

**AN ANALYSIS OF THE RELATIONSHIP BETWEEN ORPHANHOOD AND
CRIMINAL BEHAVIOUR AMONG THE YOUTH IN MALAWI**

M. A. (SOCIOLOGY) THESIS

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UNIVERSITY OF MALAWI

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M.A. (Sociology) Thesis

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DECLARATION

I the undersigned hereby declare that this thesis is my own original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used acknowledgements have been made.

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CERTIFICATE OF APPROVAL

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ABSTRACT

This study was aimed at exploring the extent to which home background factors influence the development of criminal behaviour among the youth especially in relation to how orphans and own children are treated in the home. Views that were analysed in the study were obtained from a wide range of respondents including orphans, non-orphans, adults, and convicted orphans. The study was generally comparative in nature in that it compared the way orphans and non-orphans are treated in the homes and the consequent comparative susceptibility to criminality between the two groups as well as between males and females. Robert K. Merton's Anomie theory was employed in the analysis of data.

It was conducted in Zomba district, in Southern Malawi and specifically at Zomba Central Prison, Chilwa Reformatory Centre, Matawale residential area and Nachuma village. Both qualitative and quantitative approaches were employed in the collection of empirical material. Data collection methods used included in-depth interviews, focus group discussions, key informant interviews, semi-structured interviews and life histories. In addition, document review was used to complement the findings. Purposive and stratified random sampling techniques were used for the qualitative and quantitative parts respectively. A total of 234 respondents participated.

The study has established that there is a strong relationship between orphanhood and criminality and that lack of support renders orphans vulnerable to criminality. When orphans are fostered due to desperation and destitution, they tend to be subjected to differential treatment where own children are favoured. However, if it was on the foster parents' volition, there tends to be fair treatment. With differential treatment, orphans become susceptible to criminality because of a feeling of 'out of place' or loosened social ties which render them vulnerable to peer pressure or because of relative material deficiency that comes from inadequate support they are subjected to. Specifically, the study has established that verbal abuse, inadequate food, heavy household chores and lack of guidance and support are factors that are likely to be responsible for orphan criminality. Male orphans are also more likely to commit crimes than females, a situation that can be attributed to gender roles where a girl can opt for an early marriage for the prospective husband to be fending for her.

A family-centred social work practice that focuses on the orphan's environment (ecosystems perspective) has been identified as the most viable way to mitigate the prevalence of orphan criminality than the current incarceration system where convicted youths are sent to juvenile sections of national prisons or reformatory centres depending on their ages.

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LIST OF ABBREVIATIONS AND ACRONYMS

AIDS: Acquired Immune Deficiency Syndrome

FGD: Focus Group Discussion

HIV: Human Immune-Deficiency Virus

KII: Key Informant Interview

LH: Life History

Chapter 1

Introduction and Background Information

1.0 Chapter Overview

This chapter introduces the study topic and provides justification for conducting this analytical study.

1.1 Introduction

Criminal cases among the youth are on the increase in Malawi. According to the Malawi Prison Service records, the number of juveniles at Zomba Central Prison, the country's largest prison, has increased from 117 in June 2005, to 191 in April 2006, 223 in April 2007, and to 225 in August 2008. Though the prison records do not categorise juveniles into orphans and non-orphans, most inmates as of August 2009, indicated a member of the extended family as next of kin suggesting that they were not under the responsibility of their parents. About 60 out of the 77 juveniles at Chilwa Reformatory Centre were also orphans. Theoretically, it is argued that depending on how one was socialised, material deficiency can lead to the commission of crimes as a means to acquiring desired necessities (Becker, 1968).

Orphanhood often leads to material deficiency and just like poverty, creates a situation conducive for the development of criminal behaviours. The Population and Housing Census (2009), indicates that Malawi had 6, 793, 986 youths below the age of 18 years,

12.4 percent of whom were orphans. Of these, 61 percent were paternal orphans, that is, children who lost their fathers while 17 percent were maternal orphans (those whose mothers died) and the rest were double orphans. Africa's Orphaned Generations (2004) reported that in Malawi, 72 percent of paternal orphans live with their mothers as opposed to 27 percent of maternal orphans who live with their fathers. This implies that more orphans live either in female-headed households or with stepfathers. Since comparatively most women do not have sound income earning opportunities and that the increasing number of orphans and HIV and AIDS related deaths has increased the volatility of extended family abilities as safety nets, it means that most orphans live in poverty. However, the effects of orphanhood and mere poverty on youths might be different because in addition to poverty, orphans lack parental love, care and guidance.

1.2 Statement of the Problem

Ministry of Gender and Community Services (2003) defines an orphan as a child who has lost one or both parents because of death and is under the age of 18 years. The HIV/AIDS scourge has led to an increase in the number of orphans who in most cases are informally fostered in already overburdened extended families. Pharoah and Weiss (2005:1) argue that the pandemic has negatively affected access to education. Due to this lack of educational qualifications and scarcity of jobs, most of the orphans consequently, are likely to end up either being underemployed or jobless. Some may then resort to criminal behaviour so as to attain the necessities for their upkeep.

According to Chirwa (2002: 8), orphans are likely to experience social rupture. This occurs when illness and death of a parent affects the survival ability of the nuclear family and the effects spread to the society at large via the weakening of the extended family and the community. The effects manifested on the society include prostitution, indulgence in criminal behaviour and street begging.

It is argued that by increasing poverty and vulnerability, HIV and AIDS has exacerbated social volatility such as criminal behaviour through the marginalisation of orphans due to loss of parental care and positive role models. Illness and death of parents can lead to depletion of financial resources of the household and worse still, some orphans might be victims of property grabbing by relations of the deceased father. This leaves them with few survival options and so, they could be easily coerced into criminal behaviour by delinquent peers. Malawi Prisons records indicate that the number of juvenile delinquents has increased from 117 in June 2005 to 225 in August 2008. One of the speculated causes is the increasing number of orphans that Malawi is experiencing. However, it is argued that though often presented as a fact, much of the current knowledge on the link between HIV and AIDS, orphanhood and crime is based on informed speculation rather than empirical data (Pharoah and Weiss, 2005).

Linking orphanhood, poverty and criminal behaviour might however, be very simplistic because there are many poor people including orphans, who are not criminals. The fact that most of the available literature on this subject is based on informed speculation and

that more and more orphans are committing crimes, necessitated that we establish empirically whether their criminality is due to poverty or due to the psychological effects of orphanhood.

1.3 Overall Objective of the Study

The main objective of the study was to explore the extent to which home background factors influence the development of criminal behaviours in youths.

1.4 Specific Objectives

The following were the specific objectives of the study:

1. To investigate the association between relationships within the household and youth criminality.
2. To investigate the comparative susceptibility to criminal behaviour among orphaned and non-orphaned youths.
3. To identify specific home background factors that are likely to influence youths to commit crimes.
4. To investigate the gender dimension of crimes among orphaned youths.

1.5 Hypotheses

- Unequal treatment of orphans and non-orphans in households leads to the development of criminal behaviours among orphans.
- Orphanhood leads to psychologically influenced criminal behaviours.
- Orphans are more likely to commit crimes than non-orphans.
- Male orphans are more likely to commit crimes than female orphans.

1.6 Significance of the Study

Most of the available literature on poverty-crime or orphan-crime in Malawi, just like in most Sub-Saharan countries, is based on informed speculation rather than empirical studies (Pharoah and Weiss, 2005: 1). Such sources of information might be based on subjective observations or stereotypical analyses, therefore, might not reflect the true situation on the ground. This study intended to empirically establish the link between orphanhood and criminal behaviour and the impact of relationships within households on the subsequent behaviours of foster children.

It is hoped that the study will contribute to the understanding of orphan criminality and serve as a foundation for more in-depth academic studies on youth criminality. The study will also add to the existing body of knowledge on the relationship between orphanhood and criminality. This will be achieved by analysing the association between ill-treatment experienced by orphans and the bad behaviours classified as criminality that they portray.

Chapter 2

Literature Review

2.0 Chapter Overview

This chapter reviews literature on criminality, youths and crime and the theoretical causes of criminal behaviour, which also include the theoretical framework. The chapter brings to light what has been contributed in the field of youth criminality and criminal behaviour in general and justifies a need to empirically investigate the link between orphanhood and youth criminality.

It is divided into two major parts; general literature on criminality and theoretical explanations of criminal behaviour. The former part discusses criminality while the latter discusses the theoretical explanations to the development of criminal behaviours. The theories discussed compliment the analysis of the findings by using the appropriate theoretical framework.

2.1 Criminal Behaviour

Criminal behaviour is defined as ‘an act of breaking a moral rule defined in the criminal law’ (Wikstrom, 2006). Such behaviours can be explained as deviance because they depart from social norms. However, as Siegel (1992: 8) argues, not all criminal acts are

deviance though most criminal acts fall within the concept of deviance, just as not all deviant acts are crimes. Nevertheless, since most criminal acts are against social norms, crime is generally regarded as deviant behaviour.

Emile Durkheim, one of the founders of Sociology, provided a notable explanation on the causes of criminal behaviour. He argued that behaviour is not condemned because it is criminal but rather it is criminal because it is condemned (Giddens, 1972: 123). Thus, no behaviour on its own is criminal but rather, the society decides what should be condemned. He considered crime as resulting from Anomie or *normlessness*, a social malaise that occurs due to a breakdown of existing social rules, laws and values (Siegel and Senna, 1988: 133). Anomic condition results when existing social structure can no longer establish and maintain control over an individual's wants and desires due to the society's continued shift from homogeneity to heterogeneity through an increase in the division of labour. This breakdown of rule of law renders crime a normal response to existing social conditions.

In this regard, Durkheim viewed criminality as normal because it is a reaction to prevalent social conditions. However, punishing criminals is also normal because it is a way through which social control can be maintained (Durkheim, 1952: 362). According to Durkheim, every abnormal relaxation of the system of repression results in stimulating criminality and giving it abnormal intensity.

He also considered the society as being responsible for deciding as to what should be considered a crime or not. In this regard, it is impossible for all people to be alike and hold the same moral consciousness that would prevent any divergence. Some of these would definitely include what the society classifies as criminal behaviour (Reid, 1979: 176). After all, crime is necessary to give meaning to what is right. This view is similar to that of Karl Marx when he stated that there is no form of human behaviour that is inherently deviant because conceptions of crime are based upon subjective interpretations as to how we react to various forms of behaviour (Livesey, 2009: 9).

The subjective interpretations, on the other hand, are produced by the ruling class which has so much to lose if the social order is threatened. Members of the ruling class therefore, create laws aimed at maintaining their privileged positions and preventing others from taking their property away. Force or threat of force and socialisation are the tools that the ruling class uses to control the majority. Crime is therefore, forms of behaviour of the subordinate class that the ruling class disapproves to prevent loss of their positions and property.

Deviating from the dictates of the society can either be through individual differences accounted for by heredity or through the influence of socialising agencies such as the family, school, or peer groups (Haskell and Yablonsky, 1970: 354). Hereditary influence is hard to control because genetic make-up is difficult to change, therefore initiatives and punishments to mitigate the prevalence are focused on the latter cause. The socialising agencies on the other hand, are determined by the nature of the home background

especially the family's behavioural patterns, which in turn depend on factors such as financial status, family size and structure as well as neighbourhood, as discussed in the next section. Large families, if associated with inadequate support, are likely to exacerbate the effects of inadequate control and attention to children which in turn might render them more susceptible to criminality. The nature of the home background determines one's educational progress and compliance to the socially acceptable means for social success.

Crimes can either be felonies (more serious) requiring police custody or misdemeanours which in essence is breaking rules. They can also be committed against humans such as murder, rape and assault or on property such as robbery, arson, larceny, motor vehicle theft and burglary.

Juveniles are mostly arrested for 'status offences' which are juvenile crimes that would not be crimes if committed by adults (Bartollas, 2000: 5). Examples of such offences include truancy, incorrigibility, curfew violations and runaway behaviours. Apart from these crimes, juveniles are also likely to be involved in property crimes such as theft or burglary. However, most of them are situational offenders classified as amateur thieves by Adler, *et al* (1991: 263) and are occasional offenders who tend to be opportunists taking advantage of a chance to steal when little risk is involved. Typically, their acts are carried out with little skill, are unplanned and result from some pressing situations.

