Rehabilitation and (dis-)empowerment:

A discourse analysis of interviews with subjects variously positioned within the South African Correctional Services System.

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Summary:

The present treatise is an attempt to come to terms with the, by all accounts, dismal conditions that exist in present-day South African prisons by addressing these conditions as they are reflected in two interviews with individuals intimately acquainted with them, as well as by pertinent media-reports. The study is predicated on the belief that the most suitable methodological approach to a situation characterized by extreme conflicts and tensions in terms of power relations, is provided by (mainly Foucaultian) discourse-theory and the discourse-analysis that it makes possible. Consequently, after an introduction in which the present study is justified, followed by a theoretical section outlining the terrain of discourse theory and discourse-analysis, two chapters are devoted to specific discourse-analyses of interviews with an awaiting-trial prisoner in a South African prison and a warden employed at the same institution, with a view to uncovering the power-relations at stake here. While acknowledging that the implications of the insights thus afforded are not, strictly speaking, generalizable in a positivist manner, and that the power-relations brought to light by means of these discourse-analyses are highly specific, it is argued that various other studies pertaining to the South African prison system indicate that these power-relations – more specifically the disempowerment of prisoners by the functioning of violently hierarchical discursive practices in South African prisons - are not restricted to the prison in question. In fact, given the SA Correctional Services’ stated policy of rehabilitation, it is striking that there is scant evidence of any such rehabilitation in the prisons concerned – at least in the sense of prisoners attaining a level of moral responsibility that would enable them to live as accountable citizens in a democratic society. In conclusion it is argued that the present state of affairs, far from being conducive to the stated goal of rehabilitation, actually undermines its realization, and that the social and economic inequalities in South Africa, exacerbated by the union between ‘democracy’ and global capitalism, are perpetuated and reinforced by the existing discursive practices in South African prisons.

Key words: discourse-theory, discourse-analysis, disempowerment of prisoners, hierarchical discursive practices, SA Correctional Services, rehabilitation.
Introduction:

Unlike the past era of apartheid where an oppressive regime existed that did not grant all South Africans the same liberties, South Africa today (2004) is, constitutionally, a progressive democracy. In other words the constitution implies that we have a representational system of government by the whole population, an egalitarian and tolerant form of society that promotes equal rights and opportunities for all. In the public sphere this democratic political discourse\(^1\) is accompanied by a watered down, virtually ideological version of the philosophical discourse of Enlightenment, consisting of familiar rhetoric on human rights, tolerance, liberty, equality, fraternity, progress and so on (Baumer 140-159). Such a drastic change in political ideology should naturally engender corresponding changes in the aims and ideals of social institutions. Consequently one would expect this change in political and philosophical discourse to go hand in hand with a change in the discourse of criminality.

It is in accordance with the realization that crime, especially violent crime is primarily a symptom of grim social conditions that a strong new rhetoric of rehabilitation, reform and reconciliation has indeed emerged in the discourse of criminality in our society. South Africa may well ideally be a humanitarian society with its advanced human rights foundation. But despite the enlightened political rhetoric, in reality not all people have equal opportunities. There is in fact a huge discrepancy between the extremely wealthy few and the poverty stricken masses. “A decade after the end of apartheid, South Africa has political stability…but severe problems like poverty and AIDS persist:” (see the Special Report in *TIME* 2004: 34). And as Kovel (2002: 66) says about a capitalist economy, “capital produces wealth without end, but also poverty, insecurity, and waste, as part of its disintegration of ecosystems.” In other words poverty is an undeniable social

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\(^1\) In chapter one the concept of discourse will be explained in more detail. Suffice it to say here, that it is used in the sense of a specific use of language characterized by prioritizing certain values.
problem in South Africa, and according to inspecting Judge of Prisons, Judge Johannes Fagan, (in Lund 2004: 114) it is the crucial factor contributing to crime. Acknowledging the connection between poverty and crime, the new discourse of criminality recognizes that to address crime effectively in the long run, poverty should be reduced. In other words, an attitude of ‘zero tolerance’ for criminals without successfully addressing the problem of poverty is like treating the symptoms of a problem without removing the root cause. To put it bluntly the problem of crime will remain intractable and the welfare of the country will remain precarious unless one addresses poverty, which is linked to economic and educational discrepancies.

Because it recognizes the link between social conditions (such as poverty) and crime, therefore, the discursive shift towards rehabilitation, reform and reconciliation is compatible with the powerful ethical discourse of forgiveness that materialized through the Truth and Reconciliation Commission promoted under the leadership of Archbishop Desmond Tutu (Krog 1999: 426-449). Correspondingly, according to Claude (addendum: 81), a prison warden at St Albans Prison outside Port Elizabeth an attempt to reconcile criminals with their victims before release into civil society is currently being incorporated in South African Prison policy.

To elaborate in more detail on how South African Prison systems have changed along with a discursive shift in politics to a democratic government, one may refer to an article on the transformation in South African prisons by Amanda Dissel. She explains how, “during the apartheid era, criminal behaviour and punishment were defined by the social order [that gave rise to and was in truth] constructed by the apartheid government.” Treatment of prisoners reflected the separatist ideology of the apartheid government, whose main objective was to isolate prisoners from the community. Black prisoners were separated from white prisoners and suffered poor living conditions and harsh treatment. “Significant shifts began to be made in penal policy during the late 1980s and early 1990s when prisons were desegregated and all reference to race was removed from the law” (2002: 24).
Clearly then, the human rights imperative of the new South African Constitution and the values enunciated in the corresponding Bill of Rights prescribe a new approach to imprisonment. (Dissel 2002: 24) In 1993 the courts accepted the principle that prisoners should retain all of their personal rights, except those abridged by law. Prison reform was placed on the agenda during the political transition, and from the very beginning the rights of prisoners were seen as important, with the new Constitution consolidating the concept of prisoner’s rights. In addition to ensuring the protection of human dignity, liberty and equality of all people, and the general protection against cruel, inhuman and degrading treatment or punishment, the Constitution provides specific protection for detained, accused and arrested persons. For example, solitary confinement and punishment by means of a spare diet were abolished, as was corporal punishment.

As reflected in these and other changes, the discourse of criminality in South Africa has shifted in character. Instead of being simply a discourse of confinement and isolation, it is now primarily a discourse of rehabilitation. According to Fagan (in Lund 2004: 116), it is unnecessary to lock up all lawbreakers. Instead, only those offenders who pose a real threat to society should be locked up and as far as possible taken through a process of rehabilitation internally. Others who are not a threat to society should be rehabilitated outside prison. The focus on rehabilitation in the discourse of criminality advocates reform and reconciliation; it requires that prisons become learning environments, and that prisoners be reintegrated into the community after serving their sentences. It views rehabilitation as an opportunity to educate and empower prisoners by equipping them with useful, marketable skills, and by making sure that they have emotional and social support and ongoing counseling when they are released so that they, and their families, can make more informed, 

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2 According to many health professionals certain criminals can simply not be rehabilitated. For example Pistorius argues that “the research and the literature in this field indicate that there is no possibility of rehabilitation [for certain classifiable personality disorders]” (Cited in Hurst 2003: 313).
socially accepted choices. The ideal is to shape rational, responsible individuals with a real chance of living a socially integrated life.

According to Fagan (in Lund 2004: 114) there is no “lack of intent and grand planning on the part of the Government, especially the Department of Correctional Services.” The Department’s 2003 policy paper, the so-called ‘white paper’ (a state document containing the policy pertaining to South African Prisons), carefully details revolutionary plans aimed at rehabilitating and reintegrating prisoners, in accordance with what the ‘white paper’ (perhaps rather too idealistically) presupposes, namely that, “every human being is capable of change and transformation if offered the opportunity and resources” (in Lund 2004:114).

While in the philosophical discourse at the level of policy and principle, changes in attitude are evident, certain newspaper and magazine articles that describe the actual circumstances inside prisons tell a different story…

Earlier this week the Herald learnt of yet another instance of alleged attempted sexual abuse by a warder against an awaiting-trial prisoner at St Albans. It is no secret that prisons are cesspools of depravity, and while that is a matter of deep concern, its seriousness is greatly exacerbated when prison staff is in on the act.

*The Herald, 18 July 2003.*

An awaiting-trial prisoner, now out on bail, has broken the silence to confirm claims that prisoners are robbed and terrorized by hardened criminals in the holding cells at the New Law Court.

*The Herald, 24 July 2003.*

…13 juvenile inmates aged between 15 and 18 at Port Elizabeth’s North End and St Albans prisons… alleged the prisons were ruled by gangs, beatings and sodomy were common, they were receiving no formal schooling, adults aged 21 lived in cells with the juveniles and they were locked in the cells from 2 pm until the next morning, having no access to guards during this period.

*The Herald, 02 September 2003.*

**Inmate to Sue State after jail rape attack trauma.**

*The Weekend Post, 08 May 2004.*

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3 South African Prisons have awaiting-trial sections that consist of holding cells for prisoners who have not been granted bail, but have not been convicted either.
St Albans jail again rocked by claims of rape, death threats.

Balfour to tour St Albans after prison violence death
_The Herald_, 06 September 2004.

Teen tells of four-hour gang rape:
A teenage inmate at Port Elizabeth’s St Albans Prison has told of a horrifying four-hour gang rape ordeal by 10 prisoners in a cell while his screams for help were ignored.

As these excerpts demonstrate, the fact that policy towards punishment and imprisonment has changed and seemingly grown more democratic, should not lead one to assume that prisoners today, experience fairer treatment in reality than the prisoners of past eras. This is a common but mistaken assumption, born of ignorance concerning conditions inside South African prisons. To sum up, contrary to what democratic ideals lead one to expect, prisons as Lund (2004: 113) notes have become expensive academies of crime and generally speaking, no lasting individual rehabilitation is being achieved in spite of policy reform and noble ideals. Again according to people with first-hand experience of the South African prison system,

criminal ways [are being] reinforced and enhanced [in prison and]
the prison system is the antithesis of rehabilitation, as it breeds new and more dangerous criminals at a daunting rate.

(In Lund 2004: 113)

In 2002 85% to 94% of prisoners reverted to crime upon release from prison in South Africa (Dissel 2002: 26).

This discrepancy between ideology and practice can be better understood in terms of discourse theory, with special reference to the post-structuralist account of the subject it presupposes. Accordingly this will provide the theoretical framework within which this study is located. Foucault describes a discourse as the convergence of language, knowledge and power. A discursive terrain (the reality that has been organized by certain discourses) is constituted by the relations of power and knowledge that govern the actions and structures that are located in these discursive terrains. According to this model, values, attitudes and
actions, including public actions, government actions and criminal actions, cannot be separated from knowledge and power. Further, as Foucault suggests, this means that human subjects are discursively constituted and that their actions can be grasped in terms of the discourses that shape their subjectivity and modify it over time (Olivier 2003: 329). Discourses form a grid of sometimes conflicting power relations that determines the form and shape of our institutions and the activities and attitudes surrounding them.

One may therefore understand the above-mentioned discrepancies and contradictions between discourses in terms of such a grid. The contradiction between the political discourse of democracy, a philosophical discourse of Enlightenment, a discourse of criminality characterized by the ideal of rehabilitation, and what is described in the above-mentioned articles points to what seems to be the calamitous, contradictory situation of South African prison life.

On the one hand there are discourses of democracy and rehabilitation in our society, but the above articles reveal opposing violent and disempowering discourses within prisons, associated with for example gang activity. Discrepancies, however, exist not only between the ‘empowering’ discourse of rehabilitation at the level of policy and the discourses of ‘disempowerment’ inside prisons, but also between the former and other discourses that condition both governmental and public attitudes towards criminals and prisons. Not only does the South African government’s policy of ‘zero tolerance for criminals’ ironically reveal a stark ideological contrast with discourses of democracy and rehabilitation, but it is also pragmatically ineffective.

According to Lund (2004: 112):

There is a disturbing irony in the persistent call for zero tolerance to crime and criminals – prisons are fuller than ever. Paradoxically, our penal system is breeding more criminals and blowing out of the water any plans to eliminate poverty and social decay.

Moreover, one is also confronted with what may be termed a common sense discourse on the part of the general public concerning criminality, which
Lund (2004: 113) alludes to when he says that for most people it makes sense that violent criminals belong behind bars “at least until they’ve learnt to live like the law abiding rest of South Africa.” However he notes, “what many taxpayers are not aware of is that they [inmates] stand precious little chance of ever being reformed.” The common sense discourse on criminality is being strengthened by reports of brutal murders, rapes and robberies. Public sympathy for atrocities against prisoners and for their disempowerment has diminished. Take for example a recent caption and excerpt from the newspaper Rapport:

**Vrou wreed vermoor in spogbuurt: Inbrekers oorval ma en dogter**

…die gesin het die verdagte van omtrent drie maande gelede af soms werk gegee as verwer omdat hulle hom jammer gekry het…

[Kommentaar van die vermoorde se eggenoot] ’n Bose man het ons huis binnegedring en ’n gelukkige gesin vernietig…

*Rapport, 29 Augustus 2004.*

Reading articles like these over a sunny Sunday morning breakfast table makes it hard not to believe that criminals and prisoners deserve every bit of hardship that comes their way as punishment for their crimes; in fact, it makes it seem easy and justifiable to think like that. In an emotionally charged state it is easy to equate justice and revenge. The discourse of reform and rehabilitation takes a back-seat in passionate equations like these. Suddenly it doesn’t matter how we came to justify prisons in a post-modern era and we are back in the Middle Ages, where punishment in the form of physical torture served the purpose of revenge and spectacular warning rather than rehabilitation (Foucault 1977: 32-69).

Against these retrogressive attitudes and in the spirit of a true democracy it is all-important to address the problem of rehabilitation of prisoners properly. In

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4 Translated as;

**Woman brutally murdered in posh neighborhood: Burglars attack mother and daughter**

…the family gave the suspect work as painter from time to time over the last three months because they felt sorry for him…

[According to the husband of the murdered woman] an Evil man came into our house and destroyed a happy family…
the spirit of a democratic discourse of rehabilitation one should acknowledge that it is prejudiced and dangerous to make a scapegoat out of an individual “evil man”. Rather such individuals must be seen as a partly the product of a system that functions in such a way that certain people are less able to live socially and economically fulfilling lives than others (see in this regard, Baumer on Adam Smith 1977:178-179; Kovel 2002: 4-5), and which therefore breeds ‘broken’ people through deprivation and cycles of unimaginable (and as far as an impressionable child, for example, is concerned, indelible) violence. According to Lund (2004: 113), “sixty percent of the country’s prison population is men under the age of 30; most have been nurtured in South Africa’s well-documented and fatal context of poverty, abuse, joblessness and hopelessness.”

Moreover such a discourse must acknowledge that the victim and the perpetrator are on opposite sides of the same coin; both are part of the same society and its cultural and social systems. Recognizing this rather than chanting revenge and demanding the return of the death penalty and a harsher penal system promotes the case for proper rehabilitation facilities it is for the betterment of the entire society. One cannot merely mime self-justifying but empty discourse of rehabilitation and reform, while allowing contradictory practices to continue unchecked in a cruel institution.

Adequate rehabilitation facilities must clearly be accompanied by the genuine transformation of cancerous societal institutions and structures, for neither placing an even more hardened criminal back in society nor keeping all offenders in prison for as long as possible at the taxpayer’s expense are viable options. Putting a rehabilitated criminal back in circumstances that enforce crime is also not a workable solution.

In short, many different and conflicting discourses operating within this problem of prisoner rehabilitation and (dis-)empowerment make it a very complex issue. The main question addressed here is the following: In the light of evidence pertaining to actual prison conditions as revealed through the media, and given what discourse-theory indicates concerning the grounds of subject empowerment, is rehabilitation of prisoners under current conditions in South African prisons an
attainable goal? Since successful rehabilitation is rare or exceptional at the moment, it is already clear that rehabilitation is not a reality in South African prisons. The broad hypothesis guiding this study is that rehabilitation is not even a possibility at the moment in South African prisons. In other words, this study was undertaken in the hope of demonstrating how opposing and contradictory discourses operating in and around prison systems in principle work against the process of rehabilitation ever being actualized in South African prisons.

The first aim of this study is to lend support to this hypothesis by investigating the specific situation concerning rehabilitation in a Port Elizabeth prison. This is done with the full realization that is not possible to generalize validly on the basis of such a limited investigation. However this limitation is ameliorated if one takes the following into consideration: the micro events at specific institutions reflect the broader discourses that make them possible: whether positively or negatively. Just as the exception proves the rule, so the rejection of a discourse, or resistance to it, shows it up for what it is. There is enough documentation however to suggest that what was found to be the case at St Albans in my investigation is no exception. A further aim motivating this study was to find out what kind of discourses must prevail if the system of imprisonment is perpetuated despite the failure of prisons as rehabilitative institutions.

The aims listed above will be addressed by means of a discourse analysis of interviews with two people differently placed within the South African Correctional Services System; namely, a prison warden and an awaiting-trial prisoner. These two people, both situated at St Albans Prison, Port Elizabeth, have first-hand experience of prison life on opposite sides of the prison bars and will describe in detail the circumstances at this prison as they experience it. Their ‘descriptions’ will form the basis of the discourse analysis attempted here in chapters two and three. First, however, in chapter one, I will elaborate in more detail on the theoretical framework that guides this discourse analysis. According to Olivier (2000: 50; see also, 2003: 330):

Foucault’s work is conducive to understanding, via discourse-analysis, the productive fabric of relations within which individuals or subjects are shaped, become empowered or disempowered, take up
or abandon positions, and so on – all of which possibilities may concretely assume a myriad of different manifestations.

Foucault (1993: 221) argues that discourses “intersect, reinforce or compensate for each other, forming a complex grid, which changes constantly.” Accordingly a ‘discourse-analysis’, as a style of philosophical investigation, provides an analytical, or intellectual, tool with which to disentangle the different discourses or language games that often battle one another for power over discursive terrains within which human subjects are agents.\(^5\) Such an analysis would be the logical starting point for intervention. Ultimately the point of the study is to make the case for a new kind of intervention (socially, juridically, educationally) based on Foucault’s discourse theory.

\(^5\) The concept ‘language game’ is synonymous with the term discourse as should become clear in due course. In this treatise these terms will be used interchangeably.
Chapter 1: Theoretical framework

The present study focuses on the way in which the separate, opposing discourses (in the preliminary sense specified in the introduction) surrounding the South African prison system overlap, intersect and come to shape people’s actions and attitudes.

Previous studies on the subject of the rehabilitation of prisoners in South Africa have been done within the realm of psychology, sociology and social work. Dissel (2002), for example, focuses on transformation in South African prisons. In this article she provides useful information and facts about policy change and issues surrounding gangs, rehabilitation and institutional transformation. But in focusing on rehabilitation of prisoners, she does not address the issue of power relations within prison systems. In the Foucaultian sense power is not something an individual has, but is invested in a system of relations. Power is not an intrinsic quality, but one can be more or less powerful by occupying different positions in various discourses. In other words, Dissel does not relate the problem of prisoner rehabilitation to the discrepancies and battles for power between different discourses on criminality and rehabilitation as well as the violent discourses functioning in prisons themselves. This study will therefore focus on the question of such power relations and battles and of how dominant discourses within the prison system in South Africa become major obstacles on the road towards rehabilitation and reconciliation.

