seen as less likely than for 13-year-olds (36% of participants). Participants either specifically mentioned premeditation, or this was inferred, for instance:

“Actions of child (10-year-old) were premeditated, was armed with a weapon, he did not hesitate to use weapon and demanded money” (case 62).

“Old enough to know better, deliberate and planned and dangerous/negligent” (case 83).

“Although the child is only 13 a robbery with violence is a premeditated act which the child would surely know the seriousness of his actions” (case 20).

In case 62 the participant refers to the 10-year-old as having committed and planned the act (premeditated), although as noted only twenty percent of participants attributed this ability to younger children. When referring to the 13-year-old offender's premeditated actions (cases 20 & 83), participants also mentioned that children should know the ramifications of the act. Although in case 20 this is questioned, the participant is not sure whether children do understand the consequences of their acts.

6.4.2 Parental Responsibility

6.4.2.1 Supervision

As mentioned previously parental **supervision** of children is believed to be an important aspect in protecting young people from delinquency. In the *child* scenarios where the participant was specifically giving reasons for children's responsibility, some participants (20%) stated that the parent should have supervised the young person or implicitly suggested that children should not have been left alone. For example:

“The parent has a duty of supervision and to actively prevent antisocial behaviours” (case 9),

“Also the child should not be out, unattended at 7pm with a lighter. The child is not at fault for being unattended at 7pm” (case 24).

In both of the extracts above, and the ones to follow, participants refer to the parent having a 'duty' to supervise. It is taken for granted that parents must supervise their children at all times, and that such behaviour will 'actively' prevent antisocial behaviours.

By way of contrast, in the parent scenarios, the number of times participants mentioned parental supervision increased dramatically to 191 instances. Seventy three percent of participants actually mentioned parental supervision with parents of ten year olds expected to supervise or control their children's actions in more cases ($N=122$), than parents of 13-year-olds ($N=69$), for example:

“10 year olds easier to read and hide things. Again education therefore no parental guidance and supervision” (case 16),

“The child should have adequate supervision - not even in a situation where they can be on their own to commit this vandalism - I would be mainly responsible” (case 42).

Some participants directly referred to the parent's responsibility by suggesting that they should know their children's whereabouts (case 26), and what activities they are engaged in (case 45). For example:

"I am partially responsible because I should know where my 13 year old is at 7pm at night" (case 26),

"At this age if the child is able to get a knife and be going around doing such things the parent should have some control over where and what the child is doing. The child is not old enough to be left without intervention by parents" (case 45).

Many participants therefore appeared to agree with the current legislation that states that parents ought to supervise their children's activities, either through monitoring their children by direct observation or by having actual knowledge of their activities. Moreover, the failure to supervise one's children was perceived to result in young people engaging in delinquent acts, by giving them the opportunity to do so.

6.4.2.2 Lack of parental responsibility

Participants also referred to the parent showing a **lack of responsibility** when children committed an illicit act. There were many participants (84%) who mentioned more than once that the parent's skills were unacceptable either by specifically stating that this was the case or by suggesting that the parent was not paying attention and had not heeded the warning signs, and as such had led to their children's behaviour problems ($N=330$). In the following examples participants specifically stated that there is a problem with the parent's skills:

“This shows lack of parenting skills or gaining help required from outside to ensure correct/acceptable behavioural traits within the community” (case 15).

“These parents are not parents. What is a child doing with a knife and how do they know how to manipulate the man into the street directions? What is the family background or where are the parents if you can call them parents” (case 10),

“This kind of destructive behaviour indicates a breakdown in parenting skills or possible other troubles - attention seeking. There should have been warning signs to indicate trouble was on the horizon” (case 2).

Explicit within these extracts is the notion of the ‘missing’, or ‘deficient’ parent. It would seem that when parents show a lack of responsibility they are seen as lacking in the requisite capabilities of normative parenting. Their status as a parent is questioned. Some participants felt that parents would have gained advance notice of their children’s actions, and had therefore failed in their responsibility for their children. For example:

“The parent has not noticed, or cared about, the child's disturbed emotional state or emotional needs - or has been too autocratic or punitive or strict in attempting to sort out associated rebelliousness, bad moods or behaviour which must have been evident prior to the event” (case 69),

“For not realising that the child was capable of such behaviour before an incident such as this occurred” (case 84).

In the above excerpts participants expressed the belief that parents influence their children’s actions, and when they fail in their responsibility to care for their children, then this can contribute to children engaging in delinquent acts. Notice how the participants posit that a lack of parental responsibility is indicated by the extremes of parenting behaviour, with such parents constructed as inattentive, uncaring, or excessively domineering, punitive, or harsh. Responsible parents are constructed as

those who pay attention to their children, and intuitively know, or are even instinctively aware that children could engage in such an act prior to the act occurring.

Responsibility in the scenarios was attributed therefore primarily to parents for supervising, controlling, and knowing what their children were doing. Participants stated that parents who had children who committed delinquent acts lacked parenting skills, or were not attending to their children appropriately. We now examine how participants mitigated the behaviour of both parents and their children.

6.4.3 Mitigation

To explore how participants diminished children's responsibility the study examined instances where the *age* of the offender was employed to mitigate the children's actions. The notion of *provocation* was also explored, as this is often used in legal jurisdictions to lessen an offender's responsibility (Steinberg, 2003). Finally, the analysis examines the way in which participants mitigated the *parent's responsibility* in the scenarios.

6.4.3.1 Child mitigation

To examine age as a variable of interest in this study the data for child responsibility was coded IMMATURE in instances where participants (42%) mentioned the children's age in conjunction with words such as 'too young', 'only 10' (cases 12 & 24), or implied immaturity (cases 57 & 63). As would be expected, immaturity was employed as a factor mitigating children's behaviour more often for ten-year-olds (N=61) than for thirteen-year-olds (N=11). In the scenarios relating to 10-year-olds, participants gave various reasons based around notions of immaturity, for example:

“Did my child intentionally steal the goods? I reckon too young”
(case 12),

“Child is only 10 years old” (case 24),

“A ten year old will often do a stupid thing on impulse - without thinking” (case 57),

“At ten a child should have a code of ethics, but it isn't fully developed. Why was child alone on a Saturday?” (case 63).

Extreme case formulations are used here such as ‘too’, ‘only’, and ‘fully’ to emphasise the child’s immaturity. Children are positioned as cognitively immature, and therefore incapable of committing such actions. They are constructed as lacking the prerequisites required for responsibility: they are depicted as lacking intent; they are impulsive; and, they are not morally mature.

It is of interest that when participants used immaturity as a mitigating factor for the 13-year-olds the concept was viewed differently. Participants invariably mentioned children’s inability to understand the consequences of their actions (case 69), or referred to the situation as escalating beyond the ability of children (case 55). They did not focus on the actual act itself. For example:

“Most children do not have the fully formed self-awareness, judgement or self-discipline to be held mostly responsible for criminal behaviour - assuming this is a first time incident and impulsive. Even if premeditated such behaviour would not usually be fully understood in terms of consequences, moral frameworks and social responsibility” (case 69),

“Though it might have escalated beyond their expectation, a thirteen year old would understand the ramifications of starting a fire” (case 55).

For these participants age was no longer a reason for excusing older children's actual behaviour. Participants indicated that children of 13-years had matured enough to understand their actions, but not necessarily the consequences of their actions. There were some participants who, regardless of the child's age, saw age as mitigating children's behaviour, due to an inability to understand either their behaviour, or its consequences.

Provocation: When one judges whether another person is responsible for an offence, **provocation** is another mitigating factor that is often considered. Nearly half of the participants (47%) viewed children as responding to the behaviour of others (N=85). When participants employed **provocation** in their attributions for the actions of the 10-year-olds (N=35) they were inclined to indicate that the victim (47%) had provoked the situation (see cases 29 & 56), or to suggest that children's peers (21%) had somehow influenced them (see case 80):

"I think if this was my child then it is very likely that it was provoked in some way and as such would find out more about it, after which I may change my opinion on the responsibility" (case 29),

"The ten year old had intent on deceiving the elderly gentleman into a situation of helping a child with a situation that may have been harmful to the child: however in the current climate the question may be asked whether the elderly man was coercing the child into the vehicle and threatening the child for a period afterwards" (case 56),

"There may have been other children involved and peer pressure may have made him take the goods" (case 80).

In each of these extracts the participant does not deny that children commit the offences, but by creating doubt they suggest that children were enticed or encouraged

to act in this way. This is suggested in the first extract by the terms ‘very likely’, and in the other two extracts with the word ‘may’. Children are constructed in all three as innocent victims of others’ actions. For participant 56 the elderly ‘victim’ is depicted as a predator that entices children into his car, then shouts foul when this fails.

Participants also employed **provocation** to mitigate the actions of 13-year-olds in a similar manner ($N=50$), with peers (see case 92) and victims variously accused of initiating the resulting behaviour (see case 82):

“Child knows it is wrong to steal. Has pocket money. Could have asked if item was special. However, child has given up tennis on Saturdays and is mixing with more "worldly" friends who may have influenced her to steal” (case 92),

“Maybe the young person provoked my child to behave like that” (case 82).

In the first extract the naivety of children is inferred when compared to their ‘worldly’, or more sophisticated mates. These friends are seen to be influencing not just children’s delinquent choices but to have interrupted children’s other more palatable activities, such as sport. The reference to victim provocation by participant 82 ignores the uneven age distribution between the children, with the older child attacking a younger child (in the scenario the offending child attacks a younger child, see Appendix 1). It is younger children who are constructed as egging older children on and thereby ‘deserving’ what happened. Provocation is used to mitigate and thereby excuse children’s responsibility, with children seen as the agent of the act, but not directly responsible due to pressure either from the victim, or their friends.

6.4.3.2 Parental mitigation

Fifty-two percent of participants also felt that various factors mitigated the parent's responsibility in the scenarios, for example, that the parenting of children was not a problem, either because parents were not present at the event (see case 70), or because they had taught their children to act in an acceptable manner (see cases 75 & 84). For example:

“Parents are responsible for raising children and teaching right from wrong and being good role models but cannot take responsibility for behaviour when not present” (case 70),

“You can only bring your children up to be good and decent citizens, therefore it is not the fault of the parent if the child experiences a moment of weakness” (case 84),

“Such behaviour is never modelled, and discussed as a family as being inappropriate. Actions are not a result of parenting” (case 75).

Participants in all three extracts accept that parents are responsible for their children's behaviour, but they deny responsibility by appealing to the notion that parents are not super-human, having done everything they could to produce decent, law-abiding children. There is an acceptance that parents' behaviour is transferred to their children through social modelling, reinforced through communication with their children. The participants position children as having done something ‘*in a moment of weakness*’ (Case 84), or because they had the opportunity to engage in such an act with the parent's absence. Some participants expressed the view that parents cannot be with their children 24 hours a day, for example:

“Because I have to work to make ends meet I cannot be with him all the time” (case 67),

“Of course a parent is responsible just for being the parent but they can't follow their child 24 hours a day. Nor can they predict such an event might occur. All they can do is teach right from wrong and hope their child listens” (case 88),

“No matter how we try, we can't be there for them 24 hours/7 days” (case 87).

These responses appeal to common-sense notions that parents and their children usually spend some time apart during any given day. It is during the times that parents are not available that children are more likely to engage in delinquent acts, thereby dismissing the parents' culpability. Other participants mitigated the parent's responsibility altogether by stating that 13-year-old children were the only ones responsible, for example:

“13 year old is responsible for their own behaviour and actions” (case 38),

“At thirteen he should know better the goods returned and worked off” (case 60).

Participants in these two extracts deny parental responsibility by blaming the child entirely. Children of 13-years are constructed as expected to understand the legal consequences of their actions, and to take responsibility for those acts. The parents' position is absent in the discussion, there is no indication as to whether they were involved in teaching the children to behave appropriately, or not.

Overall the results indicated that participants did, in some cases, believe that young people aged 10 and 13-years can be excused for their delinquent acts because of their age, and that they are subject to the influence of others, and at times they are incapable of controlling their actions. The parents' responsibility was mitigated in the

scenarios in various ways: arguing that parents cannot physically accompany their older children everywhere, or that they had tried to teach their children the moral lessons required and therefore had fulfilled their role as a parent. Absence at the actual event for some participants was enough to deem some parents not responsible for their children's actions.

6.5 Summary

Participants in this study accounted for children's responsibility by using moral accounts such as knowing the difference between right and wrong, and in doing so firmly placed the onus of responsibility for the acts described in the scenarios on children, even for ten-year-olds. They inferred that children would have had the knowledge to understand that what they were doing was wrong, yet they had still persisted in the behaviour. Some participants specifically stated that children had planned and executed the behaviour, which leads to the conclusion that responsibility for the behaviour again lies with children.

Responsibility to parents was attributed by the use of statements that indicated parents should be supervising their children, or at least having knowledge of the children's whereabouts. Moreover, that failing to supervise children led to a lack of control over their children and their consequent behaviour. It therefore appears that parents do agree with psychological research that posits parental supervision does increase the parents' control and therefore children's acceptable behaviour (DiClemente, 2001; Fletcher, 2004; Laird, 2003; Rai & D'Alessandri, 2003). The parent's responsibility was also emphasised when participants referred to situations where parents showed a lack of parenting skills, or failed to attend to their children's

needs. One can infer from this that to be responsible parents requires certain skills, such as attending to children and their behaviours, and that the delinquent actions of children reflect a deficiency in the skills of their parents. Eighty-four percent of participants indicated that children who commit delinquent acts show signs of dysfunction prior to the event, and that parents should react to these situations as they occur, to prevent future offending.

The participants mitigated the responsibility of children by reference to children's immaturity, and by indicating that children had been provoked into reacting in an unacceptable manner. Immaturity in younger children meant that they were incapable of the act itself, whereas for older children, immaturity related to their inability to understand the consequences of the act, or to realise that the act could spiral beyond their control. Children's responsibility was also diminished by reference to victims, or the children's peers provoking them to engage in the behaviour. Children here are constructed as innocent parties merely reacting to the badgering of others, or as those who are being misled by other miscreants.

When excusing parents participants suggested that if parents had educated their children in appropriate behaviour then they could hardly be held responsible when children ignored this and acted in a way contrary to their teachings. Responsibility of parents was also mitigated by arguing that even responsible parents could not monitor their children's activities 24-hours a day, and for some participants that meant that if parents were not present when the act was committed then they were not responsible at all. Stating that the behaviour is the child's responsibility, not the parent's, also mitigated parental responsibility.

6.6 Discussion

As all the participants were parents of children aged 10-18 years of age their views of parental responsibility are important to understand, both in a legal and psychological sense. These findings give an insight into whether parents agree or disagree with the rationale behind the current parental responsibility legislation, and also some way of gauging whether such legislation will indeed protect the public against juvenile crime. Findings from this study indicate that parents concur with current legislation that encourages children to take responsibility for their illicit acts, if they understand notions of right and wrong. Findings also suggest that parents recognised that there is a cognitive difference between the 10-year-old child and a thirteen-year-old, with older children expected to be aware of the consequences of their actions. In contrast, younger children's delinquent status was questioned by reference to their lack of understanding of the act itself, which is consistent with current legal standards.

In the context of the strong emphasis in parental responsibility legislation on parental monitoring and parental knowledge of their children's behaviour, the findings indicate that parents also believe that children who are supervised by their parents are less likely to have the opportunity to offend. Moreover, parents in this study agreed that children who offend might have parents who lack appropriate parenting skills. But the findings also suggest that there are many instances where parents felt that they should not be held responsible, for example, when parents have acted responsibly and children still offend. The findings also indicate that parents do not agree with 24-hour surveillance of their children, especially once children reach 13-years of age.

This qualitative study does however have some limitations. This is the first study to approach the topic of parental responsibility in this way, and the findings represent the opinions of only 92 parents and as such are to be viewed with caution. Another limitation was the repetitive nature of the task: participants had to read each of the 8-scenarios and then comment on each individually for the child and the parent. To overcome order effects each participant was given the scenarios in random order, but some effect of this repetitiveness may be present. As the study had only one person coding and analysing the data this may also bias the interpretation of the data.

Despite these limitations this study adds to our knowledge of what parents, as the major stakeholders in parental responsibility legislation, view as important when accounting for responsibility or lack of responsibility of children and their parents in delinquent situations. Any legislation that can have a major impact on families (by sending the parent to jail, or imposing a major financial hardship on the family) needs to be studied to ensure that it succeeds in achieving its goals in a positive and effective way. The notion that as children age their responsibility for their delinquent actions is increased, suggests that children around 16-years may be viewed as completely responsible for their delinquent acts. The following two chapters present the quantitative (Chapter 7), and qualitative (Chapter 8) results of a larger study designed to examine parents and children's responsibility once children reach 16-years of age. These two chapters are then followed by the statistical and qualitative findings from the 3-general questions asked of participants in both studies.

Chapter 7: Parental responsibility for the older child compared to the younger child

7.1 Introduction

Legal jurisdictions in most countries are known to distinguish children from the age of fourteen onwards as different from their younger counterparts. This is especially obvious in many countries once children reach the age of 16-years, with many adolescents of this age treated as adults especially for more serious offences. Current discussions in the media by South Australian politicians in relation to arson offences committed by adolescents give insight into the current status of adolescents in the legal jurisdiction. The State Opposition party has recently proposed that adolescents of 16-years should be treated in a similar way to adults for engaging in arson offences. The South Australian Attorney General argued that 16-year-olds in some cases are already treated as adults. As previously discussed in Chapter 5, children prior to 14-years of age are considered cognitively and socially immature, but once children reach 14-years-old they are no longer seen as ‘innocent’ children, rather they are treated as immature adults. Although, participants in the study reported in Chapter 5 acknowledged children’s immaturity, they did not agree that children were bereft of responsibility rather they attributed responsibility even to ten-year-olds when they committed a delinquent offence. They also attributed relatively lower levels of responsibility to the parent of the offender.