2.1.1 Poverty and Crime

This section discusses factors that are likely to lead to criminality and also recognizes that most analyses focus on blue collar crimes. The discussion includes the impact of loosened social ties between an individual and members of his/her family or community in the development of criminal behaviours. Much focus however, is put on the relationship between poverty and crime because most analyses consider the different factors that might be responsible for property criminal behaviours, as intermediary factors that lead to material deficiency which then, leads to property crimes such as robbery (Becker, 1968; Pharoah and Weiss, 2005).

The economic theory of crime (Becker, *ibid*) assumes that people resort to crime only if the costs of committing the crime are lower than the benefits gained. This implies that those living in poverty have less to lose and find it easier to commit crimes. This also includes orphans who are mostly destitute or neglected and find their situation so hard that property crimes might seem to be better ways to ease their problems.

Scholarly research has shown that American minorities are likely to be poor and that the poor are more likely to commit property crimes as evidenced by 71 percent of offenders in California as of 2002 (Holmes, 2002). These results were also supported by other studies conducted in other countries such as Madagascar. In a study conducted by Fafchamps and Minten (2002) during a conflict after disputed elections, it was established that poverty is related to crop theft and burglary because people turn to crime to mitigate the life-shock presented by poverty. Criminality did not increase among those

under chronic poverty. It was therefore, concluded that crime is a consumption smoothing strategy by the not-so-poor as they seek to protect their standards of living against a shock. Crime is thus, not related to chronic but rather temporary poverty.

A study conducted in Zambia established that 70% of households keeping orphans were from the very poor category and only about 10% were in rich households (Subbarao, 2001:9). If the orphans migrate from rural to urban areas, they may still be psychologically affected because they are treated differently from the rest. Illness of parents is likely to drain a household's resources besides property grabbing that might ensue. In another study conducted by Phiri (2000) in Zambia, it was concluded that 'orphans may not be ready to be fostered in different social environment such as from urban to rural.' It is such orphans who may resort to stay in urban areas as street youths and become a ready pool for criminal recruits.

Life shocks such as orphanhood therefore, have the potential of leading youths into poverty, a condition that orphans might be tempted to mitigate through criminality. Other studies have also established that previous offenders are likely to offend during periods of unemployment (Feldman, 1993). By extension, those that were socialised into criminality are likely to commit crimes when pushed into temporary poverty. Thus, earlier socialization is responsible for how one responds to such poverty situations. According to Wilson and Herrnstein (1986), research has established that the main characteristics of criminals are that they tend to come from poor family background; they mostly have low levels of intelligence and had poor childhood behaviour and many contacts with

criminals, implying that criminal behaviour can either result from the socialisation process or from the poor economic stand one might find him/herself in. As West (1967: 53) put it, 'a man's place of birth and upbringing determines what he values as acceptable or not.' Thus, the behavioural patterns of family members are implanted in a child and determine how he responds to situational factors as he grows.

However, this analysis puts much emphasis on blue-collar crime yet as the distinguished criminologist Edwin Sutherland (cited in Haskell and Yablonsky, 1970) put it, 'white-collar crime is probably several times as much as the financial cost of all crimes which are customarily regarded as the crime problem'.

Furthermore, it is argued that cultural ties are more important in understanding causes of criminal behaviour rather than just linking poverty to criminality because even if one is poor and unemployed, s/he does not resort to crime if cultural ties are maintained (Sykes, 1978: 253). It is rather how the poor or the unemployed perceive their situation that criminal behaviour may result. This explains why even those who are neither poor nor unemployed commit property crimes because it is one's personal perception of lacking and choice of society's unacceptable means of attainment that leads to criminal behaviour. It is generally agreed that men are more likely to commit crimes than women. This is the case because of men's biological make-up (physical strength) as well as inclination towards the public sphere (Adler, 1991:43). However, some sociologists argue that women commit a lot of crimes in the domestic sphere that either go unnoticed or unreported (Conklin, 1986).

According to Okojie (2003), most prisoners in Africa are aged below 30 years and research has shown that delinquency, crime and drug abuse are on the increase among the youth. It is speculated that low status in social-class system, educational deficiency, poverty, inadequate or broken home backgrounds, residence in bad neighbourhoods and belonging to a large family that fails to provide sufficient basic necessities to its members, are interdependent factors that lead boys and young men to commit a great majority of thieving and violence (West, 1967:55).

2.1.2 Youths and Crime

McCord *et al* (1958) in their study aimed at identifying home factors responsible for criminal behaviour among youths in different states of the United States of America, classified parents into three categories: Arrested and convicted, alcoholics and promiscuous and neither criminal nor promiscuous. They also classified parents' attitudes towards their children into three categories; warm (affectionate), rejecting (negative attention) and absent (such as living with a step-parent). In addition, they classified parental disciplinary measures into four categories; consistently punitive, consistently love-oriented, erratically punitive and erratically love oriented.

From a sample of 253 subjects, it was discovered that 45 boys were raised by criminal fathers and 56 percent of them went into criminal activities. Sixty-nine boys had alcoholic or promiscuous fathers and 43 percent of them went into such criminal activities. Only 35 percent of the remaining 139 boys with neither criminal nor promiscuous fathers were involved in criminal behaviours.

It was then concluded that paternal rejection and criminality manifested in high criminal rates among boys. Maternal rejection also increased criminal tendencies, however, consistent love oriented disciplinary measures were effective in counteracting the influence of criminal fathers.

Relationships within the household are thus, a great determinant in behavioural tendencies of children. Children are socialised in either criminal or non-criminal behaviours and they vicariously learn either to be criminals or otherwise.

Another study conducted by the Gluecks revealed that death of a mother in a son's childhood is more significant in male delinquency than death of a father (Glueck and Glueck, 1950: 90). This was based on data from 500 English juvenile delinquents aged between eleven and seventeen. Mostly this is due to the differences that exist in the disciplinary measures offered by the two parents. Fathers more often offer either consistently punitive or erratically love-oriented while mothers are more likely to offer consistently love-oriented disciplinary measures and offer more affection to children than fathers.

The situation can be worse if the relationship between the son and his stepmother is not favourable which would mean that he would not be receiving proper counselling, guidance and love-oriented disciplinary measures. He might also be subjected to different forms of mistreatment that can lead to the development of criminal tendencies.

In many African countries, the extended family especially grandparents are the chief care-givers of orphans (Subbarao et al, 2001). Mostly, these are old people who have fewer financial resources and a lot of dependents and end-up putting much emphasis on shelter provision. Most dependents end up getting into early marriages or indulging in criminal behaviours to complement their day-to-day necessities. This becomes the case because most orphans once fostered by grandparents, do not receive meaningful assistance from other members of the extended family such as uncles and aunts. According to Munthali (2002: 7), the HIV and AIDS scourge and high poverty levels have constrained the ability of extended family members to take care of orphans as they also find it tough to make ends meet.

In a study conducted by Cook *et al* (2003: 32) in Malawi, orphans categorized their needs into two; physical and psychosocial. Physical needs include food, shelter, clothing and finances while psychosocial needs include love, counselling, schooling and care. These deficiencies are more visible in foster homes where there is differential treatment. A study conducted by Zimmerman (2007: 12) among orphans in orphanages and foster homes in Malawi, indicated that 60% of the orphans in foster homes wished they were moved from foster homes to orphanages. This is an indication that many orphans are not comfortable with foster parents mainly because of differential treatment and verbal abuses. In one study conducted in Nkhata Bay district, Malawi by Munthali (2002:8), it was established that some orphans knowing that their grandparents are too old to control

them, refuse to work in the garden and consequently, the harvest might not be enough to suffice. This encourages the orphans to start stealing so that they can sell the items and buy food and other items they want.

Youth criminality differs across genders. Males are more likely than females to begin their delinquency at an early age and extend the behaviours into adulthood (Bartollas, 2000:46) and the nature of their crimes also differ. Males are more likely to be arrested for possession of stolen property, vandalism, weapons offences and other assaults while females are more likely to be arrested for running away from home and prostitution. Consequently, few females find themselves in prisons because the standard definition of crime leaves them outside the bracket.

Family breakdown is a significant cause of criminality among youths. According to Smith (2007), family breakdown can be through *dissolution* (where parents part after having children together), *dysfunctional* (through improper care) or *dadlessness* (due to death of a father especially because they are breadwinners in most cultures). Such scenarios make children susceptible to criminal behaviours by forcing them into risk factors established through trans-continental research studies as causes of criminal behaviours among the youths. These include; inadequate parenting, child abuse/maltreatment, family disruption, poor parental supervision, having teenage parents, unstable living conditions and effects of economic disadvantage.

Death of parents in most cases lead to family breakdown and the risk factors of orphanhood that ensue, are close to inevitability. This situation is likely to force them to fail to attain the culturally approved goals through culturally approved means. However, according to Robert Merton's Anomie theory, ritualism, retreatism, innovation and rebellion can be possible adaptation modes. This study therefore, aims at analysing the choice of Innovation among orphans as an adaptation mode through committing crime.

Juvenile delinquents are sentenced into juvenile detentions which might be juvenile sections of national prisons or juvenile reformatory centres depending on the delinquent's age. As Bartollas (2002:5) explain, juveniles are sentenced with the aim of being punished and rehabilitated because they are taken not to be fully responsible for their behaviours. However, as Smith (2007: 14) has argued, punitive measures to curb youth criminality have failed to address the cultural drivers of the problem. Focusing on the possible causes of youth (*and orphan*) criminality is better placed to combat youth criminality than punitive measures.

Among the methods that are used in some countries to achieve this goal is the Ecosystem perspective of social work practice. The perspective encourages social workers to recognize that problems arise because of 'a poor fit between a person's environment and his or her needs, capacities, rights and aspirations' (Healy, 2005: 136). The perspective is instrumental in preventing perpetual youth criminality because it tries to unearth hidden causes of the criminality from unfavourable relations between the youth or the orphan and other members of the family, the extended family or the community.

The perspective uses a genogram, which is a diagrammatic representation of the relations between the client and his or her family members and an ecomap, a diagrammatic representation of the relationships between the client and his/her immediate community. From these, it can be deduced as to which connection is unfavourable and a possible cause of the problem at hand. Interventions are then undertaken to rectify the problem and create a conducive environment that would prevent the youth or orphans from committing crimes.

2. 2 Theoretical Explanations of Crime

Theoretically, criminal behaviour has been explained to emanate from the individual's genetic make-up or through the socialisation process where criminality develops from childhood through the internalisation of criminal behaviours of adults. It is also explained through situational factors, where people commit crimes due to lack of better alternatives to pull themselves out of the situations they find themselves in.

Several theories have been developed to explain the development of criminal behaviour but here, only a few will be presented. The theories are broadly classified into four main categories; Biological *and* Psychological, Social Structure, Social Process and Labelling *and* Conflict theories.

The leading proponent of the **biological** explanation to the causes of criminal behaviour was Cesare Lombroso who believed in born criminals who are atavists, throwbacks of an earlier more primitive species of man (Haskell and Yablonsky, 1970). Lombroso

identified specific physiological and anatomical features that are common in criminals. These included an asymmetrical face, an enormous jaw, large or protruding ears and a receding chin. He identified four types of criminals; born criminals, insane criminals, occasional criminals and passionel criminals (Regoli and Hewitt, 1997: 108).

For some time, sociologists and criminologists based their analyses of causes of criminal behaviour on this. However as Sykes (1978) put it, biological explanations of crime have repeatedly failed to withstand critical examinations and most criminologists today believe that in light of the available evidence, such explanations are of little use in understanding criminal behaviour. For example, in a research involving twins aimed at establishing the effect of heredity in criminal behaviour, it was discovered that there is low correlation between genetic factors and criminal behaviour (Conklin, 1986:180). Thus, criminal behaviour is learned through social interaction.

According to the ***Social Process theories***, criminality is a function of people's interaction with various organizations, institutions and processes in society (Regoli, 1997:185). People in all walks of life have the potential to become criminals if they maintain destructive social relationships. This explains why people who underwent what can be classified as effective socialisation through the family end up showing criminal behaviour in adulthood. This is because of exposure to criminal behaviours through secondary socialisation agencies such as the peers, school as well as the community.