It is necessary to explain in more detail the basis of the argument in the present study, which emphasizes the importance of understanding how a discourse gains control of, or comes to have power over, a human subject. One could say that Foucault's works on power were directed at showing how certain discursive practices shape individuals and, indirectly, the institution in which lives are led... Foucault rarely shows signs of forgetting either that knowledge alters the world, thereby entering into relation with power or that, in reverse, the slow, often haphazard, construction of institutions, the articulation of styles of living, the techniques drawn upon to fashion selves, all not only require, but alter, knowledge.
But this statement does not make sense unless one understands that discourse theory presupposes a post-structuralist theory of subject-formation according to which it is argued that human subjects are discursively constituted and that their actions can be grasped in terms of the dominant or most powerful discourses that comprise their subjectivity. The convergence of meaning and power in language occurs (in a person) when she or he takes up an identified position in language and in so doing becomes subject to it in so far as it functions as discourse. For example a therapist in a psychoanalytical discourse will have different attitudes, values and orientations than a therapist in the psychiatric discourse, because each has learned to speak and operate in a specialized technical language in which is inscribed different conceptions of the human subject. This in turn will lead to different therapeutic procedures. All people occupy many different positions in many different discourses, some of which are compatible and others incompatible. An example of incompatible discursive positions would be: catholic, priest, homosexual and pedophile. Republican, Christian and patriarchal would be examples of compatible discourses structuring a person’s subjectivity.

As intimated above this process of identification, by which people take positions in discourses, happens through the acquisition and use of language. This is why ‘discourse’ is a synonym for ‘language games’ (Steuerman 1992:114). Traditional referential models of language are based on the premise that language is merely a communication tool reflecting an independent reality (Norris 1989: 54). Their ideal is perfect communication between conversation partners. To achieve this ideal they strive to purify language, clarify meanings, iron out ambiguities and categorize ways of using language. For example they would try to separate frivolous poetic language from serious, neutral scientific language.

Unlike traditional referential models, discourse theory presupposes that the realm of language is never neutral but is always imbued with, sometimes conflicting, cultural values and ideologies. Language is the bearer of discursive
relations, grounding discursive practices. For Foucault, discursive practices mimic the model of battle and war rather than that of communication, viewed in the traditional sense discussed above.

The history, which bears and determines us, has the form of war rather than that of a language [as traditionally conceived]: relations of power, not relations of meaning.

(Foucault in Olivier 2000:49)

Lacan’s psychoanalytic theory of subject formation explains according to poststructuralist principles, how a person inevitably gets pulled into the battle of power relations in language-games or discourses. In other words Foucault’s theory that subjects are linguistically/discursively constituted accords with Lacan’s, since it explains how the human subject is formed through a succession of positions or moments of identification, initiated through what Lacan terms the ‘mirror phase’.

According to Lee (1990:19, 20) Lacan divides the formation of the human subject into five different stages. The first stage is characterized by a lack of bodily integrity and the neonate is seen as experiencing itself as an uncoordinated collection of bodily needs, sensations and movements. The second stage or the ‘mirror stage’ begins at about the age of six months when the infant identifies with a visual image of herself. This spatially situated ‘unity’ of the image marks the infant’s assumption of a spatial identity. The infant (mis-)recognizes the image in the mirror as her own. The mirror image presents the child with a visual entity that appears whole and appears to move in a coherent fashion. The reflection in the mirror seems complete and unified and is quite different from the infant’s experience of her own clumsy bodily existence. When the child makes this image part of her identity, it happens along the following lines; instead of recognizing that this is only the reflection of her physical form, she (mis-)recognizes this image as herself and sees herself as a totality, which is different to her experience in the world at the level of the body. In this moment of identification with the mirror image she takes herself to be something other than herself and therefore a fundamental alienation of the infant from herself marks the mirror stage.
According to this theory one can never reach the ‘fullness’ that is first offered or presented to one by the image of ‘oneself’ in the mirror, but for the rest of one’s lives one will strive towards this ‘fullness’ through constantly assuming positions of identification. As one grow older one will identify with images, ideologies and discourses that similarly promise ‘fullness’, unity, control or power, all of which amounts to alienation. This alienation from ‘oneself’ paradoxically lies at the foundation of the very notion of human identity. A constant need to overcome or fill this gap or lack undermines the security of human identity. The third stage of subject formation is characterized by doubts about identity that haunt the human being throughout life. In the fourth stage the identity of the child is shaped profoundly by her adopting the visual identity offered by other people, linking her identity to “socially elaborated situations”, functioning as proto-discourses. With the acquisition of language, when the child reaches the age of two years, the child enters the fifth stage of personality development. It is at this stage that the child’s visually constituted imaginary identity rooted in the mirror stage and developed through the identification with others is situated within the pre-existing symbolic system of language. The essentially individual identity constructed through the child’s image-constituted relations to others is transcended by a universal identity, conceptually articulated, “created by and sustained within that broad range of cultural forces that goes by the name of language” (Lee 1990:19,20).

This is of course where discursive relations and practices come to shape the human subject. As a woman, my subjectivity is shaped by the discourse on feminism while at the same time I am functioning within the competing field structured by patriarchal discourse. Depending on the context, my actions may be determined by either one of them. Wrapped up in philosophical discussion I may be the fierce feminist, while during a Sunday lunch ritual at my grandparent’s house I will dish and clean up after the males in the party. This is an illustration of how different discourses shape a person and his/her actions.

From this theory of subject formation it becomes clear how role models and cultural practices powerfully shape a person. Think of how the discourse on
Apartheid shaped a whole nation (both black and white South Africans – for blacks it was a disempowering discourse and for whites an ‘empowering’ discourse), or how Hitler’s discourse on German superiority shaped the minds of many Germans in terms of Nazism. It is also important as noted earlier that overlapping and opposing language-games constitute subjects. For instance, there were other discourses functioning in South Africa during Apartheid, opposing the discourse of Apartheid, and because power is never static, but shifts constantly, in the end the discourse of Apartheid was toppled. Still, for a while, the Apartheid discourse was the dominant one and other discourses, like the communist discourse for one, were operating under-ground. Today the dominant political discourse in South Africa is one of democracy, as discussed earlier. Ironically enough, as an politico-economic discourse, the communist discourse made way for the neoliberal-capitalist discourse within the policy framework of the ANC (African National Congress) when they went from a banned party to governing South Africa, illustrating the complex way in which power shifts within the grid of overlapping discourses. One can now clearly see how the metaphor of war and battle, used to describe how discourses operate, is applicable here.

In the conflict of these discourses the dominant one will have the most influence. For example, in the Middle East, the dominant discourse could be said to be the religious discourse of Islam. This discourse offers an all-encompassing worldview that helps people to understand the world they live in, and it also offers a model of what a good man or a good woman is, which one can identify with and aspire to in terms of preferred actions. But this is also a patriarchal discourse that empowers men more than it does women and therefore this discourse controls women through many procedures, for instance; the promise of protection if rules are followed, one of these rules being that women should not be educated beyond a certain point. A dominant discourse like this one is ingrained in people from the day that they are born and it shapes and determines their entire self-concept. Girls and boys don’t look at their parents with the insight that the way their parents speak, dress and pray is just one possible way of life presented to them with which they can choose to identify or not – they look at their parents and come to
learn what they are and – importantly – should be. It is hard for women of western descent who are much more exposed to and empowered by discourses of feminism and democracy, to understand why Middle-Eastern women do not ‘break free’ from their ‘apparent’ oppression. This example shows how the dominant discourse perpetuates itself through cultural practices that seem ‘natural’ and common sense to the people caught up in them.

Discourse also perpetuates itself through what Foucault calls micro-procedures and rituals that condition subjectivity. According to Foucault “the production of discourse is at once controlled, selected, organized and redistributed by a certain number of procedures…” (1993: 221). The gang discourse in prisons is no exception. Among the procedures identified by Foucault are exclusion and prohibition. Through the discourse on criminality prisoners are already subject to prohibition and excluded from society as a whole in many ways and they do not enjoy the protection against harm that civil citizens ‘supposedly’ do. But these procedures also manifest themselves clearly within the gang culture in the prison itself. If in civil society we do not have the right to say everything or speak anything in any circumstances, and not everyone has the right to speak of anything, this is taken to the extreme within the prison hierarchy. When prisoners arrive at the prison cells for the first time they are violently initiated into a new ‘code of conduct’; dictating when to speak, what to say, how to say it and to whom to say it. Here one can clearly see the forces of discursive domination in the ritual of the circumstances concerning speech.

The interplay between empowerment and disempowerment plays a central role in how a subject is shaped by a language-game, and whether a discourse will come to ‘speak’ a subject or whether a subject will have the power to ‘speak’ a discourse. These alternatives can be explained by using the concepts of autonomy and heteronomy and the post-structuralist synthesis between them.

The ‘I’ position in Lacan’s theory of subjectivity (In Lee 1990: 38-47) is one of relative autonomy, or in other words the power to think for oneself and direct one’s own activity. Lacan however recognizes that pure autonomy or the law of
the self, can never be realized and it follows that one can never step outside of
the network of discourses completely.

The ‘me’ position in Lacan’s theory is that of heteronomy, referring to the
dictates of the law of the other. When heteronomy becomes dominant, the
situation of panopticism occurs, where the external authority is internalized to the
point where the subject becomes ideologically conditioned. At its extreme this is a
case of discursive determinism where the subject’s behaviour is automatic. Here
one allows oneself to be ‘spoken’ by a discourse, the discourse has power over
one, and it means that one just acts without reflecting upon and consciously
directing what it is that one is doing. Foucault calls such panoptical discursive
determinism, ‘self-subjectivization’, which is a kind of self-policing where subjects
monitor and control their own actions only because they have internalized
panoptical surveillance procedures. While this self-subjectivization is productive in
so far as it enables the subject to perform certain actions, it does not amount to
the kind of self-empowerment characteristic of autonomous subjects.

Post-structuralist thinkers like Foucault and Lacan show that the human
subject is both autonomous and heteronymous, self-empowering and subject to
normative societal structures and practices. Foucault recognizes firstly that the
subject is linguistically constituted. As a person learns to speak, and think in, a
language, environmental, cultural and ethical knowledge is acquired
simultaneously. In short there is no escape from discourse. In other words it is
clear that one can never completely escape being ‘spoken’ by discourses. At
best, one is and is not spoken by them.

According to Foucault all discourses are imprisoning because they all are
restrictive in some way. But one should not understand Foucault as advocating
blind discursive determinism:

For all of Foucault’s emphasis on how the carceral regime positions
its imprisoned subject, he does allow for the pleasure of resistance — albeit as a subsidiary of power, for nothing, he says, escapes the
discourse of power/knowledge.

(Hugunin, J, R., 1999)
In other words, he also recognizes that the subject can both actively and consciously ‘position’ itself discursively within language and resist the primary discursive ‘shaping’ that takes place when one first acquires language. In principle, when in an empowered position, one is able to adopt a counter position within discourse, in other words, to negotiate different discourses. In terms of Derrida’s metaphor, “there is no outside-text” (1976: 158).  

The preferred post-structuralist position would involve the critical ability on the part of a subject to ‘seize a discourse’ at times when negotiating difficult discursive terrain makes this necessary. But this should be done with the full, critical knowledge that, if necessary, one could distance oneself from the discourse ‘seized’, in order to transcend its self-imprisoning tendency. When a member of a dominant group challenges this very dominant group’s stance on a certain issue (e.g. when Mandela challenged the ANC leadership on AIDS) such a person shows him/herself capable of occupying this post-structuralist position.

The way that Foucault recommends that you do it is through conscious intentional self-fashioning.

Almost indistinctly, with deceptive modesty, [Foucault] invites us to form ourselves as individuals as against being formed by, and within, the social apparatus…By attending to examples of a tradition of self-formation…he insists, today, such ethical self-fashioning must involve close attention to the most modern and most elusive of all categories: the present itself – which we must take care not to consider as a unity with clear and fixed boundaries. (During, 1992:120)

As mentioned, the pleasure of resistance involves seizing a discourse. According to Foucault (1993:221) the term discourse implies not only systems that struggle for domination, but discourses are also a matter of action. Discourse “is the thing for which, and by which there is struggle, discourse is the power, which is to be seized”. A person’s own power then, is located in his/her capacity for “seizing” or appropriating, the discourse in question. ‘Seizing a discourse’ as

6 Mary Schmelzer (1993: 129) illustrates this well regarding her role as ‘postmodernist’ academic working, within, and against, the ‘panoptical’ university as will be discussed in chapter 2.
opposed to being ‘spoken by a discourse’ could mean that one ‘plays the game’ with full knowledge that one is playing the game. In other words a subject deliberately positions her or himself functionally as agent of the efficacy of a discourse as, for example, a manager does when she adopts the language of management to subvert workers’ ability to respond effectively. Similarly a gang leader is the agent of a discourse when he/she adopts the language of subjugation to force prisoners to the yield to the prison hierarchy. But as mentioned, true power lies in the act of being able to ‘speak’ or negotiate different discourses.

It is important to realize that to truly be powerful does not necessarily simply involve occupying a powerful position in a powerful discourse. The managerial structure of the educational system is a case in point. There are those kinds of principals or rectors that blindly and with religious determination follow the steps to the top, outlined in the dominant discourse controlled by the governing body with its own ideological agenda that holds the power to appoint the principal or rector. A leader of this kind is a mere pawn in the hands of the powerful governing body and is controlled by their ideologies. A leader with true power on the other hand would be one that is able to negotiate effectively between the discursive demands of the governing body (whether they are for instance, economic or political by nature), the educational needs of the learners or students and the needs of the rest of the staff. Such leaders would be able to make decisions of their own accord without playing puppet to those that hold them in power. In the same way, being a gang leader does not mean that such a person has power over the gang discourse, or has any power for that matter. A gang leader who cannot resist the gang discourse when she/he is in disagreement with it is just another cog in the mechanics that hold the gang structure together.

To sum up, ideally to ‘speak’ a discourse one needs critical distance from the ideologies or discourses that form one’s understanding and concepts of the world and oneself. Having the knowledge of alternative discourses and the critical distance to choose among different discourses enables one at least to have more power in relation to them. In other words, this enables one to negotiate the
different discourses that constitute one’s subjectivity and social reality. To relate this to the problem of rehabilitation in prisons: if a prisoner is taken up into the hierarchical gang structure and continually subjected to its modes of subordination, then combined with the lack of knowledge/education and power to choose alternative courses of action, it makes him/her powerless against the dominant discourse in prison. An upbringing under conditions of neglect would tend to make such a person even more susceptible to the gang culture and less able to position him/herself in such a way as to resist its discourse of violence.

In a closed institution such as a prison, which is controlled and restricted, the play for power is brutal and overt. One of the most prominent power struggles in South African prisons may be found in the so-called gang culture, as gangs battle each other for limited recourses such as territory. According to Dissel (2002: 25):

Gangs dominate every aspect of prison life; in some prisons they control the allocation of cells, distribution of food, a vibrant drug trade, and much of the sexual activity.

Since the dominant discourse in prison is the violent discourse of the gangs, and because gang culture is completely incompatible with any discourse in civil society, gang discourse has the overwhelming tendency to shape a prisoner’s character in such a negative way that it prevents him from learning a pattern of behaviour that is acceptable in civil society and from rehabilitating himself successfully. In the process of learning how to survive in prison he ‘un’-learns how to survive in civil society. He would therefore tend to be ‘spoken’ by the dominant, anti-ethical discourses in prison, or in other words be determined by them. Ironically gang membership, even leadership, is a form of imprisonment in itself. The gang discourse seemingly offers ‘power and protection’ in prison but it systematically dehumanizes prisoners and prevents them from leading an ethical life whether inside or outside of prison. It makes all prisoners, whether one is a member of a gang or not, slave to its rules.

In order for rehabilitation to become a reality in our prisons, prisoners need to be ‘empowered’ to such a degree that it becomes possible for them to resist the
dominant discourses of violence and have the knowledge of and the power to choose alternative discourses such as the discourses of rehabilitation, self improvement and responsibility, for themselves. Unfortunately prisoners with their familiar backgrounds of abuse and impoverishment are ideal candidates to be ‘spoken by powerful discourses’; generally they lack a healthy sense of self, imparted by empowering education and wholesome role models to identify with. In some instances prisoners could be empowered through basic education and through cultivating a conscience, to counter extremely violent discourses that shaped criminal subjects. But the discourse of reform and reconciliation implied here, is worthless if the circumstances inside South African prisons and in impoverished areas outside of prison are of such a violent nature that the kind of person that they shape is impervious to the agencies of rehabilitation like correctional services, and other agencies like psychological services.

The theoretical framework set out above lays the basis for practical application in what Foucault calls discourse analysis. This method of research is chosen on the basis of the belief that, “social reality cannot be divorced from structures of domination and asymmetrical power relations of various kinds” (Olivier 2000: 45).

According Olivier (2003: 330), a Foucaultian discourse analysis as a critical strategy will enable one to uncover the kind of discourses that are at play in a particular social situation, in this case a prison. It enables one to grasp the relations of power and knowledge, the “relations of force, strategic developments, and tactics” that shape the actions located in a discursive terrain (Foucault 1984:56). Foucault offers a model for such a discourse analysis in his book, Œ Pierre Riviere, having slaughtered my mother, my sister, and my brother… (1982). This ‘dossier’, as Foucault terms this book, describes “the intersection of discourses that differed in origin, form, organization, and function” (1982:x). According to Foucault these discourses form a “strange contest, a confrontation, a power relation, a battle among discourses and through discourses. And yet, it cannot simply be described as a single battle; for several separate combats were being fought out at the same time and intersected each other…” (1982:x).
Through the discourse analyses in this book Foucault and his team aimed to “draw a map, so to speak, of those combats, to reconstruct these confrontations and battles, to rediscover the interaction of those discourses as weapons of attack and defense in the relations of power and knowledge” (1982:xii).

The task of a discourse analysis is divided in two. On the one hand a ‘critical discourse analysis’ examines the ways that discourse works to constitute subjects and direct their actions. On the other hand a ‘genealogical discourse analysis’ “examines the shifting rules for the production of discourse” (During, 1992:123). For the present study which aims to account for the discrepancy between the ‘new’ benevolent discourse on rehabilitation and the continuing unbearable reality inside prisons, it is less important to understand how the present discourse on reform and rehabilitation in prisons was formed than to grasp the power relations in which this discourse is embedded.

In its critical capacity, a discourse analysis functions as an ‘analytical tool’ that gives you the analytical means to understand a situation better. It makes visible a complex, intricate, subtle, detailed structure or grid that may be overlooked otherwise, if one uses alternative research methods. According to Olivier, a critical discourse-analytical procedure would recognize the specificity of a certain social condition (2000:45). Joan Copjec’s remark concerning Foucault’s characteristic approach is important in this regard, given its relevance to the study proposed here:

the turn toward specificity is unquestionably sound. ... Foucault is concerned not with the ‘little people’ that macrohistories overlooked, but with the microworkings of small-scale systems of power relations that produce these people.

Copjec quoted in Olivier (2000: 50)

The present study is very specific in the sense that it focuses on two individuals’ experiences at a specific institution. The critical task of the present discourse analysis will be addressed via an analysis of the interview with Claude, the prison warden and the interview with Kelly, who spent four months in the awaiting-trial section at St Albans, along with relevant newspaper and magazine articles reporting on the circumstances inside prisons, in the next two chapters. The focus
will be on determining the subject’s [inmate’s] position within the existing power relations in the prison as well as power relations and discourses operating outside the prison walls that are influencing this institution, like government policy, and its effect on rehabilitation.

A discourse analysis will lay bare the ways in which prisoners become (dis-)empowered in prisons. Hence it should offer a reliable indication concerning whether rehabilitation is in principle possible. Such an analysis involves, concentrating on specific, concrete micro-events, bringing to light the discourses that are operating to condition them, and seeing whether there are opposing or contradictory discourses operating at the same time. This kind of analysis aims to look at specific events through the prism of the multiple discourses activated in them. Accordingly this study attempts to take a specific concrete situation (St Albans Prison), lay out the different conflicting discourses, and show how the different discourses and the power relations that they are imbedded in, shape the inmate as subject in relation to the possibility of rehabilitation.

