political sphere.

Hofmeyr and his cohort were in many respects the descendants of Jacob de Villicrs Roos. Reform of the penal system became a metaphor for building the conditions necessary for maintaining a modern state in which English and Afrikaans-speaker were united, and the black proletariat adequately controlled. From the start it operated ideologically to deny the massive forces making for inequality between white and black, and between capital and labour. The 'unfreedom' of black workers economically and politically, and the rationality of choosing a path of crime rather than law-abidingness. As such, its operation also involved an occlusion of the conditions generating criminality and delinquency.

The language of liberal intervention inside and outside the state in the 1930s centered around the word 'maladjustment'. E.G. Malherbe's Education Report on the Poor White Problem in South Africa, written for the Carnegie Commission, had noted for example that the main cause of 'poor whiteism' was 'maladjustment'. It was also the consensus that emerged at major state-sponsored education conferences in the mid thirties. The task of education was seen as being to act as an integrating force and of social work to 're-adjust the child in the environment in which they show the need for re-adjustment'. In this discourse, the white delinquent was constituted not as a threat to be expelled, but as assimilable and reformable.

The reforming impulse and segregationist and consensual


underpinnings of social thought and policy towards 'maladjusted, neglected, delinquent and young persons' was exemplified in the 1937 Children's Act. The three-tiered system of probation, hostel and reformatory which it promoted, was regarded as providing a gradual means of readjustment to the life of the community. While institutionalisation may be necessary initially, it was considered to be a little artificial and somewhat divorced from real community conditions to affect thorough-going rehabilitation. 'Proper adjustment' to the community, Inspector van Schalkwijk argued, could only be taught 'in the community, but an essential condition is regular and continuous benevolent supervision'. Here the liberal assumptions of the minimal state and possessive individualism clearly held sway.

Normal life in a community was characterised in terms of its degree of individual freedom. The more secluded the institution, the more 'artificial' it seemed. The 'natural' state of society was likened to that of the market in terms of its freedom from state control and interference. Individualised treatment through probation was thus generally seen as preferable to institutionalisation, since it appeared to be equivalent to an absence of direct state intervention. 'Re-adjusting' the delinquent to 'society' was thus the ideological representation of non-coercive strategies for reducing social conflict within


10 See Chapter Five.
the white commonwealth. It was also the representation in thought of market society ideals and values.

Common to both liberal and nationalist criminologies was the adoption of approaches which argued that the 'maladjusted family home' led to 'maladjustment' amongst youth. A conservative emphasis on discipline and the maintenance of 'law and order' was at the heart of the emphasis on the family as the source of crime and delinquency. This was demonstrated in the writing of W.D. Marais, a man whose career in industrial schools and reformatories closely followed the rising fortunes of psychologists and educationists in the administration of delinquency during the 1920s and 1930s.11 As a practitioner, rather than a theorist like Willemse, his ideas are of some interest.

Marais12 was born in 1895 and received his schooling at Tulbagh. While he was studying for his teachers' diploma at Stellenbosch, he was invited to become a teacher at Heidelberg Industrial School at the time when the Union Education Department was taking over industrial schools. He spent five years at Heidelberg and then another nine at King Williamstown Industrial School. In 1934 Hofmeyr invited him to become Principal of the Tokai Reformatories. He remained at Tokai for the next twenty years. On his retirement in 1955 he was awarded an Honorary Doctorate in Psychology from the University of Stellenbosch.

Very early on in his career, he 'went to Europe on an ordinary tourist job'. On the way he met the Professor of Psychology from Columbia University in New York. A correspondence ensued, and so Marais became the regular recipient of current publications in psychology,13 keeping 'abreast of the latest developments in intelligence testing'. During the 1920s he

11 See Chapters Seven and Eight.

12 Marais, interview.

13 It is evident from his personal library that he was widely read in his field.
Mnr. W. D. Marais staan aan die hoek van die inrigting met 130 personelede en sowat sewehonderd seuns onder hom.