Social Process theories were propounded by Edwin Sutherland, Ronald Akers, Robert Burgess, Travis Hirschi, David Matza, Daniel Glaser and Albert Reiss. The theories consider criminal behaviour as learned through the process of socialisation and that the behaviour is controlled by social bonds. Crimes occur when the forces that bind people to society are weakened or broken as explained by the Social Control theory which contends that delinquency results from youth's feeling of being cut off from the major institutions of the society such as the family, peers and school (Siegel, 1988:158). Since the bond to these institutions has been severed, the control that conventional society normally places on the youth is absent and they feel free to exercise anti-social behaviours. Research has proved that criminal behaviour is learned through deliberate or informal socialisation (Regoli, 1997: 185). The theory is however criticised for failing to account for the origin of criminal behaviours and that it is rather criminal behaviour that weakens bonds between children and parents, schools and society (Siegel, 1997:231).

Criminality is also explained through ***Social Structure Theories*** propounded by Clifford Shaw, Henry McKay, Richard Cloward, Lloyd Ohlin, Albert Cohen and Walter Miller. According to these theories, destructive social forces operating in low income areas propel many youths into delinquency and later adult criminality. Delinquency develops as a product of the environment an individual is in. *Strain theory*, an example of these theories, contends that lower class societies have both values of the entire society and alternative goals (Siegel, 1988: 133). People develop delinquent behaviours when they realise that goods and services readily available to other members will always be beyond

grasp. This is contrary to cultural deviance theory which considers delinquency as a function of the prevailing cultural norms and values existing in the lower-class culture (Siegel, 1988: 125). Thus, the lower-class societies have their own values and means, different from those of the entire society. It is these values that are called criminal behaviours, meaning delinquency is proper socialization within a deviant social group culture.

Another example is *Differential Opportunity theory* which focuses on the development of criminal behaviours among youths in disorganised areas where they lack the opportunity to gain success through conventional means. Criminal behaviour is a result of differences in opportunities to reach cultural goals by legitimate means and differences in opportunities to use illegitimate means to reach these goals (Conklin, 1986: 186). The theory focuses on what youths from poor home backgrounds want and what is available to them. The discrepancy between aspirations and legitimate chances of achievement increases as one descends into the class structure.

The differences are manifested in learning and performance structures where learning structures are the appropriate environments for the acquisition of the values and skills associated with the performance of a role. Performance structures on the other hand, refer to the opportunity to join with others who share a similar problem of adjustment and opportunity to gain peer approval for one's behaviour. Poverty leads to the inaccessibility of the two structures and consequently, the poor youths end up committing crimes to acquire their aspirations.

The theories recognize the impact of informal sanctions by significant others (closest important individuals) such as parents and neighbours. These may include stigma and indignation that may consequently prevent one from committing a crime (Siegel, 1992:132). However they fail to recognize the fact that the poor may have no option as to fear punishments and also, strong deterrents such as capital punishment have failed to deter violent crimes. This implies that besides rationality and one's situation, there are other factors behind criminal behaviours.

Labelling and Social Conflict theories focus on the role that social institutions play in producing delinquency and the differential manner in which the law is applied (Siegel, 1992: 188). Propounded by Richard Quinney and William Chambliss, the labelling theory considers criminality as arising from poor family relationships, peer pressure, psychological abnormality or pro-delinquent learning experiences. Criminality results from the labelling that follows when delinquency arising from these factors is portrayed. The offender then conforms to this negative social label which later sticks to him/her. According to the theory, official efforts to control crime often have the effect of increasing it. Individuals who are arrested, prosecuted, and punished are labelled as criminals. Others then view and treat these people as criminals, and this increases the likelihood of subsequent crime for several reasons. Labelled individuals may have problems obtaining legitimate employment, which increases their level of strain and reduces their stake in conformity. They may also find that non-criminals are reluctant to associate with them, while it would be relatively easy for them to associate with other

criminals. This reduces their bond with non-criminal members of the society and fosters the social learning of crime (<http://law.jrank.org>). Finally, labelled individuals may eventually come to view themselves as criminals and act in accord with this self-concept.

The Conflict theory of crime causation was propounded by Willem Bonger and it recognizes official crimes as a function of poverty (Haskell and Yablonsky, 1970:354). The relationship can be direct as when a person steals to survive or indirect as when poverty kills the social sentiments in each person and destroys the sentiments between people. The theory also considers the continued adoption of labour-saving technology and the occupation of women in positions that for many years have been under men, as worsening the situation of young men. It also focuses on why government makes and enforces laws and rules of morality. According to the theory, the law favours the rich and who in turn profit from the poor. The rich are therefore the real criminals. Conflict theory is however criticised for undermining the alternative view of men as purposive creators and innovators of action (Reid, 1978: 215).

2.2.1 Theoretical Framework

Anomie Theory

Robert K. Merton's Strain (Anomie) theory is used in this analysis of the association between orphanhood and criminality. The theory has its foundation in the work of Emile Durkheim who considered Anomie or *normlessness* as resulting when one of the society's most important elements for social control, social cohesion shifts from mechanical to organic solidarity. According to Durkheim, primitive societies were

characterized by mechanical solidarity which was dominated by collective conscience. Laws were created to repress individuals from acting in a way that would threaten the collective conscience (Reid, 1979:178).

As societies become larger and more complex, the law's emphasis shifts from collective conscience to the individual culprit and becomes restitutive since societies become more heterogeneous and characterized by an increase in the division of labour. Due to this decrease in homogeneity, individuals face more loneliness, more social isolation and a loss of identity. The traditional forms of social control become less effective leading to the development of a state of anomie which provides a framework in which crimes and other antisocial acts may flourish (Reid, Ibid).

Merton adapted Durkheim's abstract theory to real cases. His aim was to answer the question of why it is that the frequency of deviant behaviour varies within different social structures and how it happens that the deviations have different shapes and patterns in different social structures (Reid, 1979: 179). According to the theory, social structures exert pressures on some persons to behave in non-conforming rather than conforming ways. The theory is based on the distinction between culturally defined goals and norms that regulate the means to achieve those goals. Goals are defined as valued purposes and interests that the culture holds as legitimate objectives of all members of the society (Conklin, 1986: 181) and norms are the society's expected codes of conduct. Some of the

socially approved means of achieving success are hard work, education and thrift. Some societies emphasise the goals others the means with most societies falling somewhere on a continuum between the two extremes.

The theory was chosen because it explains better how different individuals might respond to a similar socio-economic situation differently depending on how they were socialised and thus allows for a consideration of both successful and unsuccessful socialisation. While proper socialisation prevents criminality, improper socialisation does not always lead to criminality. The study, thus, explains why among the options available, orphans choose criminality.

Most cultures emphasize the measurement of individual worth by material success thereby producing societies with a built-in incentive to achieve the goals. Consequently, there is a rise in the living standards as well as increased discrepancy between people's expectations and their capabilities as explained by the Relative Deprivation concept of the strain theories which is defined as 'the discrepancy between people's expectations and their capabilities' (Conklin, 1986). Expectations are goods and conditions of life which people think are rightfully entitled to them while capabilities are goods and conditions of life that people believe can attain and maintain under their current social system. Expectations are drawn from nearby affluent members of the society and when the poor conclude that they have exhausted all constructive means of achieving their expectations and believe that legitimate opportunities to reduce their relative deprivation are closed to them, they end up committing crimes.

Since most societies put much emphasis on the goals and not on the means to achieve the said goals, inequalities in the access to approved means force those with a more limited chance to achieve, to resort to deviant behaviours. This is more pronounced in developing countries where the majority of the people are poor. Malawi, for example, has a poverty headcount of 52.4 percent and 22.4 percent of the population living in ultra-poverty (Malawi Poverty and Vulnerability Assessment, 2007).

One important factor in Merton's theory is the institutionalized means to reach the cultural goals. Norms which define acceptable means to reach the cultural goals are derived from the values or preferences of the society rather than from the pure technical efficient means of achieving the goals (Conklin, 1986:182).

Social equilibrium results when satisfaction accrues to people who use the institutionalised means to reach the culturally approved goals. Anomie or Normlessness results when there is a disjunction between means and goals which may result from socially structured incapacity of people to use the approved means to reach the goals.

According to Merton, there are five basic modes of adaptation to the goals and means of the society, the first of which is *conformity*. This is when an individual accepts both goals and means and it is the admired mode of adaptation. Ritualism is the second mode of adaptation and refers to the acceptance of the means together with scaled-down or given up goals. This mode is most common among middle class individuals. The third

mode is *retreatism* where an individual rejects both the culturally defined goals and the institutionalized means. He then escapes by becoming a deviant as exemplified in cases of drug addicts, alcoholics, psychotics or by some other method. Their acts are regarded as immoral and criminal even though victims of their actions may not be easily identifiable.

The fourth mode is *innovation*, where an individual accepts the goal and uses unacceptable means due to failure to internalize the morally acceptable and prescribed norms governing the means for the attainment of the goals. This mode is highly applicable to individuals who have lost hope in achieving the goals using the available means such as those with low financial resources that can be used to create wealth or better education that can be used to get a better paying job. Since the individual accepts wealth and power as a goal but does not accept work as a means, he ends up choosing illegal means and becoming a criminal. The theory contends that criminality does not result directly from poverty but rather when poverty and associated disadvantages in competing for the values approved for *all* members of the society, are linked with an emphasis on success as a dominant goal (Reid, 1979: 180).

Rebellion is the fifth mode of adaptation. An individual rejects both the goals and the means of attaining them. He then seeks to create a new social structure that will more effectively allow people to meet what the rebel considers appropriate goals. Rebels tend

to have an altruistic-communal motivation for crime rather than an egoistic motivation and their offences are mostly directed towards non-personal goals. They usually seek to set an example for their followers and want publicity for their crimes.

Some of the criticisms of Merton's theory include that it does not take into account social psychological variables that might explain the adoption of one adaptation over the other and that innovation mode of adaptation can also be prevalent in middle and upper classes not only in lower class as the theory portrays. It also fails to explain the fact that some people commit crimes purely out of fun (Reid, 1979: 181). Merton acknowledged the importance of using other theories to complement these shortfalls. It is in this vein that this study will also use other theories to explain beyond the realm of Anomie theory especially on the analysis of the influence of social psychological variables. All in all, the central issue of the study is the choice to behave in non-conforming behaviour which is better explained by the Anomie theory.

The socialisation process is at the centre stage of determining the mode of adaptation. According to Haskell and Yablonsky (1970: 298), children have three problem areas which are to be successfully passed for one to attain socially approved goals through approved means in future. These include friendship, school and family roles. In adulthood, these lead to community, school and family roles respectively. Improper accomplishment of childhood roles leads to youth criminality or the criminal behaviours

might be manifested in adulthood through failure of adulthood roles as demonstrated in the figure below. This study is therefore concerned with the former where disturbed accomplishment of the childhood roles results in youth criminality.