The genealogical task will be touched on in the last chapter. If prisons in fact prove to be a septic wound/womb breeding more violence in our country, the next question would be; why such an institution still exists in a democratic society. Which discourses came to justify such an institution in the first place, and on what grounds do they operate, what powers hold them in position today?

The purpose of this study is to function as a ‘discursive praxis’ that is “capable of changing social reality in a potentially emancipatory manner even as it illuminates them” (Olivier 2000: 45). Because this study involves the discourse analysis of interviews and the use of newspaper articles, all of which have the status of discursive interventions already, the act of reading the ‘final’ document will unavoidably function to engage the reading subject at a discursive level – probably not without certain ‘practical’ effects. Ideally such a discourse analysis will work to make people critically aware of the problem of rehabilitation in South African prisons and to change dangerous common sense attitudes towards a situation that is in urgent need of proper intervention. This study also aims to be an indicator of an appropriate point of intervention.
As an important medium for discursive practice, the media is one of the most valuable tools to build a sound democracy. According to Hyden, Leslie and Ogundimu, (2002: 35 - 36), it is important for a sound democracy to establish a nonhierarchical discursive realm or community in which communicative competence is developed. Media play an important role in promoting this realm by expanding the ‘social sphere’ to include individuals who would otherwise not have been participants. The notion of a discursive realm implies the existence of a linguistic community that shares a sense of ‘belonging’ without necessarily agreeing on every facet of what they discuss.

What discourse theory reminds one is that when media agents report on reality they are simultaneously constructing it. In so doing they help shape and perpetuate discursive practices. The media therefore can of course play an equally negative role when it enforces the status quo or hides atrocities, or when it is being controlled by agents who stand to lose greatly in admitting the failure of social institutions such as our present day prison system. If controlled in such a way the media becomes anti-democratic.

The argument here amounts to the claim that in a constitutional democracy the media ideally have the twofold responsibility of informing the public on the one hand, of important social, economic and political ‘developments’ and secondly to provide a space for critical debate concerning such issues. Critical debate then is the first step towards effective intervention.

The point that this study would try to bring across is that the media should come to function as the public eye and mirror the secret mayhem in our prisons, making us aware of the rate and the heat at which prisoners are being scorched and tortured in silence. The media can play a role in creating the necessary critical distance from everyday ideologies and discourses by first of all exposing disempowering discourses and secondly introducing alternative discourses.

Democracy rests on the principle of choice and the ability to make a decision is constituted by the knowledge of options. Democracy therefore cannot flourish in a society where people turn a blind eye to the kind of atrocities that are happening in our modern day prisons. Yet a prison is a closed institution (isolated
from public view), which makes the public dependent on the media in order to make informed choices, placing the media in a position of power and ideally responsibility. Through its potential critical power it can function as a tool with which to launch an intervention. It is our duty as citizens of a democratic society to empower the disempowered. This idealistic stance will unfortunately amount to nothing if it is not accompanied with workable interventions. A starting point would be to open ourselves up to the possibility that prisons are holding cells for problems with no present solutions and not as some discourses have us believe, a necessary, beneficiary, justifiable, part of our society. I so often hear, “It is not ideal but it’s all we have.” If all we have is a system that incarcerates us all as Foucault notes in his book, *Discipline and Punish* (1977), we have a problem worthy of more than humanitarian lip service.
Chapter 2: Discourse analysis of two interviews with ‘Kelly’.

Kelly is a man in his thirties who spent four months in the awaiting-trial section at St Albans prison when his first application for bail was turned down. After his second appeal for bail was granted I had my first interview with Kelly, just before his case was heard in court. I attended the court case where Kelly was found guilty of indecent assault of a minor but was not sentenced to serve time in prison. Immediately after the court case, I had a second interview with Kelly (both interviews are transcribed and attached in the addendum).

The circumstances in the awaiting-trial section are of such a nature that, hardened criminals, first time offenders and innocent citizens are packed cheek by jowl for 23 of every 24 hours, for months, maybe years on end, waiting for their day in court.

(in Lund 2004: 113)

Kelly expected the worst from the stories that he had heard and read in the news. He anticipated his own disempowerment:

My fears, going in was, I mean like on the news you see and you hear about guys being gang raped, that was my fears, maybe being one of the victims…when I got there… I was quite nervous… I was like totally in the dark, but once I got there it was actually quite ok…

Strangely, Kelly goes on to say that, “it was actually quite ok”, despite the degradation suffered due to what may be described as the hierarchical discursive practice in prison, as pointed out by the excerpt below:

The violence in the cells is like…if you don’t answer correctly…if you back chat any of the “indodas” [gang leaders/main guys’], you actually get beaten up, with a wet towel, with a broomstick, whatever, or you actually get punished by sleeping in the toilet.

This is only the first of many similar tensions in his answers to my questions concerning circumstances inside St Albans prison. On the one hand he is saying that life in the awaiting trial section was “ok” or in other words, bearable, and in the next sentence he is describing the harshness of the circumstances inside in a manner that lends itself to interpretation in terms of a violent discursive hierarchy. Through Kelly’s description of the awaiting trial section at St Albans prison it
becomes clear that the moment a person sets foot inside a prison cell, he is inaugurated into its hierarchical discursive practice (or the reality shaped by the dominant discourses in prison). This happens firstly through the hierarchically imposed dispossession of personal belongings:

...going to your waiting cell ... was a bit hectic, because ... whoever is in that cell ... you got one guy that's in charge and he comes and he searches you... whatever he finds, he takes, whatever you've got on you he takes...

Secondly, it happens through the verbal imposition of what I shall describe as a discourse of ‘self-annihilation’.

When you come in [into the awaiting trial section for the first time], they [other inmates] ask you, ‘what are you?’ Or ‘who are you?’ And if you didn’t give the proper answer, you get beaten. The proper answer is, the expression that they used, is a “fronts”, meaning that you are nothing, you come in there and you are nobody, don’t be a big shot, don’t be clever, just be nobody... So you go there, you don’t know how long you are going to stay there and you don’t know what to expect and then you just try and survive...

The ritual of the circumstances concerning speech whereby the production of discourse is “controlled, selected, organized and redistributed”, according to Foucault (1993: 221) as mentioned earlier, becomes apparent in the above example. One can clearly see how procedures such as exclusion and prohibition are functions of the dominant discourse in prison. What is communicated to the inmate on his first day, is that he is an outsider, a ‘nobody’, who is excluded from the group inside until he has worked his own way up the prison hierarchy. Until that time he is forbidden to do basic things like sleeping on a bed and he is continuously belittled by derogatory names such as “fronts”.

Already in the awaiting trial section a person has to ‘survive’ and inevitably becomes subject to the discourse of personal annihilation in prison, which paradoxically only allows a person to survive if he admits to ‘being nothing’. When Kelly says that all of this was “actually OK”, it points to how little he expected of life in prison. He probably does not realize that a very basic human right to ‘be
someone’ (and to be recognized as such) has been obliterated. To say that all people have the right to ‘be someone’ is not the same as feeling pity for criminals who caused pain and suffering to innocent citizens or to be lenient with them. On the contrary, a ‘nobody’ cannot take responsibility for what he/she has done. And is that not what our discourse on criminality preaches? Even a murderer is still ‘someone’ who committed a murder and will have to face the consequences of his/her actions. Systematically imposed dehumanization cannot be justified in any societal institution as it is likely to be detrimental for society as a whole.

Significantly, later on in the interviews with Kelly, it seems that the only reason that his four months in the awaiting-trial section was bearable was because he was not raped during this time, something he expected to happen. (It could also be that he is trying to hide the fact he was raped, by saying his four months in prison was “OK”, something contradicted by his violent protest against going back to prison again [going so far as preparing to slit his wrists in court if he were to be sent back] – but this is purely speculative.) He says his biggest fear was getting raped (addendum: 86), but it turned out to be “ok” (addendum: 81) despite the violent nature of the prison (addendum: 82). ‘Luckily’ for him he was not raped (addendum: 90), but was sure to be raped in the inmate section (addendum: 90-91) if he would have to serve a sentence and would ‘rather die’ first (addendum: 91). Ironically, the crime that he is held accountable for is molestation of a minor. It is very dangerous to think of the situation as poetic justice, keeping in mind the likelihood that being subjected to sexual violence would probably exacerbate, rather than alleviate or prevent similar behaviour on the part of a subject (when he is released from prison).

A consideration of the above acknowledgement on Kelly’s part indicates that, far from being confident of being treated in accordance with a recognition of his right to dignity and so on, his expectations were minimal, even negative. In fact his fear of rape shows the effective absence in prison discourses of a human rights component. In other words there is no indication that Kelly expected prison to be a place of rehabilitation. He expected it to be a place where he would be exposed to violent gang rapes. According to his interview this expectation was
formed mainly through the depiction of circumstances in prison through the news media. This is where the media can play a more active and critical role in the transformation of institutions such as prisons, as argued earlier. Firstly it is a good thing that the circumstances in prisons such as at St Albans are not completely hidden from the public, but given Kelly’s expectations, the media should do more than create a horror display through especially partial, selective, ‘sensational’ reporting, which only creates the worst kind of expectations. It evokes a limited range of reactions such, as being afraid, as in Kelly’s example, while some people’s reactions – according to Lund (2004: 113), most people’s reactions – are that prisoners are getting what they deserve. But the significant point is that media that set themselves the task of working towards a democratic society have a second very important task in this matter, namely the normative one, to create the expectation in people that prison should be a place of rehabilitation, something that can only happen if full transparency in reporting is strived for. Something like this could only happen if at least some of the media were contributing to the creation of a critical space, where people can step out of their common sense discourses for a moment to view a situation from a fresh angle. The article in Fairlady would be an example of this kind of ‘reporting’.

Change in any institution can only come about with change in people’s expectations of it. It did not cross Kelly’s mind once that the prison would be a place that cultivates better morals or behaviour patterns than those that had presumably led him to commit the crime that he was charged with (since he was in the awaiting trial section); in fact such an expectation would almost be laughable. The mere fact that he was not raped made the rest of the degradation almost bearable, but then again not quite, if the following is taken into account.

Contradictory to his opening statement that a.t.s. it was “actually ok”, he later indicates that he would rather be better off dead than being subjected to the “way of life” – presumably the hierarchical prison structure and the discourse of self-annihilation in prison – for a prolonged period:

They are taking me out of court in a black bag, but I am not going back. The way of life inside…not for me. I wont survive. I tried it for
four months and I barely got through, but I got through and like I say, I am not going back.

This means that – focusing on the discursive tensions exposed here – what he was actually saying was that it was in fact not “OK”, that it was so unbearable that he would rather relinquish any hope of a better future, before having to go back to prison. In normative terms it is noteworthy that, ironically and sadly, what is expected of a person in prison (supposedly an institution that will redirect a person from his/her criminal ways in order to function in society after serving his/her sentence) goes directly against what is expected of a person in a democratic society. Arguably, in a democratic society an individual is expected to be a person with the full capacity of making rational decisions especially insofar as these unavoidably affect others (although it should be noted that J. S. Mill, for one, had his doubts about whether ‘egalitarian democracy’ could do justice to the individual; he feared the ‘yoke of uniformity’; see Baumer 1997:326). As mentioned, a ‘nothing’ or a ‘nobody’ can never be an ethical being; a nothing will follow the path of the stream like a dead leaf. And it should be kept in mind that apart from the prevailing current in prisons, the ‘stream’ into which many ex-convicts are released is one of abject poverty, gangs and violence.

In prison, on the other hand, one is expected to “be nothing”, to go with the flow and to subject yourself to its hierarchy for the sake of mere survival. In the prison hierarchy the gangs occupy the highest position, something confirmed by Kelly in relation to what Dissel (2002: 25) says about gangs dominating every aspect of prison life, even (it will be remembered) controlling the allocation of cells in some instances, operating a vibrant drug trade, and regulating much of the sexual activity. These three distinct areas of prison life are discursively articulated in the following excerpts form Kelly’s interview.

then you can say, “I want to go to that guy’s cell”, but you don’t tell the correctional officer, you tell that to the guys that are there, and they arrange it in such a way that you get into that cell. The cell I was in was the worst cell...that was where the drug trade was – tablets, dagga – whatever you wanted was there...If you go to court, that’s where the exchange gets done...and the “indoda” [a Xhosa word
denoting an adult male, and applied to gang leaders] will come – after their case hearing with a big bag full of dagga...

you can either [stab someone] or you got to be raped to be a member [of a gang] – that’s the easy way in and then you get a number – a tattoo between your thumb and your pointing finger...you’ll have to sleep with the head of the [gang]members.

The marking of the body, essentially a spatial aspect of the discourse in question, also points to the way in which the gangs mark their territory; and besides the space coterminous with human bodies that are being ‘branded’ like sheep, ‘external’ space is also territorialized:

...on the left hand side you got ‘sonop’ [sunrise] and on the right-hand side you get ‘sonaf’ [sunset] – it’s two gangs...if you are going to come stay on this side, you don’t go that side, unless you are invited to come that side.

You don’t really have a living space – you just got a mattress on a cement floor – then you’ve got beds, but only the main guys would sleep on the beds, the – what they would call the “indoda” – they are the big guys in the cell and they can sleep on the beds – if you’re a “fronts” you sleep on the floor.

In a very recent newspaper article a teen tells of how he was gang-raped for four hours by his cellmates “for watching TV in the ‘wrong’ cell” (Adkins 2004: 1-2). According to this article, “There is also a strict territorial code among inmates in the juvenile cells involving the ‘28s’ prison gang, the ‘26s’ gang and non-gang members.” The gangs use rape and violence to mark and defend their territory.

To return to one of the crucial issues raised by Kelly, he attributes the fact that he did not get raped in the awaiting trial section to ‘luck’ and to knowing some of the inmates of the awaiting trial section. According to Kelly being raped in prison while serving time is inevitable. It is in the course of the gangs’ control of sexual activity in prison that rape becomes normalized in the institution. It is no longer a taboo, or something that one might be held accountable for, it is a given and is expected of a newcomer. In an interview with an inmate, thirty-two-year-old Forbes, conducted by Lund (2004: 113), at Pollsmoor Prison, he recalls that:
I was inaugurated into the 28s gang, which meant I was forced to have sex with another gang member. On my first visit to prison in 1982, 22 inmates raped me. It sunk in that rape was actually normal.

One may therefore conclude, on discursive grounds, that it is normal to rape and to be raped in prison. It follows that individuals who have been subjected to this kind of ‘normalization’ and who are released into ‘normal’ society may encounter serious problems. They have presumably been rehabilitated and have supposedly undergone proper behaviour modification. Behaviour modification? Definitely! But of what kind? As indicated earlier, the ‘normalization’ of violent (including rape) behaviour in prisons conflicts with the kind of civil ‘normality’ valorized in a ‘democratic’ society.

It will be remembered that Kelly expresses more than once his biggest fear regarding serving time in prison as that of being sodomized. His allusion to this recurs in the course of the interview:

...that’s where you have your rapes, mostly, most of the time, because these guys know they are going to be there for x amount of time...

In the course of analyzing the interview with Claude, the prison warden, attention is given to the ambivalent function of rape in prison namely that of ‘sexual release’ (or ‘need’) and as a discursive practice of enforcing hierarchical power relations, as indicated in the preceding discussion. It is therefore telling that, during my first interview with Kelly, he threatened to kill himself if he had to go back to prison, and when I saw him at the court on the day of his hearing he showed me a razor blade that he intended using if he was sentenced to serve time in prison.

Kelly was convinced that if he were to go back, that would surely have happened. According to him: “When you are a new guy, you got to go through the steps,” and there is no way of preventing that. The steps that Kelly is referring to here are the steps of inauguration into the prison hierarchy already referred to, and eventually becoming part of the gang network. It seems that becoming part of a gang is inscribed in the prison hierarchy: “...you got to go through the steps...” as Kelly says, and it is without even making a conscious decision that a
prisoner becomes part of one or other gang. As stated earlier, a “nothing” cannot make a decision. In discourse-analytical terms, an individual’s life in prison is apparently inexorably structured by the discursive practices, which have emerged here. More importantly perhaps, such a person’s subjectivity is simultaneously structured or reconfigured by the practices concerned, as Kelly’s statements indicate.

It is clear what one has to do to become a part of a gang; one has to stab or rape someone or be raped by someone. In other words in order to protect oneself, one has to suffer exactly those atrocities against which one is seeking protection. Would it be an exaggeration to say that this is the distorted, sickening logic, which pervades the discourse of prison survival?

Kelly recalled an incident in which he defied this discourse of survival by giving up on the fight for his life and his survival, and ironically it earned him respect in his cell. He had reached a point where he did not care for his life and what the other inmates might do to him if he did not obey them:

I just couldn’t take it; I came back from court and went back to the cell, knowing when I came back that I am not going to go out now. I just blew up, and the guys, the “indodas” looked at this “fronts”, which is me, doing his own thing, saying his own thing and they wanted to come and hit me and I said to him, “This fronts is not going to take your nonsense anymore, you can now do what you like, but if you are going to hit me, you got to kill me and they couldn’t take that, they were scared, they actually got scared and I said, “Look if you’re going to beat me, beat me now, I am waiting.” Nobody wanted to take me on and I just wanted to sleep right there on the cement floor, because there was no place. There were about 70 to 80 guys in that cell, there was no place to sleep and I took my sheet and threw it on the cement floor and I laid down … and then they were getting off their beds. They were giving me their beds, they were even bringing me food, treating me like a king now, because I now, I was probably the first guy who took them on, because the other guys that come in there they like humble themselves, “Ja baas [yes boss], Nee baas [no boss],” that type of thing but I also did that in the beginning but like I said I couldn’t take it anymore. I was prepared to die rather than to carry on.

In the light of the preceding analysis it is fair to say that the ‘discourse of survival’, which has been shown to be intimately connected to a hierarchically
imposed (quasi-) annihilation of newly arrived prisoners, requires such a reduction to a ‘nothing’ in order to function. In the excerpt above, Kelly describes a radical change of stance on his part, an apparent refusal to be ‘nothing’, but actually a willingness to be ‘nothing’ in a far more radical sense, namely the willingness to die rather than continue the degrading path of prison survival.

For Kelly an alternative way of survival in prison, without resorting to suicide was to pretend to be mad:

I moved from A section [awaiting trial section] to C section where there is less guys in and that’s the observation cell, everybody going to the Donkin [psychiatric ward] would be in that cell, getting out of there [section A] I had to be a little bit insane to get out and go there – you had to pretend that you are a bit loony...and that’s where I spent another month being observed – then I could get better and I could be myself again once I was up there to get out.

The key discursive marker: “then I could get better and I could be myself again once I was up there,” points to the need for a temporary recovery of a sense of self, that Kelly found (ironically enough), in the psychiatric ward, in the relative freedom from gang-control. This ‘loss of self’ is possibly a consequence of the discourse of self-annihilation in prison. It also confirms that in order for rehabilitation or improvement to be a reality, or for a prisoner ‘to get better’; it is crucial to have a healthy sense of self, to be able to be ‘someone’, which a prison structure does not seem to allow.

In Kelly’s case he faked madness, but he also tells the story of inmates who truly become psychotic as a result of the unbearable circumstances in prison.

There is a time when the guys just really go off, off their rockets, and that’s when they get transferred to the C section [psychiatric observation]. They get crazy, they become insane, and then they get sent over to C section, they get violent, they want to slit their wrists, they want to hang themselves in the toilet, things like that, they just go crazy, they start seeing things, they start talking to the walls. I knew a few people that were normal when I went in...Normal as in I am sitting here...but they ended up going insane, because of pressure, pressure from the inmates, being ordered around by practically everybody, by...for instance let me give you an example; there’s an old man that comes in, first time, he is maybe 40 or 50 and here you got this 18 year old telling him what to do, shouting at him,
swearing at him, treating him like dirt. I mean it’s somebody that could have been your father... They actually don’t come out, they get sent for observation, the mental rehabilitation centre, they get observed there and then they get sent further away, Fort Beaufort or Grahamstown, which is basically a loony bin.