This chapter presents legal understandings, and psychological research that examines responsibility in adolescents. The final task of this chapter is to present a study designed with the upper limits of parental responsibility in mind, by examining whether

the age trends that were apparent in the first study for ten and thirteen-year-old children, are also obvious for 16-year-old adolescents. Do parents cease to be responsible for older children? Do parents view themselves as responsible at all for the illicit acts of their 16-year-old adolescent children? As with the previous study, the effect of the type of the offence and severity of the offence on attributions of responsibility is also examined.

7.2 Criminal responsibility mitigated by age

From the age of 14-years up to but not including 18 years of age, Australian adolescents are considered responsible for their illicit actions, but age usually mitigates their treatment within the criminal jurisdiction. They are defined as juvenile delinquents, not criminals, and are usually dealt with by Youth Courts. The sanctions apportioned to them for their offences are more lenient than if they were adults. While 14 and 15 year olds are considered almost as immature adults, once children reach 16-years of age there does appear to be another significant change in their treatment in many legal jurisdictions. This may be because between the ages of 16 and 18-years, adolescent children are able to gain a driver's licence, and therefore drive a car or motorbike, and in some cases leave the family home. Moreover their educational level, if they have continued to senior levels, may well be more advanced than their parents. Adolescents from this age are viewed as having reached a significantly higher level of cognitive and social maturity than their younger counterparts. Regardless, there are many legal jurisdictions that do treat the 16-year-old who commits a serious offence as an adult, in adult legal courts (Halikas, 2000). For instance, as previously mentioned in Australia, America, and in Britain, children younger than this have been prosecuted as adults for more serious crimes (Melton et al., 1997; Howell, Krisberg, & Jones, 1995, cited in

Halikas, 2000). America currently has minors waiting to be executed, with adolescents of 16-years on death row for murder (Steinberg, 2001). But in most legal jurisdictions adolescents who are under 18-years are treated more leniently than adults who commit similar offences, due to the acceptance that their maturity and identity are still underdeveloped. The justice systems of many countries recognise that adolescent children below 18-years are still not at the same cognitive level as adults, and consequently treat them more leniently.

7.3 Psychological understandings of older children's development

Psychological studies have posited that adolescents of 14-years onwards still lack the cognitive and social skills of adults. Research indicates that adolescents of these ages are seen to engage in risky behaviour as part of their development (Steinberg, 2003; Gonzales, 1994). Their decision-making skills are still developing as they reach adulthood (Steinberg, 2003; Palmer, 2000; Lewis, 1981). Furthermore the adolescent child's personality is viewed as malleable and therefore subject to change, unlike an adult's character which is seen as established and permanent (Halikas, 2000; Moffitt, 2001; Kelley, 1997). Gradual independence from adults has also been posited as a requirement for adolescent children's positive development (Kenny, 2002; Levy, 2001; Palmer, 2000; Jones, 2000; Pardeck, 1990). Research also indicates that even at this age they are still vulnerable to peer pressure (Wiesner, 2003), impulsiveness, and to lack equivalent adult cognitions, and the ability to make informed decisions. This section will briefly examine each of these aspects of children's development.

7.3.1 Risk-taking

Children of 14-years are believed to still not understand all the possible ramifications of their actions (Lewis, 1981). Engaging in risk taking behaviour has been described as “sensation seeking”, and a normal part of environmental adolescent exploration (Gonzales, 1994). Young people are posited to intentionally engage in risk taking activities in order to gain power over their own reality, and to cope with the emotional and psychological aspects of their environment (Jessor and Jessor, 1977: cited in Gonzales, 1994). They are said to validate their own character through such activity. Such behaviour also distinguishes young people from other groups in society, giving them the rights of passage denied to others (Gonzales, 1994). Whether through engaging in high risk sports activities, or activities that involve danger, or joining a gang, driving fast, engaging in promiscuous sexual activity, using illicit drugs, or any one of a number of other risky behaviors, the adolescent can be seen to both strive for, and suffer from the highs and lows involved in such precarious decision making (Lewis, 1981). Gonzales et al. found that adolescents who engaged in extreme risk-taking were not as close to their mothers than lesser risk takers, and were also engaged in less community responsibility activities than their peers (Gonzales, 1994).

Risky behaviour can therefore be seen to contribute to the delinquent activities engaged in by children. It must also be mentioned that some academics have proposed that delinquent behaviour in adolescence is ‘normal’, and that juvenile crime statistics merely reflect the numbers of young people actually caught (Grisso 1998, cited in Halikas, 2000). This is not the only aspect of adolescent development that contributes to delinquency, with their immature decision-making process also viewed as a significant factor.

7.3.2 Decision-making

Although some have argued that adolescents' decision-making capacity has reached similar levels to adults, Steinberg et al. (2003) argue that this is not the case. They suggest that the psychosocial immaturity of adolescent children limits their ability to decipher all the possible consequences of any given action. Adolescent children's temporal, moral and social expectations are posited to differ from adults and, it is therefore argued that they cannot be viewed as equivalent to adults. It must be noted here that in Lewis's study (1981) mentioned in Chapter 5, even at 18-years of age only half of the cohort considered the future consequences of actions. This result brings into question whether even at 18-years young people are truly responsible for their decisions, especially their decisions to engage in illegal activities.

Research also indicates that some adolescents are unable to decipher the body language and communication of others and therefore misperceive the language and behaviours of others and act on these misperceptions (Palmer, 2000). These adolescents view the actions of others as aggressive and react accordingly, whereas with hindsight it can be seen that they misconstrued the signals (Palmer, 2000). As such the decision-making choices of such adolescent children is suspect and capable of change with some skills education. It is this malleability of adolescents that I will now discuss.

7.3.3 Malleability

The aspect of children that is probably most important of all when considering responsibility is that until 18-years of age adolescents are viewed as having a malleable

identity that has not yet formed and as such cannot yet be viewed as indicative of a ‘bad’ or ‘good’ person (Steinberg, 2003). This malleability is indicated by the fact that the majority of young people begin their antisocial career at around 12-years, and usually cease prior to 18-years (Smart, 2004), therefore signifying that this is a normal developmental pattern in children’s growth cycle (Moffitt, 2001; Halikas, 2000; Kelley, 1997). As such then legal jurisdictions treat adolescents as engaging in delinquent behaviour as a result of their cognitive and social immaturity rather than out of malice or disposition. Research has shown that even adolescents who engage in several delinquent behaviours that come to the notice of the police are also in most cases seen to desist in such behaviour once they reach legal adult status (Smart, 2004). Only a minority of children continue to offend into adulthood, and it is these offenders who are labelled as criminal. Another aspect that needs to be considered when discussing adolescents and parental responsibility is the notion of children gaining independence leading to adulthood.

7.3.4 Independence

Independence from the family is often sought from approximately 14-years onwards. It is also reported that once children reach adolescence they tend to spend increasingly less time with their parents, gaining in their independence and therefore autonomy (Levy, 2001). This has been found to be especially the case with the fathers of adolescents (Larson & Richards, 1994: cited in Jones, 2000). Fathers have also been reported to encourage the autonomy of their sons and daughters more than mothers (Kenny, 2002). It has been posited that older children engage in various practices to gain autonomy through making social relationship choices, and assessing their choices, and

practicing the principles of right and wrong (Steinberg, 2003). Adolescent children are said to engage in each in order to gain independence.

Parents too are seen to be predictors in how fast or slow children will push for independence (Pardeck, 1990). Furthermore, as adolescent children push for autonomy conflict between children and their parents can emerge, but as Pardeck et al (1990) postulate, this is an expected part of gaining independence. Pardeck et al's position reflects Erickson's theory of adolescence as one of turmoil and conflict, which results in healthy outcomes for children as they develop their own independent identity. Where the striving for independence fails, adolescent children have been shown in some cases to engage in anti-social acts, and to have other socialisation problems (Erikson, 1959, 1968; Muuss, 1988; Protinsky, 1988: cited in Levy, K, 2001).

This is apparent in the comments of Landry et al. (2000) who note that many studies report that high parental control can negatively impact on adolescents' social autonomy (Lynch, 2002; Crockenberg and Litman, 1990; Parpal and Maccoby, 1985; Rocissano et al., 1987: cited in Landry, 2000). Such intense control by parents could undermine adolescent attempts to self-regulate, and function as individuals. Lynch, Hurford and Cole (2002) in their study found that some parents practiced what they defined as 'enabling' behaviour. Enabling behaviour is seen as encouraging adolescents to excuse their poor behaviours, because their parent will manipulate and protect their adolescent children from any form of punishment. Those adolescent children whose parents practiced enabling behaviours were less likely to take responsibility for their actions, and were less likely to develop independence (Lynch, 2002). Some studies have also argued that parents must teach children a sense of responsibility and autonomy

otherwise children will fail to grasp a sense of accountability or free will (Taylor et al, 1997), whereas others have proposed that the parents of older adolescents no longer have, or need to have control of their child's behaviour (Polk, 2003). Parenting effects are stated to gradually decline after adolescence (Sim and Vuchinich, 1996; cited in Jones, Forehand, & Beach, 2000). Parental responsibility for their adolescent children's behaviour has one presumes declined by the time they reach adulthood, although as many participants argued in the first study parents still feel responsible for their adult children's unlawful behaviour (See also Chapter 9).

7.4 Summary

The older adolescent is judged as not only capable of committing criminal acts but also of having the intent to do so, though not to the same extent as the adult offender. The sixteen year old in most Western legal jurisdictions is considered 'almost' equivalent in maturity to the adult. In some Western countries children of 16-years are imprisoned, and executed for serious criminal behaviour. In Australia one could argue that until the age of 18-years, adolescent children are not designated as 'criminally' responsible for their illicit behaviour. They are sanctioned from 14-years onwards as capable without question of committing an illegal offence, and therefore labelled as delinquent, but until the age of 18-years they are not actually labelled as criminals. Australian legal jurisdictions, in general, consider that children under 18-years have deficits in those factors that affect criminal choices.

Psychological research also confirms that adolescents of this age are prone to risk-taking behaviour without the full cognitive and social skills needed to make correct decisions. Yet this behaviour is seen as needed to enhance proper development.

Adolescent children are also viewed as capable of rehabilitation due to the pliability of their character, and as such are treated more leniently than adults. At the same time adolescents are proposed to be engaging in behaviour that promotes their independence, and the autonomy that is expected of them once they reach adulthood. Parental responsibility legislation is imposed within this developmental and social environment.

This chapter extends the findings of the study reported in Chapter 5 and details the effect the age of the offender (10-years, or 13-years, or 16-years), the type of offence (property or personal), and severity of the offence (low or high) have on attributions of responsibility to both parents and children in scenarios where the young person has been apprehended for committing an offence. In the previously presented studies, participants evaluated both 10-year-old and 13-year-old children, enabling possible comparisons from each participant. This study used a slightly different approach with participants only asked to comment on one age group, either 10, 13 or 16 years to limit the number of reported responses required from each participant. Moreover, I have included an older age group of 16-years because it is clear that there are legal and psychological differences posited for this age group from those of the younger groups.

7.5 The Data

7.5.1 Participants

The sample consisted of 121 mothers and 56 fathers ($N=177$). The average age of participants was 44.15 years (range 27-60 years). All had care and control of at least one child between 10 and 18 years ($N=456$). The average age of the first-born child was 18.14 years ($SD= 4.29$), and for the second-born, 13.75 years ($SD=6.14$). Participants

were recruited through friends or parents of third year Psychology students. Informed consent was sought and gained from all participants, who were assessed individually.

Demographic information indicated that the educational background of the sample was representative of current South Australian norms, with 39.6% of participants pursuing a tertiary education at the time of the study, and 18% of participants having attained a University degree, with nearly half of the participants reporting no such further education (42%). Participants' income levels indicated that 44.3% of the participants earned less than \$50,000 with 32% of the sample earning more than \$75,000.

7.5.2 Procedure

Each participant was asked to place themselves in the position of the parent in 5 hypothetical scenarios concerning various infractions of the law (see Appendix 2). The participant was asked to indicate the degree of responsibility attributed to the parent and to the child for each scenario, using a 5-point Likert Scale (1: *not at all*, 2: *partially*, 3: *equally*, 4: *mainly*, 5: *totally*). Answers were entered in the spaces provided after each scenario.

Participants were also asked to complete the *Parental Locus of Control Scale* (PLOC: (Campis, 1986). In the PLOC scale, items tend to be numbered in factor order (e.g. items 1-10 relate to *parental efficacy*, etc.). In this study the items were randomised to minimise order effects. Participants were instructed to answer these questions along a 5-point Likert scale ranging from (1) *strongly disagree* to (5) *strongly agree*. As in the

previous study, participants were also asked whether the police had previously apprehended them to ascertain whether their own involvement with the criminal justice system would affect their view of responsibility.

7.5.3 Materials

7.5.3.1.Scenarios:

The five hypothetical scenarios related to illicit acts by young people. Each participant received 5 scenarios that related to a child aged either 10, 13, or 16 years of age, involved in either a property or personal crime, or a combination of both. The severity of the crime (*low* or *high*) was also manipulated. This is a repeated measures design with type of offence and severity of offence as within subjects factors, and the age of the offender as a within subjects factor. Below is an example of the type of scenario used in the study; this particular scenario is specific to the personal crime of high severity for all age groups:

The police arrive at your home to inform you that your child has been charged with assaulting an elderly man with a weapon, and attempted robbery. Your child walked past the victim, then turned around and followed him down a side street, and then stopped to ask him the time. Your child then pulled out a knife and threatened to cut the victim if he did not give him all his money. The victim attempted to stop your child and, in the process, was cut on the arm and leg by the knife. The victim has suffered major injuries, and is also extremely upset and anxious. Your child admits that they did do the things described to the elderly man.

Participants rated responsibility attributions on the Likert scale for both the child and the parent in each scenario. Three general questions were also asked: the first, regarding *the age at which parents believed that responsibility is attained by young people*; the second, asking parents *at what age they believed parental responsibility ended*; and third, *whether parental responsibility laws should be introduced* (See Chapter 9 for results of general questions).

7.6 Results

Repeated measures ANOVA were conducted with age categorised as a between-subjects variable (participants only made attributions for one age category), and type of offence and severity of offence as within-subjects variables. The fifth scenario involving both a property and personal offence was not included in the analysis; as the structure of this question was in itself questionable. Of interest is that for children's responsibility all means are once again above the mid-point of the 5-point scale (see Table 1 below), so overall the sample attributes relatively high levels of responsibility to children. In contrast, the sample attributes relatively lower levels of responsibility to parents for their children's offences, with all means below 3 on the 5-point scale (see Table 1 below). Moreover, older adolescents, on average, are not attributed complete responsibility for their delinquent behaviours.

7.6.1 The effect of age on child and parent attributions?

Repeated measures ANOVA revealed that AGE of the offender has a significant effect on responsibility attributions to children ($F(2,167) = 9.31, p < 0.05$). A Tukey's HSD test indicated that the responsibility attributed to ten-year-old children was significantly lower than that attributed to both older aged groups (see Table 2). The age of children affects attribution of responsibility by increasing responsibility as children's age increases (See Table 1 below). Sixteen-year-olds are attributed more overall responsibility ($M=4.39, SD=0.87$), than 13-year-olds ($M=4.21, SD=1.03$), and 10-year-olds ($M=3.76, SD=1.13$) respectively.

Repeated measures ANOVA also revealed that AGE of the offender has a significant effect on responsibility attributions to the parents ($F(2,159) = 11.84, p < 0.05$). Parental responsibility decreases as children's age increases, with parents of 10 year olds attributed greater responsibility ($M=3.05, SD=1.31$), than parents of 13-year-olds ($M=2.49, SD=1.40$), and 16-year-olds ($M=2.10, SD=0.82$) respectively. Parents of 10-year-olds were attributed significantly greater responsibility: the responsibility of the parents in this group was viewed as significantly different from the parents of the older age groups (see Table 10).

Table 7: Attributions of responsibility to the parent and child by age of offending child

	10-years	13-years	16-years
Child	3.76 (1.13)	4.21 (1.03)	4.39 (0.87)
Parent	3.05 (1.31)	2.49 (1.40)	2.10 (0.82)

* Tukey's HSD = 0.45 (10-year old group significantly different to 13 and 16-year groups).

What is also apparent when examining Table 10 is that for 10-year-old children and their parents, there seems to be almost a shared relationship with both attributed relatively similar levels of responsibility. In contrast, the responsibility of children 13-years onwards and their parents appear to diverge. Children subsequently gain more responsibility with age, with their parents seeing their responsibility as diminishing with increases in children's age.

7.6.2 The Effect of type of offence on attribution of responsibility to the child and the parent

An analysis of variance failed to detect any significant effect between the offence TYPE (property or personal) and attributions of responsibility. This was evident whether responsibility was being attributed to the parents ($F(2, 159) = 0.68, p > 0.05$), or the child ($F(2, 167) = 1.82, p > 0.05$). Children were attributed similar responsibility regardless of whether the offence was a property ($M = 4.15, SD = 0.99$), or personal offence ($M = 4.08, SD = 1.04$). Parents too were attributed the same level of responsibility for both property ($M = 2.52, SD = 1.22$), and personal offences ($M = 2.53, SD = 1.08$).