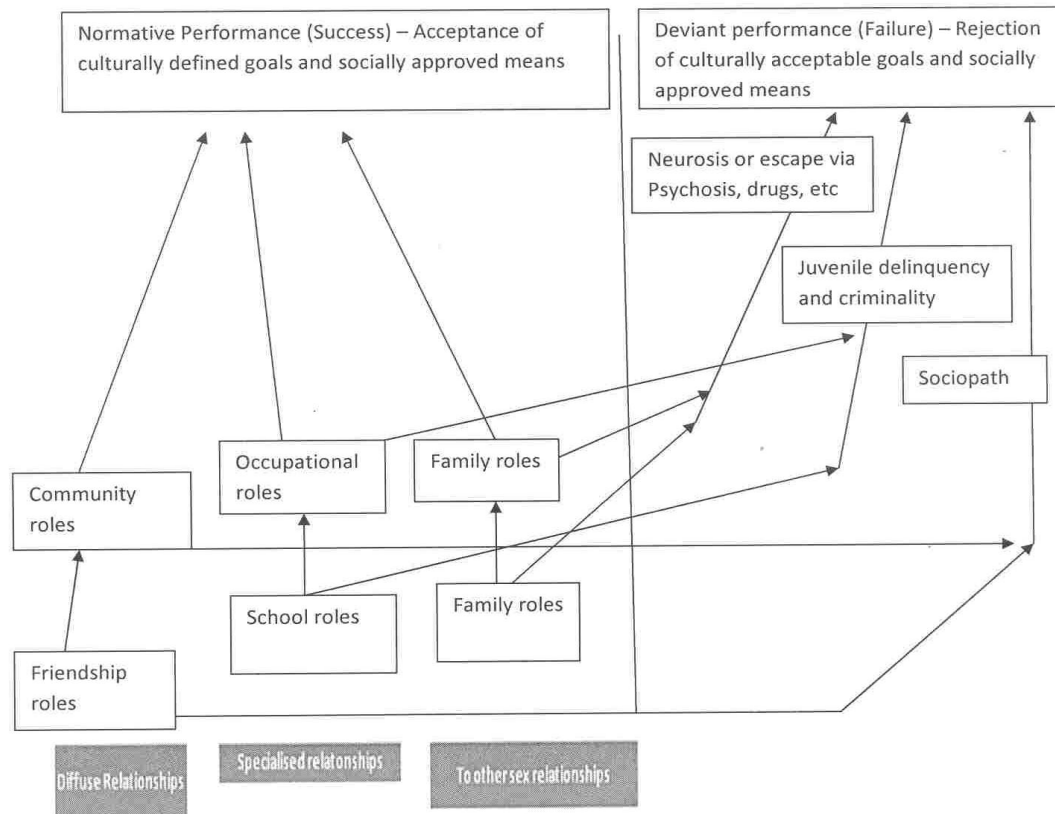


Figure 1: Adapted from Haskell and Yablonsky (1970:298)

Improper socialization of orphans due to lack of parental care and positive role models is likely to lead to improper accomplishment of childhood roles and consequently to criminal behaviours either during childhood or as adults via innovation, rebellion and retreatism.

Chapter 3

Methodology

3.0 Chapter Overview

This chapter discusses procedures and methods used in the collection of data. It includes description of study setting, sampling procedure, data collection tools and procedures, data analysis, ethical considerations and study limitations. The study used both qualitative and quantitative methods which included Focus Group Discussions, In-depth interviews, Life histories and Semi- structured interviews respectively.

3.1 Study setting

The study was conducted in Zomba district of the Southern region of Malawi due to its easy access to the researcher and the availability of the required respondents for the study. The first study site was Zomba Central Prison which accommodates prisoners with diverse cultural and socio-economic backgrounds from all over the country. Situated at the prison headquarters in Zomba, the prison is one of the oldest in Malawi and is the largest. According to the 2007 Malawi Human Rights Commission Report, the prison had 1,980 inmates, exceeding the official capacity of 800 by more than double the number of inmates. This was the site for conducting life-history studies among juvenile delinquents because the technique allows for the informants to expound on their ordeal and talk of

issues that might not be directly related to their situation but have an impact on their actions and behaviours. Since the site has older orphans, it was expected that their life experiences would be important in the analysis of the relationship between their orphanhood situation and criminal behaviour.

The Juvenile section of Zomba Central Prison has offenders not younger than 16 years old, the mark of adulthood as stipulated in the constitution of the Republic of Malawi. Those below this age are sent to juvenile reformatory centres. The second study area was therefore the Chilwa Reformatory Centre also situated in Zomba district.

There are two juvenile reformatory centres in Malawi which keep delinquent minors depending on their ages. Mpemba Reformatory Centre in Blantyre district and Chilwa Reformatory Centre in Zomba district, both in the Southern region of Malawi. Mpemba rehabilitates very young delinquents from the age of 7 to 13 years while Chilwa is for those from the age 13 to 18 years. Perpetual offenders might however, be sent to the juvenile section of prisons from the age of 16. Chilwa Reformatory Centre was therefore, chosen for proximity reasons as well as considering the fact that the delinquents have better reasoning capacities than the minors at Mpemba. The natures of crimes committed also differ where most of those at Mpemba are just perpetual trouble makers or they committed very minor offences unlike those at Chilwa.

The centre had 77 younger juvenile delinquents of the 13 to 16 years old category as well as 16 to 18 if not classified as perpetual offenders. It provided participants for Focus Group Discussions (FGDs) because the tool is very instrumental in enabling participants remind each other on the issues under discussion. Since the participants were younger, it was expected that through this tool they would be able to assist each other tackle possible factors perceived to be responsible for their criminal behaviours.

Research has established that orphans are mostly found in lower income households and that living in urban or rural area has a bearing on the subsequent socialisation processes and manifested behaviours of orphans (Subbarao, 2001). The study therefore, obtained quantitative data and part of the qualitative data from respondents and informants in both urban and rural areas for balanced public perceptions on the relationship between orphanhood and criminality.

Matawale, a residential area situated in Zomba City provided urban respondents and informants for the study while Nachuma village, Traditional Authority Mwambo in Zomba district provided rural respondents and informants. This is a rural area situated over 20km from Zomba city and was chosen because of its relatively easy access and due to the availability of many families with orphans. Face-to-face semi-structured interviews were used to collect data from these two sites. The technique had coded responses with an option of an explanation where needed. This helped respondents expound more on their choices of responses.

The two areas were purposefully selected because of proximity to the researcher, availability of orphans and enough homes fostering orphans and distance from the city centre. Matawale is an urban area while Nachuma village is a rural area.

The two sites also provided eight (8) orphan informants living in foster homes who were subjected to in-depth face-to-face interviews for their experiences as orphans and the prevalence of differential treatment in foster homes. Some key informant interviews were also conducted in these areas among community leaders and traceable relatives of convicted orphans to gain a better understanding of prospective participants and respondents.

3.2 Sample Size

The study involved different types of respondents to avoid drawing conclusions from one sided data. It involved both older and younger orphans who had committed crimes and were either in prison or reformatory centre, orphans living with foster parents as well as the general public on their perception on the relationship between orphan-hood and criminal behaviour. Older orphans were those with ages ranging from 16 to 18 years and were serving sentences in the juvenile section of Zomba Central Prison. Younger orphans were those with ages ranging from 13 to 18 years and were at Chilwa Reformatory Centre.

The quantitative part of the study which involved respondents from Matawale residential area and Nachuma village, had a total of 194 respondents comprising 143 respondents from Matawale and 51 respondents from Nachuma village. The sample sizes were

obtained using the sample size calculator (www.samplesizecalculator.com) with 95% confidence level and a confidence interval of 7.5. The total population for Matawale according to the community leaders was 890 while that of Nachuma village was 73.

The qualitative part of the study involved 36 respondents comprising 8 older juvenile delinquents from Zomba Central prison who provided their life-histories, 8 orphans living in foster homes for face-to-face in-depth interviews and two groups of ten respondents each from Chilwa Reformatory Centre who participated in Focus Group Discussions (FGDs) to complement the life histories.

3.3 Sampling Technique

Purposive sampling was used in the identification of respondents in the life history, in-depth and FGD studies. Respondents befitting the required characteristics of the three classifications of respondents of the qualitative part, thus older convicted orphans, orphans at the reformatory centre and orphans living in foster homes, were identified through Key Informants. The key informants on the other hand, were identified on the basis of their perceived knowledge of the requirements of the study. These included the Station Officer of Zomba Central Prison, the Principal of Chilwa Reformatory Centre, Nachuma village headman and chairperson of Matawale Neighbourhood Watch, the Community Based Organisation looking into different matters to do with the residential area. The Station Officer and the Principal helped in the identification of participants as well as shed more light on the juvenile correction system. On the other hand, the community leaders provided information about their communities.

Random sampling was used in the identification of respondents for the semi-structured interviews. Stratified sampling was used to divide respondents into two main categories, independents and dependents. Independents were all men and women with their own homes and taking care of either own children or foster children. On the other hand, dependents were all unmarried males and females, living with biological or foster parents. From these, systematic sampling was used to identify respondents for the study. Starting from 3 every 6th individual from each stratum in Matawale and every 2nd individual from Nachuma village was identified as a respondent of the study.

3.4 Instruments

Data triangulation was employed in the collection of empirical material to ensure reliability of the results as well as for quality assurance. Focus Group Discussions (FGDs) were used to collect qualitative data from younger juvenile delinquents at Chilwa Reformatory Centre because the method could enable them to remind each other of their situation and provide a holistic view of orphan-hood criminality. Life histories were used to collect qualitative data from older juvenile delinquents at Zomba Central Prison with the aim of inferring their behaviours from their life experiences and in-depth interviews were used among fostered orphans. The three tools were used to collect data about specific home background factors that can cause orphan criminality and impact of relationships within the household.

Coded face-to-face interview guides (Semi-structured interviews) were used to collect quantitative data for public perceptions on youth criminality. The tool was used to cover all the objectives of the study so as to compare with the views obtained in the qualitative part. It was chosen because some respondents might be illiterate such that they could not use questionnaires, therefore through this method the researcher and his assistants could communicate effectively with them. The face-to-face setting instilled reliability of the responses because the researcher was able to ask more questions on the reasons behind the responses given by the respondents. Coded responses assisted in the analysis since a representative sample was required for the reliability of the responses.

Document review was also used through prison records to obtain data on the number of inmates in the juvenile section and the nature of crimes they committed. The records are organized as a way of keeping the following details: Name, next of kin, age, crime committed sentence and court details. Thus, the records do not specify as to whether the delinquent is an orphan or not.

3.5 Data Collection Procedures

The study started with a pilot study where secondary school pupils were used as participants of FGDs, due to their comparative maturity, to test if the instrument would be able to provide required data. The researcher then, sought permission from relevant authorities to conduct the study at Zomba Central Prison and Chilwa Juvenile Reformatory Centre. After identifying respondents in the rest of the study areas, specific interview guides were administered by the researcher with the help of two research assistants.

3.6 Data Analysis

Narrative and content analyses were used in the analysis of qualitative data. Responses were manually analysed into categories with regards to the study objectives. Results of the interviews were also analysed holistically to compare different life stories and situations the orphaned delinquents went through. Deductions were then made as to whether the criminal behaviours manifested were a result of the home background or situational factors.

Semi-structured responses in the quantitative part were coded and analyzed using the Statistical Package for Social Scientists (SPSS) to produce frequencies, percentages and cross-tabulations. The package was also used in the testing of hypotheses where the Chi-square test was employed. A question from the quantitative instrument directly tackling a specific study hypothesis was entered in relation with the development of criminal behaviour of nature of crimes committed. The testing was conducted in a way to examine the applicability of conclusions with reference to the different categories under study.

3.7 Ethical Considerations

Before conducting the study, consent was obtained from the relevant authorities. These included management of the prison service for juvenile inmates, (foster) parents for youths in the communities and the administrators of Chilwa Reformatory Centre. Both the respondents and the authorities were told about the objectives of the study for them to understand the scope and implications.

No names were required from the respondents to assure confidentiality. Alphabetical letters were instead used with LH1 to LH8 for the eight respondents of life history interviews, X1 to X10 and Y1 to Y10 for FGD respondents and IND_{1m/f} to IND_{8m/f} for in-depth interview respondents.

Permission to conduct the study at Zomba Central prison was on condition that the results would not be used for any other purpose other than academic. This condition therefore applied to the whole thesis and respondents were informed so that they could open up.

3.8 Study Limitations

The nature of the interviews in this study could be better analysed if they were recorded and then transcribed so as not to miss any detail. However, prison and reformatory centre authorities prohibited recording. This was however checked by using two research assistants where the researcher played a more facilitating role.

Chapter 4

Results and Discussion

4.0 Chapter Overview

This chapter contains a discussion on the data collected through semi-structured interviews, life histories, FGDs and In-depth interviews. The findings are discussed according to the objectives of the study.

4.1 Juvenile Reformatory Process in Malawi

Based on KIIs, juvenile delinquents can find their way into reformatory centres in two ways. If a minor has committed an offence and is reprimanded by the police, the courts can recommend that s/he be sent to the reformatory centre where s/he is supposed to be counselled and taught both academic and vocational skills until the reformatory centre authorities observe that s/he has been reformed and is ready to get back into the community. During the juvenile's stay at the reformatory centre, the District Social Welfare office is supposed to conduct a home assessment where social workers visit the home of the delinquent and establish possible causes of his/her delinquency and propose the best way forward to make the home conducive for the whole family including the delinquent when s/he returns.