This is an example of how the hierarchical discursive practice, “being ordered around by practically everybody,” in prison, and the discourse of self-annihilation, “treating him like dirt,” could lead to psychosis. Even if one grants that Kelly was not qualified to diagnose a lapse into psychosis on the part of prisoners, it is legitimate to claim, I believe, that – as I shall further show analytically – prisoners subjected to the prison ‘discourse of self-annihilation’ sometimes experience such severe discursive disorientation (i.e. the sudden change from ‘normal’ civil society to the [abnormal] ‘normalizing’ functioning of prison discourses) that their sense of being a ‘stable’ self collapses. In the process of being reduced to nothing, and becoming completely disempowered, it seems that many completely lose themselves or their ‘rational’ state of mind and escape into anything ranging from drastic disorientation to psychosis. “I mean it’s somebody that could have been your father...” The keyword here is “somebody” – somebody who is being reduced to a ‘nobody’.

In this process of disempowerment it is only a disoriented body, like Lacan’s neonate (who still lacks the quasi-coherence acquired through identification with a mirror-image), that remains and the discursively constituted ego or ‘self’ is lost. It is a systematic breakdown of the ego. Furthermore it seems that those who do survive in prison in the long run have such a (discursively reconfigured) distorted sense of self that they can only survive in the institution or in a gang structure. In other words they have become ‘institutionalized’, like the example of thirty-two-year-old Forbes who has lost count of the number of times he’s been in and out of prison, who was exposed to violence, crime and drugs since he joined a gang at the age of thirteen. Prison has become a way of life for him and it is doubtful whether his sense of ‘self’ would be fully comprehensible in the context of civil society – it has been articulated along the lines of the
structuring discourses operating in prisons, as brought to light in the present analysis. (Lund 2004: 113).

The prisons that are described above impose a fragmenting, disorienting, displacing, dystopic, debilitating way of life, that could eventually become a trap whether the prisoner is behind bars or not. Judging by the insight afforded via the discourse analysis of Kelly’s interview-responses, one is led to the conclusion that prisons are far from the rehabilitation centres that they are supposed to be. If one looks at a minimal definition of rehabilitation, it has to take into consideration or it presupposes criminal action. Rehabilitation then implies reconfiguration of a person’s set of values and correlative actions in such a way that civil life according to law is possible. The question of rehabilitation has to be evaluated in the light of the undeniable, powerful, discursively functioning hierarchical structure in prison. Rehabilitation requires the reorientation of a criminal that would lead him to adopt new action-orientated values, which will discourage future criminal activity. It is clear that the prison structure, ruled by routinely violent gangs, is not conducive to this process.

According to Fagan (In Lund 2004: 114), the first step towards improving our prison’s rehabilitation record is to reduce the number of convicts that are dumped on prison doorsteps. According to a general estimate there are up to five prisoners to a bed, which explains the struggle for space that Kelly talks about in his interview. The violent hierarchy and struggle for space and power, which are, of course, inseparable, could be said to be partly due to or rather exacerbated by the limited resources within the prison environment. Fagan (In Lund: 114-116) says that the result is:

...at best, problems with food, health, exercise, stress levels and rehabilitation [and] at worst, prisoners are dehumanized and develop into bitter, angry people who rail against authority. They are bored out of their minds and, of course, the hardened criminals school the youngsters, get them tattooed and initiated into a gang. And that’s it: They’re basically damned.

All of the above is confirmed in the interview with Kelly. One is irresistibly led to wondering where to begin to address this dismal state of affairs. Building more
prisons that will in turn enable better surveillance still does not address the detrimental influence and control – in the form of discursive subject-formation – that the prison hierarchy has over inmates, and the influence that the gangs have in shaping a person’s mind to fit a violent criminal mould. More control by different authorities will not address the fundamental dehumanization of the prison system. This argument is supported by certain facts surrounding the recent incident involving a four-hour gang rape of a first time juvenile offender, serving time for robbery, at St Albans prison that started, as mentioned earlier, as a result of a skirmish over territory. “Although Sobici screamed loudly for help while the gang rape was taking place, no prison authority investigated the disturbance – despite the fact that Unit D cells are small and that the attack took place in a cell near the section office” (Adkins 2004: 2).

According to Ngconde Balfour (in Cull 2004), Minister of Correctional Services, correction and rehabilitation “is the only way in which we are going to insulate society against the cycle of crime. No high walls will do this,” a statement which confirms government’s commitment to rehabilitation on an abstract (but arguably ineffectual) level. He goes on to say: “It is only a conversion on the part of all of us to embracing and promoting the correcting of offending behaviour that will bring about a positive change in the cycle of crime that we have to endure.” This attitude is a welcome stepping away from an apathetic stance that seeks to remove oneself from the problem of crime and instead admitting that this is a problem that must be addressed by society as a whole. It is also a much better (i.e. productive) attitude than advocating ‘zero tolerance’ to offenders. Balfour stresses the importance of the issue of overcrowding in our prisons and of eradicating it because it leads to ‘prison gang fights’. He stresses the importance of humane rehabilitation programmes and says that regular ministerial visits would ensure the prisoners were kept busy with these programmes.

In the light of what was revealed by Kelly’s interview, I would like to argue that these proposed solutions are nevertheless underestimating the complexity and effectiveness of the power-hierarchy in prisons. Considering Balfour’s suggestion that overcrowding of prisons is somehow a crucial problem, it could be
argued that even if you have two prisoners in a cell, one will most probably come to dominate the other within the existing prison hierarchy. Furthermore, overcrowding alone does not lead to gang fights, it exacerbates the problem, but the power structure of the gangs is tailored in such a way that clashes between the gangs are structurally necessary for their existence. Regular ministerial visits might be better than no visits on the minister’s part, but how is it going to lessen the debilitating effect that the prison hierarchy and gangs have on the psyche of prisoners, and consequently the process of rehabilitation?

Most seriously, perhaps, is the revealing discursive tension in the Minister’s remark that rehabilitation is necessary to ‘insulate society against the cycle of crime.’ As previously indicated, any cogent notion of rehabilitation should entail the eventual functioning of released prisoners in civil society, that is, their re-integration with societal structures. The term used by Balfour, ‘insulate’ is a telling denial of such a possibility and raises serious questions about his (and his department’s guiding) conception of ‘rehabilitation’. Cull (2004) also quotes Balfour in saying: “I was not averse to the view that incarceration and imprisonment was the only way to rid society of such scourges”. Balfour’s seemingly reformative stance is clearly problematic if not contradictory.

According to statistics published in the Fairlady there is only one social worker to every 1500 prisoners and one psychologist to every 2000 prisoners in South Africa. Only 4430 prisoners had individual therapy sessions in the 2002/2003-year, 806 attended group sessions, and 117 had family therapy sessions. And although education and training programmes do exist in prisons, the 2002/2003 Department of Correctional Services report highlights how few and far between these are. Of the 187000-strong prison population, only 37426 participated in education and training programmes that year (Lund 2004:116). In the light of what my analysis has shown, it seems fair to say that before millions are spent on new prison buildings these issues need to be addressed. After all, more elaborate incarceration will not, by itself, alter the effect of the hierarchical prison discourses on prisoners and the possibility of their rehabilitation.
It is interesting that among the solutions that Kelly offers, he does not mention more surveillance or bigger prison cells. He does mention skills training or education and a strong self-concept (addendum 92). This is in accordance with Foucault's theory that true power lies in the knowledge of and the ability to negotiate the different discourses that shape your reality, and implies having a strong enough sense of self to stand up against disempowering discourses, even if this happens in a subtle, covert way, not necessarily trumpeting your differences with the dominant discourses. Examples of how this is done effectively are the ways in which certain Germans secretly helped Jews escape during the second world war, while to the outside world they were acting in accordance with the Nazi discourse, playing its language game. Mary Schmelzer (1993: 129) also explains how she craftily but very subtly resists administrative control at the university where she works by playing an ambivalent language game:

Her [the secretary’s] gaze fixes on order as well as economy. I cannot lock the door [of the English seminar room where books are kept from students behind a locked door], and I receive regular reminders of my transgression. I am cheerful and profess myself hopelessly scatterbrained, a professorial category she can accept as normal. But I never lock the door.

There is a need to establish a counter-discourse of empowerment, self-improvement and responsibility, in the midst of the powerful gang discourse and the discourse of prison hierarchy and self-annihilation – a discourse that prisoners might be able to adopt and that will enable them, even if at first only on the level of ‘internal’ rhetoric, to resist the dominant discourse of violence and self-annihilation. A possible discursive intervention could be to target certain gang leaders or influential prisoners (preferably those that the gang discourse has less of a hold on), and challenging them to be truly powerful leaders by being able to stand up to the gang discourse, providing certain support structures like education and counsellors to assist him/her in this process.

Another form of intervention that has been shown to have positive effects is to introduce a discourse that is incompatible with the violent gang discourse. The example is one where prisoners had the opportunity to do something for AIDS
orphans in need – it involved making clothing for the “destitute children” and putting “in some hard labour and producing a vegetable garden for the kids.” (Carte Blanche 20 June 2004) The discourse of care and responsibility that goes along with these actions is incompatible with the violent discourses that prisoners are exposed to on a daily basis and allows them to step out of these disempowering discourses for a moment and to become empowered in the act of being able to help someone else, such as the AIDS orphans.
Chapter 3: Discourse analysis of interviews with ‘Claude’.

Claude is a prison warden at St Albans Prison near Port Elizabeth, South Africa. He has been a warden since before 1994 and has witnessed many changes in the South African prison system over the years. In his interview he talks about the policy changes in the course of time, as well as the present day circumstances and possible solutions to problems as well as some of the obstacles in the way of rehabilitation.

The discourse of rehabilitation comes across very strongly in his interview. According to Claude current prison policy mainly revolves around rehabilitation. It aims to put a new operating system and management system in place that will enable wardens to work with fewer prisoners at a time, to ensure better surveillance and control.

In December 2003 they came up with a new ‘white paper’ and from beginning to end it was really only about rehabilitation. They introduced a new operating system and new management. This means that the warden works with a minority of the prisoners. What the ‘white paper’ envisages is to have a minimum of 6 or a maximum of 8 prisoners in a cell in order to have more control over the prisoners. In other words, you can monitor him better; you can monitor his rehabilitation better.

The words, “toesig” (surveillance, invigilation), and “monitor”, have connotations of control, surveillance, supervision, and scrutiny. The word “toesig” could also have the connotation of ‘care’, but in this context it is fair to say that it rather refers to the act of observing. It is also telling that Claude corrects himself, “jy kan hom meer monitor – sy rehabilitasie meer monitor / you can monitor him better – monitor his rehabilitation better.” These connotations rhyme with the
discourse of incarceration and reminds one of the Panopticon, the Benthamite prison machine, where:

observation became an efficient means of control by authorities. From a central vantage point, inspection of prisoners was continuous, general and facile. The panopticon allowed relatively few officials to control large numbers of prisoners by foregrounding both hierarchy and visibility.

Schmelzer (1993: 127)

The panopticism that is revealed in Claude’s speech, foregrounds visibility rather than hierarchy, as Claude explained to me that after 1994, the prison authorities worked to rid the warden system of its militarization and its rigid hierarchy inherited from the Apartheid era. But it is still a matter of control and “insulation” to use the term that minister Balfour used, as discussed in the previous chapter. In other words, it could be said that it is a matter of being able to isolate prisoners more effectively for the purposes of control rather than it being, “really only about rehabilitation”. It is not clear at all how this process will help to equip prisoners to live a civil life and become successfully integrated into society again. It is worrying how easily and apparently unproblematically Claude moves between the discourse of incarceration and the discourse of rehabilitation. From the beginning of this interview it seems as if, for Claude, the two discourses of rehabilitation and incarceration are compatible, in the way that they overlap in his speech. In his book Discipline and Punish (1977), Foucault indicates that these two discourses are essentially incompatible, and that incarceration in fact does not lead to rehabilitation. Rehabilitation according to the Concise Oxford Dictionary (1995: 1158) means “to restore to effectiveness or normal life by training”, especially after illness or imprisonment or “restore to former privileges or reputation or a proper condition”. According to this definition it seems as if rehabilitation is something that occurs after, not during imprisonment. It is clear that there is a discursive tension between the kind of panopticism alluded to in Claude’s speech, that is ‘supposed’ to make the process of rehabilitation more effective, and the definition of rehabilitation discussed above and earlier on in this study. ‘Isolation’ is in opposition to ‘restoration to a normal life’ and ‘observation’ is
too far away from ‘training’. Furthermore, if this is the ‘logic’ that the discourse of rehabilitation in prison follows, or in other words if this is the discourse of rehabilitation in operation in prison, this discourse could also be said to be a disempowering discourse, as it follows the ethic of control rather that that of empowerment. This is an example of how the ‘discourse of rehabilitation’ can come to work against prisoner empowerment as will be discussed in more detail in the final chapter. The incompatibility of panopticism and prisoner empowerment is also discussed in chapter one.

Another change that the current policy wants to incorporate is to divide prisoners according to age and severity of their crimes.

Translated as: According to the ‘white paper’, they want to establish institutions where adult prisoners will lie down alone, where they will be kept separately from the youth. They want an ultra maximum-security prison where hardened criminals can be housed. This is going to be part of the rehabilitation process. Then they also require a maximum-security prison, housing prisoners with long sentences but not yet as hardened as those in the ultra maximum-security prison. Then they still need a medium security prison for people with shorter sentences and an open prison for people that one considers to be easily rehabilitated – these are guys with a lighter sentence – that are easily rehabilitated, that can be given access, that can have more mobility – so at the end of the day it will be easier to integrate them into society.

Note the usage of the Afrikaans word “lê”, meaning to ‘lie down’, to refer to being in prison or housed in prison, which denotes the inactivity to which the
prisoners are subjected. Further on in the interview Claude specifically stresses this matter:

...in order om mense te rehabiliteer moet jy [rehabilitasie] programme in plek in hê, maar in ons maksimum gevangenisse het ons nie sulke maatstawwe in plek nie, want die ou kom in en al wat hy doen – hy eet, hy lê – dit is hoe ons hulle kategoriseer – op hulle kaartjie staan daar, eet en lê. Dit wil sê, hy werk nie, hy doen niks nie...

Translated as: In order to rehabilitate people you have to have rehabilitation programmes in place, but in our maximum security prison sections we do not have these facilities in place, because a guy comes in and all he does is eat and lie down. That is how we categorize them; on their cards it says, eats and sleeps. That is to say, he does not work, he does nothing.

This adds to the discursive tension discussed in the previous paragraph, as ‘inactivity’ is in opposition with the word, ‘effectiveness’, used in the definition of rehabilitation.

In the excerpts above Claude seems to admit that the longer the sentence is that a prisoner has to serve, the less chance there is for rehabilitation. It follows then that prisons are not centres for rehabilitation as Claude refers to them in the beginning, “Die rehabilitasie-sentrum soos in ’n gevangenis, is eintlik daarso vir die rehabilitasie van die gevangene / The rehabilitation centre such as a prison, is actually there for the rehabilitation of the prisoner.” Claude is also saying that the more enclosed a section is or the more isolated and inactive the prisoners are, the less chance they have of rehabilitating and becoming integrated into society. He says that prisoners in a more ‘open’ prison (with more opportunities to move around and to have more social interaction), with relatively short sentences have the greatest chance of rehabilitation. Claude attributes this fact to the type of prisoner that one would place in such a more open section, rather than to the type of surroundings or environment. But it is possible that it is in fact not just a certain type of criminal that rehabilitates more easily, but also the environment and the activities it allows that are more conducive to this process.

Another problem with this kind of categorization arises in the ultra-maximum security sections. Claude says that, “this is going to be part of the
rehabilitation process,” but by way of comparison, according to Cummins and Weinstein (1996) the “United States has abandoned the goal of rehabilitation [just as Claude abandons the task of rehabilitating certain hardened criminals, saying that there are certain criminals that are not able to be rehabilitated, (addendum 65)] …and turned to high-tech dungeons that violate basic standards of human decency and international law.” The result is that in the United States, so-called "maxi-maxi" prisons have become social control tools to manage the nation’s disposable populations. These new facilities actually engender more violence and “the rage they spawn is unleashed first on the prison yard and then onto the public streets when the prisoners are paroled. This prison system makes visible, through the still-smoking embers of South Central L.A., the tinderbox we are creating for the 21st century” (Cummins & Weinstein 1996). This is the danger of incarceration against which a democratic South Africa must fight or counter if it is already the case here. According to Dissel (2002: 26), in the early stages of its transformation, the Department of Correctional Services was strongly influenced by trends in the United States, one of which was the emphasis on new high-tech maximum security prisons. The development of both the C-Max and Super-Max prisons therefore “appear[s] to contradict the stated goal of transformation towards a human rights culture in South African prisons.”

Long-term incarceration has more negative consequences, as Claude explains:

…die feit dat nadat ons doodstraf afgeskaf is in Suid Afrika kry die gevangenes veel langer strawwe … soos die jare aangaan begin die manne nou vir hulle soos ‘n vrou te vat in die tronke want hulle vonnise is te lank wat hulle moet uitdien… daar wat ‘n individual die doodstraf gekry het [voor 1994/5] word sy vonnis nou omgeskakel - da wat hulle hom die doodstraf sou gegee het - gee hulle hom nou 7 lewenslank en ‘n honderd jaar by, d.w.s. so ‘n karakter gaan nooit weer in die gemeenskap vrygelaat word nie en hy moet hom nou toespits op sy environment waarin hy nou gaan lewe.

Translated as: The fact that capital punishment has been discarded in South Africa has resulted in prisoners getting much longer sentences. As the years pass the guys start ‘taking wives’ for themselves, because their sentences, which they serve, are too long. Where an individual received the death penalty [before 1994/5]
his sentence is now commuted. Where they would have given the
death penalty, they now give him seven life sentences and 100
years. In other words a character like this is never going to be set
free in society and he must now concentrate on the environment in
which he is going to live for the rest of his life.

Gangs control the environment that such a prisoner is living in where power
is articulated in terms of rape and violence. In these circumstances there is no
incentive to lead a civil life and no sense in it either. One can see how this can
shape an unscrupulous, that is, a very dangerous individual, who in turn, has an
influence on those individuals who will have the chance to enter civil society
again. This is the irony in the human rights move to replace the death penalty with
a lifetime in prison. And this is another example of how a ‘theoretically’
empowering discourse in ‘operation’, this time, the human rights discourse, is
working against prisoner empowerment. Shaw (1961 13-22) comments on the
mockery of the concept of mercy in believing that locking someone away for the
rest of his life in a violent institution is somehow an instance of it. The definition of
rehabilitation mentioned above is not even applicable in this situation. What is
described in the excerpt above (from Claude’s interview) also agrees with the
discourse of incarceration which, as pointed out earlier, is not compatible with that
of rehabilitation.

In the excerpt above it becomes apparent that the problem of sodomy and
rape in prison is, besides the fact that it is one of the ways in which the gangs
wield their power, also a consequence of the system of incarceration itself, where
there is no legitimate channel to find sexual release. As mentioned in the previous
chapter, rape and murder are sanctioned by the gang discourse and as Olivier
(2003:333) notes, in accordance with Foucault’s observation, “deviant forms of
sexuality come into existence simultaneously with and on the same discursive
basis as ‘normal’ ones…sexuality does indeed constitute one of the sites of
resistance to ‘power, that is to dominant discourses.” Rape becomes normalized
in a prison. Just as in ‘normal’ society, in prison, sex is used to subordinate and to
dominate. This would also explain the deviant sexual behaviour found in prisons,
not solely regarding individual deviance but as part of a bigger system at work.
The same could be said about murder in a situation where it is not simply allowed but expected in certain cases on the basis of the dominant discourse. For Foucault (1977: 15-16):

…a punishment like…imprisonment – mere loss of liberty – has never functioned without a certain additional element of punishment that certainly concerns the body itself: rationing of food, sexual deprivation, corporal punishment, solitary confinement.