7.6.3 The effect of severity of the offence on attributions of responsibility to child and parent

The SEVERITY of the offence does appear to have a significant effect on attribution of responsibility to children ($F(2, 167) = 13.43, p < 0.05$), and to parents ($F(2, 159) = 14.60, p < 0.05$) (see Table 11 below). Children who commit high severity offences are seen as more responsible for their offence ($M = 4.23, SD = 0.96$), than

children who commit less severe offences ($M= 4.01$, $SD = 1.06$). Parents whose children engage in high severity offences are viewed as more responsible ($M= 2.66$, $SD = 1.28$), than parents whose children engage in less severe offences ($M= 2.39$, $SD = 1.19$).

There was also a significant interaction effect of severity of the offence with the type of offence for children ($F(2,167) = 19.91$, $p < 0.05$), but not for parents ($F(2,159) = 3.47$, $p > 0.05$). Although participants appear to relegate responsibility to children similarly for property offences of both low ($M= 4.16$, $SD = 0.99$), and high severity ($M= 4.15$, $SD = 0.98$), offences against the person of low severity attract less responsibility ($M= 3.86$, $SD = 1.14$), than those of high severity ($M= 4.30$, $SD = 0.96$).

Table 8: Severity and type of offence for child and parent

	Child Low	Child High	Parent Low	Parent High
Property	4.16	4.15	2.36	2.68
Personal	3.86	4.30	2.42	2.64

Attribution of responsibility to the parent consistently sees parents attributed more responsibility for high severity personal ($M= 2.64$, $SD = 1.30$), and property offences ($M= 2.68$, $SD = 1.26$), than low severity offences (property: $M= 2.36$, $SD = 1.19$; personal: $M= 2.42$, $SD = 1.19$).

7.6.4 *The effect of parents' locus of control on attributions of responsibility to parents and children*

Pearson's product moment correlation coefficients examined the relationship between the parents' locus of control, and responsibility attributed to children. The PLOC sub-scales of parental-efficacy (PE), child-control (CC), and fate-chance (FC) all demonstrated significant negative correlations with children's responsibility attributions, but only for offences of low severity (See Table 12). This indicates that participants with high scores on these variables are more likely to attribute less responsibility to children. This can be seen for example using the parental efficacy sub-scale in that parents who consider themselves low in efficacy (they believe they have little effect on their children's behaviour) also attribute less responsibility to child offenders.

Table 9: Correlations between attributions of responsibility to child and parental locus of control factors

PLOC	Fate chance	Efficacy	Resp[^]	Parent Control	Child Control
Property low	-.216**	-.174*	.148	-.115	-.175*
Property high	-.054	-.009	.256**	-.151*	-.132
Personal low	-.250**	-.261**	.177*	-.179*	-.218**
Personal high	-.071	-.057	.224**	-.085	-.121

** Correlation is significant at the 0.01 level (2-tailed)

* Correlation is significant at the 0.05 level (2-tailed)

[^] Responsibility

The PR and PC sub-scales also show some significant positive correlations with the offences, but not for low severity property offences. An examination of the PR sub-scale suggests that parents who do not believe they are responsible for their children's behaviour attribute more responsibility to children for offences against the person (low

severity: $r = 0.18$, $p < 0.05$; high severity: $r = 0.22$, $p < 0.05$), and high severity property offences ($r = 0.26$, $p < 0.05$).

In the case of attributions of parental responsibility and the PLOC sub-scales it can be seen in Table 13, that there was no significant relationship for any of the offences. It is apparent that there is a negative relationship between the PR, PC, and PE scales, and attributions of responsibility to parents for all offences.

Table 10: Correlations between attributions of responsibility to parents and Parental Locus of Control factors

PLOC	Fate chance	Efficacy	Resp [^]	Parent Control	Child Control
Property low	.102	-.073	-.070	-.045	.111
Property high	.073	-.028	-.078	-.030	.122
Personal low	.007	-.093	-.122	-.064	.042
Personal high	.016	-.128	-.133	-.029	.130

** Correlation is significant at the 0.01 level (2-tailed)

* Correlation is significant at the 0.05 level (2-tailed)

[^] Responsibility

Also apparent in Table 13, that there is a positive relationship between attribution of responsibility to parents and the subscales of FC and CC, but these are not significant.

7.7 Summary

In this study, participants indicated that as children's age increases from 10 years to 16 years so too does the expectation of responsibility of children. Parents over this time decrease their level of responsibility for children's actions, such that by the time children are 16-years-old they view themselves as having little responsibility for their children's actions. However, at no stage did parents relinquish total responsibility, even

when children were defined as 16-years of age. Evident in these results was that the parents viewed 10-year-old children as distinct from the thirteen and 16-year-olds when understanding responsibility. While age increases resulted in increased responsibility to children, younger children were handled differently from adolescent children. This is somewhat similar to legislative notions of child responsibility with the children of 14-years of age viewed as slightly less mature to the 16-year-old, with age somewhat mitigating children's actions.

The effect of severity of the offence was to increase responsibility to both parents and children. This effect occurred whether the offence was a property offence or an offence against the person. Also found was an interaction effect for severity offence and type of offence, but only for attributions of responsibility to children. This resulted in children being attributed a similar level of responsibility for property offences regardless of the severity of offence committed, but a distinct difference in the level of responsibility attributed if children committed an offence against another person. High severity offences against the person resulted in increased responsibility to children, with a resultant lower level of responsibility attributed for less severe acts.

The parents' locus of control did affect attribution of responsibility to children with parents who were assessed as low in efficacy, and power over their children attributing less responsibility to their children for misbehaviours. Those parents who were low in responsibility viewed children as more responsible for their behaviour. When attributing responsibility to parents' participants who were low in responsibility, effectiveness, and child control also believed parents bore little responsibility for their children's actions. These results suggest that modelling of responsible behaviour in

such an environment would be minimal; as such parents would feel little compulsion to teach their children skills they do not engage in.

7.8 Conclusions

This study has given further insight into how parents view their own responsibility and that of their children when children commit illicit offences. These results indicate that age significantly influences responsibility attributions to children and their parents by moderating the level of responsibility based specifically on children's age at the time of the offence. The findings of this study suggest that parents view children of all ages responsible for their own actions, even when children are 10-years-old. Unlike legal jurisdictions parents can be seen to attribute responsibility to children even where children are still cognitively immature. Responsibility to the parents is seen to decrease as children age, but even for 16-year-olds parents are still attributed some responsibility for their children's actions. Consistent with previous studies parents appear to believe that as children age, so they should become more responsible for their own actions, one assumes thereby promoting their independence from parental control (Lynch, 2002; Levy, 2001; Landry, 2000; Pardeck, 1990).

The severity of the offence appears to affect attributions of responsibility by increasing children's and their parents' responsibility as the severity of the offence increases. This is consistent with 'functional' attribution of responsibility as posited by Baldwin and Kleinke (1994), with increased severity of the offence resulting in increased responsibility attribution to the offender (also posited by Taylor & Kleinke, 1992; cited in Stewart, 2005). Another interesting finding is that of the low severity personal offence attracting the lowest level of responsibility attribution. Although the

type of offence had little effect on attributions of responsibility, offences against the person where this offence involves minors in violent/aggressive behaviours appears to be taken less seriously by participants. It is possible that (as many participants in the first study alluded to) this offence is treated more like a bullying incident rather than a 'criminal' offence, and results in less responsibility attributions to children. It could also be posited that parents believe that as children are impulsive, impressionable, and subject to the influence of others, this incident should be regarded as less controllable for children when reacting to such situations. Furthermore, the offence against the person offence may in itself 'naturally' lend itself to protestations of provocation, unlike property offences. However, it is important to point out that as, many psychologists argue that bullying behaviours at a young age can develop into violent behaviours in adulthood, parents reactions to this scenario may suggest the reason why bullying in schools is so difficult to control.

7.8.1 Limitations of the present study

There were limitations in this study in that participants were asked in the questionnaires to summarise a lifetime of parenting into simple generalised statements that may have been relevant for one of their children but not all (Himmelstein, 1991), or may have indicated current behaviour but not past behaviour. Also many parents may have been commenting on an age group that their child had not yet reached and that they had therefore not yet become familiar with as a parent. Participants in this study were not subjected to as many scenarios as participants in the previous study, eliminating the effect of boredom. As mentioned previously (see Chapter 5), participants in the first study were given eight separate scenarios, 4 for each age group (10 & 13 year olds). To replicate the previous study using three age groups would have

meant giving participants 12 scenarios, therefore each participant was given only one age group (either 10, 13 or 16 year old offender).

The present results do mirror those of the first study, with some exceptions. The gender differences found must be investigated further as they are most important for our understanding of why more young men offend than young women. This thesis was unable to further investigate these differences but future studies should follow this up. The next chapter presents the qualitative analysis of the reasons given by the participants in this study for attributing responsibility to children and parents.

Chapter 8: Attribution and mitigation of parent and child responsibility for older children: A Qualitative Analysis

8.1 Introduction

Various incidents where adolescent children have killed schoolmates and teachers have prompted some investigators to focus on notions of parents' responsibility for the incident, rather than just concentrating on the children's responsibility (Lickel, 2003). This chapter examines how parental responsibility legislation is justified. There is a taken for granted assumption that responsibility is seen as shared between children who offend and their parents. The importance of this topic was highlighted by the findings from the two previously described studies in this thesis. Participants in both studies indicated that they as parents believe that parents do share some responsibility when children offend. Legal researchers have alluded to the parents' responsibility in such cases as 'vicarious' responsibility, another way of referring to the mutual relationship they share (Lickel, 2003; Tomaszewski, 2005). Some have argued that parents are responsible because of the 'role' that they play as their children's superior, with control of their children's actions and beliefs, at least at younger ages (Conte, 2004; Chapin, 1997; Hamilton, 1981; Hamilton, 1978). Yet others argue that parents cannot be held criminally responsible, but are possibly morally responsible for their children's illicit behaviours. Arguments against the idea of parental responsibility include that at best parents have a 'causally deviant' responsibility when the children offend (Pizarro, 2003).

This chapter will investigate the notions of parental responsibility posited by various researchers to allude to how parents can be held responsible when their

children offend. The final purpose of this chapter is to examine the qualitative data of the 177-participants from study two.

8.2 Shared responsibility

Parental responsibility is based on the belief that parents by virtue of their status and relationship with their children are directly responsible for their children's actions (Tomaszewski, 2005). The connection that parents and their children have is viewed as a shared, yet not equal relationship, with the parents having authority and control for most of their children's earlier years (possibly around 16-years). It is this connection that allows such legislative measures to be proposed. Various researchers have proposed that this relationship is one of mutual (Lickel, 2003), 'task' or 'role' responsibility, and in legal terms, 'vicarious' responsibility (Tomaszewski, 2005; Chapin, 1997). In all these terms there is acknowledgement that the parent did not actually commit an offence, rather that they encouraged, or ignored the actions of their children thereby contributing to the offence (Chapin, 1997). This section will now examine each of these notions of responsibility in relation to parental responsibility.

8.2.1 Vicarious responsibility

In legal terms, parental responsibility is seen as one of a 'vicarious' nature that connects parents to their children's illicit actions (Alicke, 2000; Chapin, 1997). As such parents are positioned as if they had committed the unlawful act of their child and sanctioned accordingly, though not in place of their child who may also be sanctioned. The parents' position of having a duty to care for and teach children socially appropriate lessons, means that where parents fail to adequately supervise their

children, or are negligent in their parenting they can be held liable for their children's actions when they offend. Such responsibility is attributed in common law cases where a person who is responsible for another for example an employer is found to be negligent for the actions of their employees (Tomaszewski, 2005). In the case of parents being found vicariously responsible in common law, it would have to be demonstrated that the children's actions were the result of the parents' negligence.

Tomaszewski (2005) argues that many North American states have employed the argument of vicarious responsibility of tort law, both in common law and civil law to hold parents responsible for their children's offending. Vicarious responsibility relies on demonstrating that the parent either engaged in or did not engage in some behaviour in the past that then resulted in their child offending at a later date (Tomaszewski, 2005; Hamilton, 1981). Research has indicated that delinquent behaviour by adolescent children is predictive of parents' behaviour two years prior to children offending (Smith, 2004). Alicke (2000) posits that parents are held vicariously responsible by appealing to the notion that they should have been able to foresee that their own behaviour could have resulted in the child acting in a delinquent manner. This may be possible where it can be shown that parents neglect their children, or even where a lack of responsible supervision is shown, but difficult to demonstrate where parents fail to understand that their own failings may or may not result in their children committing a delinquent act in the future (Chapin, 1997). The vicarious responsibility of parents in civil cases is argued to give parents little protection from prosecution as the link between children's delinquent behaviour and the parenting they received does not have to be shown, and according to some, has never been demonstrated (Tomaszewski, 2005; Thurman, 2003; Chapin, 1997).

Parental responsibility legislation relies on the notion of vicarious responsibility to administer sanctions, by proposing that the parent-child relationship bears a causal behavioural connection. That is, socially inadequate parents produce equally socially inadequate children. Vicarious responsibility has also been defined as ‘collective’ responsibility outside of legal jurisdictions.

8.2.2 Collective responsibility

In two separate studies Lickel, Schmader, and Hamilton (2003) examined participants’ opinions of ‘others’ responsibility, where children offend. Aware that the media reports of the Columbine High killings continually consigned, and linked responsibility to the children’s parents and an Internet group that the children were in contact with, Lickel et al. (2003) examined what they termed ‘collective’ responsibility. They administered a short questionnaire to 113 participants in the first study and 109 participants in the second study. They found that parents and the Internet group were held jointly responsible by a majority of the participants in both studies. Moreover, they also found that parents were held responsible because they failed to stop the children from engaging in the killings (called omission) (Lickel, 2003). The Internet group was seen as responsible for encouraging the children’s actions (called commission). In their follow-up study, despite introducing other groups of choice (for example: the children’s friends), parents and the Internet group were still seen by participants as most responsible for the children’s actions. Unfortunately the responsibility of the children was not questioned, in either of their studies, nor was the relationship between the children’s responsibility, and their parents.

8.2.3 Role or Task-based responsibility

Conte and Paolucci (2004) suggest that parents' responsibility is a task-based responsibility that relies on the parents' role as those with the authority to control and supervise their children. They argue that as parents have a duty to perform certain actions in the role of parents, so they bear responsibility when their children fail to reach societal standards. Hamilton (1978) states that:

“Roles are interpreted attributionally as normative contexts within which actions are evaluated, rather than as external or situational constraints on action” (p. 316).

That is, by referring to one's position in society people are able to evaluate a person's responsibility. Parents are considered as having a duty to protect, educate, nurture and direct their children's behaviour. Hamilton and Sanders (1981) suggest that 'role' responsibility is a 'status' type of responsibility, where the relationship is hierarchical (parents having power over children), and is usually long lasting. In their study they found that where participants viewed an authority figure as failing to undertake an expected duty that resulted in a deviant action by an assistant, responsibility was attributed to the authority figure (Hamilton, 1981). In contrast, responsibility was not attributed to the authority figure if the deviant action of the assistant was not a result in some failure in duty of the authority figure. Another interesting finding from their study was that participants were more subjective in their judgements of responsibility for family situations, when compared to judgements of responsibility for corporate situations. Many researchers suggest that unless a person commits a criminal act then

they should not be held responsible for that act and have questioned this causal connection.

8.2.4 Causally deviant responsibility

Pizarro et al.'s findings are relevant in relation to the topic of parents' responsibility when their children commit illicit actions. They found that where the "necessary condition of causal control" was not present in a situation, responsibility assignment did not occur (this is based on Weiner's notion for evaluations of responsibility, cited in Pizarro et al., 2003, p.655). Participants in their study were unable to attribute responsibility to an offender in scenarios where the death of the victim though intended by the offender to happen was not a direct result of the offender's actions. They surmised that participants positioned the offender's responsibility as 'causally deviant'. They posit that as the offender did not actually commit any offence, though they wanted to, the participants were unable to directly attribute responsibility to the offender (Pizarro, 2003). This finding echoes the legal notion that only the person who commits an offence can be held responsible for that offence.

Thurman (2003) argues that parental responsibility legislation is based on misconceptions that parents cause children's behaviour. She also proposes that parents' behaviour may have an impact on children's behaviour, but that it is drawing a long bow to infer that such an impact causes delinquent choices in children. Yet as discussed above, parents are being held responsible (along with their children) for actions that they were not directly involved with yet should have foreseen.

8.2.5 Summary

Research highlights the ways that parents are held liable for their children's illicit actions. In a legal sense they are held responsible in the guise of *vicarious* responsibility as a result of their expected unique relationship with their children. Psychological studies indicate that people do attribute responsibility to parents, employers, and others in a position of power when children, employees or anyone in a subordinate position commits a deviant act that results from the actions or inactions of their authority figures. This does echo the results in the studies presented in this thesis with participants indicating that parents do share some responsibility when their children act in a delinquent manner. The rest of this chapter presents the results of the qualitative analysis of the reasons given by participants for their responsibility attributions in the second study, especially in relation to older 16-year-old adolescents.

8.3 Method

8.3.1 Participants

It must be again reiterated that this is the qualitative analysis section of the study reported in Chapter 7, where participants gave reasons for attributing responsibility to children and the parents.

Participants in this study were required to comment on the same scenarios as participants in the previously reported study, but only for one age group. This allowed for the addition of an extra age of offender variable, and as 16-years of age appears to be the age at which children are often tried as adults in some legal jurisdictions, this

age was chosen. Moreover it is also an age at which many 'adult' privileges are made available for the young to explore, such as driving a car. As such this age may result not only in a different degree of responsibility being attributed by participants (see Chapters 5 & 7), but may also yield different explanations and justifications from participants when asked to comment on this group.

The same 177 participants who were involved in the previously reported quantitative study are reported here (see Chapter 7). Participants were separated into three groups depending on the age of the offending child: ten-year-olds (N=54), thirteen-year-olds (N=59), and sixteen-year-olds (N=64). Third year psychology students recruited 2 participants each as part of their practical assessment. Confidentiality was ensured and ethical permission gained.