FIGURE 32

W. D. Marais
enhanced his stature by using the Binet-Simon IQ tests then being popularised to test industrial school boys. In the late 1920s, when testing was all the rage, he proved himself an expert in the field:

I had Malherbe's tests and I did all the high schools in Kingwilliamstown in intelligence and of course at the time the teachers there were just astounded when I said 'this is your best pupil and this is your second best'. They just couldn't believe it. Here I didn't even know the children and I could pick them all out you know on the tests. It made quite a great impression there.14

As a modern psychologist of education, he was ideally fitted for the job. Throughout his career at Tokai, Marais kept up his interest in the psychology of education. His ideas demonstrated the shifts in mainstream psychology of deviance to theories of social disorganisation, and the influence of psychoanalysis. During the 1930s, the home played a central part in the aetiology of crime for him. By the 1940s his emphasis had shifted completely to innate causes. Apart from numerous unpublished public speeches and presentations on the subject, his Annual Reports and a pamphlet printed in 194415 provide striking insight into how these ideas were adopted by at least one practitioner. Whether and how they affected his practice will be examined in the next chapter.

Like Willemse, Marais was convinced that delinquency was not a product of poverty. At the end of 1938, the year that The Road to the Reformatory was published, he argued that the critical variable in juvenile delinquency was the 'maladjusted family which is incorrectly orientated over against(sic) law and order, property of others, work or occupation, recreation, religion,

14 Marais, interview.
15 W. Marais, Juvenile Delinquency (Cape Town 1944).
sex, morality, etc'.

The home became both cause of and solution to individual maladjustment. Whereas in the past it had been the centre of co-operation and community, the growth of commercialism in the form of the 'bioscope' (cinema: L.C.), motorcar and radio had broken up this cohesive community. These forces had drawn children from the home and turned them into passive participants in crime rather than active creators of their own community. Not merely the home gave rise to the 'initial dynamic force ...deflected to delinquency'. It was also 'the unorganised home and environment' which was the 'breeding ground for the germs of different types of conflicts leading to delinquency'. The unorganised home could be 'summed up' as one in which there was 'an absence of strict routine and of certain fixed standards of behaviour'.

Psychoanalytic theories also influenced his thought, leading him back to individual explanations. In 1935 he interpreted them in terms which held that child delinquents were for the most part 'normal children who had to satisfy the anger urge, the sex urge, the urge to run away, or the urge to play in "gangs" in abnormal ways because they had no normal outlets'. By 1944, his interest in the mind of the delinquent had led him to a position where he was discounting all environmental and social influences, seeing them as 'secondary to emotional conflicts in the home':

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18 Cape Town, Porter Reformatory Archive (henceforward P.R.), Principal's Annual Report for 1938, p. 2.

19 The Star, 14 August 1935.
Delinquency is thus the product of emotional conflicts, emotional tensions, emotional compensations, lack of emotional balance, escape mechanisms due to emotional conflicts, rationalization due to internal emotional strain or to the unstable and disorganized home, the breeding ground of conflicts....It is this underlying dynamic force of misdirected emotional energy.20

In the course of elaborating and popularising these ideas, white delinquent children became known and constituted not as abnormal, but as 'problem children', 'anti-social children', 'children from broken homes', children whose adaptation took a 'neurotic' form.21

If 'problem children' were the product of unstable homes, these themselves signified the disintegration of the family and the collapse of stable, traditional values:

Certain sections of society have suffered loss of their traditional controls during the last half century....The traditional control of family, environment, church and the law has suffered seriously for us all, due to our steady move towards an 'individual-centred culture'. There have been and still are state-centred cultures as the German Reich and Soviet Union, and we are steadily moving to an individual-centred culture....In the sphere of social engineering it leads to serious pitfalls.22

These views did not go uncontested. Even the 'collaborationist' Coloured Advisory Council (C.A.C.), formed in 1943, found Marais'...
analysis somewhat disingenuous. In 1943 the C.A.C. visited Tokai where Marais addressed them on the causes of juvenile delinquency. He reiterated his old argument that sociologists had found that improvements in economic conditions did not necessarily check child crime. On the contrary, both among the European and the 'coloured', any sudden improvement in the financial conditions of a family, without a corresponding rise in their cultural life, often 'upset the balance and led to delinquency among children'. Not until the 'best conventions and traditions of home life and traditions (of whatever faith)' had been instilled in the community would delinquency be checked. The C.A.C. was not impressed, and they challenged Marais in The Standard a week later. They concluded that 'the best conventions and traditions of home life cannot exist where wages are so low that they barely sustain life, and religion that condones such conditions can be of value neither to child nor to community'.