However, due to understaffing and the lack of adequate funds and vehicles, District Social Welfare offices fail to play their part, forcing the reformatory institutions to send their social workers to the delinquents' homes to counsel them as well as find better ways of preventing continuation of criminal behaviour after the delinquent's release. Consequently, not all families are covered as evidenced by the experience that some delinquents return to the reformatory centres after being rejected by their families.

Alternatively, juveniles find themselves in reformatory centres after being recommended by district social welfare offices via magistrate courts. Upon noticing that a minor is frequently committing offences and the family is failing to reform him, he can be reported to the district social welfare office which later files a court report recommending that he be sent to a reformatory centre. The court can then either approve or disapprove the recommendation.

4.2 Relationships within the Household and Criminal Behaviour

Results from the in-depth interviews with fostered orphans, generally indicate that orphans are treated in the same way as own children. This is mainly because most of these respondents were fostered with the aim of either staying as the home's children because own children were very young or because the foster parents intended to send the orphans to school. This was supported by 78 respondents in the quantitative part (representing 40.2%) who indicated that orphans and non-orphans work and play together because they live just like members of one family. A further stipulation of a good relationship between the deceased and foster parents can also be inferred because the

study established that some orphans are ill treated because of the behaviours of their biological parents as well as theirs, when their parents were alive. The fact that they mixed well into the foster parents' homes and were not subjected to verbal abuse and other forms of ill-treatment indicate that they were in good terms already and they had non-criminal behaviours. The case was however different with those who had committed crimes and were either at the reformatory centre or the juvenile section of Zomba Central prison.

The hypothesis chi-square test indicated that there is a significant difference between how orphans and own children are treated in the homes leading to the development of criminal behaviours among orphans. It can therefore be deduced that the study has established that orphans are more likely to commit crimes because of the different factors arising from foster parents' differential treatment towards own and foster children.

Participants of the FGDs indicated that they were subjected to a lot of ill-treatment from both foster parents and the parents' own children. These included being given inadequate food, being sent to poor schools as opposed to own children, subjection to verbal abuse and doing hard house chores. As indicated in Table 1 below, 116 respondents of the semi-structured interviews (representing 59.8%) indicated that orphans are discriminated against by foster parents by favouring own children which is also manifested in non-orphans' feeling of superiority as one participant of the FGD said: '*...their children could order me to collect any litter in the house while they looked on.*'Y4.

Some respondents indicated that new clothes were bought only for their biological children whose old clothes were then passed on to the orphans. Such behaviours affect the attitude of orphans who feel unwanted and different from the others. Consequently they develop traits of the ‘unwanted group’ subculture, characteristics of which are fending for themselves, defiance and criminal acts (Siegel, 1992: 192).

The result was in tandem with findings of a study conducted in Kenya where maternal orphans were found to be more vulnerable because of step mothers who favoured own children (Zimmerman, 2007). In most cases, mothers spend more time at home than fathers and thus, children can either emulate their attitudes towards orphans or can be advised on how to co-exist with the orphans. About 53% of the respondents indicated that orphans are ill-treated because of foster mothers’ feeling that the orphans would forget about the assistance in future and also simply because of lack of love towards others’ children.

Some bad relations between orphans and own children would also emanate from the situation that one parent appreciated the efforts and hardworking abilities of orphans like in the following case;

I was always in conflict with my cousins because whenever household chores were assigned to us, they could run away and leave me alone to work. In the end, I could fail to finish everything as expected. Come evening, we were all whipped even though I had done my part. But somehow, my uncle knew that I was hard working because sometimes, he could buy new clothes for me only. However, this always invited anger and verbal abuses from my cousins. Y1 (FGD, Nov 26, 2009)

Table 1: Orphan and non-orphan co-existence

		Reason for the way orphans and non-orphans co-exist (%)				
		They are like one family	Emulation of foster parents' attitude towards orphans	Non-orphans' feeling of superiority	They have different sets of behaviours	TOTAL
How do orphans and non-orphans co-exist. (%)	They Work and play together	40.2	0	0	0	40.2
	Orphans are discriminated	0	32.99	20.62	6.19	59.8
TOTAL		40.2	32.99	20.62	6.19	100%

From the table above, it can be deduced that orphans that were fostered with the aim of being sent to school, such as the in-depth interview respondents, are favourably treated as opposed to those who were fostered as a result of desperation and destitution. The results were also echoed in the life history of LH4 who lost his father at the age of 7 and his mother at 11 while in standard 5 and was forced to go and live with an uncle who was a butcher.

My uncle started beer drinking and could stay away from home for a week after which he could come and give me K200 to use for the whole week. I then dropped out of school because I lacked encouragement and also because there was no one to stay at home. When I couldn't take it anymore, I returned to Ntcheu to stay with my sister. Unfortunately she could not provide my needs, so I just decided to steal some bicycle parts and that is why I was arrested. LH4 (Life history interview, Nov 18, 2009)

LH4 lacked guidance, care and love from his uncle who was then expected to be fending for him just like his father. Being neglected was similar to paternal rejection which the McCords (1958) found as being responsible for criminality among boys. Though young, he had to find ways of survival and because of lack of better alternatives, he opted for criminality. This choice was clearly out of lack of guidance because of growing up without paternal love and care. Having lost his father at the tender age of 7 and being fostered by a neglecting uncle, it meant that he started adolescence without proper paternal guidance.

As can be observed from Table 2, 138 respondents of the semi-structured interview (representing 71.13%), indicated that orphans are treated differently from own children mainly because of the spouse not directly related to the orphans. This was the case with LH3 who was living with an uncle whose wife had also some relatives within the home and they were subjected to differential treatment as he put it;

Needs of my uncle's children did not require asking for. The needs of my aunt's relatives were also quickly attended to by the aunt while as for me, I had to wait until month-end. Relations amongst us children were also distinct as influenced by the parents' attitude and differences in the provision of resources. LH3 (Life history interview, Nov 18, 2009)

The orphan ended up stealing some textbooks from school library after his uncle's failure to buy for him. He did not sale the books and was later caught. This criminality was out of relative deprivation where LH3 drew his expectations from the other children of his household and when he concluded that he had exhausted all constructive means of acquiring the books and hence reduce his relative deprivation, he ended up stealing from the library.

Table 2: *Treatment of orphans and non-orphans in households*

		Why are orphans treated differently (%)					
		Because of their bad behaviours	Because of biological parents' behaviour	Because of the other spouse	Will forget about the assistance in future	Lack of love for others' children	TOTAL
Are orphans treated in the same way as own children (%)	Yes	0	0	0	0	0	28.87
	No	5.15	12.89	31.44	1.55	20.1	71.13
TOTAL		5.15	12.89	31.44	1.55	20.1	100%

According to Social Process theories, strong social bonds control criminal behaviours (Regoli, 1997: 154). Orphans that are treated in the same way as own children are less likely to show criminal behaviours as opposed to those that are discriminated against. This explains why LH3 resolved to stealing books from the school library because the nature of the relations within his home put him in isolation and hence chose innovation as an adaptation mode. Considering acquiring textbooks as a goal and purchasing as a failed means, he therefore replaced the means with stealing.

4.3 Comparative Susceptibility to Criminal Behaviour

From the hypothesis testing, it was established that there is a significant difference between the nature of crimes committed by orphans and non-orphans because orphans' criminality is a psychological effect of their situation. This means that even though

material deficiency has a possibility of leading to criminality especially property crime, orphans are more susceptible to criminality because of home-background factors that put them at a relatively worse-off position than own children.

Orphans and non-orphans are subjected to different experiences both within and outside homes. As can be observed from Table 3 below, 100 respondents (51.54%) in the quantitative part of the study indicated that orphans are more likely to commit crimes than non-orphans while only 27 respondents (13.9%) indicated otherwise. This susceptibility is due to lack of both guidance and support. However, 67 respondents (34.5%) were of the view that both orphans and non-orphans are susceptible to criminal behaviour because both of them do not get adequate guidance and support. The results indicated that orphans are more likely to commit property crimes because of need while non-orphans are more likely to be involved in misconduct such as fights because they do not fear repercussions. This is because they are assisted by their parents whenever they get into trouble.

The following excerpts from life history interviews also indicate that the orphans committed their crimes as a result of lack of support. Examples include LH1 and LH4 who said that:

Due to lack of assistance, I accompanied a friend and we stole some hoes which we later sold. That was why I was arrested. LH1 (Life history interview, Nov 18, 2009).

I returned to Ntcheu to stay with my sister. Unfortunately she could not provide my needs, so I just decided to steal some bicycle parts and that is why I was arrested. LH4 (Life history interview, Nov 18, 2009).

Table 3: *Perceived susceptibility to criminal behaviour*

		Reason for differences in susceptibility to criminal behaviour (%)			TOTAL
		Orphans lack guidance and support	No difference between orphans and non-orphans	Non-orphans commit crimes deliberately	
Who is more likely to commit crime (%)	Orphan	51.54	-	-	51.54
	Non-orphan	-	-	13.92	13.92
	Both	-	34.54	-	34.54
TOTAL		51.54	34.54	13.92	100%

LH2 is an example of orphans who commit crimes due to lack of guidance. After taking over his deceased uncle's welding business, he started earning enough money which in the end led him to imprisonment as he put it:

I was making more money...and I started womanising, beer drinking, smoking and some karate sessions. I felt very free because the rest of my uncles were far away and I could then do anything that I wished to and whatever I could not do because of my parents' restrictions. **LH2** (Life history interview, Nov 18, 2009)

Lack of support and guidance as causes of criminal behaviours among orphans were also echoed in the FGDs where most respondents indicated that they were given less support and decided to fend for themselves. For instance, Y1 said that:

Inadequate support and verbal attacks reached unbearable levels and I decided that it was better to stay alone and fend for myself. I also blame my foster parents for my bad behaviours because they were not advising me. All they could do was wait for me to do something wrong and then shout at me while when it was their child, they could wait until they had finished taking supper and then advise him. **Y1** (FGD, Nov 26, 2009).

Some semi-structured interviewees indicated that both orphans and non-orphans are susceptible to criminality because most of the times parents neglect needs of their children and do not take time to adequately advise them. An extension to this was that

non-orphans especially boys, are more susceptible to criminality because they rely on the support of their parents in paying court fines. However, as can be observed from table 4 below, 134 respondents (69.07%) indicated that orphans are treated differently from own children and are more susceptible to criminal behaviour because of peer pressure, lack of support and lack of guidance.

Table 4: *Causes of criminal behaviours among orphans and non-orphans*

		What factors can cause criminal behaviours			TOTAL
		Peer pressure	Lack of support	Lack of guidance	
Are orphans treated in the same way as own children	Yes	13.92	8.76	8.25	30.93
	No	34.02	21.65	13.4	69.07
	Total	47.94	30.41	21.65	100%

4.3.1 Peer Pressure

According to Social Process theories, people from all walks of life have the potential to become criminals if they maintain destructive social relationships accompanied with weakened social bonds (Regoli, 1997:154). Most orphans who lack guidance because of weakened bonds with relatives find peers as a substitute. It is through secondary socialisation that takes place in these relations that criminal behaviours develop. Examples of such scenarios include the experience of LH5 narrated below;

My uncle was selling fresh maize and we were in very good terms. He could provide me with anything I asked for. But when I went to Ntcheu, things changed. My aunt was very harsh such that I was either given little or no food at all, little love and no clothes. I then, moved to Ntcheu boma where I started earning a living by carrying passengers' luggage. Because of friends, I started drinking,

smoking and theft. I was arrested because I, with some friends, robbed a certain traveller. It is now that I realise that I needed someone to advise me and check my behaviour. LH5 (Life history interview, Nov 18, 2009).

Besides being in need, it is evident that he believed in using socially approved means of acquisition such as hard working. It was through his peers that he learned some bad behaviours including robbery. According to the strain theory, he opted for innovation due to peer pressure.