8.3.2 Procedure

Each participant was asked to place themselves in the position of the parent in 5 hypothetical scenarios concerning various infractions of the law. The participant was asked to indicate the degree of responsibility attributed to parents and to children for each scenario using a 5-point Likert Scale (1: *not at all*, 2: *partially*, 3: *equally*, 4: *mainly*, 5: *totally*). Answers were entered in the spaces provided after each scenario. They were also asked to explain *in their own words* their responsibility attributions for both children and parents in each scenario. To overcome order effects each participant was given the scenarios in random order.

8.3.3 Materials

Participants were given 5-hypothetical scenarios relating to illicit acts committed by young people (although only 4 scenarios are examined here). Each scenario included either a child aged 10, 13, or 16-years who was involved in either a *property* or *personal* crime (see Appendix 2). The severity of the crime (*low* or *high*) was also manipulated. Below is an example of the type of scenario used for a 13-year-old offender involved in a crime against the person of low severity:

Your 13-year-old child arrives home with the police. It appears that your child has assaulted a younger child at the local oval. An adult who noticed the incident rang the police. Police describe your child's behaviour as assault. The police relate to you that your child was shoving the younger child rather roughly, and pushing them to the ground. The incident lasted about 10 minutes, with some swear words used in the incident. The other child, though not physically hurt, was quite distressed by the incident. Your child admits to this behaviour.

Data was analysed using Provalis's QDAMiner® 1.0, a qualitative data analysis software program (Péladeau, 2004). Data was coded using this program and reflects the researchers interpretation of the data. The data was then analysed with parental responsibility legislation, and parents, in mind

8.4 Results

The figures cited refer to the number of participants that used the theme indicated.

8.4.1 Child Responsibility

8.4.1.1 Right and Wrong

The reasons given for the child's responsibility were coded 'right and wrong' where the parent had specifically mentioned these words, or inferred that the child could have distinguished between right and wrong. In 74% of cases participants indicated that the child was responsible because they knew that they had engaged in a wrongful practice, but not necessarily illegal practice. Some participants explicitly used this moral discourse, for example:

“By the age of 10 a child should know what is right and wrong”
(P111),

“Stealing is wrong. He should have realised that” (P133).

In these excerpts the participants indicate that the child 'should' know the difference between right and wrong, but not that they actually do know that difference. In fact it is obvious that as the child has committed an offence that either they do not know the offence is wrong, or that they disregarded the wrongfulness of their actions. In the second excerpt the child is 13-years-old, and the participant suggests that the child should understand that theft is not the right way to behave.

Other participants inferred that the child would know that the offence was a wrongful act, for instance:

“Will need to take fully responsibility as he/she would be aware of expectations” (P104: child 13-years),

“16 year olds understand the law and know or should know right from wrong” (P106),

“At 16 is old enough to understand right from wrong. To a sub-adult and should be taking responsibility for his actions and understand the rights of others” (P110).

“The child clearly knows he is committing an offence, the reasons for doing so, covering another problem” (P35: child 16-years).

In the first extract above, the 13-year-old is seen as understanding societal expectations. The latter three extracts refer specifically to the 16-year-old offender and suggest that participants believe that by this age the child should be aware of the legal and moral implications of their acts, not just the rightness or wrongness of their actions. In the final extract the participant expresses no doubt that children of this age (16-years) would know that such behaviour is unacceptable.

8.4.1.2 Premeditation

The notion that a person planned to undertake an illegal act strengthens their responsibility for that act. The following extracts are examples of where this theme was employed to infer responsibility to the child:

“The child admitted assaulting the elderly man causing GBH. The child committed the crime - premeditated with intent” (P84: child: 16 years),

“Premeditated callous crime. Child wants to be evil should have to pay for repairs to learn consequences of actions” (P176: child 16-years),

“The child fully planned the robbery with the use of threatening with the knife, and selected a person less likely to be able to defend themselves. The injuries were major the child must have been prepared to use the knife” (P120: child 13-years).

“The child is still partially responsible for thinking of it and gaining the resources to carry it out” (P160: child 10-years).

In the first extract above, the adolescent child is specifically constructed as having engaged in a calculated and deliberate act with an explicit purpose. This suggests that some participants believe that by the time an adolescent reaches 16-years of age they are capable of the ‘intent’ to commit a criminal act, which would qualify the child to be treated as similar to an adult. The participant in this case uses legalese to position the child as having committed a crime, with the participant described as having engaged in assault and grievous bodily harm, both proscribed criminal offences. In the second extract the participant also specifically states that the 16-year-old adolescent child committed a premeditated act, but also suggests that this behaviour is a result of something within the adolescent, who is depicted as a cold, cruel uncaring person. The adolescent’s personality is constructed as stable and wicked, a personality that the adolescent child is seen as choosing to display. The adolescent is also positioned as failing to understand the ramifications of their actions and needing financial punishment to instil this understanding in them. In the final two extracts above, the children are 10-years and 13-years respectively and although the participants infer that the child offenders engaged in a premeditated act (with the insistence that the children planned the act), the notion of actual intent is not added, nor are the children’s personality characteristics mentioned.

8.4.2 Parental Responsibility

8.4.2.1 Supervision

The supervision of children by adults is viewed as an important way to ensure that children are not given the opportunity to engage in illicit acts. When giving their reasons for the child's responsibility only 12% of participants mentioned that the child should have been supervised, and none of the participants referred to a lack of supervision in relation to the 16-year-old child. For example:

“The main blame rests on parent as 10-year-old child should never be out at 7pm on its own” (P87).

“Child is too young to be out at 7pm unescorted. Still in parents complete care at this age. Not mature enough to be out alone” (P173: child 13-years)

Participants in these two extracts firmly place the responsibility for the child's actions on the parents' shoulders. The participants do not mention the child other than to insist that the child is expected to always be with their parent, at least by 7pm. Parental supervision of children at the age of 13-years and 10-years is therefore constructed as taken without question ('never', 'complete care'). This then mitigates the child's responsibility and positions the parent as responsible for their child's actions.

When giving their reasons for the parents' responsibility 46% of participants mentioned that a lack of supervision by the parent contributed to the child's behaviour, for example:

“Ten year old is too young to be roaming the streets unsupervised. Parents should know where children are at all times and with whom (P125),

“Parental supervision needed for a 13 year old (P162).

In these extracts the supervision of the child is seen as the parents' duty, even for the thirteen year old. This then is similar to the extracts mentioned above in relation to the child's responsibility. Parental responsibility is constructed as involving both the physical presence of the parent, as well as knowledge of the child's acquaintances and whereabouts when the child is not with the parent.

The supervision of the child was also mentioned in relation to the 16-year-old adolescent when the parents' responsibility was discussed, for example:

“Should know where child is. Should make him aware of right/wrong” (P46),

“The parent should know what the child is doing and thinking” (P18)

What is obvious in the above extracts is that the supervision of the child of 16-years involves having a knowledge base of their activities rather than the parent having to physically supervise the child. The parent of the 16-year-old while not physically present must make certain a satisfactory level of communication exists with their adolescent in order to monitor their activities and ensure correct behaviour. Participants position the parents of 16-year-olds as being less responsible for actually accompanying their child everywhere, but still responsible for being fully aware of their adolescents' activities, and for some participants even their child's thoughts.

8.4.2.2 Lack of parental responsibility

Many participants (87%) constructed juvenile delinquent activity as being a result of the parents' inattention, failure to notice the child's behaviour, and therefore as having a distinct lack of proper parenting. The parents' failure to educate the child in moral and legal standards was also discussed frequently (41%). This lack of education can be seen in the following examples:

“Parent must lay groundwork early in childhood. Set up good behaviours and respect for those around them” (P101: child 13-years),

“Parents should help their children to learn. Some cases parents' model poor behaviour and their children see this as the 'norm'. Modelling appropriate behaviour and teaching children right behaviour is important” (P106: child 16-years),

“The child acting that way, can be because of her parent behaviour mimicked by the child or it can be from other people. But parent has a responsibility to teach the child of what should be done and what shouldn't be” (P118: child 10-years).

Obvious within the three extracts above is that participants draw on an education theme to infer that parents who fail to adequately educate their children are likely to increase that young person's chance of engaging in delinquent choices. Without question is the assumption that parents are the teachers of moral behaviours in their children, with parents who lack morality themselves accused of setting a bad example to their children. Either way the parent is viewed as being the person who children mimic, and as such the reason for some children making bad choices. This attitude is consistent with that of social learning theory in that modelling behaviour results in children learning various social behaviours. This adaptive quality assists in socialising the child making them aware of societal standards, but where the behaviour being

displayed is dysfunctional the child will still learn the behaviour, and practice the new skill thereby reinforcing the behaviour. In the latter of the extracts even where the child is copying another person it is still seen as the parents' responsibility to oversee any poor behaviour, and to extinguish such behaviour as needed. Of interest also is that 16-year-old offenders are viewed as displaying previously learned behaviours from their parents, whereas for 10-year-old children this may also have been the result of other people's impact not just the parents.

In addition to education parental inattention was also viewed as contributing to children's delinquent behaviour, for example:

"Parent should have spent more time on their children. It's obvious that the parent didn't pay much attention on their child and causes the child did something bad" (P134: child 10-years),

"Attitude problem due to parent lack of care" (P135: child 16-years),

"I have told my children that stealing is wrong and they shouldn't do it, and maybe we should have been watching a bit more carefully and led her in the right direction" (P161: child 16-years).

A lack of parental responsibility is seen as involving the parent failing to attend to their children's activities. The message that is apparent is that responsible parents 'care' for their children and therefore take notice of what activities their children are engaged in. None of the participants actually state that the parent is totally uncaring and inattentive; rather they are seen to be deficient in their attempts to be a responsible parent. Participants appear to be suggesting that parents engage in a feedback process with the child in order to monitor and repair problems with the child's cognitive and social awareness. Where parents fail to monitor their child and to use appropriate

feedback, this results in the child receiving the wrong messages in some cases, which may then lead to wrong choices. The child is seen to take the wrong path because the parent failed to steer the child in the right direction because they did not attend to their child's behaviour.

A deficiency of proper parenting skills was also mentioned consistently in relation to parents indicating a lack of proper parental responsibility, for instance:

“Such a warped sense of right and wrong with violation of so many aspects of love and peace require an extremely troubled past. The parenting here is definitely in question” (P48: child 16-years),

“Do parents with children like the ones in the story really care eg divorce. Parents only take care of their children in spite of the other so not caring at all creating a careless home and then careless society” (P122; child 13-years),

“The parents are so far off that they both need to have the child removed. Sadly at age 10 believe that it is too late to save the child from a life of upsets” (P160: child 10-years)

In the extracts above whether the child is 10-years-old or a sixteen year old, participants expressed disbelief in the lack of parenting skills of some parents. The parent (s) and their parenting are positioned as perverted, slipshod, and distant, some participants expressed incredulity that children could engage in such acts and not receive proper parenting. Of further interest is the notion of future consequences of this failure of parenting for the child (P160), and the community (P122). In the final extract above the participant suggests removal of the child from the parents' control, but even then at 10-years of age the child may be too old to 'correct' ten years of poor parenting.

Another theme was that of the parent failing to notice their child's behaviour prior to the event described in the scenario, for instance:

“A child usually would not just do something like this, without first having done other unacceptable things. A child would not go directly from a happy well adjusted person to a crime like this” (P83: child 16-years),

“Such disturbing behaviour would have been apparent for many years in many guises and intervention strategies and support provided” (P49: child 13-years),

“As a parent I should know if there are behavioural problems and try to address them. Punishments for such behaviour should be enforced such as grounding etc” (P125: child 10-years).

Participants in these extracts, as in others, predict that the child would not suddenly engage in delinquent activities. They argue that previous behaviour by the child would have alerted the parent (s) who had a duty to modify the child’s behaviour through intervention and punishment where required. It would appear that parents are expected to continually assess their child’s actions, and to implement strategies that redirect wrong actions to more acceptable choices (feedback opportunity), in order to ensure that children’s delinquent activities do not continue or even escalate.

8.4.3 Mitigation

8.4.3.1 Child Mitigation

The immaturity of the child is taken as given in legal jurisdictions and so was examined in the participants’ written responses. In 21% of cases, participants referred to the child’s lack of maturity in order to mitigate the child’s responsibility, for example:

“10 year old should know what is wrong or good, but I think is not able to control yet his behaviour 100%” (P141),

“Kids do stupid things even when they know it is wrong” (P92: child 13-years).

“At 16 the child would know right from wrong. Although may go through temporary bouts of border crossing, for no

particular reason than silliness. Any recurring behaviour would suggest deeper problems” (P146).

Behaviour that is impulsive, stupid, and silly is described as the type of behaviour that children of all ages engage in, even 16-year-olds (P146). This type of immature behaviour is then posited to result in young people making wrong choices, despite all the teaching they receive. In all three extracts the child’s knowledge of right and wrong is not questioned, rather their ability to use this information to resist temptation is what is at issue. This inability to think in a rational mature manner is seen by participants to mitigate their actions. In the last extract that refers to a sixteen year old adolescent the young person is described as regressing to a younger age and therefore engaging in inappropriate behaviour. The impression one gains from these extracts is that mature beings do not engage in inappropriate behaviours, because they make mature choices. As such children are unable to act as mature beings at all times and are therefore excused for their transgressions based on their ‘childish’ immaturity.

Provocation

In 35% of cases participants argued that the child was provoked into the act by another person. In some cases the ‘other’ was the victim, in other cases peers were the one’s who may have encouraged the child to act in such a way. In the following examples provocation of the child is examined by reference to the child’s age, with the first 2-extracts dealing with the 10-year-old child:

“One is unsure why he did this could be because of bullying. However he should know this behaviour is wrong” (P167).

“The young person could have done something which annoyed my child” (P134).

In general when participants mentioned provocation, especially in the case of 10-year-olds, 'bullying' behaviour seems to be a behaviour that can be expected, with children reacting to the emotional or physical result of such actions by others. Even when the victim is younger than the perpetrator participants excuse the 10-year-old offender's behaviour by arguing that such behaviour is the direct result of the actions of the victim. Participants' use of the words 'unsure', and 'something' give the impression that they are not so much defending the child's actions but rather feel little need to do so.

This position changes when the offending child is a 13-year-old, as is obvious in the following extracts:

"Because I don't know the reason behind why my son may have instigated this behaviour. The other kid might have been hurting someone else and my son was showing them what it felt like" (P119: child 13-years).

"Most assaults are a result of a conflict of some sort. Both parties are responsible for their actions. It also depends on what provoked the assault" (P149: child 13-years),

In both extracts the participant defends the young offender by suggesting the child was reacting to the behaviour of the 'victim'. In the first extract the 'victim' is described as merely receiving some of his own medicine. The offending child in the scenario is constructed as a 'hero'. Here the child 'victim' is viewed as 'hurting' another child in the presence of a brave young person who came to their rescue. In the second extract the 'victim', though younger, is viewed as equally contributing to the situation, and is even possibly the instigator of his abuse. The offender's behaviour is viewed as assault. Yet the participant in this extract infers that the younger 'victim' may in fact be the offender

rather than the older child. In both extracts provocation mitigates the children's behaviour and therefore their responsibility.

In contrast, the 16-year-old child is not defended for their behaviour even when provoked by the younger child, as can be seen in the following extracts:

“The child was obviously feeling aggressive. The child may have been provoked but still should not have resorted to violence and must be responsible for his/her actions” (P67: child 16-years),

“Even if the assault was self defence - or if the younger child had provoked it by violent, malicious or taunting behaviour, it would not warrant an aggressive, violent assault on someone younger and for that length of time, cause distress. At 16 a young person knows these things” (P91: child 16-years).

Provocation in these extracts is promoted as a possible reason for the child's behaviour, but does not mitigate the adolescent child's responsibility. The adolescent is by this age expected to control their behaviour, even when confronted by abusive situations and people, because they should know better. In both extracts the adolescent child's behaviour is defined as aggressive, violent, and unwarranted. Participants appear to believe that the 16-year-old has an obligation to be in command of their actions, especially where they are placed in the path of temptation, society demands this degree of control.

8.4.3.2 Parent Mitigation

Parental responsibility was often excused in the participants' reasons with some participants indicating that the parent was not responsible because the parent had educated the child to behave appropriately, or because they were not physically with the

child at the time of the offence. For 20% of participants, the parent was positioned as not responsible, for example:

“I can't control what he did” (P119: child 13-years),

“Parent not responsible 16 year old know he shouldn't steal”
(P128).

In these two extracts the participants view the parent as not responsible for the behaviour of the child. In the first extract the reason given for the lack of parental responsibility is that the parent has no control over the child's behaviour. It is unclear in this extract the reason for the lack of control, whether it is the actual act the participant is unable to control, or whether it is the actual child that is uncontrollable. In the second extract the 16-year-old adolescent is deemed responsible because they should know they should not steal. The older child is positioned as capable of understanding that theft is unacceptable, and therefore the parent is exempted from responsibility.

In 59% of cases participants mitigated the parents' responsibility by suggesting that the child had been taught by the parent to behave in a correct manner, for instance:

“If the parent has taught the child appropriate behaviour, and ensured that the child understands then there is not reasons to assume responsibility” (P126: child 13-years),

“Even the most feral parents would educate their children against such violence and drug use as do schools and society in general” (P113: child 16-years).

“Unless the parent robs and assaults people themselves, how can they be held accountable for the 10 year olds actions” (P156).