At St Albans one sees how sexual deprivation contributes to violent gang rapes, which is an “unintentional, but inevitable, consequence of imprisonment” (1977: 16).

From the excerpt below it seems fair to say that incarceration or imprisonment leads to institutionalization rather than rehabilitation, indicated in the sentence, “vandat hy begin in die tronk – hou hy op die dag wat hy doodgaan. / The majority of guys in prison end their life behind bars.” This seems to be the case especially in situations where a prisoner is released into and originally came from an environment with minimal support, which is the case of most prisoners according to Claude. Claude explains how a prisoner would come to prefer prison life to free civil life:

…[‘n] gevangene kom …dien ‘n vonnis uit, in die gevangenis word daar van hom verwag om netjies te wees…sy etes kry hy op tyd ook. Nou word so ‘n gevangene op die einde van die dag vrygelaat. En as jy buitekant toe kom, ek dink werkloosheid dra grootliks daartoe by…nou buite kant – hy is werkloos – hy moet struggle om ‘n ete in die hande te kry...Ja jy kan eintlik sê daar is twee kante [Claude verwys hier na die ‘twee kante’ van ‘n tronk van geweld sowel as stabiliteit en roetine] - as jy nou gaan kyk na die broader spectrum buitekant – baie van die individuals wat tronk toe kom – hulle word eintlik met misdadige gedrag … groot dit wil sê dit maak deel uit van hulle lewe – so van ‘n baie jong ouderdom gaan hulle na homes toe waar kinders aangehou word dit wil sê teen die tyd wat hulle in ‘n gevangenis in beland, is hulle so gewoond aan misdadige gedrag, dat dit eintlik deel maak van hulle lewe … sy lewe gaan om misdaad en gevangenis lewe - die oorgrote meerderheid van die karakters wat ons in ons gevangenis het – vandat hy begin in die tronk – hou hy op die dag wat hy doodgaan.

Translated as: A prisoner serves his sentence, in prison he is expected to be neat, he receives meals on time. Now when this
prisoner is released at the end of the day and he gets outside...I think unemployment largely contributes to the situation. Outside he is unemployed and struggles to eat ...Yes, you can say there are two sides to prison [referring to the two sides to prison namely, violence and stability/care]. But if you look at the broader spectrum outside, a lot of individuals that land in prison were raised with violence. Violence is a part of their lives. From an early age they go to homes where children are kept. By the time they are convicted they are so used to violence that it is just another part of their lives. His life revolves around crime and imprisonment. The majority of guys in prison end their lives behind bars.

The above excerpt also points to the way in which the normalization of violence in impoverished areas is reinforced in prison instead of it being a place of rehabilitation. Not only is violence being normalized but also, people are being institutionalized from a young age. And even if prison is a violent institution, it is still more predictable than living outside prison in an environment of poverty. The rigid hierarchy and routines that prisoners are subjected to give them stability but at the same time it disempower them to function in society, because they get so used to its rules and its violence that it become “the only way of life” they know how to live.

One of the biggest factors contributing to the violent state of affairs in South African prisons according to Claude is gang activity. He says that the reason prisoners join a gang is to protect themselves, admitting to the failure of the prison authorities to keep its inmates safe. The irony in this kind of ‘protection’ has previously been discussed. According to Claude, what is more, is that an inmate does not realize the kind of power that the gang (discourse) will have over him once he has joined a gang, because it is such a highly structured system, (as is any identifiable discourse).

...maar aan die eide van die dag voordat hulle by 'n bende aansluit ken hulle nie die bende kode van so 'n bende nie en hulle wees eintlik nie waartoe hulle hulle inlaat nie. So as hulle binne die bende in kom dan vind hulle eintlik uit dit is eintlik 'n hoogs georganiseerde affêre.

Translated as: Before they join a gang, they do not know the code of such a gang and they don’t actually know what they are letting
themselves in for. Once they have joined a gang they only really find out that it is a highly organized affair.

Through Claude’s description of the different gangs it becomes clear that the gangs are much more powerful than the prison authorities.

...ons het nou twee gevalle gehad van gevangenes wat besig is om die staat te sue omdat hulle verkrag was in ’n inrigting [as part of gang activities] en basically kan ons wat lede is...niks aan dit doen nie...

Translated as: We have had two instances where prisoners are busy suing the state because they were raped in an institution [as part of gang activity] and basically we as members/wardens can’t do anything about it.

Claude even tells of a gang that specifically works with the prison authorities, giving them information on what is going on ‘inside,’ pointing to the fact that the gang structure has made the prison an even more enclosed environment to the extent that certain aspects of prison life are impenetrable for the prison authorities by themselves.

Die Big 5 bendes is eintlik bendes wat saam met die owerheid werk, dit wil sê hulle werk saam met ons beamptes. Wat hulle basically gaan doen is dat hulle vir ons inligting bring.

Translated as: The Big 5 gangs are actually gangs that have ties with the authorities i.e. they work with our people, what they are going to do is bring us information.

Claude attributes the powerlessness of the prison authorities to the fact that there are too many prisoners in a cell as well as the fact that the wardens are understaffed. But then there are incidents like the four hour gang-rape in the juvenile section at St Albans, referred to earlier, where the gang culture is just as entrenched. Here the cells are smaller and the incident took place near the section office, which leads one to believe that the power in prison is situated almost entirely within the gang structure and that this makes the prison authorities even more powerless against its mechanisms.
Claude also talks about the 26’s gang, the 27’s gang and the 28’s gang where power is articulated in each of these gangs in terms of material goods, regulating sexual activity and violence. Claude goes on to explain how individuality is lost in these gangs and how a member literally gets reduced to a number, which once again reveals the discourse of annihilation (of self) referred to in the previous chapter.

...in een sel in soos ek netnou genoem het is daar omtrent 50 mense – in so sel lê 26s daar lê 28s, daar lê big 5s daar lê 27s in een sel in – so met die gevolg wanneer een bende wil optree, kan hy optree binne die een sel in – vir bendes gaan dit nie om ‘n sekere individu in die hande te kry nie – vir ‘n bende gaan dit om ‘n lid van ‘n ander bende by te kom – so enige karakter is eintlik kwesbaar, want hulle identifiseer nie ‘n sekere karakter wat hulle moet bykom nie. So as die 26s ‘n 28 wil seermaak is enige 28 goed genoeg...

Translated as: There are more or less 50 people in one cell. You find 26’s, 28’s, Big 5’s, and 27’s in a cell like this with the result that if one gang wants to act [violently] they can do so within the cell. For gangs it is not about ‘getting back’ at an individual, but to ‘get’ a member of another gang. So any character is vulnerable to gang violence, because they do not identify a certain character. So if a 26 wants to get back at a 28, any 28 is good enough.

From the first moment that a person enters the prison he is confronted with the gang structure; he is even classified accordingly on arrival:

Wanneer ‘n gevangene opgeneem word ... arrieveer hy eintlik by ons ontvangs en dan is dit eintlik baie belangrik dat hulle hom identifiseer – watter ...bende tipe wat hy in behoort – verstaan, of hy ‘n 6 is of ‘n 8 is of ‘n 7 of ‘n fronts - ‘n fronts is ‘n gevangene wat nie ‘n nommer het nie – hy is in die middel in – hy het geen bende wat hy aan behoort nie.

Translated as: When a person is imprisoned he arrives at prison reception and it is very important to identify him according to his gang affinity. Whether he is a 6, 8, 7 or a ‘fronts’. A ‘fronts’ is a prisoner without a number, he is in the middle, and he does not belong to any gang.

It seems as if those that do not belong to a gang are ‘out of place’, “hy is in die middel/he is in the middle.” They are probably first offenders while those
who have numbers already, are people who have been in prison before – those who failed to rehabilitate successfully. As Claude says, for most prisoners the first sentence is just a career start in prison. Claude himself is very ambiguous about whether it is to a prisoner’s advantage or disadvantage to be a member of a gang. His ambiguity has to do with the absurdity of talking about the ‘protection’ that the gangs offer:

En dan word die gevare van ‘n inrigting … aan hom uitgewys … by sy opname – as hy nie in ‘n bende is nie, word hy altyd gedemotiveer om aan so iets te behoort – die bende word eintlik vir hom uitgewys – die voor en die nadele – maar eintlik is daar nie voordele in ‘n bende nie. Hy het meer nadele maar once ‘n gevangene binne die tronk in kom, gaan hy eintlik vind dat daar voordele vir hom is, want eintlik, ‘n bende beskerm hom binne die tronke … daar word eintlik probeer om hom te motiveer om hom by godsdiensgroepe aan te sluit in ‘n gevangenis in …daar is baie geestelike gevangenes in ‘n tronk – baie tipe gelowe in ons tronke…

Translated as: Then the dangers of the institution are shown him. At his admittance when he does not belong to a gang, he is motivated not to join a gang; the gang is actually indicated to him, the advantages and the disadvantages. But actually there are no advantages to becoming a member, there are more disadvantages. But once a person is in prison, he will find that there are advantages to a person being a gang member because actually a gang protects him inside prison… a person is rather encouraged to join a religious group. There are many religious prisoners in prison and various types of religions.

From the excerpt above it seems that the only counter-discourse to that of the gang discourse is the discourse of religion. The gang discourse is pervasive in the prison system and basically the only visible route to gaining power, the only promise of power, in a prison. Ironically this promise of power is delivered by a discourse of powerlessness. In speaking to both Kelly and Claude, a discourse of powerlessness in the face of the dominant gang discourse becomes evident as well as the relative inability to challenge this discourse. The problem with religious discourse as the only counter-discourse to the gang discourse is that both the gang discourse and most of the religious discourses are hierarchical discourses,
that situate the individual in a position of powerlessness against the powerful position of a gang leader, or a god for that matter.

Olivier explains in his article, Discourse, agency and the question of evil, how the perpetrators in the “so-called ‘ripper-rapist’ (criminal) case in Port Elizabeth, South Africa, in the mid-1990’s” (2003:327), were shaped or determined by the discourse of Satanism, which, as he explains, is a counter-discourse to traditional moral and religious discourses. “Du Toit and Kruger [the perpetrators] relished the thought of being empowered, through ‘satanic knowledge’, to challenge traditional authority in all its guises.”

But the discourse of Satanism operates along the same pastoral hierarchical lines as traditional religious and moral discourses. “[The fact]...that they would simply be exchanging subordination to one hierarchical system for another, does not seem to have crossed these two criminals’ minds.” The gang discourse is a counter discourse to what we traditionally understand as moral and good, and in that sense it could be compared to the discourse of Satanism in the way that it shapes someone into a sadistic being who gains pleasure form promoting traditionally derogated values. But the gang discourse, the discourse of Satanism and certain religious discourses operate in such a way that they shape ‘closed’ individuals. According to Olivier, following Foucault (2003:337), a closed individual is characterized by the loss of autonomy or agency. Justifying actions as the will of God, whether it entails crashing into the World Trade Center, killing thousands of Zulu’s in the Battle of Blood River or ‘turning the other cheek’, still points to the loss of autonomy. It has previously been explained how the loss of individuality and eventually autonomous agency, in prison, is a consequence of the functioning of the hierarchical prison/gang structure (it has also been discussed how panopticism in prison could contribute this loss of autonomy). These instances or ‘closed individuals’ lead to a situation where such individuals’ crimes, their ‘transgression of laws’, (or obedience to them for that matter), “cannot be divorced from the productive discursive nexus of language and power-knowledge, itself produced by ‘pastoral’ relationships of individualizing, subordination and identifying” (2003:337).
Furthermore, religion also has its own relations of power and politics. In conversations with Kelly that were not transcribed he mentioned to me that he distrusted some of the religious discourses in prison, because he felt that they had their own agendas. It is of course not fair to say that all religious discourses are hierarchical and there might be certain religious discourses that grant moral autonomy to the individual, ones that converge with the discourse of rehabilitation that puts emphasis on being able to negotiate different discourses to one’s advantage. One could argue that there is a need for a stronger discourse of self-empowerment, supported by the necessary educational structures and possibly structures of legal economic empowerment in prison. In discursive terms it would be a stronger move to introduce a discourse that is incompatible with the dominant discourse of course. The discourse of forgiveness and reconciliation, for instance, is incompatible with the dominant hierarchical violent prison discourse. According to Claude there is an attempt to incorporate the discourse of forgiveness and reconciliation into the prison system by introducing the following:

...waar ’n misdadiger misdryf gepleeg het, so d.w.s ’n sekere individual of ’n familie het hy seer gemaak. Dan, wat gebeur nou, ...die misdadiger aan die einde van die dag vir so ’n familie om verskoning kan vra, verstaan, om vergifnis kan vra ... Aan die einde van die dag as so ’n gevangene dan vrygelaat word dan kan hy geaanvaar word deur die gemeenskap, omdat hy vergewe is vir die misdryf wat hy gepleeg het.

Translated as: ...where a criminal committed crime, in other words, he harmed an individual or a family, and then what happens now is that the criminal asks this family for forgiveness. At the end of the day when this prisoner is released he can be accepted back in society, because he is forgiven for the crime he has committed.

This discourse of reconciliation converges with the discourse of rehabilitation discussed above that requires taking responsibility, working towards being integrated into society again.

To come back to what Judge Fagan said about poverty being the “root cause of crime”, the interview with Claude seems to confirm this diagnosis regarding our crime-ridden society:
As ‘n mens globaal gaan kyk, kom die meeste misdadigers uit agtergeblewe voorstede uit, meeste misdadigers, maar …die tronk se deure staan vir almal oop, mense is vandag meer involved in misdrywe … soos fraud… maar die meeste van ons gevangenes kom uit agtergeblewe gemeenskappe uit en dit is basically due to the factor of werkloosheid, due to the factor of opbrengs. So … eintlik … kan jy maar net basically sê dat meeste van ons gevangenes grootword in gemeenskappe waar misdadigheid… groot werkloosheid, [en] bende-bedrywighede aan die orde van die dag is… verstaan so – die oorgrote meerderheid van gevangenes kom uit sulke plekke uit…

Translated as: If one looks at the situation globally, the most criminals come from disadvantaged suburbs, most criminals, but, the prison doors are open for everybody, people today are much more involved in crimes like fraud, but most prisoners come from disadvantaged communities and it is basically due to unemployment, due to upbringing [the lack thereof]. You can actually say that most of our prisoners come from communities where crime, unemployment, and gang activities are the order of the day. The majority of prisoners come from such places...

The only sustainable way to reduce crime is to alleviate poverty (of course this will never stamp out crime completely, as poverty is not the sole cause of it) and by bringing education up to a basic standard for all citizens, which relates the problem to the dominant economic discourse in South Africa namely, capitalism. And it is significant that Claude specifically mentions fraud as the type of crime that people commit that do not come from impoverished backgrounds, because it makes sense in the context of the discourse of capital – of never being satisfied – always wanting more in material terms. Capitalism without a strong social welfare component in an environment of inequality, does not work to alleviate poverty of the masses, but rather strengthens the minority or an elite (Kovel 2002: 55), which in turn could lead to an oligarchy rather than a democracy. In this sense the discourse of democracy conflicts with the dominant economic discourse in South Africa. As is evident in the conflict between Bishop Tutu’s concern for the poor masses in the face of the massive economic empowerment of a handful of black businessmen through Black Economic Empowerment legislation, and President Mbeki’s defense of the latter as justified. This conflict also becomes evident in the
present feud between COSATU (Congress of South African Trade Unions) and the ANC government over ideological differences concerning socialism, and capitalism and the ANC government’s economic policies (Mokopanele 2004).
Conclusion: Placing the specific in a broader context

The discourse of rehabilitation is not powerful enough to overcome the other debilitating discourses operating within the South African prison system. Is it possible that the discourse of rehabilitation and reform is in the service of a social power that looks after its own interests and justification rather than that of the well-being of society and its institutions?

It is expected that the discourse of rehabilitation and reform should bring concrete, positive change in an institution like a prison, that this discourse should lead to healthier discursive practices. But as shown in this study this is not the case in South African prisons. Referring to what Foucault famously termed ‘panopticism’ Hoy (1986:5) notes:

Discipline and Punish surprised many because it seemed to be admitting that discourse did not constitute social reality. Instead, discursive knowledge is shown to be produced in the service of an expanding social power that increasingly penetrates modern institutions like prisons...

I believe that the same could be said about another, not unrelated, social (and economic) power, namely global capitalism. In addition to what has already been said about capitalism in the introduction, it should be noted that, as Kovel (2002: 38-41) reminds one, capital – the process of the endless self-reproduction of money, or expansion at the heart of capitalistic society – continually degrades the conditions of its own production (through, for instance, cutting of costs and maximization of profits; see in this regard Kovel 2002: 28-38). In practice this means that capital requires workers who would be willing to work for the lowest possible wages, and management which would continually strive to cut costs wherever possible – even at the cost of the dignity of the individuals who comprise capitalism’s workforce. As South Africa, since 1994, has chosen the route of democracy in its union with global capitalism, the inequalities in question here are abundantly evident in South African society (see the Special Report in TIME 2004: 34-53), which covers all the extremes in social and economic terms) and Minister Balfour’s remark, referred to earlier, that SA society should ‘insulate’ itself against
crime, may be read as an ominous symptom of the SA government’s acceptance that these inequalities are here to stay, perhaps even that they – and the endemic crime attendant upon them – are necessary for the perpetuation and entrenchment of capitalist society in South Africa.

To elaborate, it has been established that discursive practices shape people’s attitudes and actions. But this does not mean that the presence/existence of a certain discourse like the discourse of rehabilitation or the discourse of democracy translates into the reality of its ideals, or represents a certain reality. The relative dominance of the power relations at work will determine which discourses will come to shape the discursive practices within a specific institution. The discourses of rehabilitation and even democracy might be in service of a power that does not need these discourses to constitute reality, but rather needs the production of its discursive knowledge (the progressive rhetoric that is contained in the above-mentioned discourses) as justification of an unjust reality that is in opposition to the knowledge that these discourses produce. In this sense it could even be said that revolutionary discourses could actually work with more cratologically conservative traditional discourses to uphold the status quo.

Weedon (1987: 111) gives the following example:

the principle of equality of opportunity for women and men in education and work, once established, has not proved any great threat to the balance of power in a society where patriarchal relations inform the very production and regulation of female and male subjects. It is possible for liberal discourses of equality to work against women’s interests and it is only by looking at a discourse in operation, in a specific historical context, that it is possible to see whose interests it serves at a particular moment.

From the interview with Claude it becomes clear that the discourse of rehabilitation in operation functions more like a disempowering discourse of incarceration. Previously I also mentioned how the discourse of human rights advocating the abolition of the death penalty in favour of life-time imprisonment, could indirectly have disempowering consequences if the circumstances of incarceration and the discursive practices that a person will become part of are taken into account, as discussed in chapter three.
The question now is whether the discourse of rehabilitation is in the service of a social power that our 'democratic' government forms part of, in order to justify the institution of imprisonment, rather than it being in the service of society. To answer this question the discourse of rehabilitation and reform is placed in its historical context. In his book, *Discipline and Punish*, Foucault traces out the way different discursive realms throughout history promote different attitudes towards punishment. He explains how the move towards democracy is associated with a discourse of reform and eventually rehabilitation within prison systems. According to Foucault, (1977: 7) the 1800’s was a time when:

in Europe and in the United States, the entire economy of punishment was redistributed…It saw a new theory of law and crime, a new moral or political justification of the right to punish; old laws were abolished, old customs died out.

Among these changes was the disappearance of torture as a public spectacle. Punishment was taken away from the public eye.

At the beginning of the nineteenth century then, the great spectacle of physical punishment disappeared; torture of the body was avoided; the theatrical representation of pain was excluded from punishment. The age of sobriety in punishment had begun.