The institutional corollary of a view which emphasised collapse of traditional controls was that it was the task of the institutional regime to re-impose controls. 'Freedom', for Marais, meant 'people disciplined to routine':

Coming down to the practical, all this means that pupils must be kept with their noses to the grindstone, time-tables must be adhered to the letter of the law even more so by staff than by pupils. There must be a well-organised, systematic routine with a very definite

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23 The Coloured Advisory Council drew on the 'coloured' elite for support, and shared the goals of a non-racial democratic South Africa of other opposition groups but differed over the means by which this was to be achieved. According to Lewis, 'emphasis on a principled opposition to segregation was less important than the attainment of urgently needed socio-economic reforms for Coloureds'. See G. Lewis, Between the Wire and the Wall: A History of South Africa 'Coloured' Politics (Cape Town 1987), p. 20.

24 Cape Argus 14 September 1943.

system of time-tables, spaced and graded to include all
the activities of the institution.\footnote{22}

The drive to order, control and discipline individual bodies had
its counterpart in the social and political sphere in the
perceived necessity for controlling undesirable populations.
Whereas Willemse sought the total elimination of the delinquent
section of the black population, Marais only sought their re-
constitution at a cultural level. His solutions were equally
drastic, however. Referring to District Six, he said:

In simpler words this would mean that the entire
culture of such an area must be changed by demolishing
the slum and rebuilding it entirely.\footnote{27}

This was not an idle throw-away comment. It was also the policy
of the government by which he was employed.\footnote{28} Marais' approach,
using the most up-to-date theories, was never as explicitly part
of the 'gesuiwerde' nationalist programme as that of Willemse.
His views represented those of the enlightened educationist with
its interest in the psychology of the offender, the home as the
seat of the development of criminal predispositions and the
belief in the necessity in the final analysis for a properly
disciplined environment in which to control and rehabilitate
offenders. After his retirement, Marais became a marriage
guidance counsellor.

While the approach pursued by representatives of the Union
Education Department differed from that of Willemse in cer.
ain respects, most notably in its moderate, neutral tones, it also
shared certain key assumptions shared across the political

\footnote{26} Cape Town, P.R., Principal's Annual Report, 1938.
\footnote{27} Cape Town, P.R., Principal's Annual Report for 1938, p. 47.
\footnote{28} See E. Koch, 'Doornfontein and its African Working
M.A., University of the Witwatersrand, 1983; also see reports
on slum clearances in Rand Daily Mail, 22 July 1936; The Star, 14
April 1937; Rand Daily Mail, 15 April 1937; Rand Daily Mail, 22
May 1937.
spectrum. These included an emphasis on the practical development of a white welfare infrastructure, an unassailable belief that the patriarchal family constituted the basis of 'law and order' in civilised society and a corresponding strategy of family preservation. Its main difference from that of Willemse lay in its articulation to a different political project.

Liberalism and Urban African Juvenile Delinquency:

This constituency itself needs to be examined in the context of the roots of liberalism in the state. These were revealed in the recommendations of the 1934-7 Interdepartmental Commission and the 1937 Children's Act as they related to black children and youth. The Commission acknowledged that 'it is a wrong policy to adopt a two-fold standard with regard to the problem of dependency and delinquency, one for Europeans and one for non-Europeans'. In practice it dealt only with white institutions and ingeniously rationalised this on the grounds that non-European communities had failed to concern themselves with the upliftment of their own members and that the small number of institutions available for blacks made it impossible to apply the classifications proposed in the Act for European institutions. It did, however, recommend that more hostels be established, the extension of probation services work and the appointment of full-time non-European officials in social welfare posts.

Black juvenile delinquency increasingly, during the thirties, became an urgent and important focus. The analysis of the solutions and causes of crime were framed within an approach which emphasised the social and economic, but not political

rights of a settled urban working class. Through these they hoped to stabilise a permanently settled African population.