Parental responsibility is mitigated in these extracts by the proposition that all parents, even ‘feral’ ones, do teach children to do the right thing and as such when children choose to ignore those lessons then parents should not be held responsible. In the second of the extracts, which relates to a 16-year-old offender, it is also suggested that schools and the community also instil correct values to children, so there is no excuse for children to engage in such activities and therefore the parent can hardly be held responsible. The participant in the third extract, states that only where the parent directly contributed to the child’s behaviour by modelling can they be viewed as responsible for the wayward child’s actions. Taken for granted within these extracts is the notion that parents are responsible for teaching their children appropriate moral rules that should be reinforced. Also apparent in these extracts is that children who engage in delinquent behaviour may also have parents who act in a similar manner, or who have failed to teach their children how to act properly.

The final theme used to mitigate the parent’s responsibility was the suggestion that the ‘absent’ parent could not be held responsible. This is apparent in the following extracts:

“Wasn't there at the time” (P119: child 13-years),

“Parent not at scene and unless asked child to steal then is not responsible” (P131: child 16-years),

“The parent cannot be held accountable for his child's actions. He cannot be supervising his child for 24 hours a day so it is up to the child to do the right thing therefore he should be punished” (P75: child 16-years).

This theme was only used in 9% of cases but does confirm that some participants did not believe parents are responsible for physically monitoring the behaviour of older

adolescents. Participants never used this defence for parents of 10-year-olds, and were more inclined to mention it in relation to the parents of 16-year-olds. Parental responsibility therefore appears to involve the parent being actually present at the time of the offence in order for responsibility to be apportioned in the case of older adolescents. In the second extract the 'missing' parent is also excused because they did not encourage the adolescent child to offend. Participants indicate that adolescents are expected to behave in an appropriate manner, and when this fails the adolescent rather than the parent takes responsibility.

8.4.3.3 Summary

Education was one theme that participants used to both attribute responsibility to the parent and also to mitigate the parent's responsibility. Parents who have taught their children how to behave in an acceptable manner could not be positioned as irresponsible, at the same time children who displayed delinquent tendencies could have parents who either failed to educate their children or educated their children in a dysfunctional manner. The children's maturity was seen by participants to be a mitigating factor in understanding children's responsibility when they commit delinquent acts. Some participants felt that impulsive behaviour was to be expected in children, and was something that was outside of the parents' control. As such, children could be excused for making wrong choices. Immaturity was also important when viewing situations where provocation may have played a part. It was apparent that participants were willing to consider assault of another as possible where the offender was ten years of age, and even ready to defend the 13-year-old offender, but were not prepared to make excuses for the 16-year-old in such situations. Participants overall

were less likely to mitigate the behaviour of older children, and to attribute relatively enduring personal qualities to older children.

8.5 Discussion

The persistent use by the participants of the discourse of ‘right and wrong’ when attributing responsibility to children indicates that without this moral distinction children are susceptible to making delinquent choices. Furthermore participants in general used the discourse of responsibility to argue that once the knowledge of right and wrong had been taught that this knowledge placed responsibility firmly at the feet of the children in question, not parents. This also suggests that participants position parents as having a moral duty to ensure that their children have a clear understanding of the difference between right and wrong. This rhetorical pattern used by the participants was somewhat reminiscent of current juvenile legal standards with children under 14-years able to argue that they did not know what they were doing was wrong, and 16-year-olds unable to make such claims. However, participants in this study indicated that at the age of thirteen, young people would know whether an act was wrongful, although not necessarily legally wrong.

The notion of premeditation was also used to construct children’s responsibility. The child’s age was also a consideration in participants’ responses when positing that children could have planned the wrongful act. Unlike explanations given for the two younger age groups, participants invoked a dysfunctional personality when explaining the premeditated act of the 16-year-old, and also added the notion that the child intended to commit the act. The older offender is given less consideration by participants and is viewed as increasingly responsible due to their knowledge of

societal standards, and the legal implications of their actions. Participants were less likely to defend this age group, by actually attacking the character of the offender.

Participants also mediated their discourse when discussing parental responsibility by the use of the rhetoric of supervision to indicate that parents of children 13-years and younger are expected to physically manage their child. This taken-for-granted notion was strongly argued by participants with parents supposed to physically accompany children, or to ensure that some other responsible person was willing to undertake that task. This very much reflects the legislative measures either proposed or actually enacted within legal jurisdictions in relation to parental responsibility laws. The participants though did not propose that parents should physically accompany their adolescent children, rather they argued that parents of this age group should monitor their children's whereabouts, and friends, and communicate with their adolescents to ensure acceptable behaviour. The taken-for-granted notion promoted was that parents have a duty to supervise their children at all times. For older children, supervision is less physical and more in terms of 'feedback opportunities' that allow the parent to know where their children are, who they are with and what they are doing. One would suggest that in order for parents to have an open and honest communication with their 16-year-old they must have already developed a good relationship prior to this time, and that many children in the juvenile justice system do not have that type of relationship with their parents, though according to our participants this was seen as a moral prerequisite.

The parent in the scenarios was accused of lacking responsibility, where they had failed to morally educate offending children, or where because of the parent's

dysfunctional parenting skills, children had been taught undesirable ways to behave. A lack of attention to children by parents was also seen to contribute to a lack of responsible parenting. It is difficult to argue with this persuasive reasoning when many legal and psychological professionals also argue that it is these factors that contribute to juvenile offending. Participants felt that where younger children had learnt unacceptable ways of behaving from others, parents had many opportunities to extinguish this behaviour, but by 16-years of age parents should have taught their children correct ways to behave. Some participants also posited that a lack of parental responsibility was obvious because the more severe offences committed by young people would have been after many other less severe acts which the parent should have noticed, and acted upon.

Participants mitigated behaviour by drawing upon various discourses to excuse the child and the parents' behaviour. A lack of maturity in children was posited as diminishing children's responsibility. Even for the 16-year-old immature behaviour was seen as possible, with older children depicted as engaging in silly behaviour because they occasionally digress to a younger age. This immature impulsiveness is excused as part of being a child, and therefore as not indicating that children have major problems or a 'bad' personality, rather it is constructed as a natural part of growing up. Provocation by the victim was also used to mitigate responsibility, with children constructed as merely reacting to the taunting of younger children. The age of the offender did mediate participants' answers when provocation was mentioned, with the 10-year-old's responsibility made vague. Participants depicted the 13-year-old as having reacted to the other child for good reason. Older children were also depicted as reacting to the younger child's taunting, but by this age children were constructed as

having to control their own reactions and to be able to withstand the taunting. Participants appeared to believe that the 16-year-old should have developed self-control, and to be able to ignore the immature behaviour of others.

Education was also seen to mitigate parental responsibility. Participants argued that if the parent had taught the children correct behaviour then they had acted responsibly. Parents of 10-year-olds were excused if they had taught children not to do such things, whereas the parents of thirteen year olds were expected to both teach and reinforce good behaviour. The parents of adolescents were excused by the suggestion that community groups and schools would have also reinforced that the behaviour was unacceptable, thereby mitigating the parent's responsibility. Some participants excused parental responsibility where parents were not actually physically present when their children committed offences, even though many of these same participants argued in other contexts that parents should always be with their children at all times. However, no participant used this theme to mitigate the responsibility of the 10-year-old child's parent, who was supposed to always be physically present with the child.

It is therefore apparent that the age of children does mediate the choice of available discourses that participants drew upon to explain both children and their parent's responsibility where children offend. Participants appear to acknowledge that children do differ in their cognitive, behavioural and social abilities between the age of 10-years and 16-years. It is with this knowledge of age differences that parents appear to attribute responsibility to children and parents respectively, with younger children excused more readily than older children. The parents of older children who offend are viewed as more dysfunctional than the parents of younger children who commit similar

offences. Younger children's parents are constructed as still having an opportunity to rehabilitate their children's behaviour, whereas the parents of older children are seen as contributing to their children's actions.

8.5.1 Limitations to the present study

There were limitations in this study that may have affected the findings. The first of these involves the issue of one researcher identifying the themes, and then interpreting these. It could be argued that another person may have found other themes. This study incorporates my biases, but then all research involves a certain amount of researcher bias. The participants may have positively biased their answers in line with social expectations, although with so many participants there did appear to be a wide range of opinions given. Again in this study participants were asked to place themselves in the position of the parent in the scenarios, which some participants stated they were unable to do realistically. The results therefore may be more generalized notions of parental responsibility, rather than the opinions of parents about their own children's behaviour. Other participants were able to do so and therefore were more likely to give a personal view of how they would attribute responsibility if the child were their own child. In either case the data does reflect the views of parents regarding parental responsibility when children offend.

Parental responsibility then is mediated by the age of child. Moreover it is also mediated by views regarding the parents' contribution to the positive and negative behaviour of their children. This study reported the findings from the more 'personalized' data set in relation to the reasons given for the degree of responsibility attributed to the child and the parent in the scenarios. How parents view the parental

responsibility legislation that is either enacted or proposed is also of importance to understanding the notion of parental responsibility. Moreover the age at which parents believe a child becomes responsible and the age at which the parent views as relinquishing control for the behaviour of children is also important knowledge required to investigate notions of parental responsibility. The following chapter presents the findings from these more generalized questions that were asked of the participants in the first and second study.

Chapter 9: Parental responsibility: Statistical and Qualitative analysis of General Questions

9.1 Introduction

This thesis was designed to explore parental responsibility from various angles, in relation to legal, psychological, political and layperson understandings of the topic, but also by the use of multiple methods. The advantage of using combined methods is that it allows the researcher to more fully understand participants' views on the issue, giving richer multiple pronged explorations. At this point in the thesis it seemed appropriate to compare the findings from the statistical analyses, with those of the qualitative analyses. There were obvious discrepancies between both analyses, and as such examining and comparing the statistical findings from Study 1 and 2 with the qualitative findings from both studies may give a richer understanding of how parents view their own and children's responsibility when their children offend.

9.2 Analysis

The statistical analyses indicated that participants primarily held children responsible when they offend, regardless of the child's age. Parents were seen as significantly less responsible than children themselves. In comparison the qualitative analyses revealed that despite the low level of responsibility attributed to parents participants acknowledged that parents, via their modelling behaviour are responsible for their children's actions. Moreover when children offend the parents can be seen to be at fault by failing to supervise, or attend to children, or to impart appropriate social

skills. Participants positioned parents as important in preventing delinquent choices by their children.

Moreover, as age increased children were attributed more responsibility attributions, and parents significantly less. The reasoning behind the increase in responsibility to children as they age was highlighted by an examination of the discourse that parents drew on to mitigate or justify children's actions. Younger children were excused due to their immaturity, whereas older children attracted more responsibility because their age meant that they should have control of their behaviour and know not only the legal implications of their actions, but also their moral and social ramifications. Older children were also positioned as capable of intent and as such capable of being held legally responsible for their offending behaviours, therefore attracting more responsibility for their behaviour. Mitigation of children's behaviour also occurred where children were positioned as mainly responsible for their behaviour. The reason for the decrease in the attribution of responsibility to parents was also apparent with older children's parents no longer expected to physically monitor their children's behaviour.

The severity of the offence, whether of low or high severity, had a statistically significant effect on the attribution of responsibility to parents and their children. Children were positioned as responsible by the use of a moral theme of right and wrong when they engaged in low severity offences, whereas for high severity offending, children's responsibility was likely to be drawn upon in combination with a moral discourse. Attributing moral responsibility to children whilst emphasising children's responsibility does explain why participants attributed increased responsibility to

children. Children's increased responsibility for high severity offending was also further highlighted by the justification that they understood the consequences, and probably planned the behaviour prior to the event. The increase in parents' responsibility for more severe offences can be explained by participants' reasoned answers. Participants drew upon notions of dysfunctional parenting more often to explain the parents' responsibility for high severity offences, with supervision of their children and the lessons taught to their children more frequently questioned. Parents' responsibility for less severe offending by their children was likely to attract the justification that the parent was not responsible, thereby mitigating their responsibility.

9.2.1 Summary

Using a combination of quantitative and qualitative methods allowed for a comparison of findings giving enhanced understandings of parents' notions of their own and children's responsibility. The statistical results provided direction to the studies, with the significance of the age of the offender, and severity of the offence highlighted. Yet taken alone, it would have appeared that parents disagreed with current parental responsibility legislation. In both studies, participants attributed greater responsibility to children, with parents viewed as less responsible in the situation. However, an examination of the arguments employed by participants to attribute responsibility to parents suggested that overall participants agreed that when children offend their parents are doing something dysfunctional, albeit that the participants viewed children as bearing the greater responsibility for offending.

The rest of the chapter will present the findings from the three general questions asked of the participants in Studies 1 & 2. It was important to understand at what age

participants believed children become responsible for their own behaviour, and to explain why they had nominated the particular age given. Asking such a general question rather than nominated ages (as in the scenarios) allowed participants to present their own opinions. Important too was ascertaining when the parent is viewed as relinquishing responsibility for their children's actions. Both these questions did not specifically refer to the delinquent actions of children, rather they asked the question of general responsibility. The final question involved participants' opinions as to the introduction of parental responsibility legislation. Participants were asked to indicate whether they agreed or disagreed with the legislation, and then to explain their answer.

Asking participants the more generalised questions allowed participants to discuss parents in general rather than having to focus on their own parenting, as in the scenarios. The responses to these questions were seen as possibly reflecting a different view from those given to the scenarios. This chapter will present both the statistical and qualitative findings from the three general questions given by participants in both studies.

9.3 Statistical Data Sets

The total participant base involved the 270 participants in both studies, who were all, asked the same 3-questions. There were 93-participants in the first study, and the 177-participants in the second study.

Participants were asked the following questions:

Question 1: *At what age do you believe young people should be held to be totally responsible for their actions?*

Question 2: *At what age do you believe parents should stop being responsible for their son/daughter's actions?*

Question 3: *Do you agree that parental responsibility laws should be introduced holding parents criminally liable (e.g. for fines, counselling, jail) for the actions of their child?*

The data from the two studies was analysed using the SPSS statistical program for the quantitative data, and QDA Miner® for the qualitative analysis (Péladeau, 2004).

9.4 Results

The statistical findings from this section of the study will be given for each study and then results will be compared for differences and similarities across the studies.

9.4.1 The age of child responsibility

The findings revealed that there are numerous views on this topic (see Table 14 below). In the first study one third of participants indicated that children become responsible around 14-17 years of age, with the majority of these participants choosing 16-years-old as the main age in this age bracket. It is also apparent from the results that 50% of participants believed that at some time between the ages of 10-years and 17-

years children eventually become responsible for their actions. One in five participants saw the age of 18-years as the age of responsibility for the child. There were also a minority of participants (8%) that believed young people are not totally responsible until they are over 18-years-old, with a similar number of participants seeing responsibility as something the child acquires at a young age (under 10-years). Fifteen percent of participants proposed that responsibility attributions depended on the situation, or the child rather than the actual age of the child. These findings replicate the uncertainty shown in legal jurisdictions regarding when children become responsible for their offending behaviour (Steinberg, 2003; Steinberg, 2001; Scott, 2000; Urbas, 2000; Morse, 1997; Grove, 1996; The Committee on Child Psychiatry, 1989).

Table 11: Percentages of age at which children are seen to be responsible - Study 1 & Study 2

Age of offender	Study 1	Study 2
<10	8 %	2 %
10-13	20 %	18 %
14-17	30 %	28 %
18	18 %	26.4 %
>18	7 %	8 %
Never	1 %	0.6 %
Depends	15 %	17 %
Other	1 %	0 %
Total	100%	100%

Participants in Study 2 were equally divided between the view that the ages of 14-17 years are the time when children become totally responsible for their actions (28%), and the notion that 18-years is the age at which young people take responsibility for their own behaviour (27%). Seventeen percent of this sample indicated that this depended on the situation and the individual child.

9.4.1.1 Summary

In both studies the majority of participants did not consider children under 10-years as reaching the age of total responsibility. This indicates that participants agree that children prior to this age are incapable of taking responsibility for their actions (Grove, 1996; The Committee on Child Psychiatry, 1989). For participants in Study 1, 1 in 5 saw children reaching the age of responsibility by the age of 13-years, with 30% of participants indicating that children became responsible for their actions somewhere around 14-17 years. Approximately 25% of participants estimated that until children reached 18-years or older they couldn't be judged as totally responsible for their actions. It was interesting that a small number of participants believed that children are not totally responsible for their actions until after they are deemed to have legally reached the age of adulthood (18 years).

The findings of Study 2 indicated similar trends, with slight differences. Participants in this study were less likely to judge children under 10-years as responsible. Slightly fewer participants in this study attributed responsibility to children of 10-17 years, and were more inclined to attribute responsibility to children once they had reached adulthood (35%). Also of note was that there were participants in each study who preferred to consider individual and situational factors as paramount when judging and attributing responsibility to children. Obvious within these findings is that participants did not attribute one particular age where children are seen to take total responsibility for their actions.

9.4.2 Parental responsibility relinquished

An examination of Table 15 indicates that many participants in the first study predicted that only once children reach 18-years of age can the parents relinquish responsibility (40%). In fact only 28% of participants in this study indicated that the parent relinquishes responsibility for children prior to 18-years. A small minority of participants saw parents relinquishing responsibility after the legal age of adulthood (2%), but for 22% of participants the parent never relinquishes responsibility for their child's actions.

Table 12: Age at which parents are seen to relinquish parental responsibility - both studies

Age of offender	Study 1	Study 2
<10	1 %	0.5 %
10-13	3 %	5.5 %
14-17	24 %	20 %
18	40 %	30 %
>18	2 %	11 %
Never	22 %	21 %
Depends	8 %	11 %
Other	0 %	1 %
Total	100%	100%

Nearly one third of the participants in Study 2 again indicated that only once children reach 18-years-old parents surrender responsibility, with only 27% of participants predicting an earlier age. Eleven percent of the sample did not believe full responsibility could be relinquished until after children reached 18-years. Moreover, 21% of the sample expressed the belief that parents can never be free of parental responsibility for their children’s behaviour. A small number of the sample indicated that responsibility should be dependent on other factors rather than the age of children.