(1977: 14)

Unfortunately, it is a dangerous sort of sobriety because it only describes the outside appearance of this new kind of punishment, while the situation is festering inside and out of sight, slowly oozing the malice that it breeds. Hawkins (1976: 1) writes:

Historians of imprisonment used frequently to begin by regaling their readers with a feast of past atrocities...followed by an account of the way in which, with the growth of rationality and humanity, we had in this century at last moved into the enlightened era of contemporary corrections.

Hawkins goes further to say that this attitude is an absurd comfort zone, however, and other critics agree. According to Shaw (1961:13):
Imprisonment as it exists today is a worse crime than any of those committed by its victims; for no single criminal can be as powerful for evil, or as unrestrained in its exercise, as an organized nation.

He is of the opinion that reform is an illusion when it comes to institutions of imprisonment, as is the premise that prisons are necessary and beneficent public institutions. Shaw (1961: 14) goes further in saying that the public suffers from the misconception that society can do no wrong and what is worse is that society does commit crime, then legalizes its crimes and “forges certificates of righteousness for them”. It could be argued that the discourse of rehabilitation is functioning as such a ‘certificate of righteousness’ if it does little more than prescribe conditions that cannot be realized. Foucault (1977: 24) argues that according to:

an analysis of penal leniency as a technique of power, one might understand...how man...have come to duplicate crime as objects of penal intervention...

According to Shaw (1961: 18) it would be far better for a criminal:

to suffer in the public eye; for among the crowd of sightseers there might be Victor Hugo or a Dickens, able and willing to make the sightseers think of what they are doing and ashamed of it. The prisoner has no such chance.

We flinch when reminded of people burnt at the stake or hear horrid recollections of public torture rituals but do not think much of the frequent gang rapes that prisoners face when serving time. As a society we are deaf to the screams behind locked doors. Even if in modern prisons it is not necessarily the prison authorities that commit acts of violence against the prisoners, they are still continually exposed to it at the hands of fellow inmates. By sentencing someone to serve time in prison one is responsible for exposing such a person to this kind of violence. It is done under the mantle of justice and a discourse of reform within a democracy.

People are either ignorant about or apathetic towards circumstances in prisons. And it could be said that the discourse of rehabilitation smoothes over a
conscience that threatens to stick out its head. In order for the prison system to be legitimate in a modern democratic society, it has to coincide with its democratic ideals. In other words, a prison has to be an institution of reform and rehabilitation in order to be justified. People generally feel that institutions of imprisonment are justified, because it is the way in which modern society controls and reduces crime in a ‘fair, rational and enlightened’ manner due to the presence of the discourse of rehabilitation. It is in this context of misconceptions that the discourse of rehabilitation and reform could be said to hide the atrocities performed in prisons. One might rightly ask the question whether the discourse of rehabilitation is there for the benefit of society or in order to justify the institution. If rehabilitation is in fact not a function of a prison or an unattainable goal, the discourse on reform and rehabilitation’s sole purpose is to justify a violent institution that exists not only for the noble cause of reducing crime. And if it is not ignorance that causes people to overlook and justify above-mentioned atrocities it could be because of postmodern apathy and its ‘anything-goes’ policy. During (1992: 4) writes:

It is becoming a truism that today we live in a post-revolutionary, post-enlightened age; that the grand ideals of progress, justice, equality, collectivity and universal freedom are no longer fully legitimated.

We live in an era when humanism has lost its verve and it seems out of place and time to call on the duty of democratic citizens to ‘empower the disempowered’ as was done in the introduction. It is becoming increasingly difficult to find grounds on which to call for social responsibility and even more difficult to get the post-modern public to act critically and positively on it. But there are nevertheless very concrete grounds to call for social responsibility and the eradication of apathy, namely the serious consequences that such social apathy and negligence have. ‘Ground Zero’ should be grounds enough. The World Trade Center tragedy could be said to be a consequence of such social negligence in a global sense. (See in this regard Olivier 2003, for an extended discussion of the global symbolic implications of the World Trade Centre being, targeted by terrorists on September
Then, as we have learned from this tragedy, social responsibility and the change and reform that should accompany it, are hindered by those powers that benefit from the status quo. This is where the tension between the discourses of western democracy, postmodernism, capitalism and any kind of fundamentalism opposing the powerful trio is fueled and ready to explode. But let us return to the particular issue at hand, namely the issue of rehabilitation and ‘(dis-)empowerment’ in South African prisons. I would like to argue that one could identify similar discursive struggles here; where a democratic capitalist government has to deal with the kind of inequality and poverty that indirectly lead to bulging prisons, which are institutions of brutality. The next question then is what advantage could there be for the dominant power in not acknowledging the current situation of disempowerment in prisons and therefore in hindering reform?

Digressing to the past once more, we see that during the Apartheid era the penal system was used to regulate the movement and labour of black people, with many jailed for pass offences. Pass lawbreakers served to increase the supply of available labour. The penal system facilitated the economic development of the country by supplying convict labour for building roads, harbours and for work on the mines (Dissel 2002: 24). One might argue that this is part of our Apartheid past. But economic, social and educational inequalities today are conveniently ignored, when individuals are labelled as evil misfits or certifiable. These individuals carry the blame for problems that are partly social, so that governing agencies and the public do not have to take responsibility for these problems. Instead of seriously looking at sustainable interventions to alleviate poverty, we send people to prison for stealing mangos (Fagan in Lund 2004: 113). The bulk of prisoners are black, poor and uneducated and it could be said that prisons function as a container for this ‘problem’ in our society, which will be perpetuated under capitalism since it thrives on inequalities (Kovel 2002:55).

It is also worth noting that during Apartheid criminal behaviour and punishment were defined by the social order of the time and prisons reflected this society’s rigid separatist ideology. Today South African prison policy reflects the social order of democracy, while the ‘reality’ in prison reflects the social
breakdown of society at large of which there is ample evidence, as reflected in South African crime statistics. On a certain level this situation parallels the environment in which Pierre Riviere slaughtered his mother, sister and brother in the 1800s. Ostensibly, the peasants of that time enjoyed freedom from the oppressive feudal system, but in reality it was a time of extreme poverty and increasing incidents of inhuman domestic violence, almost as if the new kind of economic oppression made them turn on each other and themselves.

George Orwell, as quoted in Michael Moore’s Fahrenheit 9/11 said:

A hierarchical society is only possible on the basis of poverty and ignorance – this new version is the past and no different past can ever have existed... The war is waged by the ruling group against its own subjects. [The object of war] is not victory, but to keep the very structure of society intact.

Bearing in mind Foucault’s description of discourses as instantiations of the model of battle and war, I would like to apply this quote to the South African prison system; firstly, the hampering role that poverty and ignorance play in the problem of prisoner rehabilitation and empowerment has been discussed at length. The problem with ignorance does not only refer to the education levels of the prisoners, but also to the general public’s awareness and understanding of this problem, where the media have their part to play. Take for example the social issue of HIV/AIDS, which was taboo even to speak of, before the media started playing an active role in educating people and in creating a space where politics around the issue can be debated.

Secondly, in the light of the present discussion I would like to argue that the effect of imprisonment as described in this study is not to rehabilitate prisoners, but to uphold the social and economic status quo, or in Orwell’s words to “keep the very structure of society intact.” What is therefore urgently needed is a fundamental reconfiguration of the kind of society – in South Africa but also globally – which would be democratic in a manner that would allow (and require) the kind of empowered subject described here as the telos of rehabilitation to exist and participate in its social and political practices.
Addendum

Transcription of the interview with Claude (April 2004).

Vraag:
Wat is die “white paper” en wat stel dit voor, hoe het dit verander van 1994 tot nou?

Antwoord:

Vraag:
Hoe beïnfluence die fisiese struktuur van ‘n tronk rehabilitasie?

Antwoord:
Die rehabilitasie sentrum soos in ‘n gevangenis is eintlik daarso vir die rehabilitasie van gevangene. Vandat die gevangene in ‘n inrigting beland totdat hy daar uitgaan en al die jare en ons bevind dat nie gevangene op so ‘n manier kan rehabiliteer nie, want hy kom in die gevangenis in, hy kom in ‘n sel in byvoorbeeld met +- 50 gevangenes – so wat die geval is so ‘n gevangene kan nie gerehabiliteer word nie – verstaan dan kom hy in ‘n sel in waar die helfte van die sel geharde kriminele is – so ons het moontlik ‘n manier om te rehabiliteer – maar aan die einde van die dag kan ons dit nie doen nie, want hy word beïnvloed deur die geharde kriminele in die sel – hy is eintlik ‘n ‘worster case’ as hy uit die gevangenis uitgaan. So wat ons beoog het om te doen en wat die “white paper” dan voorstel is dat ons eintlik ons sturkture moet verander. Van 1994 tot nou het ons eintlik halfway gekom om ‘n gevangene te rehabiliteer – so die belangrikste
ding om dan nou te doen is om die struktuur te verander. Byvoorbeeld, in maksimum gevangenis nou lê daar byvoorbeeld 60 in 'n sel. Wat ons dan – of wat die “white paper” beoog met die strukture is om selle te hê dat daar 'n minimum van 6 of 'n maksimum van 8 gevangenes in 'n sel is dat 'n mens meer toesig het oor so 'n gevangenis – jy kan hom meer monitor – sy rehabilitasie meer monitor. Sê nou daar is sekere aspekte wat ons as personeel aan kan werk in order om die individual dan te rehabiliteer – dan is dit beter om hom te monitor as daar 6 gevangenes bymekaar is.

Vraag:
Hoe identifiseer jy individue wat wel geskik is vir rehabilitasie onder diè wat nie rehabiliteerbaar is nie?

Antwoord:
Basically is dit so, want ek sien daso die “white paper” strek vir ons daarso riglyne van die ideale korrektiewe beampte – eienskappe waaronder 'n korrektiewe beampte byvoorbeeld moet besit en ek dink een van daai eienskappe is om dan sulke karakters te kan identifiseer – so as jy produktief en effektief elke dag saam met die mense werk – dan moet jy eintlik sulke karakters kan identifiseer – jy kry die tipe karakter wat van buite af kom wat jy sien – die karakter is nie rehabiliteerbaar nie – dit gaan moeilik wees om hom te rehabiliteer, want hy is sy hele lewe al betrokke in kriminele gedrag en as hy binnekant kom – sy gedrag wil nie verander nie – dan kry jy byvoorbeeld die tipe karakter wat byvoorbeeld 'n passiewe misdaad gepleeg het – hy is nie 'n misdadiger nie, maar aan die einde van die dag beland hy in die gevangenis in en so 'n karakter kan jy maklik identifiseer dit is nie die soort karakter met misdadige gedrag nie – dit is dan makliker om so iemand dan te rehabiliteer aan die einde van die dag.

Vraag:
Hoe word gevangenes tans in selle ingedeel?

Antwoord:
Ons gevangenes word ouderdoms gegroepeer – dit wil sê ons het die jeugdiges en dan het ons die volwassenes dit wil sê hulle word nie by wyse van misdaad gegroepeer nie dit wil sê 'n gevangenes wat inkom vir huisbraak en diefstal gaan
in diezelfde sel as ‘n gevangene vir gewapende roof en vir moord lê – so daar word nie onderskeid getref nie. Dit is wat ek ook net nou genoem het – ‘n geharde ‘kriminaal’ word met ‘n gewone ‘kriminaal’ in ‘n sel gesit. En volgens die “white paper” – wat hulle te weeg wil bring – hulle wil sekere sentrums tot stand bring – die strukture waarvan ek gepraat het tot stand bring, dit wil sê hulle wil sentrums tot stand bring waar net jeugdiges gaan lê – dat hulle geheel en al geskei word van volwassenes – wat huidiglik gebeur – van ons jeugdiges lê in ons inrigtings – hulle word wel geskei van die volwasse gevangenes af, maar aan die einde van die dag is daar nog steeds interaksie tussen die twee groepe. So hulle wil eintlik strukture tot stand bring waar die jeugdiges alleen lê en waar die volwassenes alleen lê – hulle wil soos ‘n ultra maksimum hê waar geharde kriminale kan ingaan dit gaan deel uitmaak van die rehabilitasie proses – dan wil hulle ‘n gewonde maksimum gevangenis hê vir manne wat nog steeds lang vonnisse uitdien maar wat nie so geharde kriminale is soos die kêrels wat in die ultra maksimum gaan lê nie. En dan gaan hulle natuurlik ‘n medium gevangenis hê vir manne met korter strawwe en dan wil hulle ‘n oop gevangenis hê – dit is manne wat basically maklik rehabiliteerbaar is – kêrels met nie tè lang vonnis nie wat maklik rehabiliteerbaar is wat eintlik toegang kan hê wat ‘n bietjie meer beweging gaan hê – so dit gaan eintlik makliker wees om hom te integreer in die gemeenskappy in aan die einde van die dag.

**Vraag:**
Wat sal die omstandighede vir my wees as ek nou in die tronk beland, wat is die ergste ding wat met my kan gebeur – mens lees in die koerante dat daar eintlik ‘n oorlog in die tronk aan die gang is?

**Antwoord:**
Aan die einde van die dag is een van di e grootste faktore – een van die gevaarlikste faktore in gevangenisse is bende bedrywighede en eintlik meeste gevangenes – hoekom hulle aansluit by bendes is om hulle self te beskerm aan die einde van die dag – maar aan die eide van die dag voordat hulle by ‘n bende aansluit ken hulle nie die bende kode van so ‘n bende nie en hulle weet eintlik nie waartoe hulle hulle inlaat nie. So as hulle binne die bende inkom dan vind hulle
eintlik uit dit is eintlik ‘n hoogs georganiseerde affère – ‘n bende, ‘n gevangenis bende – hy is hoogs georganiseerd en soos jy nou daarso gevra het wat is die ding wat die meeste, die slegste ding wat saam met jou kan gebeur – kyk ons het verskillende tipes bendes in die inrigting ons het 26 bendes ons het 28 bendes ons het big 5 bendes ons het 27 bendes, verstaan. Die meeste van die kères hoekom hulle by bendes aansluit – sodomie is een van die slegste dinge wat saam met enige persoon kan gebeur, hetsy dit met jou toestemming is, of hetsy dit sonder jou toestemming is – dit wil sê kyk ons wat lede is – kan basically niks aan dit doen nie – want hoekom - ons is van 7-4 daar die middag – as ons die inrigting toegesluit het en jy slaap met 50 mense in ‘n sel in dan loop jy die risiko dat so iets saam met jou kan gebeur en daar is basically niks wat ons as lede aan so ‘n geval kan doen nie.

Vraag:
Hoe identifiseer die bendes mekaar?

Antwoord:
Om vlugtig net ‘n onderskeid te tref tussen die bendes – as ons begin by die Big 5 bendes. Die Big 5 bendes is eintlik bendes wat saam met die owerheid werk, dit wil sê hulle werk saam met ons beamptes. Wat hulle basically gaan doen is dat hulle vir ons inligting bring – as daar byvoorbeeld, ‘n kwessie van bende friction is binne die tronke – mense is besig om messe te maak in die tronke – gaan hulle al die dinge vir ons kom sê, “kyk hieso daai mense sel is besig om messe te vervaardig – so basically die Big 5 bendes werk saam met ons wat die beamptes is, werk saam met die owerheid. Dan kry jy die 26 bendes. Hulle sê 26 is geldjagters – wat hulle bende basically op neerkom – hulle is meer op materiële dinge ingestel soos geld ma als wat materiëel is – ma mens moet ook nie uit die oog uit verloor – dat dit ‘n baie geweldadige bende is daai nie, dit verskil van provinsie van provinsie – soos ons sal sê in die Oos-Kaap is die 26 bende een van die magtigste bende – as jy weer in die Wes-Kaap inkom gaan jy
vind dat die 28 bende is die magtigste bende, maar dan kom ons nou by die kwessie van die 28 bende, 28 bende is meer ingestel op sodomie dit wil eintlik sê as jy aansluit in die 28 bende jy het dan natuurlik die manne in die 28 bende en jy het die wyfies/vrouens in die 28 bende so hulle is eintlik meer ingestel op sodomie daai manne so dis manne wat vrouens het. Maar as ons nou gaan kyk in die globale – wat gebeur in ons gevangenis vandag is dat die 26 bendes hulle self verbesig met die tipe aktiwiteite waarmee die 28 hulle verbesig – wat eintlik teen hulle bende se kode is maar ek dink wat dit nou weer te weeg bring aan die einde van die dag is die feit dat nadat ons doodstraf afgeskaf is in SA kry die gevangenes veel langer strawwe – in order nou – soos die jare aangaan begin die manne nou vir hulle soos in vrou te vat in die tronke want hulle vonnise is te lank wat hulle moet uitdien so die 28 bende en die 26 bende – wat ek net wil bynoem is die twee geweldigste bendes wat jy kry – in die tronke – dan kry jy nou die 27 bende – die 27 bende kan jy maar eintlik sê – werk hand aan hand met die 26 bende, want baie keer as die 26 bende wil optree moet hulle toestemming kry van die 27 bende want hulle bende se slogan kan jy ma eintlik sê – hulle is bloedjagters – hulle is een van die mees geweldigste bendes wat jy kry in ‘n inrigting.

Vraag:
Dit wil voorkom asof “normale instellings” in alledaagse samelewing byvoorbeeld, “om vrou te vat” nageboots word binne hierdie geslote, geïsoleerde omstandighede maar op ‘n wanaangepaste manier.

Antwoord:
Soos ek sê hoekom dit die geval is, soos ek sê nadat hulle die doodstraf afgestel het en dit was 1994/5, dit wil sê da wat ‘n individual die doodstraf gekry het word sy vonnis nou omgeskakel - da wat hulle hom die doodstraf sou gegee het - gee hulle hom nou 7 lewenslank en ‘n honderd jaar byvoorbeeld, dit wil sê. so ‘n karakter gaan nooit weer in die gemeenskap vrygelaat word nie en hy moet hom nou toespits op sy environment waarin hy nou gaan lewe en dit is eintlik wat dit nou tot stand bring aan die einde van die dag.
Vraag:
Die koerant opskrif verlede week het gelui, “Bloodbath in juvenile section at St Albans” – wat gee aanleiding tot so ‘n insident waar ‘n geweldsessie in ‘n sel uitbreek – byvoorbeeld die fisiese struktuur en die hoeveelheid mense/kinders in ‘n sel of sulke faktore.

Antwoord:
Ok wat aanleiding gegee het tot daai insident toe was net toe te skryf aan bende bedrywighede want kyk wat gebeur – in een sel in soos ek netnou genoem het is daar omtrent 50 mense – in so sel lê 26s daar lê 28s, daar lê big 5s daar lê 27s in een sel in – so met die gevolg wanneer een bende wil optree, kan hy optree binne die een sel in - vir bendes gaan dit nie om ‘n sekere individu in die hande te kry nie – vir ‘n bende gaan dit om ‘n lid van ‘n ander bende by te kom - so enige karakter is eintlik kwesbaar, want hulle identifiseer nie ‘n sekere karakter wat hulle moet bykom nie. So as die 26s ‘n 28 wil seermaak is enige 28 goed genoeg – verstaan jy wat ek sê? So ‘n tipe geweld kan dan plaasvind in ‘n sel in as daar friction tussen bendes begin plaasvind en dit is presies wat aanleiding gegee het tot gevalle wat ons nou huidiglik gehad het – die bendes het in opstand gekom teen ‘n ander bende.

Vraag:
Wat is die omstandighede rondom die versorging van gevangenes?