The limits of liberal thinking, whether in or outside the state, were ultimately set by the political realities of domination and subordination and by differing conceptions of how white supremacy was to be maintained best under conditions of secondary industrialisation. The strategies and proposals of its intellectuals in various spheres developed in ways that would ensure minimisation of class conflict and advance an ideological framework in which the stability of the resulting system could be preserved and sustained.30

While there is no doubt that the African population remained incompletely proletarianised during the 1930s, it is also true that the state failed to control urbanisation of Africans and prevent desertion from white farms, despite every effort made to keep them weak and vulnerable through, for example, pass raids and slum clearances.31 Manufacturing industry had grown considerably as a result of the protection policies of the Pact government. It drew on the non-migrant African labour force for unskilled and semi-skilled labour, whose wages were kept below the level needed for subsistence by the presence of a large 'reserve army' of labour from the countryside. The massive influx of Africans into the cities during the Depression saw the spectacular growth of the African population of the Reef resident in Sophiatown, Martindale and Newclare from 12,000 in 1928 to 26,000 by the end of 1934.32 Migrant labour, as Bonner has shown,


32 Proctor, 'Segregation and the City', pp. 63 and 69.
played a wider wage-depressing role, and made for high levels of
unemployment amongst non-migrants.\textsuperscript{33}

Although the number of Africans of school-going age in the
Transvaal more than doubled between 1917 and 1927, from 21,421 to
47,632,\textsuperscript{34} only 16\% were in school in 1936.\textsuperscript{35} There were
facilities for less than a quarter of the population. On the
Witwatersrand alone, the number of African children under
fifteen years of age increased fivefold between 1921 and 1936,
from some 16,000 to nearly 80,000.\textsuperscript{36}

There were few if any schools for these children as they grew
older. By 1939 the government provided precisely one school, 'a
wretched affair at Pimville Township, of which (it) is thoroughly
ashamed'.\textsuperscript{37} For the rest, missionaries were required to shoulder
the responsibility in schools already bursting at the seams.\textsuperscript{38}

Miserly Union financing of African education meant that in the
Transvaal less than £2 per annum was spent on each African
pupil.\textsuperscript{39} The resulting shortage of teachers, lack of room and

\begin{itemize}
\item \textsuperscript{33} P. Bonner, 'Family, Crime and Political Consciousness
\item \textsuperscript{34} P. Cook, \textit{Transvaal Teacher} (1939), pp. 8-9.
\item \textsuperscript{35} D. Gaitskell, 'Upward All and Play the Game: The Girl
Wayfarers' Association in the Transvaal 1925-1975' in P.
Kallaway (ed.), \textit{Apartheid and Education: The Education of Black
South Africans} (Johannesburg 1984), p. 225.
\item \textsuperscript{36} Gaitskell, 'Upward all' p. 225.
\item \textsuperscript{37} U.W., C.P.S.A., Ray Phillips Papers, Box No. A1444-
1446(File 1) Phillips News, 30 July 1939.
\item \textsuperscript{38} See, for example, figures cited in report on 'Growth
of Delinquency among Urban Youth' in \textit{South African Outlook}, 1
January 1938.
\item \textsuperscript{39} At that time, African education was financed by an
amount of 340,000 (the total amount paid at one time by the four
Provinces) paid by the Union Government and two fifths drawn
from the Native Poll Tax. See U.W., C.P.S.A., S.A.I.R.R., AD 843 B56.4
Bantu Juvenile Delinquency Conference 1938, Minutes, 4; R. Hunt
\end{itemize}
classroom equipment meant not only that teaching conditions were abysmal, but also that large numbers of children had to be turned away from schools each year.  

Even as numbers enrolling at schools shot up especially in the aftermath of the depression and in the recovery years between 1933 and 1936 - such that a third were in school by 1937 - there were still two thirds for whom there was no accommodation. Numbers of children and youth appearing before the courts also trebled.  

Parents admitted to Heilman that they had no control over recalcitrant children. Relatives who might have exercised an influence over them were absent. The situation was exacerbated when they joined the ranks of work-seekers. In 1934, the missionary Ray Phillips reported that:

...For the first time in the history of Johannesburg it has been impossible for scores of Native youths living with their parents in our big townships to obtain employment. Commercial firms have cut their works staffs...