9.4.2.1 Summary

Overall the findings were similar for both studies, with most participants proposing that until children reach the legal age of adulthood (18-years-old) the parent is still responsible for their children’s behaviour. One in five participants in both studies posited that the parent is never free of responsibility for their children. Some participants did specify that responsibility is individual and situation dependent and that age is not a consideration. Children’s responsibility, for some participants, was not achieved until after the legal age of adulthood, therefore indicating that some parents believe that they are either responsible for their children’s actions into the children’s twenties, or forever.

9.4.3 Introduction of parental responsibility legislation

Participants were given the choice to answer: yes, and no, with some participants also adding 'unsure', or 'both yes and no' to this question. An examination of Table 16 indicates that participants in the first study were equally divided in agreeing (43%) and disagreeing (41%), with the introduction of parental responsibility legislation.

Table 13: Responses to whether parental responsibility laws should be introduced: Study 1 & 2

Answers	Number	No	Yes	Unsure	Both	Depends
Study 1	93	41 %	43 %	8 %	7 %	0 %
Study 2	177	46 %	43 %	1 %	8 %	1 %

Participants in Study 2 produced similar findings, with the only difference being that slightly more participants disagreed with the introduction of the legislation (Agree: 43%; Disagree: 46%). There were also a few participants who were either unsure (1%), or felt that both arguments were valid (8%). Findings indicate that participants, and therefore parents are divided on whether parental responsibility legislation should be introduced.

9.4.4 Conclusion to statistical findings

Apparent in these findings is that the attribution of responsibility is not a clear cut process of nominating an age at which the child is responsible and then acting upon that objectively defined number. The findings signify that there is a sharing of responsibility

between children and parents. Even though the majority of participants indicated that children are totally responsible for their own behaviour prior to reaching 18-years-old, the majority of the same participants still viewed parents as responsible until children reach adulthood. Some participants expressed the view that parents are always responsible for their offspring and can never be free of responsibility, despite acknowledging that children do eventually become completely responsible for their own behaviour. Finally it is important to consider that for some participants the age of children is irrelevant when attributing responsibility to both the children and their parents. The inconclusive nature of the findings for age relevant data was also reflected in the participants' answers to whether parental responsibility legislation should be introduced with both samples evenly split on this issue.

9.5 Qualitative findings

The following section presents the qualitative analysis of the reasons that participants in Study 1 and Study 2 gave in answering the general questions above. The analysis involves presenting the dominant themes employed by participants for each of the three questions separately. For each question I will present examples of participants using the most typical discursive themes, and discuss the specific examples.

9.5.1 The age of child responsibility

Participants in both samples drew on various common themes to explain the age at which children become totally responsible for their own actions. Participants used legal, developmental, moral, and social themes to account for their responses. A

‘parental duty’ theme was also referred to in the attempt to clarify the age children are deemed responsible (See Table 17).

Table 14: Themes used regarding child responsibility; Study 1 & 2

Themes	Study 1* (N=93)	Study 2* (N=177)
Legal	13 %	20 %
Developmental	20 %	20 %
Moral	21 %	21 %
Individual	23 %	30 %
Social	10 %	18 %
Parental	21 %	14 %

* Participants may have used more than 1 theme

9.5.1.1 Individual differences

The most frequently used theme was one that suggested that all children are different and therefore there is no set age at which they become responsible for their behaviour.

This ‘*individual*’ theme were employed to explain that environmental pressures on individuals was also inconsistent and therefore this also made impossible the designating of a particular age for children’s responsibility (Study 1: 23%; Study 2:

30%). The use of this theme is apparent in the following extracts:

“You can have a child growing up nurtured, loved, safe environment, no problems then you could have a Joe blow down the road, neglected no guidance standards or love and though the same age group be extremely destructive (P57 – Study 2).

“Generally in their mid-teens, though there is such a vast range of maturity-levels at this age that I do not think an arbitrary age can be set” (P3 – Study 1),

“10-12, hard to say as children do mature at very different ages. Children should be taught to take responsibility for their own actions and to experience the consequences of that behaviour” (P70 – Study 1),

“21+ children and young people mature at different rates” (P2 – Study 2),

All of the extracts above are examples of the participants indicating that there is no set age at which children can be said to be responsible. In the first extract the participant argues that the age of children does not indicate maturity because environmental pressures, such as family attitudes can influence children's behaviour and level of maturity. Participants in the latter three extracts suggest that there is a wide range of ages involved when considering children's responsibility and that it is impossible to do more than posit an age. Of interest is the wide-ranging ages posited in these extracts ranging from 10-years to over 21-years of age.

9.5.1.2 Acquisition of morality

A *moral* theme was employed to suggest that the child would have the knowledge to understand whether their actions were appropriate and could therefore be held responsible for their actions, for example:

“When the child has formed mature values and thought on life (18 years plus)” (P174 – Study 2),

“If a child has a good understanding of morality and behaviour codes they should be made responsible for their actions (P10 – Study 2),

“9 or 10 years - About 9 or 10 they do know the difference between right or wrong and it is an age where they are starting to really form the type of person they are going to be” (P25 – Study 1).

In both studies 21% of participants drew on this theme to argue that children's moral maturity is of importance in the attribution of responsibility. Children's responsibility is constructed within these extracts as being reached once children have the knowledge of societal moral values. Participants in these cases argued that children

who know the acceptable standards of right and wrong should be judged as being totally responsible at any age. Such a common-sense notion is difficult to fault. Yet there is no mention as to whether children should also understand the consequences of their actions, but this may be because participants believe that to morally understand an action one must not only know that action is right or wrong but also the consequences of that action.

9.5.1.3 Child development

A *developmental* theme was also employed to attribute responsibility to children, with the dynamic nature of child development used to indicate the problem of delineating an exact age for the attribution of children's responsibility, for example:

“Young people are going through a lot of emotional and physical changes in their life. So I don't like putting an age, some kids mature quicker than others, so I'd say that at least 18 years of age” (P1 – Study 1),

“Depends on the severity of the action. For example a 5 year old doesn't really know that stealing is wrong but a ten year old would” (P61 – Study 1),

“Minor actions 10-12 depending on the child's mental maturity. Major actions 12-15 again depending on their mental maturity. You can't put all children into box and say this is it all children are different in their mental maturity” (P160 – Study 2)

“Age of puberty - because once hormones kick in they know they are their own person” (P94 – Study 2).

Participants in these extracts acknowledge that responsibility depends on children's actual development, and the behaviour being judged, rather than the age of the child. In the first extract the participant appears to consider the age of 18-years as the safe option when deciding children's responsibility. Moreover within this extract

there is acknowledgement that childhood is a dynamic process that requires children to interact and negotiate their own personal changes in order to reach an acceptable standard of maturity. The second and third extracts are an example of where the participants view children's responsibility for an action as dependent upon that action in combination with their age. For these participants the severity and type of offence are also seen as important when attributing total responsibility to children. These are also further examples of the individual nature of child responsibility. The participant in the final extract does attribute a time at which children become completely responsible for their actions, with puberty viewed as the ultimate marker. Hormonal changes in children are seen as the contributing factor for this participant.

9.5.1.4 Parental duty

The argument that I have named the 'parental duty' theme was employed by 21% of the participants in the first study, with fewer participants in the second study drawing on this theme (14%). Rhetorically this theme constructs the parent as duty-bound to serve the needs of their children to ensure children take responsibility, for instance:

“It is not so much what age but at what stage in their young life that they become aware, through parental guidance, and accountable for their own actions” (P16 – Study 2),

“18 - At the age at which they understand the acts they bear responsibility. I consider that I have as a parent a duty owed to the child to actively supervise and prevent anti-social behaviours and to positively promote respect and understanding of others in my children” (P9 – Study 1),

“15 years - beyond that age society does not provide the means for parents to take control” (P55 – Study 2).

Parents are constructed within these extracts as expecting to have a positive influence on their offspring. They are charged with ensuring children can take total responsibility through the teaching of proper values. Parents are depicted as pivotal in children taking responsibility for their own behaviour. Participants in the first two extracts suggest that guidance and feedback leading to correction of unwanted behaviours allow the child to gain the skills needed to acquire ownership of their own responsibility. In the third extract the participant views the 15-year-old as responsible for their own actions, but only because societal standards disenfranchise the parent and therefore their authority to control the child. In all of the extracts above common-sense notions of nurturance emanate, demanding that the parent must fulfil certain criteria for the child to attain a responsible demeanour.

9.5.2 The age at which parents relinquish responsibility

What was obvious in the explanations given by the participants was the use of the same themes to argue the stage at which the parent is seen to relinquish responsibility to their children. When answering this particular question participants' drew more frequently on the parental duty premise in their explanations than any other theme (Study 1: 40%; Study 2: 50%). Moreover participants also tended to draw on legal and developmental arguments to proffer their justification (See Table 18 below). In contrast, morality and individual differences were less likely to be employed to explain the relinquishing of parents from the responsibility of their children's behavioural actions. The following section will examine the use of the parental duty, legal and developmental themes in participants' explanations of their understandings of when, or even if, the parent surrenders responsibility to children. Although it is obvious in the following discussion that there is an emphasis from participants on the moral

responsibility of parents, the moral theme will not be discussed as less than 20% of participants in both of the studies employed this theme to explain parental responsibility.

Table 15: Themes used regarding parent relinquishing responsibility

Themes	Study 1* (N=93)	Study 2* (N=177)
Legal	30 %	31 %
Developmental	27 %	25 %
Moral	15 %	10 %
Individual	8 %	12 %
Social	14 %	14 %
Parental	40 %	50 %

* Participants may have used more than 1 theme

9.5.2.1 Parental duty

The assumption that parents have a duty to engage in various activities that promote acceptable standards of behaviour, and responsibility in their children was employed by participants to infer that those parents who failed to do so had this deficit publicly reproduced in their offspring:

“Never, the actions of our children will in some way always be reflected in how our children respond to the world around them. However the degree of responsibility drops away dramatically as the son/daughters become independent” (P82 – Study 2),

“18 years old - I must admit that I would always feel that my children’s behaviour would be a reflection of my parenting, no matter what age they are” (P90 – Study 1),

“By 16 as said if parents set bad values and have no respect for others how can a child know right from wrong” P23 – Study 1).

All of the participants above are willing to set an age (18-years and 16-years), or stage (independence) at which children become responsible for their actions, yet all posit that parental responsibility is more than a legal liability concerning the age of children. Apparent in these quotes is the strength of parental responsibility such that for

many participants once acquired this duty is impossible to totally surrender. Children's behaviour is seen as predictive of the type of parenting they have received, even once the children have reached well into adulthood. The latter of the extracts sees the participant use the same argument by specifically suggesting that poor parental attitudes breed dysfunctional values in children, and as such the child is a reflection of their parent's value system. This reveals that any dysfunctional behaviour displayed by even adult children ensures parents will be deemed responsible, and therefore they never really surrender responsibility.

There were those participants who employed this theme to indicate that the parent always has a role to play in the child's life:

“Never totally - they always have a role as advisors and mentors, to nurture and affirm, advise and caution - or just be available to listen and discuss the possibilities. When children form an intimate relationship with another adult, parental responsibility diminishes/changes significantly” (P69 – Study 1),

“By the time they are going to heaven. Since they are the parents they should have the responsibility of being responsible for their son/daughter” (P134 – Study 2),

“Never because its a natural instinct (P171- Study 2).

The participants in all excerpts are unable to contemplate the idea that the parent relinquishes responsibility for their children, with the parent constructed as having a lifetime commitment to direct and mould their children's behaviour. Participants in this case view parental responsibility as never quite diminishing to such an extent that the parent could deny responsibility if their adult offspring committed an illegal offence, or engaged in some other socially unacceptable behaviour. The role of parents to these participants starts at birth and continues until parents or the children die. Here

participants appear to be inferring that parental responsibility is a ‘moral’ duty rather than a legal one.

9.5.2.2 Legal Aspects

Approximately one third of the participants in both studies preferred to use the legal theme to explain the age at which parents should relinquish responsibility for their child, for instance:

“18 years based on current legal system - for a normal child”
(P74 – Study 1),

“18 years - I guess the legal age of 18. They are able to vote, drink and drive” (P102 – Study 2),

“You never do but 18 years is the legal age” (P88 – Study 1).

The findings are much the same as described for the use of this theme in Question 1; most participants nominated the legal age of 18-years as the age corresponding to the parent relinquishing their responsibility to the child. Furthermore participants were keen to point to the privileges as well as responsibilities that came with adulthood. The participant in the final excerpt above indicates that legally the parent relinquishes responsibility when the child turns 18-years-old, but infers that ‘morally’ the parent never relinquishes responsibility for their child.

9.5.2.3 Child Development

In approximately a quarter of the cases in both studies participants used children’s developmental stage to clarify when parents can relinquish responsibility for their children, for example:

“Steadily over the period of their childhood” (P53 – Study 1),

“When they (the child) have reached about 70% of their cognitive development” (P64 – Study 1),

“16-18 years - you can't keep controlling behaviour - the child gets stronger - in mind and body - their job is to go out and decide for themselves - it's natural” (P143 – Study 2),

“When the child stops listening to or taking advice, they need to be personally accountable” (P64 – Study 2).

In the first excerpt the participant sees the relinquishing of parental responsibility as a gradual process throughout childhood. However, for the participant in the second excerpt a child’s cognitive development is used as an indicator for the parent to relinquish their responsibility. It is interesting that for this participant in particular children do not have to have reached full adult cognition to take full responsibility. In comparison, in the two latter excerpts the participants refer to children’s development as reaching a stage that forces the parent to relinquish responsibility, and to allow children to be responsible for their actions.

9.5.3 Should parental responsibility legislation be introduced?

Participants again drew on the familiar themes of parental duty, legal considerations, individual differences, and child development to clarify their opinions on this topic (see Table 19). They also included the theme around the notion of skills education to explain the benefits of introducing such laws.

Table 16: Themes used in explanations of parental responsibility legislation; Study 1 & 2

Themes	Study 1* (N=93)	Study 2* (N=177)
Legal	18 %	10 %
Developmental	11 %	12 %
Moral	9 %	8 %
Individual	27 %	21 %
Social	7 %	7 %
Educational	24 %	18 %
Punishment	20 %	20 %
Parental	53 %	59 %

* Participants may have used more than 1 theme

9.5.3.1 Parental duty

The most widely drawn upon theme was that of parental duty, with over half of the participants in both studies utilising this theme to elucidate their position on the topic, for instance:

“Yes - Make huge difference - some kids allowed to keep doing same things over and over - too many parentless children” (P16 – Study 1)

“Yes and no - no in some cases, yes in some cases, where the behaviour of the child can be attributed to the way they are brought up and treated at home” (P6 – Study 1)

“No - the child is responsible for their own actions, however in some situations where there is a lack of parental supervision or direction in a child’s life then yes” (P20 –Study 2).

The most powerful use of the parental duty argument is apparent in the first extract with the participant positioning such parents as ‘missing’, or as providing no proper discipline, and direction to their children. The parent is positioned, in the latter two extracts, as neither training their children in acceptable ways of behaving, or nurturing them appropriately. This small group of parents is alienated from the majority of loving, caring parents who provide direction, and discipline to their children. This

alienation of those who fail in their parental duty is achieved by the use of an, ‘us and them’ theme, which then justifies the introduction of such legislation for ‘some’ parents, and their children.

In the extracts above, whether the participant agrees with, or disagrees with the introduction of parental responsibility legislation they draw upon the parental duty rhetoric to infer that those parents who fail in their obligations as a parent should be held legally responsible. Even where the third participant states firmly that the legislation should not be introduced because children not parents are responsible for the behaviour, the participant then indicates that in some circumstances this would not be the case. There is acknowledgment in all three examples above that there are ‘some’ exceptional situations no matter what stance one takes in the question of parental responsibility legislation: there are parents who have contributed to their children’s behaviour, and to that extent are responsible for their children’s misdeeds. This dilemma is nicely portrayed in the next examples:

“Yes with reservations - gee this is hard especially after going through those situations before (referring to scenarios). There are occasions when I believe that parents should be liable and others when I do not think that they should be liable. Possibly some kind of trial where a judge/magistrate decides liability” (P30 – Study 1),

“Yes but to an extent. They can't be blamed for everything their child does” (P44 – Study 1).

Many participants expressed uncertainty in relation to this subject, even those who agreed with the legislative proposals. This uncertainty is attributed to both the notion of the parents’ actual responsibility, and the process that would decide the

parents' legal liability, and therefore criminal responsibility. Moreover this uncertainty is understandable when one considers that all the participants in the two studies were parents of children whose ages reflected the ages at which they as parents could be held to account should their children offend.

Inferred in all the extracts is the idea that somehow introducing such legislation will be a positive move that will have a constructive effect on the parent's behaviour and therefore their children's future behavioural choices. All participants appear to view the legislation as impacting only on the minority of parents who do not fulfil their parental duties. Such legislation is seen as encouraging responsibility in parents, which will then result in correcting the behaviour of wayward children.

9.5.3.2 *Individual differences*

Approximately a quarter of the participants in the first study (27%), and the second study (21%) specified that parental responsibility legislation would be based on individual family circumstances rather than on parents in general:

“No - sometimes it doesn't matter how much discipline a parent enforces, that child will deliberately do the opposite. However some parents are just bad parents. I think the overall view of a family will paint a picture of good/bad parenting therefore criminal liability should be judged individually on each case” (P23 – Study 2),

“Unsure - This is a very hard question to answer as I believe it would have to be a case by case situation and then there may be differing percentage of culpability on the parents. I couldn't answer this generally” (P59 – Study 2),

“Yes every case would be individual where it can be proven that the parents have done all in their power to help the child grow into a responsible caring person then they can't be deemed liable” (P66 – Study 1).