Antwoord:
Ok as ons nou gaan kyk van vroeër af – ons vat nou van sê voor 1990 – sal ek sê gevangenes was nie so goed versorg in die inrigting nie dan praat ek nou rondom hulle etes hulle, het nie sulke goeie etes gekry nie – ons het sekere maatreëls gehad – strafmaatreëls – ons kon hulle kos van hulle weg ook gevat het voor 1990 as jy byvoorbeeld een van ons gevangenis reëls oortree het dan het ons hom op sparedate gesit – dit het eitlik behels dat ons sit hom op ‘n eetstraf en since 1992/3 het ons dit afgestel – die eetstawwe – reeds dit is wa die ‘human rights’ factor begin inkom het – jy mag nie ‘n man se basic needs van hom af vat nie – soos sy ete as ‘n ou rook mag jy nie siggarettes van hom af vat nie en soos die tyd aan gegaan het – sal ek sê as ek nou na die globale kyk sal
ek nie sê dat die versorging van ‘n gevangene swak is in ‘n inrigting nie – verstaan want sy etes kry hy op tyd ek bedoel dit is wat ‘n mens basies wil hê want as jy kyk buite kant is daar baie mense wat baie keer nie eers etes het nie – gevangenes het dit elke dag – hy het sy etes in die oggend – hy het sy etes in die middag – hy het sy etes in die aand – wat ons *basically* gedoen het na 1996 is toe gee ons gevangenes 2 keer ‘n dag ete – ons gee hom ete in die oggend en ete in die middag – ons gee sy middag en aandete saam op een – dit was ma eintlik net om ons werksopset te vergemaklik ma aan die einde van die dag toe kom die *human rights* toe sê hulle maar gevangenes moet drie keer eet ‘n dag en dit is een van die kwessies wat ek net nou oor gepraat het – iets wat onrealisties is met ons ledetal is eintlik onmoontlik om gevangenes drie keer op ‘n dag etes te gee dit wil sê ons personeel moet aangepas word in order om dit te kan doen ma dit wil nie sê ons hou ‘n ete van hulle af weg as ons hulle twee keer ‘n dag kos gee nie – ons gee hulle ontbyt in die oggend – hulle middag en aandete gee ons saam in die middag.

**Vraag:**
Sou jy sê dat dit moontlik is vir ‘n hawelose kind of ‘n kind wat nie kos het om te eet nie om dan ‘n misdaad te pleeg om in die “beskermde” omgewing waar drie etes per dag voorsien word binne te dring – dat daai stelsel misdaadbedrywighede kan aanwakker.

**Antwoord:**
Die moontlikheid is een van die grootstes, want kyk wat gebeur, ‘n gevangene kom tronk toe, hy kom dien ‘n vonnis uit, in die gevangenis word daar van hom verwag om netjies te wees – dit wil sê hy is altyd netjies – hy is goed geklee – in die gevangenis drag in – sy etes kry hy op tyd ook. Nou word so ‘n gevangene op die einde van die dag vry gelaat. En as jy buitekant toe kom, ek dink werkloosheid dra grootliks daartoe by, want nou kom hy buitekant – sy etes het hy op tyd gekry in die gevangenis – hy het maatskaplike sorg gehad, hy het godsdienstige sorg gehad indien hy daarin belang gestel het – goed wat hy nie buitekant gaan hê nie – so ek dink dit dra grootliks daartoe by – kom so ‘n kêrel dan nou buitekant – hy is werkloos – hy moet *struggle* om ‘n ete in die hande te
kry – waar dit weer toeganklik gewees het in die gevangenis – dit dra daartoe by dat mense dan weer terug gaan na misdaad toe.

Vraag:
Dit lyk of daar ’n kontras is tussen die stabiliteit wat die roetine en versorging bied teenoor die verskriklike goed wat wel met jou kan gebeur binne die tronk – daar is hierdie twee teenstrydige kante binne die tronk.

Antwoord:
Ja, jy kan eintlik sê daar is twee kante – as jy nou gaan kyk na die broader spectrum buitekant – baie van die individuals wat tronk toe kom – hulle word eintlik met misdadige gedrag word hulle groot dit wil sê dit maak deel uit van hulle lewe – so van ’n baie jong ouderdom gaan hulle na homes toe waar kinders aan gehou word dit wil sê die tyd wat hulle in ’n gevangenis in beland, is hulle so gewoond aan misdadige gedrag, dat dit eintlik deel maak van hulle lewe en dit is baie moeilik om so ’n man te integreer in die gemeenskap in – hy kan nie inpas in die gemeenskap nie – sy lewe gaan om misdaad en gevangenis lewe – die oorgrote meerderheid van die karakters wat ons in ons gevangenis het – vandat hy begin in die tronk – hou hy op die dag wat hy doodgaan.

Vraag:
Geniet jy jou werk – geniet jy dit om ’n bewaarder te wees?

Antwoord:
Dit is lekker om ’n bewaarder te wees, maar jy weet dit het ook mettertyd tot stand gekom, want aan die begin toe ek begin werk in die departement – ongelukkig vir my het ek met ons ou regering begin werk. In 1989 het ek begin werk en destyds was dit vir my baie moeilik gewees om te werk vir die gevangenis – dit was nie vir my ’n plesier gewees nie, want destyds het jy die ou regime gehad – die wit mense het destyds geglo dat die plek aan hulle behoort – so ons is basically ’n nul op ’n kontrak gewees, so met tot standkoming van demokrasie het ons agterna begin uitvind wat is dit eintlik om ’n korrektiewe beampte te wees waar jy jouself kan begin uitleef in jou werk in, iets kan
implementeer en daар kan geluister word na jou. Daar kan van jou idees gebruik word. Dit is waarom ek vandag kan sê, ek hou eintlik van my werk huidiglik.

**Vraag:**
Wat volgens jou beteken dit om 'n korrektiewe beampte te wees, ideaal gesproke?

**Antwoord:**
Om 'n korrektiewe beampte te wees is dit baie belangrik om kennis te hê van jou werk. Dit wil sê as jy werk toe gaan om elke gevangene, dit gaan miskien onmoontlik wees om elke gevangene te identifiseer, te karakteriseer, die is so tipe mens en ek kan met hom so werk, maar waarop dit eintlik neerkom aan die einde van die dag is dat mens moet kennis hê van jou werk – kennis is mag – *once* jy jou werksopset ken – dan voel dit vir jou jy het mag in jou werk in en ek dink dit is die stadium wat die meeste van ons bereik wat direk saam met gevangenes wil begin werk. Jy weet ons begin leer elke individual en hoe meer jy individuals leer ken hoe makliker word jou werk vir jou, want jy gaan miskien 'n karakter maklik identifiseer wat moeilik is en dan weer 'n karakter met 'n goeie karater kan jy maklik identifiseer – dit maak dit vir ons veel makliker om die gevangenes te ken wat jy mee werk.

**Vraag:**
Sê jy dan dus dat jy by die gevangenes leer – wat is dit wat jy leer by hulle as jy sê dat jy kennis opdoen wat vir jou mag gee?

**Antwoord:**
Wat ek sal sê *basically*, vir my – hoekom dit interresant is om 'n korrektiewe beampte te wees, is omdat jy met soveel karakters deel aan die einde van die dag en soos jy daar sê, 'n mens leer van karakters af – die gevangenis het baie wisselvallige karakters – so 'n mens leer eintlik baie van 'n mens se houding – verstaan – as jy met gevangenes werk – jy weet, hier sit jy met 'n seksie wat daar omtrent 800 gevangenes in lê en jy moet met elk van daai mense gaan werk, jy weet, dan leer 'n mens so baie uit hulle uit. Soos ek daar genoem het, jy kry van die kêrels wat gehard is en die kêrel waarmee jy byvoorbeeld simpatie sal hê, want jy voel by jouself – so 'n kêrel behoort nie in 'n gevangenis in nie, maar due
to the fact that hy ‘n passiewe misdaad gepleeg het, hy is nie ‘n misdadiger nie – dit is hoekom ek dit ‘n passiewe misdaad noem – nou kom so ‘n kêrel in ‘n gevangenis in en dit kon net sowel jou vriend gewees het, dit kon jou broer gewees het, en wat ek uitgevind het van die gevangenis – enige mens kan in ‘n gevangenis beland – hy kan ma hoè ‘n georganiseerde persoon gewees het daar buitekant – hy kan ‘n familieman gewees het, hy kan ‘n goeie besigheidsman wees, hy kan ‘n godsman is – so ‘n karakter – die tronk se deure staan oop vir almal.

Vraag:
Ek wil terug kom by die bende bedrywighede – hoe voel julle as bewaarders as daar sulke bakleiery uitbreek? Wat doen julle as daar ‘n bende oorlog in die tronk uitbreek?

Antwoord:
Weet in so geval in – as bende geweld na ure uitbreek – dan is dit eintlik – ek gaan nie sê makliker nie, maar dan gaan ons eintlik in groter getalle by die inrigting arriveer – as dit na ure is, want daar is ‘n sirene wat afgaan hier op ons perseel en ek glostellig elke perseel in die land het so ‘n noodsirene – so as daar bende geweld plaasvind na ure, dan word so ‘n sirene dan gedruk en dan gaan daar nie net spesifiek – soos ons wat in maksimum werk – daai sirene gaan nie net spesifiek vir ons af nie – as daai sirene afgaan – die hele terrein reageer op so ‘n ding – dit wil sê al die lede. Ons het hieso drie inrigtings – ons het ‘n maksimum, ons het ‘n medium – ons het twee mediums – die een medium gevangenis is ‘n gehoor afwagende gevangenis – ons het ons werkswinkels, ons het ons WV kantore en al daai personeel reageer wanneer so ‘n sirene afgaan. So ons gaan in groot nommers na ure dit wil sê dan is dit veel makliker om so ‘n situasie te stabiliseer. Maar as so ‘n insident in die dag gebeur en huidiglik is ons understaffed in ons tronke – dan is dit eintlik baie moeilik om so ‘n situasie te hanteer, want dan is ons nou nie meer in groot nommers nie – al die lede in hulle werksplekke, is in hulle werkplekke in – dit wil sê ons moet self daai situasie hanteer en soos ek nou daar sê ons is te min mense om dit te kan doen.
Vraag:
Wat gebeur met ‘n persoon wanneer hy vir die eerste keer opgeneem word, watter prosedure word gevolg?

Antwoord:
Wanneer ‘n gevangene opgeneem word die eerste keer, arriverer hy eintlik by ons ontvangs en dan is dit eintlik baie belangrik dat hulle hom identifiseer – watter tipe bende wat hy in behoort – verstaan of hy ‘n 6 is of ‘n 8 of ‘n ‘fronts’ - ‘n ‘fronts’ is ‘n gevangene wat nie ‘n nommer het nie – hy is in die middel in – hy het geen bende wat hy aan behoort nie. Die tipe godsdiens wat hy aan behoort – dit is als om hom in ‘n kategorie in te plaas. En dan word die gevare van ‘n inrigting word aan hom uitgewys en by sy opname – as hy nie in ‘n bende is nie, word hy altyd gedemotiveer om aan so iets te behoort – die bende word eintlik vir hom uitgewys – die voor en die nadele – maar eintlik is daar nie voordele in ‘n bende nie. Hy het meer nadele maar once ‘n gevangene binne die tronk in kom gaan hy eintlik vind dat daar voordele vir hom is, want eintlik ‘n bende beskerm hom binne die tronke – maar nie te min dan word alles nou vir hom mooi daarso uitgewys – daar word vir hom gesels oor bendes en daar word eintlik probeer om hom te motiveer om hom by godsdiens groepe aan te sluit in ‘n gevangenis in, want as ons gaan kyk in ‘n gevangenis – daar lê nou wel ‘n klomp afskuwelike karakters in ‘n tronk in, maar as jy gaan kyk in die tronk, daar is baie geestelike gevangenes in ‘n tronk – baie tipe gelowe in ons inrigtings – wat gevangenes by gaan aansluit – so ons het eintlik baie gelowige gevangenes binne in ons inrigtings – baie van hulle kom sluit ook eintlik aan binne kerke binne die tronk – wat hulle kom bekeer ook – so dit gee dan vir die ontvangsklerk ‘n aanduiding, waar ons so ‘n gevangene kan sit aan die einde van die dag. Maar dan wil ek ook nou byvoeg – ons kan hulle nie effektief kategoriseer aan die einde van die dag nie, omdat ons tronk is eintlik oorbevolk, dit wil sê ons kan hom nie eintlik plaas daar waar ons hom wil plaas nie. So aan die einde van die dag kan dit gebeur dat hy by ‘n plek opeindig waar hy eintlik nie behoort nie, soos byvoorbeeld ‘n man wat ‘n passiewe misdryf gepleeg het, kan ons nie tussen passiewe gevangenes gaan sit nie – hy gaan opeindig tussen gevangenes wat ‘n bietjie gehard is.
Vraag:
Die gemeenskap buite waar die gevangenes vandaan kom – die tronk, St Albans bedien mos basies die hele Port Elizabeth area. Watter areas in die gemeenskap daar buite is daar die grootste bevolkings van binne die tronk? Watter woonbuurte trek die meeste gevangenes?

Antwoord:
As 'n mens globaal gaan kyk, kom die meeste misdadigers uit agtergeblewe voorstede uit, meeste misdadigers, maar ek wil dit net *emphasis* wat ek netnou genoem het ook, dat die tronk se deure staan vir almal oop, mense is vandag meer *involved* in misdrywe soos *fraud*, jy weet, die tipe misdrywe wat die gewone man op straat in is, so aan die einde van die dag kom die potensiële gevangene uit enige agtergrond uit, maar die meeste van ons gevangenes kom uit agtergeblewe gemeenskappe uit en dit is *basically due to the factor of* werkloosheid, *due to the factor of* opbrengs. So dit is eintlik as 'n mens rondom daai saak gaan kyk kan jy maar net *basically* sê dat meeste van ons gevangenes groot word in gemeenskappe waar misdadigheid aan die orde van die dag is.

Vraag:
Na watter areas verwys jy spesifiek hier?

Antwoord:
As ons byvoorbeeld Port Elizabeth self vat, meeste van ons misdadigers kom byvoorbeeld uit Arcadia uit, die meeste van ons misdadigers kom uit Gelvindale uit – Hellenvale soos hulle dit noem Gatanga, want daarso – dit is baie beslis agtergeblewe gemeenskappe – groot werkloosheid, bende bedrywighede is aan die orde van die dag so huidiglik nog steeds is – verstaan so – die oorgrote meerderheid van gevangenes kom uit sulke plekke uit. Dan kry jy byvoorbeeld. Schauderville, as jy die swart gemeenskappe vat, vat ons nou vir Walmer, ons vat, Motherwell, die NU gebiede, dit is geweldige gebiede daai, daarso is werkloosheid ook aan die orde van die dag en dan vat ons vir New Brighton.

Vraag:
As jy praat van die agtergeblewe gemeenskappe en die tipe misdaad waaraan hierdie mense bloot gestel word, dan klink dit vir my asof jy simpatie het met die
mense vir wie jy oppas, voel dit vir jou dat jy partymaal magteloos voel binne jou opset. Dat dinge buite jou beheer, keer dat daar ‘n verandering kan kom in die huidige situasie.

**Antwoord:**
Ja soos ek sê die meeste van ons gevangenes kom uit agtergeblewe gemeenskappe en ‘n mens moet eintlik simpatie hê saam met die mense, want hoekom soos ek dit genoem het daarso – werkloosheid is een van die grootste faktore, dan is dit ongeletterdheid, dit is een groot faktoor, want *in order* vir ‘n mens om jouself geletterd te kry – as ‘n mens se maag leeg is is dit bietjie moeilik om te dink – nou sulke mense gaan gewoonlik oor tot misdaad toe en as mans nou gaan kyk na die ander geval – iets waarmee mens nie so simpatiek kan wees nie, maar as mens in die globale gaan kyk dan kan jy dalk simpatie daarmee hê, die meeste van die heugdiges wend hulle dan aan die einde van dag aan dwelms – dit kan dan *basically* wees *due to* hulle opbrengs en *in order* om hulle *habit* te finansier gaan hulle in grootskaals bende bedrywighede in – grootskaalse misdryf in.

**Vraag:**
Watter rol kan die gemeenskap speel om hierdie stand van sake te verander, wat rehabilitasie kan bevorder.

**Antwoord:**
Jy, weet vroeër jare is die gemeenskap geheel en al nie toegelaat binne die gevangenis self nie, nou wat daar gevind word – ons moet die gemeenskap meer *involved* kry in die rehabilitasie proses van ‘n gevangenis – dit is *basically* hoekom ons die tronk se deure oop gemaak het, sodat die gemeenskap toegang kan hê tot die gevangenes. So die gemeenskap kan nou inkom, hulle kan sien hoe hanteer ons die gevangenes – hulle kan sien hoe behandel ons die gevangenes – hulle lewensomstandighede word in ag geneem – altans gemonitor – dit wil sê aan die einde van die dag weet die gemeenskap hoedat ons se tronde van binnekant lyk – die gemeenskap ken die gevare – dit is *basically* wat ons probeer doen – om die tronk vir die gemeenskap te wys om die gemeenskap *involved* te kry binne die gevangenis in. Iets wat hulle nou tot stand
gebring het binne ons inrigtings in, is byvoorbeeld waar ‘n misdadiger misdryf gepleeg het, so dit wil sê ‘n sekere individueel of ‘n familie het hy seer gemaak. Dan wat gebeur nou, die misdadiger homself dan nou – hulle het nou so iets van stapel gestuur, dat die misdadiger aan die einde van die dag vir so ‘n familie om verskoning kan vra, verstaan, om vergifnis kan vra – dit is waar die gemeenskap dan nou ‘n groot rol speel. Aan die einde van die dag as so ‘n gevangene dan vrygelaat word dan kan hy geaanvaar word deur die gemeenskap, omdat hy vergewe is vir die misdryf wat hy gepleeg het. Wat ons gevind het, toe dit nie in plek gewees het nie – baie keer gaan so ‘n gevangene uit die tronk uit, dan het hy vrees vir sy eie gemeenskap, want hy het byvoorbeeld iemand doodgemaak in die gemeenskap en nou het hy ‘n vrees dat daai mense hom terug wil kry vir die misdryf wat hy gepleeg het – wat dan gebeur in so geval – hy pleeg weer ‘n misdryf om terug te gaan tronk toe – om uit die gemeenskap uit te bly, so hy vrees eintlik vir sy eie lewe – toe bring hulle dit in plek in – ‘n tipe van ‘n versoeningsaksie – waar jy **genuinely** voel hy het berou oor sy misdryf wat hy gepleeg het en hy kom na ons as beamptes en hy sê, kyk hierso, ek wil vir die familie gaan om vergifnis vra, omdat ek byvoorbeeld ‘n broodwinner om die lewe gebring het, of hulle seun om die lewe gebring het of hulle dogter verkrag het – so iets wil hulle nou in plek inbring – of dit effektief gaan wees is dan weer ‘n ander saak.

**Vraag:**

Jy werk in moeilike omstandighede met geharde mense en ek sou verwag dat iemand soos jy ook gehard raak binne so ‘n omgewing maar tog is jy meer optimisties en hoopvol asook simpatiek teenoor die mense met wie jy werk as mense wat glad nie te doen het met die gevangenes nie, waaraan sal jy dit toeskryf?