No doubt Phillips was wrong in believing this to be a new phenomenon. He did, though, start three unemployed boys' clubs catering for some 200 boys. These had work-and-play units which had a program of clearing land, making fences, painting, roofing buildings, making soccer and tennis courts and playing board games... 


41 R. Phillips, The Bantu in the City: A Study of Cultural Adjustment on the Witwatersrand (Lovedale Press 1938), chapters 1V and V.

42 Phillips, Bantu, Chapters 1V and V.

43 U.W., C.P.S.A., Ray Phillips Papers, Box No: A1444-1446(File 2), 'Sketch...and brief summary of work'.
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41 R. Phillips, The Bantu in the City: A Study of Cultural Adjustment on the Witwatersrand (Lovedale Press 1938), chapters IV and V.

42 Phillips, Bantu, Chapters IV and V.

43 U.W., C.P.S.A., Ray Phillips Papers, Box No: A1444-1446(File 2), 'Sketch...and brief summary of work'.

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games, football and basketball. In May 1935 the Talitha Home for non-European girls was opened in Western native Township by the Bridgman's of the American Board Mission. Talitha Home was only the second hostel for African youth, the first having been founded shortly before by the Salvation Army.

These efforts reached a miniscule number of youths, and especially those who were recent arrivals from the country, of whom there was a large proportion. Of the 826 boys under the age of 18 years registering for work at the Pass Office in one month in 1938, only 21.2% had parents living in Johannesburg. Twenty five and a half percent of these boys had been in the city less than a month, and little more than forty one percent less than one year. Many of these became part of the 'considerable body of vagrants...who emanate from rural areas', minding motor cars, carrying parcels, selling newspapers and doing general odd jobs. At night they slept in 'back yards, in the open air, on vacant pieces of ground, in shop doorways, and in fact anywhere where shelter might be found...'. In addition, non-'location' youths recently arrived from the rural areas entered the ranks of the Amalaita.

Although the Amalaita had initially formed a primarily non-criminal means by which newly-proletarianised youth could 'shore up the social discontinuities (of) proletarianisation and rural


dispossession at the beginning of the century, they were increasingly perceived, in Johannesburg as much as elsewhere, as 'lawless bands of youth'. The Amalaita's membership was drawn mainly from the 'younger group of houseboys...under the age of 20 years...who have not been very long in the urban area'. The remainder consisted of 'young, compounded Bantu also recently recruited from the rural areas'.

The work of La Hausse and Delius suggests that while the Amalaita did not steer entirely clear of criminal activities, urban administrators confused their forms of organisation with those of more criminal elements from the townships. It was in the city that juvenile crime assumed its most dangerous proportions. 'Location youths' apparently rarely joined the Amalaita. They became 'runners' for Fah-Fee and Pa-ka-pu, the Chinese gambling games, were employed as helpers by 'skokiaan

48 La Hausse, 'Mayihlome', p. 10; Delius, 'Sebatakgomo', pp. 9-10.
49 La Hausse, 'Mayihlome', p. 12.
50 U.W., C.P.S.A., S.A.I.R.R., AD843, B56.4, Native Juvenile Delinquency Conference 1938 Appendix: J.R. Brent, Manager of Native and Asiatic Administration Department, City Council of Pretoria, 'The Amalaita'; see also J.P.L., S. Pam. 326.341.915(68)Con, City of Johannesburg Non-European and Native Affairs Department Findings and Recommendations of a Conference on Urban Juvenile Delinquency 10-12 October 1938 (as revised by the Continuation Committee, 1939).
51 This was the case also for Cape Town where cases that came before the Magistrates' Courts were described in 'Cape Town's Legions of the Gutter' in Cape Times, 20 May 1939, as: the dead-ends of our juvenile society.... young scavenger(s) of the Bush,...the flotsam and jetsam of the sand wastes of the Cape Flats who, homeless, has drifted into the city and suburbs borne on the crest of a wave of hunger, want and helplessness...destined to swell the ranks of the gutter and later to graduate into the skolly boy class.
queens', or bet on horses. Their integration into criminal networks presumably occurred not through the migrant, domestic-worker based Amalaita, but through older criminal networks which flourished in the prisons.