Even though the participant in the first example indicates that they do not agree with the introduction of parental responsibility legislation, because some children are just naughty, there is still reference made to the parents who fail, and criminal liability in these cases. Despite the negative response the participant appears to give qualified support to the legislation. The second participant admits that they are unable to come to any decision regarding the legislation, because of the individual nature of the situation, whereas the third participant agrees with the introduction of the legislation, and argues that the individual nature of the situation will allow the responsible caring parent to avoid liability. In other words the guiltless will prove their innocence and the irresponsible ‘guilty’ parent will be revealed and made liable with the use of such legislation. Participants drawing on this theme point out that imposing parental responsibility legislation will require that the courts investigate fully on a case-by-case basis. All of the participants in these extracts appear to agree that in some cases parental responsibility legislation would be a positive incentive towards making parents responsible for their children’s offending behaviour.

9.5.3.3 Educational benefits

Again, whether they agreed or disagreed with the legislation participants drew upon an education theme in their rationalization (Study 1: 24%; Study 2: 18%). This can be seen in the following examples:

“No - the issues involved are too complex to put the blame totally on the parents. A range of strategies should be employed which involve the parents which includes counselling and care programs for a range of people involved in the care of the child” (P47 – Study 2),

“Yes - perhaps for counselling or some sort of support, but not fines or jail. If parents are doing a bad job it tends to be because their parents did the same, a supportive intervention method would be best” (P48 – Study 2),

“No - parents are learning too, there is no formal training prior to and throughout parenting and parents may well be reacting to their own parenting (should grandparents be held liable)” (P82 – Study 1).

Intervention in some form is apparent in these extracts and was consistently posited by some participants. Participants acknowledge that if children are engaging in delinquent activities there is a good chance that the parenting they are receiving is somewhat problematic. The first participant though recognizes that many factors contribute to children’s behaviour but still proposes that parents are in need of assistance. Counselling and training are offered as better alternatives to combat juvenile delinquency than the proposed legal punishments.

The latter extracts ask the question as to whether the ‘grandparents’ will also be held responsible? Such an argument posits that if the parenting skills of the grandparents were dysfunctional this is then passed onto the parents (their children), who in turn display dysfunctional behaviours in the form of socially unacceptable parenting, which then results in the grandchildren also presenting socially unacceptable behaviours. In these responses, intergenerational modelling, as proposed by social learning theorists, is seen as paramount in contributing to parenting skills. Rehabilitation for these participants involves making training and counselling imperative for those parents who through their offspring’s public display of dysfunctional behaviour exhibit a lack of proper understanding of their role as parents. Participants appear to consider that those parents who are unskilled due to the parenting

they received are not criminal rather they are in need of retraining in more appropriate methods of parenting.

9.6 Summary

Although participants used the same themes to explain their answers to all three questions, the context changed for each question as did participants arguments. Participants were seen to draw upon various discourses to either attribute total responsibility to children at a certain age, or to argue that such an age is arbitrary and dependent on individual children's level of maturity. There was a diverse range of themes employed to define the notion of children taking responsibility, with moral, developmental, and legal arguments used to explain participants' views of child responsibility acquisition. Those participants who posited a moral explanation tended to attribute responsibility to children whose knowledge base contained the notion of right and wrong. The developmental theme allowed the participants to propose that either due to physical milestones (for example: puberty, reaching 18-years of age), or emotional milestones in children's development children become totally responsible beings. The other theme that was employed was that of parents having a duty to mould their offspring into responsible decent individuals at least by the time children reach 18-years of age. Certainly no particular theme was more commonly used than others, again indicating the wide-range of views encompassing the topic of when children become wholly accountable individuals.

When explaining parents relinquishing responsibility the parental duty theme saw participants arguing that parents never totally relinquish responsibility for their children's future behaviour, especially where that behaviour is unacceptable. Children's

behaviour was seen as a reflection of parental behaviour, and for children to exhibit poor behaviour in public was seen as humiliating to parents and an example of parenting gone wrong. Participants constructed parents as having a moral duty, and therefore responsibility for their children from birth to death.

The legal theme was also offered by participants to explain their view of parents surrendering responsibility to children, with many participants indicating that the legal age of adulthood is a worthy time for parents to hand over responsibility to children. However, some participants argued that despite this legal benchmark parents still bear some responsibility for their children's behaviour into adulthood. A developmental theme also allowed participants to clarify their views of responsibility and parents, with children's cognitive level of functioning seen as indicating when children become responsible for their own actions thereby releasing parents from taking responsibility. Some participants used this theme to suggest that the children's development actually forces parents to relinquish responsibility due to a lack of control of their children, and their actions.

The parent's duty to educate, and mould their children's behaviour in an acceptable fashion was by far the most frequently drawn upon argument employed to agree or disagree with the introduction of parental responsibility legislation. Overall participants agreed that where children offend they are being subjected to dysfunctional parenting in some form. Many participants argued that only a small number of parents would qualify for the attention of such laws, and that these parents would benefit from counselling and training. Individual differences in families and circumstances were proffered as reason for dealing with parental responsibility on a case-by-case basis.

Participants also mentioned intergenerational transmission of dysfunctional parenting skills leading to the conclusion that counselling and training would assist where parenting problems existed.

9.7 Conclusions

The age when children take responsibility for their own actions drew a variety of responses from participants, with most agreeing that prior to 18-years children become increasingly responsible. At the same time however, the parents responsibility was seen to continue until children reached 18-years and beyond. Here we again see the notion of shared responsibility being proposed, even for adult children (Lickel, 2003; Hamilton, 1981; Hamilton, 1978). In regards to the introduction of parental responsibility legislation participants were somewhat divided in their responses. However, an examination of examined the qualitative data demonstrated that participants believed that the introduction of such laws would have a positive effect on children's offending and the quality of parenting some children received. In all three questions the qualitative analysis revealed that participants responded using the same themes but structured their answers within the context of the specific questions.

Overall then, children can be deemed responsible once their parents have taught them how to behave in an acceptable manner. Parents can relinquish responsibility once children understand how to behave responsibly, and are deemed legally to be adults. Introducing parental responsibility legislation would ensure that those parents with parenting problems would be identified and assisted to become better and more

effective parents. Even participants who disagreed with the introduction of such measures argued that parents need training and education.

The final chapter in this thesis summarises and draws conclusions from the various chapters in this thesis.

Chapter 10: Summary and Conclusions

The purpose of this thesis was to investigate notions of responsibility specifically in relation to parents and children's responsibility when children offend. In order to better understand the political rhetoric relating to parental responsibility, legislative measures that have been proposed or enacted in Australia and North America were presented in Chapter 2. This was then followed by an examination of the psychological principles underlying parental responsibility legislation, including the nature versus nurture debate, social learning theory, and attribution theory in Chapter 3.

Following this the perceptions of the Australian media were qualitatively analysed. Articles appearing in national and local newspapers (over a period of 5 years) that specifically related to parental responsibility and juvenile delinquency were selected for analysis in Chapter 4. Using a discursive approach, this analysis showed how meaning is constructed and presented to justify current political rhetoric, concerning perceived responsibility legislation. Parents as the major stakeholders in parental responsibility legislation were given a voice in the two studies specifically designed to examine attributions of parental responsibility. Study 1 investigated the effect of age of the offender, and the type and severity of the offence on responsibility attributions to parents and their children when children offend (Chapter 5). A qualitative analysis was conducted on the written responses participants gave in Study 1 for attributing and mitigating responsibility (Chapter 6). As a result of the findings from this study a follow-up study was conducted to explore parents and children's responsibility when older children offend. With slight modifications, Study 2 replicated Study 1 with statistical (Chapter 7) and qualitative components (Chapter 8). The

statistical and qualitative findings of both studies were compared to expand our knowledge not only of how people attribute responsibility, but how participants reason and account for changes in responsibility attributions (Chapter 9). The general questions asked of parents in both studies were also presented to further enhance our knowledge of parents' understandings of parents and children's responsibilities.

This chapter will summarise the overall findings and conclusions drawn from the theoretical and empirical components of this thesis.

10.1 Summary

10.1.1 Parental responsibility legislation in practice

In Chapter 2 it was apparent that parental responsibility is being embraced in an effort to make parents curtail their children's offending behaviours (Lickel, 2003; Thurman, 2003; Tyler, 2000). North American legal jurisdictions have enacted numerous statutes in most States in an attempt to curb juvenile gang membership, and general juvenile offending (Tomaszewski, 2005; Brank, 2001; Hil, 1999; Scarola, 1997; Harrison, 1992). Australian legal authorities have also enacted or proposed various levels of sanctions against parents (Hil, 1998; Bessant, 1998). These measures range from encouraging parents to be involved in their children's legal procedures where their children have been accused of offending or admitted culpability, to substantial financial sanctions. Parents can be ordered to attend parenting classes, or counselling sessions. They can be ordered to pay for their children's incarceration. As yet parents in Australia are not subjected to the threat of incarceration for their children's offending, as currently is the case in North America, although parents who fail to pay financial sanctions could

be incarcerated for default in fine payments. Parental responsibility is being seriously touted as a more acceptable way to deal with children who offend, both in terms of financial assistance to either government agencies, or victims of children's offences. Children are still sanctioned and held responsible, but in some cases their parents are also being sanctioned and their responsibility seen as taken-for-granted.

10.1.2 Psychological aspects relevant to understanding parental responsibility

The nature/nurture debate in psychology was examined in Chapter 3 and review of this literature suggested that 'nurture' was the principle factor seen as most relevant to the topic of parental responsibility. This was apparent in various studies that have investigated the relationship between parenting and children's behaviour (Pardeck, 1990; Parish, 1992; Kelley, 1997; Totten, 1997; Laible, 2000; Jones, 2000; Sarris, 2000; Haapasalo, 2001; Levy, 2001; Matherne, 2001; Hill-Smith, 2002; Scaramella, 2002; Oztunca, 2001; Bengtson, 2002; Fletcher, 2004; Haas, 2004). Parents are seen in such studies to impact on their children in a variety of ways including through their own relationship decisions, and as a result of their behaviours around their children. Such research further supports the notion that parents may be responsible for their children's illicit actions.

Yet this proposal is not without its critics, with others questioning the impact of parents, suggesting that some behaviour in children is not a result of socialisation but rather emanates from the genetic mixture from their parents (O'Connor, 2001; Harris, 1998). If this were the case then parental responsibility laws would have little impact on children's behaviour, and therefore are inappropriate as a preventative measure. Overall though, there does appear to be more support for parents having an impact on their

children's behaviour. Those proponents of the impact of nurture on children's behaviour certainly believe that parents do influence their children.

Social learning theory assisted the investigation of parental responsibility legislation by explaining how parents can impart dysfunctional behaviours to their children, in many cases inadvertently, in others deliberately (Buzzelli, 1997; Bandura, 1977). Based on the concept of modelling, social learning theorists argue that through observing others' behaviours, then practicing, reinforcing, and eventually internalising such behaviours, we learn how to function in our environment. Children reproduce the behaviours they observe, and as such are susceptible to all modelling behaviour, both functional and dysfunctional. Parents are seen to have a more profound impact on their children's behaviour as they are constantly reinforcing behaviours in their children. Parents' moral, social, and cognitive behaviours are regularly on display for children to model and as such more likely to have an impact. This adaptive aspect of our development allows children to learn and to adjust to societal standards, but only where such learning is functional. Where learning is dysfunctional, then children may act inappropriately. It is this aspect of parenting that parental responsibility legislation focuses upon, and therefore one could argue that parental responsibility legislation is based on social learning theory.

The final psychological determinant of behaviour examined was that of attribution theory (Heider, 1958). Since parental responsibility legislation involves legal practitioners making decisions about the parents' involvement or lack of involvement when a young person is apprehended for a delinquent offence, this behavioural determinant was deemed important. There is a distinct causal connection drawn between

parenting and children's behaviour. Attribution theorists have contributed to our knowledge of how people perceive causal relations, and how they explain such relations (Stewart, 2005; Pizarro, 2003; Cobb, 2002; Hoza, 2000). People make attributions everyday in order to understand and make decisions about their environment and the people with whom they have contact. When attributing responsibility to parents, for example, people may tend to perceive the causal relations that pertain to that person; as either because of internal reasons such as their intentions, motives, character, or external notions such as task difficulty, or destiny (Heider, 1958). As such, people draw causal conclusions based on numerous factors, encompassing their own internal and external perceptions and judgements. Attribution theory was viewed as a suitable tool to examine notions of parental responsibility.

10.1.3 Parental responsibility in the media

Media representations of parents' responsibility when their children offend were examined to give a more complete picture of the political climate in which parental responsibility legislation has been introduced. During the period of the thesis, there was a distinct increase in the number of news articles relating to parental responsibility and the legislation associated with this indicating that many more legal jurisdictions within Australia may adopt this method in an attempt to curb juvenile crime. Within the articles there was a positive promotion of parental responsibility legislation. This promotion involved the positioning of some parents as acting irresponsibly towards their children, and as such this is used to warrant the introduction of such legislation.

Numerous persuasive rhetorical techniques were employed to justify the introduction of such legislative measures. Parents were divided into 'good' parents

versus 'bad' parents, thereby minimising the impact of such legislation. Parents of delinquent children were constructed as lacking either the skills or the motivation to act responsibly and supervise and control their children. This construction was achieved by the use of a 'deficit' theme that was directed at either the parent (internal attribution) or their parenting skills (external attribution). The articles contained rhetoric that attempted to persuade the public that the supervision of children by their parents is paramount in the fight against crime. Irresponsible parents were depicted as having little control of their children, because they failed to supervise them both physically and through knowledge of where their children were at night.

The benefits of such legislative measures were also touted with education of parents mentioned as one of the possible ways proffered to improve the behaviour of parents and therefore their children. The sanctioning of parents was also presented as an incentive, or deterrent effect of such laws. Sanctioning parents for their children's delinquent behaviour was not only justified by the suggestion that it would encourage and assist parents, but also by the proposal that such legal action would only occur as a 'last resort' thereby minimising the impact.

A central and salient feature of the 95 media articles was the opinions of politicians, with a distinct lack of parents' opinions being proffered. In the two instances where parents were given a voice they were usually demeaned prior to giving support for the legislation. Overall the voices of politicians were included in the articles either to justify or oppose the introduction of parental responsibility legislation. Yet when the articles were examined, all politicians promoted the idea that parents influenced their children's actions, and that juvenile delinquency is a direct result of a lack of parental

responsibility. Other groups including community groups, and legal providers also promoted parental influence, and education for inadequate parenting practices. The parents were positioned as the focus of the articles, as would be expected considering the nature of the articles, but the lack of any mention of other influences on children suggested that such notions were not to be considered when promoting parental responsibility.

10.1.4 Responsibility attributions: The effect of age of offender, type of offence and severity of the offence

In order to understand parents' legal responsibility when children offend it was important to examine the legal standards related to children's responsibility when they are apprehended for alleged offending. The age of criminal responsibility was examined from a legal and psychological position. This indicated that within the Australian legal jurisdiction children under ten-years of age are not considered responsible when they offend due to their cognitive, social and moral immaturity (Crofts, 2003; Morse, 1997; Grove, 1996; The Committee on Child Psychiatry, 1989). Children prior to 14-years but older than ten-years, may also argue that they too were cognitively, socially, and morally immature at the time of offending. Psychological research appears to agree that there are various stages through which children develop, although possibly 11-12-years would be a more appropriate minimum age of responsibility, with 15-16-years as the next cut-off point (Levy, 2001; Carpendale, 2000; Ferguson, 1995; Hook, 1989).

Consequently, to understand those factors that contribute to attributions of parents and children's responsibility where children offend the effect of the age of the offender, the type and severity of the offence, and the parents' locus of control were examined.

Ninety-three participants (parents) in Study 1 were asked to attribute responsibility to the child and parent in hypothetical scenarios where a child had offended. Overall, participants (parents) attributed relatively high levels of responsibility to children. In contrast, parents attributed significantly less responsibility to parents in the scenarios for their children's offences.

Results revealed that the age of the offender had a significant effect on attribution of responsibility to parents and their children. Younger children (10-years-old) were viewed as less responsible for their actions than their older counterparts (13-years-old). Parents of older children were attributed less responsibility than parents of younger children. Responsibility attributions to parents and their children increased as the severity of children's offending increased. Whether the type of offence was a property or an offence against the person, did not affect responsibility attributions, but when age was considered, parents were attributed more responsibility for property offences committed by younger children, and personal offences committed by older children.

Responsibility attributions were shown to relate to the parents' locus of control. The most relevant finding was that parents assessed as believing they had little control over their children's behaviour (PLOC: Campis, 1986), were found to also attribute little responsibility to the parent in the scenarios. This finding lends support to the validity of the PLOC, and therefore of the scenarios.

The impact of gender was also examined, with results revealing that mothers tended to attribute more responsibility than fathers to parents regardless of the children's age. It was seen that when attributing responsibility to the parent of a ten-year-old

mothers allocated greater responsibility than fathers. This trend continued with mothers attributing more responsibility to the parents of 13-year-olds, than fathers.