**Antwoord:**

Die vraag het ontstaan by ‘n kursus waar ek nou onlangs was – watter tipe beampte wil ek nou eitlik wees. Wil ons wees soos ons gewees het vroeër jare, of wil ons eintlik beter mense wees, *in order vir myself* dan om ‘n beter persoon te wees, moet ek weet hoe om ‘n ander mens menslik te hanteer, met baie
gevangenes is dit eintlik baie moeilik om dit te doen, ma wat ek altyd sê, ‘n mens moet dan ‘n balans hê tussen emosie, want baie keer, ek kan nie mens in my huis in kan ek ‘n gelukkige mens is en dan gaan ek werk toe en dan wil ek bitter wees as ek by my werk instap nie – ‘n mens moet daai balans hê, want jy weet sulke faktore lei dan aan die einde van die dag toe tot stres toe, gemoedstoestande toe, dit is wat ‘n mens eintlik nie wil hê nie – dit moet jy eintlik uit die weg uit geruim word dit wil sê ‘n mens moet dan balans hê tussen emosie – so as jy werk toe gaan – in order om daai mense te rehabiliteer, moet ek dan bereid wees om myself te verander en na hulle toe te vat – dit wil sê eintlik moet ek hulle kan motiveer om beter mense te wees, dit wil sê as ek na hulle met goeie gedrag kom, dan kan ek hulle moontlik motiveer met goeie gedrag, want soos hulle sê, ‘n negatiewe benadering ontlok ‘n negatiewe reaksie, ‘n positiewe benadering ontlok ‘n positiewe reaksie.

Vraag:
Daar bestaan die persepsie dat die tronk eintlik die university of crime is – byvoorbeeld dat ouens wat ‘n passiewe misdryf gepleeg het, word eintlik groter kriminele binne die tronk – is dit wel die geval in ons tronke?

Antwoord:
Jy weet huidiglik in ons korrektiewe stelsel, kan ‘n mens eintlik sê dat so ‘n plek ‘n university of crime is, want kyk wat gebeur, soos wat ek dit netnou genoem het, jy kry die gewone ou op straat en hy kom dan in na die gevangenis toe, waar else ons hom moes gerehabiliteer hê – baie van hulle het eintlik nie eers rehabilitasie nodig as hulle hier inkom nie, hy het ‘n misdryf gepleeg wat hy nie moes gepleeg het nie, nou kom hy hier aan – hy het eintlik nie rehabilitasie nodig nie, maar nou gaan sit ons hom tussen geharde kriminele, en soos ek netnou genoem het – ons het nog nie effektiewe maatstawwe in plek om gevangenes te rehabiliteer nie, due to the fact dat ons understaffed is, jy weet in order om mense te rehabiliteer moet jy programme in plek in hê, maar in ons maksimum gevangenis het ons nie sulke maatstawwe in plek nie, want die ou kom in en al wat hy doen – hy eet, hy lê – dit is hoe ons hulle kategorieer – op hulle kaartjie staan daar, eet en lê. Dit wil sê hy werk nie, hy doen niks nie, hy gaan net in die oggende, dan gaan eet
hy, kom hy terug dan lê hy, haal ons hom uit – hy kry ‘n uur exercise daarvanaf
gaan lê hy – haal ons hom uit dan gaan eet hy davanaf gaan lê hy. Wat ons net
in plek gebring het in ons inrigting wat ‘n maksimum inrigting is, dit kan wees dat
ander inrigtings in die land beter programme in werking het, maar ek praat dan
spesifiek van ons inrigting. Al wat ons het, ‘n goeie maatstaf is byvoorbeeld ons
gevangenes gaan skool toe, baie van hulle kom in die tronke in met st.2 (graad
4), en as hy regtig homself wil educate, vir al die klompie jare wat hy in die tronk
is kan hy, kan hy met matriek uit die tronk uit gaan, so ons het darem so iets in
plek. Wat ons ook in plek in het is godsdiens, dan het ons sekere rekreasie
aktiwiteite, byvoorbeeld. sport, wat ons ook nie op ‘n gereelde basis kan laat uit
gaan nie due to the fact dat ons understaffed is, so as ons al daai funksies
effektief in plek in het, dan kan ons miskien die siening verander soos hulle sê –
die gevangenis is die university of crime – dan gaan dit ‘n opregte rehabilitasie
sentrum word.

Vraag:
Watter rol kan die media speel in ‘n institusie soos die tronk – hoekom is dit vir
jou belangrik dat mense moet weet wat in tronke aangaan en daarvan in
koerante behoort te lees – hoekom is jy bereid om met ons en ons kameras te
gesels oor hierdie kwessies.

Antwoord:
Jy weet ek glo altyd net die media speel ‘n uitses belangrike rol, want die media
vat iets na die mense toe, die gewonde man op straat, veral mense wat nie weet
wat in gevangenisse aangaan nie, baie mense bespiegel oor wat aangaan in ‘n
gevangenis in – hulle kan byvoorbeeld. sê dit is ‘n klomp monsters wat hier lê, of
ons beamptes is ‘n klomp monsters wat hieso in die gevangenis – jy weet ons
rand die mense aan en sulke tipe dinge wat dan nie die geval gaan wees nie – dit
is hoekom ek sê dit is baie belangrik dat die media ‘n rol kan speel om wat
gebeur in die gevangenis na die mense toe te vat – dat die mens kan lees wat
binne in inrigtings aangaan – kyk nou wat hulle nou tot stand gebring het – ook
iets wat hulle nou onlangs in die koerant gehad het – is dat hulle die gemeenskap
en baie partye buite ons departement, wil hulle aktief involved hê by die
rehabilitasie proses van ‘n gevangene hier binnekant, dit wil sê mense moet vir ons idees gee – die gewone mens op straat kan dit doen, ‘n gewone besigheidsbedryf kan vorendag kom en vir ons sê, kyk hieso, kan julle nie dit probeer om die mense te probeer rehbiliteer nie, ek gaan sê daar gaan die media dan weer ‘n groot rol speel, want die media moet dan die goed publiseer en vir die mense tentoonstel, dat die individue dan hulle insae kan gee en moontlik kan ons dit gebruik aan die einde van die dag en wie weet, miskien kan dit effektief wees om die mense te rehabiliteer.
Transcription of the first interview with Kelly (July 2004).

**Question:**
How long did you stay in jail and what happened when you arrived there?

**Answer:**
When I got there, I did not know what to expect. I was quit nervous – I mean the stories that one has heard from outside – what goes on inside – I was like, totally in the dark, but once I got there it was actually quite OK. Going to your waiting cell to get to your staying cell was a bit hectic because you go in there – whoever is in that cell, there’s one guy in charge of the whole crew around there, you got one guy that’s in charge and he comes and he searches you – whatever he finds, he takes, whatever you’ve got on you he takes – even if you got nice takkies he’ll take that too, you know but then – after that, the next day you sleep over at the hospital cell, the next day you’ll get weighed, and measured, and then they divide you up in you’re A section and your B section and then they send you off to your cell that you have to go to.

**Question:**
Did you know how long you are going to be in this place where they put you?

**Answer:**
No, I had no idea – at first I thought, just a week or two.

**Question:**
And then how long was it that you actually stayed there?

**Answer:**
It turned out to be four monthes.

**Question:**
You said that it was fine when you got there, did they explain to you what was going to happen and when they took you to the cells – how many other people were there in the cells?

**Answer:**
There was about 20 of them, 20 other guys.
Question:
How was your interaction with them when you actually got there?

Answer:
When you come in, they ask you what are you – or who are you – and if you didn’t give the proper answer you get beaten, the proper answer is, the expression that they used is a “fronts”, meaning that you are nothing, you come in there and you are nobody, don’t be a big shot, don’t be clever, just be nobody – so that you can take orders – if they say jump – you ask how high – that type of thing.

Question:
Who do you blame for what happened to you?

Answer:
I probably blame myself, but as far as them telling me what is going to happen – they don’t tell you what is going to happen – you just got to go there and find out for yourself.

Question:
So you go there, you don’t know how long you are going to stay there and you don’t know what to expect and then you just try and survive? Do you think you’ve learned something from the four months that you’ve stayed there? From the environment, from yourself maybe?

Answer:
Ja I’ve learned a lot of things, and I’ve seen a lot of things too. ...You meet a lot of people from all walks of life – everybody is innocent, you find a few guys that you got to be scared of - there are guys that help you along, that tell you this is how it is done...If you know people inside it makes life easier. You have 1 to 25 cells in each block, either A or B block and they (correctional officers) assign you to whichever cell – you cant tell them – “look, I want to go the cell 1 or cell 2”, they put you where they want to put you, but if you know people that are inside – then you can say, “I want to go to that guy’s cell”, but you don’t tell the correctional officer, you tell that to the guys that are there, and they arrange it in such a way that you get into that cell and then you are about 40 in a cell and it goes up to
about 50…The size of the cell in length is about, 15-20m, in width you got about 4 and a half.

**Question:**
What is your living space in the cell.

**Answer:**
You don’t really have a living space – you just got a mattress on a cement floor – it’s a sponge – a normal sponge – then you’ve got beds, but only the main guys would sleep on the beds, the – what they would call the ‘indodas’ – they are the big guys in the cell and they can sleep on the beds – if you’re a “fronts” you sleep on the floor.

**Question:**
And these are all people awaiting trial who have not been convicted of a crime yet?

**Answer:**
yes

**Question:**
A day in a cell?

**Answer:**
You get up at 6, say 5 O’ clock – they call out the names of the people that are going to court that day – everybody gets up and you got to clean up – yourself and the cell – those going to court go to breakfast – the corr. officer will come and inspect the cell to see if everything is clean – so you are actually up from 5am already – around 7:30 they start opening the cells one by one to go for breakfast, after that you come back – you sit – you just got to sit there and do what you want to do.

**Question:**
What is there to do?

**Answer:**
Reading, playing games – whatever and by 10am you get your first brake, you go out to the courtyard and walk around – go to the other different cells – chat to people…the length of the break depends on the mood the correctional officer is in
– if he is in a bad mood you wont get a brake at all – it is about an hour – max – you go back in and then they start letting the cells go for lunch – one by one – at about 2pm – that’s basically your lunch and your dinner, because by 3pm all the cells are locked – each and every cell is counted to see if everybody is there… and that’s it – you don’t come out again – until the next morning 6am – some cells has tv and you are lucky if you are in a cell with a tv. – at least it is something to do.

Question:
What were your biggest fears before you went inside?
Answer:
My fears, going in was – I mean like on the news you see and you hear about guys being gang raped – that was my fears – maybe being one of the victims - ja but like I say – if you know people inside – you’re safe – the violence in the cells is like – if you don’t answer correctly – if you backchat any of the “indodas” – you actually get beaten up – with a wet towel, with a broomstick – whatever or you actually get punished by sleeping in the toilet – that’s where you got to sleep for the night. And ja, that’s about it.

Question:
Is there any control over these acts of violence?
Answer:
No, there’s nobody and if you actually do complain, you just get beaten up again the next day, so it doesn’t help to complain, you can’t really complain to anybody.

Question:
You say when you know people you are safe, are you actually talking about getting involved with the gangs?
Answer:
No, its people that you know from outside…day to day people that you meet on the street – getting involved with the gangs – there is some things you got to do to be a member or to become an "indoda" – you either got to stab one of the correctional officers or you got to go and stab somebody in another cell that they don’t like – that’s basically the test, or like you got on the left hand side you got
sonop and on the righthand side you get sonaf – its two gangs, but there is no friction between them in the cells unless you are looking for trouble – if you are going to come stay on this side, you don’t go that side, unless you are invited to come that side – you just got to stay with this guy that you are speaking with, you don’t move around between there.

Question:
And this is all happening in the cells for people awaiting trail – how do these cells differ from the cells that house people who have been convicted and are serving a sentence.

Answer:
I haven’t really been there but what I’ve heard is that it is a little bit worse on that side, because basically that’s where you have your rapes, mostly, most of the time, because these guys know they are going to be there for x amount of time, where as in the waiting cell you know you are coming out – you are going to get bail so…

Question:
You are now in the situation where you are facing the possibility of maybe going back there – how do you feel about that?

Answer:
Shit scared.

Question:
How do get illegal objects into the jail?

Answer:
You got like your prisoners, you’ve got a working team, in fact everybody that are sentenced go out to do jobs within the prison, you’ve got workshops, you’ve got the guys working in the fields, the guys working with the vegetable farming, cattle farming – whatever the case may be, the guys from the workshops – they normally bring in the wires, you got to pay them – you get you’re wires, you get your cans – whatever you need.
**Question:**
You said that in order to get into a gang you have to stab someone, so there are weapons in jail?

**Answer:**
Ja they make their own – they will sharpen a toothbrush and use it as a knife, that’s on the sonop side – on the sonaf side you can either do that or you got to be raped to be a member – that’s the easy way in and then you get a number – a tattoo between your thumb and your pointing finger…you’ll have to sleep with the head of the members.

**Question:**
Did you see any other unlawful activities while you were there – bribes and drugs that sort of thing?

**Answer:**
The cell I was in was the worse cell, although I knew 90% of the people in there, but that was where the drug trade was – tablets, dagga – what ever you wanted was there…If you go to court – that’s where the exchange gets done, how they get it in I am not sure but I am sure its bad cops as well, that bring it in, because then you’ve got a big holding cell and the “indodas” will come – after their case hearing with a big bag full of dagga and what they do is to take plastic and they roll the stuff in there about this thick sometimes and this long and the guys have to shove it up there, whatever and that’s how it gets taken in.

**Question:**
How do you pay for the drugs?

**Answer:**
Money also get smuggled in through the parcels from the relatives – there you bribe the officer that’s there – you tell him look – I’ll give you a packet of chips or half the money or whatever the case – that happens – I’ve seen it happen, I did it myself – to get money in there I had to bribe as well – I needed to bribe the officer or – that’s what you got to do to survive…If you bribe the wrong officer you pick up another charge. In prison there is a court house.
Transcription of selected excerpts:

There were two guys there waiting trial for seven years...Eventually they admitted their guilt and got another seven years starting all over again...they probably had a state lawyer.

When you are serving a sentence – the guys go out and do work, you got a job, but they pay you something like R8 a week.

I moved from A section [awaiting trial section] to C section where there is less guys in and that’s the observation cell, everybody going to the Donkin [psychiatric ward] would be in that cell, getting out of [section A] I had to be a little bit insane to get out and go there – you had to pretend that you are a bit looney...and that’s where I spent another month being observed – then I got better and I could be myself again once I was up there to get out.

The wardens, they have no way of talking to you, 90% of them, you find one or two of them that are decent, that approach you and talk to you the proper way, but 90% of them they treat you like animals in a cage and that’s what you are to them and even sometimes they got the guard dogs out there and the police dogs with their trainers – they sort of make like a dog – tell him to go but they will pull him back – to threaten the guys and the dog will charge – it’s a command the dog gets so he goes but then he pulls him off again – ja they treat you like animals – they’re using very strong vulgar language.

Arguments in jail would be about drugs – who stole whose customer – that sort of thing, who is cheaper, who is more expensive, it is very competitive in the prison...

Question:
Racial composition in the cells?
Answer:
90% black 8% coloured 2% whites and Indians – very little whites

Question:
People who get beaten up in jail just have to stand there and take it?

Answer:
Ja, unlike me, I was in a sort of a – almost – I just couldn’t take it, I came back from court and went back to the cell, knowing when I came back that I am not going to go out now – I just blew up – and the guys, the “indodas” looked at this “fronts”, which is me, doing his own thing, saying his own thing and they wanted to come and hit me and I said to him, “This fronts is not going to take your nonsense anymore, you can now do what you like, but if you are going to hit me, you got to kill me”, and they couldn’t take that, they were scared, they actually got scared and I said, “look if you’re going to beat me, beat me now, I am waiting.” Nobody wanted to take me on and I just wanted to sleep right there on the cement floor, because there was no place – there were about 70 to 80 guys in that cell – there was no place to sleep and I took my sheet and threw it on the cement floor and I layed down and that’s after I told them now nicely, no I had enough – I am not taking anymore of your nonsense and then they were getting off their beds they were giving me their beds, they were even bringing me food, treating me like a king now, because I now, I was probably the first guy who took them on, because the other guys that come in there they like humble themselves, Ja baas, Nee baas, that type of thing but – I also did that in the beginning but like I said, I couldn’t take it anymore – I was prepared to die rather than to carry on.

Question:
So you say – you reached a stage where you just soaked up to much?

Answer:
Ja, there is time when the guys just really go off, off their rockets, and that’s when they get transferred to the C section. Ja, they get crazy, they become insane, and then they get sent over to C section, they get violent – they want to slit their wrists, they want to hang themselves in the toilet – things like that – they just go crazy – they start seeing things – they start talking to the walls.
I am not going to leave the court house alive.

**Question:**
Is that how bad it is?

**Answer:**
They are taking me out of court in a black bag, but I am not going back. The way of life inside…not for me - I won’t survive – I tried it for 4 months and I barely got through, but I got through and like I say – I am not going back.

**Question:**
The reason that you went to jail in the first place – would the experience in jail deter you from ever doing something like that again?

**Answer:**
[nods his head] Like I say, being there taught me a lot of things, I’ve learned to play a guitar – I’ve written 15 songs in prison, when I came out I carried on writing…

**Question:**
Some people say, going to jail makes you a more hardened criminal, but in your case it actually had the opposite effect?

**Answer:**
It either makes you or it breaks you. Makes you meaning that it makes you a better person, or it totally breaks you.
Transcription of the second interview with Kelly (July 2004).

Question:
The last time we spoke, you said they will carry you out of court in a body bag and when we got to court today you showed us a razor blade that you would use for the purpose of killing yourself if you were to be sent to jail and I was quite shocked – people say things but they don’t often mean them but now I realize that you were quite serious - what went through your mind – taking that razor blade with – where do you think you were going to do it?
Answer:
Right there in court – I was prepared to do it right there in court.
Question:
That was how far you were willing to go not to go back to jail. What exactly is so bad about jail that you were willing to kill yourself if they told you that you must go back – what kind of suffering are we talking about here?
Answer:
Just the other day I read again that sodomy took place again at St Albans – going through that – I would rather die first.
Question:
In the four months that you spent in jail – nothing like that happened?
Answer:
Luckily for me, no.
Question:
But you know that if you were to go back that would surely have happened?
Answer:
Definitely, when you are new guy – you got to go through the steps.
Question:
And there is no way of preventing that?
Answer:
No – not even the wardens can help you there.
Question:
Is there anything you would like to add before we end the interview?

Answer:
Crime doesn’t pay hey, even though I am innocent and all that, but crime doesn’t pay – to do crime and to end up where I was, being your first time there – [shakes his head] – like I said, it either makes you or it breaks you…I knew a few people that were normal when I went in...

Question:
Normal – as in being able to function in society and having a job?

Answer:
Normal as in I am sitting here…but they ended up going insane, because of pressure, pressure from the inmates, being ordered around by practically everybody, by... for instance let me give you an example – there’s an old man that comes in, first time – he is maybe 40, 50 and here you got this 18year old telling him what to do, shouting at him, swearing at him, treating him like dirt, I mean its somebody that could have been your father.

Question:
So would it be fair to say that the power relations in jail are completely turned around [on its head].

Answer:
Ja, and you got to deal with that.

Question:
What do you mean by insane – do they lose touch with reality?

Answer:
Talking to the walls, beds, seeing things that aren’t there.

Question:
Do they actually put those people back in society after they have served their sentence?
Answer:
They actually don’t come out – they get sent for observation – the mental rehabilitation centre, they get observed there and then they get sent further away – Fort Beaufort or Grahamstown, which is basically a loony bin.

Question:
Are you telling me that there are people coming into jail that could have functioned in society – they are first offenders – that sort of thing but they end up spending their lives in institutions because of what it does to them?

Answer:
Yes.

Question:
Do you think that rehabilitation is possible in jail?

Answer:
In your inmate section yes, where you got to serve your sentence – to a certain extent.

Question:
On what would rehabilitation depend?

Answer:
Your attitude, your behaviour, your willingness to do right – do the job and when you get out you can do the very same job that you were doing in jail – education plays a big part.

Question:
So they do actually have programmes in place that can help rehabilitation.

Answer:
Yes.

Question:
So you are honestly telling me that even if people get sodomised, and violently beaten up, if there are these different power relations to which they must bow – rehabilitation is still possible?

Answer:
It is possible – depending on yourself – you have to be strong.


The Herald 2003, 2 September. State Keeping youths in jail illegally, say expert.