A key informant, sister to LH2, elucidated that when their parents had died, their uncle would control LH2 but as soon as he died things changed. LH2 was uncontrollable. All members of his family feared him and they were not surprised when he was arrested because he had very suspicious friends, who according to her, were after his money. LH2 was running a welding shop left by his uncle and started drinking, smoking and womanizing after the demise of his uncle due to the influence of his friends.

Not only material deficiency can render an orphan vulnerable to peer pressure as can be observed from LH8's experience. He was born in a polygamous family and after the death of his mother, his father and the junior wife relocated. He recounted as being better off when his father left because he favoured children from the junior wife and that on their departure, they left whatever belonged to his mother's household. Consequently, he was able to source some money as elucidated below;

I dropped out of school to fend for the household through a video-show business using the TV screen left by my father. I neither drink nor smoke however, because of friends, I started sleeping with prostitutes. I was arrested because I assisted a friend to rob his parents of a solar panel, mobile phone and maize bags. I personally took the phone which I later gave to a prostitute. It was when this was discovered that I was arrested as an accomplice. LH8 (Life history interview, Nov 18, 2009).

His criminality was therefore, influenced by his friends not because he failed to make ends meet. This shows that peer pressure alone has the ability to influence an individual's choice of Innovation as an adaptation mode of the anomie theory as stipulated by Robert K. Merton.

4.3.2 Lack of Support

Prison records indicated that 80% of the respondents committed property crimes which in most cases is due to lack of proper means of acquisition that call for innovation as explained in Merton's Anomie theory. Most respondents in the FGDs also indicated that they committed crimes because of lack of support. Conflict theory explains that material deficiency forces people to steal for survival besides having the ability to kill love between people (Haskell and Yablonsky, 1970:354). LH1, who stole some hoes to sell so that he could buy basic life necessities, is an example of orphans who steal due to poverty. LH6 on the other hand, is an example of orphans whose humanity has been destroyed by material deficiency to the extent of stealing from people who were keeping him as he put it:

Her [Grandmother's] love for the two of us was the same only that she lacked the resources. I later heard that someone was looking for a TV screen to buy... I then stole the screen from my grandmother's brother... (LH6, Life history interview, Nov 18, 2009).

Though both orphans and non-orphans are subjected to peer pressure, lack of support and inadequate guidance, orphans are more susceptible to criminality especially in scenarios where they were fostered due to desperation. This is because of differential treatment that exists within the homes. Theoretically, orphans' susceptibility to criminal behaviour is explained through the Strain theory of Relative Deprivation which is a discrepancy between the minimal that one has and the expected acquisitions as observed from people around you (Conklin, 1986:180). Most participants of the FGDs and Life histories were

living in families where own children were receiving more support, love and attention. This created a feeling of being comparatively disadvantaged and hence, a need to still more, acquire the needs through illegal means, referred to as innovation in Merton's Strain (Anomie) theory.

The results of the study are also in tandem with expert speculation as presented by Pharoah and Weiss (2005), that orphans are more susceptible to criminality because their situation is associated with increased poverty and vulnerability. Most of the FGD participants and 7 out of 8 Life history interviewees were involved in property theft because of failure to meet their needs through the normal and socially acceptable means of acquisition.

4.4 Specific Home Background Factors

Respondents in the life history interviews indicated diverse home background factors that contributed to their criminality. In general, the underlying factor of being an orphan or being treated differently from own children, was responsible for their criminality. LH1 for example, lost both parents by the age of 9 years. His parents were poor though his grandparents had some cattle. After the death of his parents, he avoided increasing strain in his elder sisters' homes by being fostered by his grandmother. She however, took advantage of the fact that he had dropped-out of school and used him as a herd boy without providing him with his needs. Consequently, at the age of 18 years, he stole some hoes to sell so that he could buy his needs. Similarly, LH4, who lost both parents by the

age of 11 years, came from a poor family and was fostered by an uncle who was also poor. As a result, he could not even provide him with food forcing him to steal some bicycle parts to sell after seven years as an orphan.

This is in tandem with results from the hypothesis chi-square test where orphans are more susceptible to criminal behaviours than non-orphans. Home background factors such as orphans' lack of adequate support and guidance from foster parents, render orphans more susceptible to criminality especially property crimes such as robbery, with the aim of meeting their needs. The problem is exacerbated by the orphans' observation that own children are receiving better attention from the parents than them.

As can be observed, the social situations of these respondents did not allow for social success. They however, committed their crimes after more than five years of perseverance. Thus, according to Anomie theory, they avoided deviant acts by hoping that they would somehow succeed. It was after they had realized that the doors to success were closed to them that they resorted to criminality. LH5's case was similar in that he became an orphan at the age of 12 when both of his parents died but for the next four years he had been living with his uncle. After the death of his uncle, he experienced a livelihood collapse forcing him to join a youth gang with which he robbed a traveller, 2 years after the death of his uncle.

The situation was somehow different with LH6 who came from a poor family though he was receiving adequate support from his parents. After the death of his parents when he was 13, he joined his ailing grandmother where survival was very difficult. He was forced to start fending for the family for 4 years after which he stole a television screen from his uncle who was living nearby. This is an example of criminality that came about due to Relative Deprivation where he expected to acquire some resources as those available in his nearby uncle's home. Realisation that this could never be achieved is what drove him to innovate by robbing his uncle.

LH2 on the other hand, did not come from a poor family and after the death of his parents, he was fostered by an uncle who had a profiting business. His behaviour was strictly monitored by his parents and after their death, he felt liberated and started drinking beer carelessly. Consequently, he was frequently chased from home by his uncle. He was therefore not arrested for property crimes but rather attempted rape, implying that the criminality was mainly due to lack of guidance. Similarly, LH8 did not come from a poor family. His family was polygamous and after the death of his mother, his father moved out with the junior wife leaving all property that belonged to the senior wife behind. LH8 and his siblings therefore, lived even better than before because initially they were subjected to differential treatment where his father favoured the junior wife's family. He later accompanied a friend to rob the latter's parents. This criminality was also due to lack of guidance.

LH3 came from a well-to-do family and after the death of his parents, he was fostered by an uncle who was also financially stable. He however, was subjected to differential treatment because the foster parents favoured own children. After staying there for five

years (when he was 17 years old), he stole books from a school library so that he could acquire materials that his cousins and relatives of his aunt could get legally and without difficulties. Similarly, LH7 was fostered in a family that was financially stable but was ill-treated by his aunt's husband. He persevered for a year and then stole a car battery to sell so that he could buy his needs.

These two cases reflect Relative Deprivation of the strain theory which was responsible for the choice of Innovation as an adaptation mode. They both committed property crimes so that they could meet needs that they had concluded they could not get with the prevailing situations. Participants of the FGDs also came from different social backgrounds and committed different types of crimes ranging from perpetual trouble making to armed robbery. They committed crimes mostly around the age of 14 years. Some crimes were as a result of displaced anger due to being denied access to assets left behind by their deceased parents while for some, it was due to differential treatment in the homes where own children were getting better support.

Results from the FGDs present factors such as inadequate food, hard household chores, lack of guidance and support, verbal abuse and general differential treatment between own children and orphans as some of the contributors to the development of their criminal behaviours. The factors can be evidenced in the following excerpts from the FGDs;

I was not used to hard life because when my parents were alive, all house chores were done by a maid and I also had enough money to spend. I just decided to find my own means of living the life I was used to. X4 (FGD, Nov 26, 2009).

I felt neglected because my uncle was mostly drunk and never had time to advise me or at least explain to me his financial problems so that I could understand the situation. X3 (FGD, Nov 26, 2009).

I became troublesome because of the way they were treating me which I perceived as not different from staying alone. X5 (FGD, Nov 26, 2009).

Inadequate support and verbal attacks reached unbearable levels and I decided that it was better to stay alone and fend for myself. I also blame my foster parents for my bad behaviours because they were not advising me. All they could do was wait for me to do something wrong and then shout at me while when it was their child, they could wait until they had finished taking supper and then advise him. Y1 (FGD, Nov 26, 2009).

These findings were also echoed in the life histories as can be observed from the following excerpt about LH7, a 16 year old orphan who lost his father at the age of 8 years and mother at the age of 13 years. After the death of the father, he moved out of Ulongwe in Balaka district to live with an uncle who was a teacher at Ntaja in Machinga district while his wife was a nurse.

They had no child and I was doing the household chores and going to school. They were treating me well just like their child until one day when I was sent to go to a maize mill and I lost K500 on the way. Although I tried to explain, they accused me of stealing and chased me out of their home without my belongings. I went back to Ulongwe and lived with my aunt and her 6 children. There were no problems amongst us children and my aunt did not show any favouritism. However, I was not in good terms with her husband and he usually gave me tough chores such as cutting elephant grass while his children were just playing around. He could give his children some money every month-end. Life was generally better at my uncle's home before the K500 issue. LH7 (Life history interview, Nov 18, 2009).

As observed earlier on, LH7 joined the first foster home as the home's child as he personally conceded that life was better then. In the other foster home, he was particularly ill-treated by the foster parent not directly related to him. He later stole a car battery which was a manifestation of the treatment he was getting in the home especially

unequal treatment between him and his cousins. As elucidated in the excerpt, his cousins were given some money for personal needs unlike him, a situation that contributed to his criminality because he had no legal means of acquisition other than stealing, thus innovation adaptation.

From the quantitative part, as presented in table 5 below, 138 respondents (71.1%) indicated that orphans are not treated in the same way as own children and are subjected to different forms of ill-treatment as highlighted in the FGDs and Life histories while 56 respondents (about 29%) indicated that orphans and non-orphans are treated in the same way. Only 2 respondents (1%) however, indicated that orphans are favoured due to their hard working abilities. This can be exemplified by Y1's sentiments that sometimes when they were given tasks to do, his cousins could abscond and his uncle would reward him with new clothes. This however, could not solve matters because it provoked his cousins leading to hatred and verbal attacks which, as identified below, are some of the factors that can possibly lead to some criminal tendencies.

This 1 percent also represents the nature of orphans as identified in the in-depth interviews, where fostering was done at the offer of the parents not the orphan's desperation and destitution. However, when orphans are favoured by foster parents, a situation which attracts verbal attacks from own children, orphans are more likely to feel out of place. An example is X6 whose cousins used to remind him that: *'do not be complacent, these are not your parents.'*

Consequently, he started refraining being with his cousins around the home and started preferring friends with similar problems who later taught him thievery. Verbal attack therefore, has the ability to cause criminality by demoralising orphans.

Table 5: *Treatment towards orphans and non-orphans*

		How different is the treatment (%)					TOTAL
		They do hard works	Are not sent to good schools	Are verbally attacked	Not given enough food and clothes	Favoured due to their hard working abilities	
Are orphans treated in the same way as own children (%)	Yes	0	0	0	0	0	28.87
	No	28.35	13.92	16.49	11.34	1.03	71.13
Total		28.35	13.92	16.49	11.34	1.03	100%

The different forms of ill-treatment that orphans face in foster homes have an effect of loosening social ties and consequently lead to criminality (Sykes, 1978:253). Most participants of the FGDs indicated that they were greatly ill-treated to the extent that they perceived leaving the foster homes as a better option. This choice of action entails leaving socially acceptable means of success because they would have to struggle for survival and striving for progress would become a big challenge. Consequently, the simpler way of succeeding is by denouncing the socially acceptable means and innovate own ways, most of which has been observed to be thievery.

4.5 The Gender Dimension of Crimes

The hypothesis testing established that there is a significant difference in the susceptibility to commit crimes where male orphans are more likely to indulge in criminal activities than female orphans.

Among the reasons cited are that people prefer to foster girls than boys because the latter usually misbehave and that girls can easily opt for early marriage where the responsibility for their upkeep shifts to prospective husbands.

From table 6 that follows, 103 (53.1%) respondents of the semi-structured interviews indicated that male orphans are more likely to commit crimes than female orphans while only 33 respondents (17.01%) opted for the latter. This was in tandem with observations from Zomba Central Prison where there was only one girl in the juvenile section who was later released after paying a fine. She was arrested for prostitution as contrasted to around 175 male juvenile delinquents at the prison and whose crimes ranged from thievery, rape to armed robbery. By extension, boys are more likely to be brought to book for criminality than girls as evidenced by the decision of the Malawi government to categorically establish boys' reformatory centres.