Study 2, with 177 participant parents further explored the effect of age of the offender, and the type and severity of the offence on responsibility attributions, but the age of the offender included an additional age group: 16-year-olds. Results again showed that parents are attributed lower levels of responsibility while children are attributed higher levels of responsibility whether younger or older. Although responsibility did increase as the child's age increased, the ten-year-olds were positioned as significantly different from the two older age groups. Participants saw the two older groups as similar with slight adjustments for age differences. Parents' responsibility decreased as their children matured. The findings from this study replicated those of the first in regards to the effect of type and severity of the offence, and gender on attributions of responsibility with increased severity of the offence resulting in more responsibility, and mothers attributed more responsibility than fathers.

10.1.5 Attributing and Mitigating Responsibility

As a result of supervision of children being cited as an important determinant of parental responsibility, the psychological research on the topic of parental monitoring of children was reviewed (Fletcher, 2004; Smith, 2004; Laird, 2003; Rai & D'Alessandri, 2003; DiClemente, 2001; Stattin, 2000; Smetana, 1994). Research indicated that parental monitoring of their children's friends, activities, and whereabouts combined with children's disclosure of their activities are the best protection against children offending. Where parents fail to use appropriate surveillance children's likelihood of offending increases. Moreover, the literature also suggests that children's offending is likely to

encourage parents to engage in less monitoring of their behaviour thereby inflaming the situation.

This thesis examined parental responsibility from a qualitative as well as a quantitative approach to ascertain how responsibility is attributed and mitigated. A content/thematic approach was used to examine the reasons participants gave for attributing responsibility. Findings indicated that parents attributed responsibility to children who were seen to understand issues of right and wrong, or when it was evident that children had planned the behaviour. Parents were attributed responsibility on the basis of their level of surveillance of their children, using supervision and communication to monitor their children appropriately. Inadequate parenting resulted in failure to control and supervise one's children.

Parents also employed various arguments to mitigate parents and their children's responsibility, with children's age used to argue that immaturity diminished children's culpability. Moreover children who reacted violently when provoked were excused as a result of their immature status. Mitigation of parents behaviour was justified on the grounds that parents cannot be expected to supervise their children at all times, and that parents who had taught their children to behave appropriately should not be judged as irresponsible. Parents used the same arguments to attribute responsibility as legislators and the media, but at the same time were willing to acknowledge that there are many mitigating circumstances that must also be considered when deciding who is responsible.

In study 2 the qualitative analysis attempted to tease out the different rhetorical arguments used to attribute responsibility based on the age of the child at the time of offending. First though the justification of parental responsibility legislation was examined, with notions of vicarious, collective, role and task-based responsibility all discussed. This revealed that the relationship that parents share with their children is what attracts expectations of responsibility when children offend. There were those who disagreed that parents are causally linked to their children's actions, suggesting instead that there is no proof parents do influence their children. In other words dysfunctional parents do not always produce dysfunctional children, and not all dysfunctional children have inadequate parents.

Study 2 focussed on how the offending children's age moderated attributions and mitigation of responsibility. It was apparent from the findings that participants did moderate their arguments when age was the variable of interest. Sixteen year olds were depicted as having internal consistent personalities, which their younger counterparts lacked. They were also less likely to be excused for their behaviour than younger children; they were expected to have some degree of control by this age. Participants were willing to consider assault of another as possible where the offender was ten years of age, and even ready to defend the 13-year-old offender, but were not prepared to make excuses for the 16-year-old in such situations. Older children were rhetorically positioned as distinctly different from the two other age groups.

Responsibility attributions to parents attracted explanations around supervision issues, and poor parenting skills for property offences committed by their children. Offences against the person saw poor parenting skills and a failure to impart the correct

lessons to children as the reasons for the children's offending. It appears that parents in this study believed that children's property offending could be lessened by improved surveillance by parents, and general parenting skills training, whereas offences against the person also involve a lack of moral and behavioural training of children by their parents.

10.1.6 Comparison of statistical and qualitative findings

Comparing the findings of both the quantitative and qualitative studies it was obvious from the statistical analysis that children were held mainly responsible when they offend, with their parents positioned as bearing significantly lower levels of responsibility. The statistical results supplied direction to the studies, with the significance of the age of the offender, and severity of the offence highlighted. Yet taken alone, it appeared that parents disagreed with current parental responsibility rhetoric. However, an examination of the rhetorical arguments and accounts employed by participants to attribute responsibility to parents suggested that overall participants do agree that when children offend their parents are doing something dysfunctional, and therefore bear some responsibility. However, it was still obvious that participants saw children as bearing higher levels of responsibility for offending than their parents.

10.1.7 Gaining, and relinquishing responsibility and introducing legal responsibility

The age at which children were viewed as becoming responsible for their actions varied considerably, although by the time children reach 18-years most participants believed that children were responsible and parents could relinquish responsibility for

their actions. It is important to note however that for some participants the parents' responsibility is never relinquished. The introduction of parental responsibility legislation saw participants equally divided as to whether they should or should not be introduced. Yet all participants appeared to agree, that there are parents who need assistance, and skills training to become more effective parents and to discourage children from offending.

10.2 Conclusions

This thesis was interested in exploring understandings and constructions of parental responsibility from various sources, but most especially from the parents' perspective when children offend. The exploration of parental responsibility also included parents' views of children's responsibility. The investigation of parental responsibility involved a review of current and proposed parental responsibility legislation in Australia and North America; and, a review of psychological determinants of behaviour relevant to the issue of parental responsibility. Constructions of parental responsibility in the media were also examined, followed by two studies designed to examine parents' constructions of the parents and children's responsibility when children offend. In addition, topics relevant to the issue of parents and children's responsibility were also reviewed, including parental monitoring, and children disclosure; the age of criminal responsibility in relation to children's offending both from legal and psychological perspectives; and the construction of parents as responsible due to their unique position as parents. One of the notable strengths of this thesis was that parents' perceptions of their responsibility was examined, bringing to the study a wealth of knowledge not replicated elsewhere. Another invaluable aspect of the thesis

was the use of different methodologies, including discursive, content and thematic analyses, combined with quantitative methods, allowing for a more robust examination of parents responsibility and that of their children.

The review of current and proposed parental responsibility legislation established the emphasis being placed on parents to act responsibly, or risk being held criminally responsible for their children's offending. This preventative measure appears to be expanding to many legal jurisdictions. The principles underlying such legislation involve the assumption that parents cause children's behaviour; that through either commission, but more likely omission (for example: a lack of supervision), parents encourage children's offending; that through legislative measures parents can be counselled, trained or punished into becoming more responsible for their children thereby leading to a reduction in children's offending.

Legal jurisdictions in North America are much more ensconced in such legislation with parents subject to enforced skills training, financial sanctions, and possible incarceration if shown to have acted irresponsibly in their duty as parents.

In Australia most State and Territory legal jurisdictions encourage parental involvement and therefore parents to take responsibility when their children offend, with few resorting to financial sanctions. Clearly the substantial financial sanctions imposed on the parents in Western Australia do indicate that parental responsibility is being seriously embraced, and may influence many Australian families. In fact few North American legal jurisdictions permit financial burdens of such severity being imposed on families regardless of the damage children have inflicted to property or persons.

Psychological determinants of behaviour, including social learning theory, attribution theory, and the notion that nurture rather than nature impacts on children's developmental paths, highlighted how parents could be held responsible, and even be viewed as causal agents in their children's behavioural choices, whether intentional or unintentional. The effect of dysfunctional nurturing, and children's maladaptive social learning has been well documented. The causal element of parents' responsibility for their children's actions demanded an understanding of how parents attribute responsibility, especially for infractions of the law.

The analysis of Australian media constructions of parental responsibility suggested strong support and consistent justification of the introduction of such legislative measures. With the increased frequency of media articles justifying making parents responsible for their children's behaviour over the past 5-years, such constructions may become enmeshed within society as taken-for-granted representations of parenting. Of interest, was the emphasis placed on the benefits to parents and their children, and ultimately, to society in training and counselling parents to overcome their difficulties. Parents were positioned as either not caring about their children, or not having the skills to steer their children. Media articles primarily made internal attributions to parents whose children had offended, or behaved inappropriately. Even those politicians who argued against the introduction of such laws still acknowledged that some parents required assistance. Parents throughout the articles were constructed as failing to monitor their children, or attend to their needs, and were therefore deemed irresponsible. Parents' responsibility was constructed as causative and predictive of children's offending behaviour.

As previously mentioned participants in both studies were parents. They contributed their opinions of parents and children's responsibility when children offend, and as such these were the first studies to unravel how parents construct their position in this issue. Analyses revealed that parents allocate significantly lower levels of responsibility to parents compared to children, at least once children reach 10-years of age. Children are viewed as responsible for their own actions, with that responsibility increasing as they grow older, or if they engage in serious offending behaviours. Responsibility was shown to increase to parents as children's offending behaviour became more serious.

The findings for the effects of the offender's age, and the severity of the offence were not surprising, whereas the low levels of responsibility attributed to parents overall was significant and unexpected. Yet this anomaly was explained by an examination of parents' open-ended responses, with parents acknowledging that children who offend are more than likely to be subjected to dysfunctional parenting. Yet, even so, parents in both studies proposed that children bear the brunt of responsibility for their own offending.

This finding does suggest that parental responsibility laws may appear to parents to be an inequitable way to encourage better parenting, as many parents viewed the parents' responsibility as minimal and usually due to something they failed to do rather than as a deliberate act. This was confirmed when parents commented on whether parental responsibility legislation should be introduced with only half the parents in both studies agreeing with their introduction. Furthermore, all parents even those who disagreed with the legislation, argued that children's offending behaviour results from

dysfunctional parenting, and where parents are having problems, education programs and counselling could rectify the problems. The current increase in parenting programs being introduced to assist parents to better understand their role, and impact on their children's behaviour would appear to be more appropriate in assisting those with skills deficits.

There were limitations in both studies that have already been discussed in the relevant chapters. All participants were volunteers, which may have biased the results with parents who had no interest in the issue of parental responsibility being less likely to participate in the studies. Participants may have also responded in socially desirable ways rather than giving a reflection of their actual thoughts on the topic, but the correlation between the questionnaire and the scenarios regarding parents' responsibility does include some validity to the findings. Other limitations have already been mentioned, for instance, studying hypothetical scenarios rather than real-life situations is problematic, but studies of real life situations are also fraught with limitations. Such limitations include a lack of consistency across individual situations that increase the effect of confounding variables.

The quantitative analyses also had some limitations. For instance, in Study 1 the repetitive nature of the task, with participants having to read each of the 8-scenarios (4 for each of the two age groups), and then comment on each individually for the child and the parent. To overcome order effects, each participant was given the scenarios in random order, but some effect of this repetitiveness may be present. This problem was minimised in Study 2 with the number of scenarios reduced to five, and participants having to attribute responsibility for one age group only.

Another limitation involved the fact that the study had only one person coding and analysing the data and this may also have biased the results.

Overall, parents perceived that dysfunctional behaviour exhibited by children is, in the majority of cases, a reflection of dysfunctional parenting practices. Moreover, parents, politicians, and many in psychology and law consider that parents' behaviours are causative and predictive of children's behaviour, which therefore positions parents as responsible when their children offend. Parents constructed a 'shared' responsibility, as proposed by Lickel (2003), to explain how responsibility is attributed. One envisions that parents and their children each have a container: the children's tumbler starts empty, with the parents full of responsibility. As children mature parents gradually impart this responsibility into the children's tumbler until it is nearly full, but the parents tumbler never quite empties, at least according to some parents. It would appear that some parents, not only children, also start with an empty container, and need it to be filled.

The issues informing parental responsibility legislation thus do appear to be tapping into factors relevant to children's offending. After exploring the issue it would seem that parental education, possibly before people become parents, but most certainly during parenthood might be required to better prepare people to parent. Teaching parents physical skills, children's developmental phases and behaviours relevant to those ages, and finally explaining to parents the impact that their own behaviour might have on their children would assist parents to better understand their role. As was previously mentioned, some parents were subjected to dysfunctional parenting by their own parents and are merely modelling learned behaviours. Moreover, the responses from parents in

the two studies suggests that despite their agreement with the underlying principles of the legislation, parents are not entirely convinced that they should be held criminally responsible for their children's offending behaviours. It was apparent from this thesis that Ludwig's statement that "*There are no delinquent children; there are only delinquent parents*", needs to be reformulated with a more nuanced approach that recognises factors relevant to both parenting practices and individual children to better understand what motivates delinquent behaviour in children.

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NSW: 3(a) [Children \(Criminal Proceedings\) Act 1987](#) s5; 3(b) Common law *doli incapax*; 3(c) [Children \(Criminal Proceedings\) Act 1987](#) s3

QLD: 5(a) [Criminal Code Act 1899](#) s29(1); 5(c) [Juvenile Justice Act 1992](#) Schedule 4

SA: 6(a) [Young Offenders Act 1993](#) s5; [Young Offenders Act 1993](#) s4;

TAS: 7(a) [Criminal Code Act 1924](#) s18(1); 7(b) [Criminal Code Act 1924](#) s18(2); 7(c) [Youth Justice Act 1997](#) s3

VIC: 8(a) [Children and Young Persons Act 1989](#) s127; 8(c) [Children and Young Persons Act 1989](#) s3

WA: 9(a) [Criminal Code Act Compilation Act 1913](#) s29; 9(b) [Criminal Code Act Compilation Act 1913](#) s29; 9(c) [Young Offenders Act 1994](#) s3

NT: 4(a) *Criminal Code Act* s38(1); 4(b) *Criminal Code Act* s38(2); 4(c) *Juvenile Justice Act* s3

ACT: 2(a) [Criminal Code 2002](#) s25; 2(b) [Criminal Code 2002](#) s26; 2(c) [Children and Young People Act 1999](#) Part 1.3 ss7 and 8, and s69

Appendix 1

Scenarios used in Study 1

Property crime of low severity:

Your child, a 10 or 13-year old, has been charged by the police for intentionally stealing \$45 worth of goods from the local supermarket. The theft occurred on Saturday afternoon. This has never happened before. Your child gave no reasons for the behaviour.

Property crime of high severity:

The police inform you that your 10-year-old or 13-year old child has been charged for breaking into the local primary school. Your child deliberately damaged property to an estimated value of \$4000, by damaging computers, breaking chairs, ripping books and generally being quite destructive. There may have been more damage if a person had not phoned the police. Your child was caught in the act. When asked why she/he had done the crime, there was no explanation given.

Personal crime of low severity:

The police arrive at your door to inform you that they want to speak to your 10-year-old or 13-year old child regarding a matter of assault involving your child. In an incident that occurred on the previous day it appears that your child had assaulted a younger child at the swing park. Your child was bullying the other child, by shoving rather roughly, and pushing the other child off the equipment. The incident lasted about 10 minutes, with the other child being quite distraught. Your child admits to this behaviour.

Personal crime of high severity:

The police arrive at your home with your 10-year-old or 13-year old child. They tell you that your child is being charged with assault involving a weapon, and attempted robbery. Your child approached a man and asked him where Blah Blah street was located. When the man grabbed his street directory from his car, your child pulled out a knife and threatened the man demanding that he hand over his wallet. The victim, an elderly man, attempted to stop your child, and consequently was cut on the arms trying to get the weapon from your child. The victim has suffered major injuries to his arms and hands,

and is also extremely distressed. Your child admits that they did do the things described to the elderly man.

Appendix 2

Form 3a:

In the following stories you are asked to place yourself in the position of the parent of the young person. Please read each story and answer the questions before starting the next story. In each story the young person's age will be a nominated age (either 10-years, 13-years and 16-years) and you are asked to consider the significance of the child's age as you answer. In the following questions please insert the most appropriate word.

Is your child male or female? Male Female

Choice of words: **Not at all, Partially, Equally, Mainly, Totally**

Choice of words: **Not at all, Partially, Equally, Mainly, Totally**

* The police inform you that the police have charged your child, a 13 year old, for stealing \$80 worth of goods from a local shop. The theft occurred on Saturday afternoon. This has never happened before. Your child gave no reasons for the behaviour.

The young person is _____ responsible.

Please explain the reasons for your answer:

The parent is _____ responsible.

Choice of words: **Not at all, Partially, Equally, Mainly, Totally**

* Your 13-year-old child arrives home with the police. It appears that your child has assaulted a younger child at the local oval. An adult who noticed the incident rang the police. Police describe your child's behaviour as assault. The police relate to you that your child was shoving the younger child rather roughly, and pushing them to the ground. The incident lasted about 10 minutes, with some swear words used in the incident. The other child, though not physically hurt, was quite distressed by the incident. Your child admits to this behaviour.

The young person is _____ responsible.

Choice of words: **Not at all, Partially, Equally, Mainly, Totally**

* Your 13-year-old child arrives home escorted by two police officers, who proceed to inform you that your child has been charged with setting fire to a brush fence in your neighbourhood. The incident occurred at 7 pm, with your child using a lighter and paper to set fire to the fence. As the house-owner was not home at the time, the fence had nearly burnt down by the time the fire brigade arrived on the scene. A tree and a child's cubby hut also caught alight, with the house only narrowly missing catching fire. The estimated damage is valued at approximately \$6000.

Choice of words: **Not at all, Partially, Equally, Mainly, Totally**

* The police arrive at your home to inform you that your 13-year-old child has been charged with assaulting an elderly man with a weapon, and attempted robbery. Your child walked past the victim, then turned around and followed him down a side street, and then stopped to ask him the time. Your child then pulled out a knife and threatened to cut the victim if he did not give him all his money. The victim attempted to stop your child and, in the process, was cut on the arm and leg by the knife. The victim has suffered major injuries, and is also extremely upset and anxious. Your child admits that they did do the things described to the elderly man.

Choice of words: **Not at all, Partially, Equally, Mainly, Totally**

- The police inform you that your 13-year-old child has been charged with throwing a missile, damaging property, and endangering life. Your child was dropping bricks from an overhead pedestrian crossing onto passing cars. The bricks were acquired from a nearby building site.