The respondents explained that most people would prefer to foster female orphans because boys are troublesome. This was supported by participants of the FGDs who explained that relatives often say that boys are thieves (Y6). Those male orphans that are fostered are also ill-treated an example of which is being given hard chores as indicated

in table 7. This can be illustrated by LH1's experience whereby he lost both parents by the age of 9 after which, he went to stay with a grandparent while his sisters got married. His grandmother was not interested in his wellbeing or education but rather rearing her cattle and driving an ox-cart to the extent that he lacked basic needs and later stole some hoes which he sold.

The experience was supported by respondents from both the semi-structured interviews and the FGDs, who explained that though both boys and girls can be subjected to similar material deficiency, girls can solve the problem without committing a crime by simply getting married. As a gender role, husbands are expected to fend for their wives, thus orphaned girls can get married and leave the responsibility of fending for themselves to their husbands. While if boys marry, they would still have to fend for their wives.

As a result, they do not marry but rather find other ways of survival such as thievery. Out of the 175 juvenile inmates as of May, 2009, 80% were arrested due to property crimes. The remaining 20% was shared between rapists, defilers and vandals. This shows how rife the situation of thievery is among youths involved in criminality.

Table 6: *Likelihood to commit crimes*

		Reason for differences in likelihood to commit crimes (%)				Total
		Both lack guidance and support	Girls are not supported adequately	Boys are unlikely to be fostered	Boys are ill-treated	
Who is more likely to commit crimes (%)	Male orphan	0	0	50.52	2.58	53.1
	Female orphan	0	17	0	0	17
	Both	29.9	0	0	0	29.9
Total		29.9	17	50.52	2.58	100%

The susceptibility of either male or female orphans to criminality is also a manifestation of how the two sexes are affected by orphan-hood. From table 7 below, 95 respondents (about 49%) indicated that girls are more affected because they do most house chores in foster homes and that their needs are not adequately met by foster parents.

Another reason given was that girls grieve for their parents for a longer time than boys. Consequently, female orphans can resort to prostitution, multiple love relationships and marriage. Respondents in the FGDs indicated that this is the simplest adaptation because it is easier to indulge in sexual intercourse than to rob someone.

Table 7: *Reasons why boys and girls are affected differently by orphan-hood*

		Reason for being affected differently (%)					Total
		Both boys and girls are ill-treated	Foster parents prefer girls	Girls are harassed and do most house chores	Boys are given hard chores	Girls hardly earn money yet require more necessities	
Who are more affected by orphan hood(%)	Boys	0	20.62	0	5.15	0	25.77
	Girls	0	0	17.53	0	31.44	48.97
	Both	25.26	0	0	0	0	25.26
Total		25.26	20.62	17.53	5.15	31.44	100%

50 respondents (about 26%) indicated that boys are more affected by orphan-hood because they are unlikely to be voluntarily fostered and because they are given hard chores. However, though most respondents explained that girls are more affected, they indicated that boys are more likely to indulge in criminal activities than girls. Among the reasons are that boys are comparatively stronger and courageous and also because girls can simply get married and let their husbands fend for them. Boys on the other hand, even if they marry, they would still have the responsibility of taking care of their families and hence opting for innovation since they cannot succeed using legally accepted means.

Chapter 5

Conclusion and Policy Implications

5.0 Chapter Overview

This chapter presents conclusions based on the analysis of data collected for every study objective. It also brings to light possible policy implications based on the findings of the study.

5.1 Conclusion

The main objective of this study was to establish the relationship between orphan-hood and criminality by exploring home background factors in foster homes in relation to the types of crimes committed by orphans and the most likely reasons behind them. Data was therefore collected from orphans who had committed some crimes and were either serving in the juvenile section of Zomba Central Prison or were sent to Chilwa Reformatory Centre. To balance the data, some responses were sought from orphans living in foster homes. The general public also put in their opinions as to what cause criminality among the youths as well comparative susceptibility to crime between orphans and non-orphans and also males and females.

The study has established that orphans are treated differently by foster parents depending on how they found themselves in the foster parents' home. Where an orphan was fostered at the parent's volition and with the aim of assisting, orphans tend to be treated favourably. On the contrary, orphans who were fostered because they had nowhere to go after the death of their parents, tend to be unfairly treated and are more likely to develop criminal tendencies.

Contrary to the speculation that orphan criminality is due to material deficiency, the study has established that it is differential treatment within the homes that propel orphans to commit crimes. Those that are not subjected to material differential treatment are likely to experience differential treatment in terms of guidance and love and can commit crimes due to peer pressure that comes in because of associating with some delinquents. This is in agreement with social process theories which contend that criminality is a function of people's interaction with crime related persons and institutions. According to the theory, criminal behaviour is a result of broken social bonds which tie a child to his immediate and extended families. Thus, when the relationship between the child and his/her relatives is not strong, s/he is likely to replace the need for them with the need for peers.

The study has also established that lack of guidance and support, inadequate food, hard house chores and verbal abuse are very instrumental in causing orphan criminality. Particularly, orphans are more susceptible to criminality than non-orphans because the latter are seldom victims of the aforementioned challenges but are rather perpetrators especially of verbal abuses. Non-orphans' behaviours are checked by parents and have

stronger social ties consequently, their susceptibility to criminality is low, where as inadequate guidance and support that orphans are subjected to, weaken their social ties and render them susceptible to criminality.

The evidence shows that non-criminal orphans living with foster parents were treated favourably and they were all attending school. This is an example of conformity adaptation with reference to Merton's Anomie theory where they were pursuing the goal of success through the socially approved means, education.

It can therefore be concluded that orphans who are not favourably treated in their foster homes are subjected to loose social ties, a situation that opens criminality as an option. This is because of differential treatment that they might be subjected to, as well as a feeling of being 'out of place' due to segregation from own children. The situation is exacerbated by the inability of other members of the extended family to assist orphans because of being constrained with poverty and the HIV and AIDS scourge as explained by Munthali (2002: 7). As could be deduced from the in-depth interviews, material deficiency is not likely to lead to youth criminality when social ties are strong but rather availability of resources is likely to cause criminality if there is relative deprivation or loose social ties.

The study has supported findings of a study by Cook *et al* (2003: 32) where orphans categorized their deficient needs into physical and psychosocial. Lack of these needs was the cause of criminality among orphans in the juvenile reformatory centre and the central prison.

The study has also established that male orphans are more likely to commit crimes than female orphans. Most female orphans however simply get into early marriages with the aim of getting support from their prospective husbands. On the contrary, when home background factors inhibit male orphans' business or education opportunities, the most plausible option is to replace the means, thus, choose *innovation* as an adaptation mode.

The main causes of criminality among orphans are therefore, relative deprivation and loosened social ties. With relative deprivation, foster parents demonstrate differential treatment towards own children and orphans within the same household. The other dimension is comparison between old and new home. If the orphan was receiving better care either under biological parents or first foster home, he is likely to feel relatively deprived and be susceptible to criminality. On loosened social ties, orphans are likely to feel not loved, unwanted and despised due to verbal abuses, lack of guidance and social support. This enables property crime to be an easier option to relieve their anxiety and attain personal freedom or meet personal needs.

All in all, the study has established that there is a strong relationship between orphanhood and criminal behaviour. However the relationship is not direct in that orphans whose social ties are still strong are unlikely to be involved in criminal tendencies. On the other hand, those whose social ties are weak as manifested in being abused verbally or getting inadequate guidance and support are likely to develop criminal behaviours. Considering that the strength of the extended family system to take care of orphans has been weakened with the HIV and AIDS scourge and the monetization of the economy

where almost everything has to be bought, more orphans are likely to be fostered due to desperation and destitution. Consequently, they are subjected to loose social ties and hence more likely to develop criminal tendencies as a psychological effect of the ill-treatment that they are subjected to.

Merton's theory therefore is well suited to explain the criminality that results from relative deprivation as has been established from this study. This is because most of the convicted respondents persevered before committing their property crimes with the hope that things would work out and they would be able to acquire materials they expected to have but could not get with their prevailing situations. *Innovation* through property crimes was therefore, the most plausible way to acquire these needs.

The theory however, fails to explain the factors that lead to the adoption of innovation. Different theories have therefore been used to explain the underlying factors all of which however, lead to a realization that goals could not be attained with prevailing situations and opening criminality as an option, which is innovation according to Merton's theory.

The other social structure theories fail to ably explain the causes of orphan criminality because they regard criminality as a result of destructive social forces operating within low income areas. As has been established, some orphans committed property crimes even though they were fostered in well-to-do families because it was rather relative deprivation through differential treatment that was responsible for the criminal behaviours.

Similarly are social process theories which contend that criminality is a product of being in a slum area where children are in contact with many deviants and are likely to be socialized into criminality.

In light of the findings of this study, another research can be conducted on the reasons behind the different treatment that orphans and non-orphans are subjected to, within foster homes where orphans are ill-treated.

5.2 Policy Implications

Youths indulging in criminality are often arrested and when convicted, are either sent to prison or juvenile reformatory centres depending on their ages. After serving their sentences they are released with a belief that they are reformed and ready for family reintegration. Family reintegration is defined in the seventh combined fact sheet of the International Social Service (ISS) and the International Reference Centre (IRC) as the return on a permanent basis to the family of origin of a child who has been provisionally separated by a family placement or a stay in an institution as a result of the initially unfavourable circumstances for his upbringing having taken a turn for the better. Most ex-prisoners are however stigmatized by their communities.

This study has established that orphans are discriminated within their homes. As a national *modus operandi*, youths involved in criminal behaviours are incarcerated as juvenile delinquents. The system allows for them to be punished as well as to be reformed so as to transform into responsible citizens. However, a combination of

discrimination faced by orphans in foster homes and stigmatization that is associated with ex-convicts, worsen the living conditions of orphans and influences habitual criminality due to loosened social ties from the extended family members who consider them as criminals.

Given the stigmatization faced by young ex-convicts when they return to their communities, imprisonment should be considered a punishment of last resort. Deliberate steps need to be initiated by the Ministry of Gender, Children and Community Development to enable more social workers reach out to families with problem youths including orphans just as the Ministry of Health does through Health Surveillance Assistants (HSAs). This can be achieved by improving the capability of district social welfare offices to reach out to more families through an increase in human resource.

A family-centred social work practice based on the ecosystem perspective would best assist in the reformation of the youth indulging in criminality. The perspective targets the repairing of the conceptually fractured relationship between the child and his environment (Healy, 2005:136). It is based on environmental wholeness thus, parts of the system can never be entirely separated from each other and that the social worker's focus should be on transactions within and outside the home that have a bearing on the child's behaviour with the aim of achieving sustainable change.

According to the ecosystem perspective, the environment has a two-way relationship where the child's behaviour influences his environment and that his behaviour is also determined by the environment. Consequently, the theory proposes that the focus of the intervention should not be the original cause of the problem but rather on the nature of the relationship between the child and his environment. This is based on the perspective's foundation that a child's problems arise from a poor fit between the environment and his needs, capacities, rights and aspirations. In turn, the misfits are brought about by factors such as change in social location, poverty, diversity of lifestyles and orphan-hood. Orphan-hood on the other hand is as established in the study, accompanied by differential treatment, verbal abuses, stigmatization and lack of guidance and support.

If the home environment is made conducive for both orphans and own children through the intervention of social workers, orphan criminality is likely to be greatly reduced. Consequently, criminal orphans would have more chances of becoming reliable citizens of a country as opposed to the current incarceration system that has a potential of increasing orphan stigmatization and hence habitual or professional criminality.

During the course of data collection, it was observed that prison records do not indicate whether one is an orphan or not but rather they simply indicate the next of kin or guardian. Since the study has established that orphan-hood leads to criminality, it is

important for the records to identify orphans so that they can be counselled appropriately and the intervention can extend to their guardians because unlike non-orphans, orphan criminality is psychologically induced and require holistic intervention to prevent perpetual criminality.

REFERENCES

- Adler, F, Mueller, G and Laufer, W (1991). *Criminology*. New York: McGraw-Hill.
- Bartollas, C (2000). *Juvenile Delinquency* (5th ed). Boston: Allyn and Bacon.
- Becker, G (1968). *Crime and punishment: An Economic Approach*, in *Journal of Political Economy* 76, 169-217.
- Chirwa, W (2000). *Social Exclusion and Inclusion: Challenges to Orphan Care in Malawi*. In *Nordic Journal of African Studies* 11(1), 93-113.
- Conklin, J (1986). *Criminology* (2nd ed). New York: MacMillan.
- Cook, P, Alli, S and Munthali, A (2002). *Starting From Strengths: Community Care for Orphaned Children in Malawi*. Ontario: IDRC.
- Durkheim, E (1952). *Suicide: A Study in Sociology*; Translated by Spaulding, J and Simpson, G. London: Routledge and Kegan Paul Ltd.
- Fafchamps, M and Minten, B (2002). *Crime and Poverty: Evidence from a Natural Experiment*. Oxford: Oxford University Press.

Feldman, P (1993). *The Psychology of Crime*. Cambridge: CUP.

Giddens, A (1972). *Emile Durkheim: Selected Writings*. London: CUP

Glueck, S and Glueck, E (1950). *Unravelling Juvenile Delinquency*. Cambridge:
Harvard University Press.

Haskell, M and Yablonsky (1970). *Crime and Delinquency*. Chicago: Rand McNally.

Healy, K (2005). *Social Work Theories in Context: Creating Frameworks for practice*.
New York: Palgrave Macmillan.

Holmes, C (2002). *Crime and Poverty*. Accessed on 13th January, 2010 from:
www.orangecountypublicdefender.com.

[http://law.jrank.org/pages/817/Crime-Causation-Sociological-Theories-Labeling-
theory.html#ixzz0qMxT6ozi](http://law.jrank.org/pages/817/Crime-Causation-Sociological-Theories-Labeling-theory.html#ixzz0qMxT6ozi).

International Social Service/International Reference Centre for Children Deprived of
their Family: Fact sheet # 7 (2006). *A Global Policy for Children and
the Family*. Accessed on 26th November, 2009 from: www.iss-ssi.org.

Livesey, C (2009). *Deviance and Social Control- Orthodox Marxism*. Accessed from:
www.sociology.org.uk.

Malawi Poverty and Vulnerability Assessment. (Dec, 2007). (*Report No. 36546-Mw*).
Lilongwe: World Bank (Africa Region) and Government of Malawi.

McCord, J, McCord, W and Zola (1959). *Origins of Crime*. New York: Columbia
University Press.

Ministry of Gender and Community Services (2003). *National Policy on Orphans and
Other Vulnerable Children*. Lilongwe, Government of Malawi.

Munthali, A (2002). *Adaptive Strategies and Coping Mechanisms of Families and
Communities Affected by HIV/AIDS in Malawi*. Geneva: UNRISD.

Okojie, C (2003). *Employment Creation for youths in Africa: A Gender Dimension*.
Geneva: National Strategies for Employment Promotions.

Pelser, E, Burton and Gondwe (2004). *Crimes of Need: Results of the Malawi National
Crime Victimisation Survey*. Pretoria: Institute for Security Studies and
Massaj.

- Pharoah, R and Weiss (2005). *Aids, Orphans, Crime and Instability. Exploring the Linkage*. Pretoria: Institute for Security studies.
- Phiri, W (2000). *Young Malawians in the Millennium: A Hand book for Workers and Young People*. Lilongwe: Technical Working Group on Young People.
- Regoli, R and Hewitt, J (1997). *Delinquency in Society (3rd ed)*. New York: McGraw-Hill.
- Reid, S (1978). *Crime and Criminology (2nd ed)*. New York: Holt, Rinehart and Winston.
- Sellin, T (1938). *A Sociological Approach to the Study of Crime Causation*. New York: John Wiley and Sons.
- Siegel, L (1992). *Criminology (4th ed)*. St. Paul: West Publishing.
- Siegel, L and Senna, J (1988). *Juvenile Delinquency: Theory, Practice and Law (3rd ed)*. St. Paul: West Publishing.
- Smith, J (2007). *Being Tough on the Causes of Crime: Tackling Family Breakdown to Prevent Youth Crime*. London: Social Justice Policy Group.

Subbarao, Maltimore and Plangeman (2001). *Social Protection and Africa's Orphans and Other Vulnerable children*. Pretoria: World bank, Africa region.

Sykes, G (1978). *Criminology*. New York: Harcourt Brace.

Unicef, (2004). *Africa's Orphaned Generation: Malawi*. (Unicef-Mics; Measure DHS, 1998-2001). New York: UNICEF.

West, D (1967). *The Young Offender*. Middlesex: Pelican/ Penguin.

Wikstrom, P (2006). 'Individuals, Settings and Acts of Crime: Situational Mechanism and Explanation of Crime'. In Wikstrom and Sampson (Eds) (2006), *The Explanation of Crime: Context, Mechanism and Development*. Cambridge: CUP.

Wilson and Hernstein (1986). *Crime and Human Nature*. New York: Harcourt Brace.

Zimmerman, B (2007). *Orphan Living Standards In Malawi: A comparison of orphanages and foster homes*. Stanford: Stanford University.

Appendices

APPENDIX I: FACE-TO-FACE SEMI-STRUCTURED INTERVIEW GUIDE (PUBLIC PERCEPTION)

I. PERSONAL DETAILS

Sex: Male [], Female [] Education level: Primary [], Secondary [],
Tertiary []

Age..... Location: Rural area [], Urban area []

Category: Orphan [] Non- orphan [] Parent []
 Married [] Single adult []

II. HOME BACKGROUND

1. *[If not an orphan]* does your home/household have an orphan?

(a) Yes [] (b) No []

2. How do orphans and non-orphans co-exist in homes?

(a) Positively [] (b) Negatively []

ii. Explain.....

3. How do foster children behave in the homes?

(a) Better than own-children [] (b) worse than own-children [] (c) normally []

ii. Explain.....

4. Are orphans treated in the same way as own-children?

(a) Yes [] (b) No []

ii. If 'no', how?

(a)They do hard works [] (b) Are not sent to good schools [] (c)Are verbally attacked[]

(d)Other (specify).....

iii. Why?

(a)Because of their bad behaviors [] (b) Because of biological parents' behaviors []

(c)Because of the other spouse [] (d) other (specify).....

5. Between boys and girls, who are more affected by orphan-hood?

(a)boys[] (b)girls[] (c)both[]

ii. Explain.....

6. Are there differences between behaviors of one's own and foster children?

(a)Yes [] (b) No []

ii. Explain.....

III. CRIMINAL BEHAVIOUR

7. What factors can cause criminal behavior among the youth?

(a)peer pressure[] (b)lack of support[] (c)lack of guidance[]

(d)other(specify).....

8. What crimes are the youths likely to commit?

(a)property theft & prostitution[] (b)drugs[] (c)armed robbery[]

(d)other(specify).....

ii. Why?.....

9. Are there differences between crimes committed by orphans and non-orphans?

(a) Yes[] (b) No []

ii. Explain.....

10. Who is more likely to commit crimes?

(a)Orphans[](b) Non-orphans[] (c) Both[]

ii. Explain.....

11. Between female orphans and non-orphans, who are likely to commit crimes?

(a) female orphans[] (b)female non-orphans[] (c)Both[]

ii. Explain.....

12. Are there differences between crimes committed by young men and young women?

(a) Yes [] (b) No []

ii. Explain.....

13. Between a male orphan and a female orphan, who is more likely to commit crimes?

(a)male orphan[] (b)female orphan[] (c)both[] (d)none[]

ii. Explain.....

THANK YOU FOR PARTICIPATING

**APPENDIX II: FACE-TO-FACE IN-DEPTH INTERVIEW GUIDE
(FOR ORPHANS IN FOSTER HOMES)**

I. LIFE WITH BIOLOGICAL PARENTS

1. How many children were you in your family?
2. What was the main source of income for the household?
3. How did you relate with your siblings?
4. How did the parents relate with the children?

II. LIFE WITH FOSTER PARENTS

5. Since when have you been living with your foster parents?
6. How did you end-up being with them?
7. How related were your biological parents to your foster parents?
8. How close were your biological parents to your foster parents?
9. How many are you in the foster home?
10. How do you relate with the foster parents' children?
11. Are you treated any differently by your foster parents in
 - i. Jobs you do at home?
 - ii. Schools you attend?

- iii. Verbal communication?
- iv. Care allocation?

APPENDIX III: FOCUS GROUP DISCUSSION GUIDE

I. INTERVIEW PARTICULARS

Location..... No. of participants.....

Categories: Females/Males: Orphans []

Non-orphans []

II. HOME BACKGROUND AND CRIMINAL BEHAVIOUR

1. Relationship within the homes

- a) Among own-children and orphans
- b) Foster parents and male orphans
- c) Foster parents and female orphans

2. Behaviours of own children and orphans

- a) Impact of biological/foster parents' attitude towards children
- b) Causes and Sources of behaviours of children
 - i) Establish how deceased and foster parents used to relate
 - ii) Establish whether this relationship has a bearing in the behaviour towards orphans

3. Relationship between foster parents and the deceased parent(s)

- a) Impact on orphans' relation with foster parents and consequences

4. Causes of criminal behaviours among the youth

- a) Comparative orphan and non-orphan susceptibility
- b) Females and males

5. Reasons for committing crimes

- a) Establish whether they arise out of need
 - b) Whether it is out of displaced anger
- 6. Comparative nature of crimes committed by the youth
 - a) Orphans and non-orphans
 - b) Male and Female orphans

APPENDIX IV: HYPOTHESES TESTING

The study had four hypotheses which were analysed using SPSS by finding Chi-square values to test if the difference between the null hypothesis (H_0) and the research/alternative hypothesis (H_a) was significant to conclude that the hypothesis was valid.

Hypothesis 1

Unequal treatment of orphans and non-orphans in households leads to the development of criminal behaviours among orphans.

Independent variable: Foster parents' treatment towards own children and orphans.

Dependent variable: Development of criminal behaviour

H_0 -Orphans and non orphans are treated in the same way

H_a -Orphans are ill-treated leading to the development of criminal behaviours

Test: Chi-Square

Confidence level: 95%

Degrees of freedom (df): 4

Significance factor: 0.217 (Pearson Chi-Square). Conclusion, reject the null hypothesis; there is a significant difference between how orphans and own children are treated in the homes, leading to the development of criminal behaviours among orphans.

Hypothesis 2

Orphan-hood leads to psychologically influenced criminal behaviours

Independent variable: Foster parents' treatment towards own children and orphans.

Dependent variable: Nature of crimes committed by orphans.

H_0 -Orphans and non-orphans commit crimes due to similar reasons

H_a -Criminality among orphans is a psychological effect of orphan-hood

Test: Chi-Square

Confidence level: 95%

df : 8

Significance factor: 0.339 (Pearson Chi-square). Conclusion, the null hypothesis is rejected. There is a significant difference between the nature of crimes committed by orphans and non-orphans because orphans' criminality is a psychological effect of their situation.

Hypothesis 3

Orphans are more likely to commit crimes than non-orphans.

Independent variable: Nature of treatment towards orphans.

Dependent variable: Development of criminal behaviours among orphans.

H_0 -No difference in susceptibility to crime between orphans and non-orphans.

H_a -Orphans are more susceptible to criminal behaviours than non-orphans

Test: Chi-Square

Confidence level: 95%

df: 8

Significance factor: 0.44 (Pearson Chi-Square). Conclusion, reject the null hypothesis;

Orphans are more susceptible to criminal behaviours than non-orphans.

Hypothesis 4

Male orphans are more likely to commit crimes than female orphans

Independent variable: Foster parents' comparative treatment towards male and female orphans.

Dependent variable: Development of criminal behaviours.

H_0 -No difference in susceptibility to crime between male and female orphans

H_a -Male orphans are more likely to commit crimes than female orphans

Test: Chi-Square

Confidence level: 95%

df: 8

Significance factor: 0.18 (Pearson Chi-Square). The null hypothesis is therefore rejected, thus, there is a significant difference in the susceptibility to commit crimes where male orphans are more likely to indulge in criminal activities than female orphans.