The growth of this apparently uncontrolled, undisciplined youth culture created great concern. Not only was 'many a promising young house-Loy-gardener ... spoiled in this way', but neither the courts nor the reformatories could cope with the numbers. The Johannesburg Juvenile Court reported an increase of twenty nine and a half percent of youthful offenders between 1937 and 1938. In this period, Diopkloof Reformatory was overcrowded with between 500 and 540 boys.

The disturbing image of a growing amoral and antisocial African youth inspired many liberals inside and outside the state to take up the question of juvenile delinquency. In Ray Phillips's Yale thesis, The Bantu in the City: A Study of Cultural Adjustment on the Witwatersrand which was published in 1938, the tremendous changes which had inspired his earlier alarmist outburst of fear and trepidation, The Bantu are Coming! (1930), were now interpreted inside a framework which traced the source of African 'lawlessness' to a clash of cultures, and incomprehension as to a whole range of laws which were not necessarily unjust, but simply foreign to traditional customary law. The urban African population was 'a population of

lawbreakers,\textsuperscript{57} not because they were subject, as H. Simons\textsuperscript{58} argued in 1931, to injustice and laws which applied only to them in order to secure their labour, but because of 'mental, economic and social factors' taken together:\textsuperscript{59}

The whole study of the neurotic criminal whose hostile activity against society is the result of a 'conflict between the social and anti-social components of his personality, coming from impressions of earliest childhood and from circumstances of later life', is full of meaning when interpreted in terms of the clash of cultures of the Witwatersrand goldfields.\textsuperscript{60}

The main priority, in this discourse, was to create conditions in which the 'law-abidingness' of Africans could be secured.\textsuperscript{61}

The clash of cultures was responsible for 'the breakdown of community standards of behaviour and conduct developed under rural conditions which made possible adequate social control'.\textsuperscript{62}

The major problem of city life was consequently that 'an urban pattern of acceptable behaviour, socially motivated'\textsuperscript{63} was lacking. This included 'unstable marital unions', lack of school discipline, 'unwholesome recreational activities', poor relations between police and non-Europeans and a range of other factors. The problem, as Phillips perceived it, was primarily one

\textsuperscript{57} Phillips, Bantu, p. 176.

\textsuperscript{58} Simons, 'Crime and Punishment', p. 5.

\textsuperscript{59} Phillips, Bantu, p. 186.

\textsuperscript{60} Phillips, Bantu, p. 189.

\textsuperscript{61} See also, for example, J. Gray in The Forum, 28 November 1938, p. 20.

\textsuperscript{62} Phillips, Bantu, p. 191.

\textsuperscript{63} Phillips, Bantu, p. 191; see also The Forum, 1 December 1938.
of making South Africa safe for differences'. This could be achieved through recognising the permanence of and stabilising the urban African working class family.

Different strategies were promoted within and outside the state for creating 'law abidingness'. The main strategy adopted by a liberal lobby of social workers and missionaries like Miss Janisch, Mrs Bridgman of the American Board Mission and Miss Maud around J.D. Rheinallt-Jones, Director of the South African Institute of Race Relations (S.A.I.R.R.) and Mrs Ballenger, (M.P.) was expressed by Rheinallt-Jones at a conference on urban native juvenile delinquency convened in 1938 by the Non-European Housing and Native Administration Department of the Johannesburg Municipality:

Mere police action leads nowhere. We must build a new environment, we must re-build the home and put the juvenile on solid ground through adequate employment, decent wages, enough education and wider social interests.

The nature and order of the papers given reflected assumptions about causes and solutions to delinquency not dissimilar from those of Phillips. Following a survey of the situation by Ray Phillips, and G. Ballenden, Mrs Ballenger (M.P.) presented a paper on 'The Rehabilitation of Bantu Home Life', with discussion introduced by Mrs Henderson and Ellen Hellman. This was followed by papers on Preventive and Disciplinary Agencies. Dr. W. W. Eiselen addressed the gathering on educational agencies, L.I. Venables Esq. on religious and charitable agencies and Dr. L. van Schalkwijk on penal and corrective agencies. Discussion was respectively introduced by social worker, Miss Janisch, missionary Mrs Bridgman and Miss Maud, also a social worker, and by Alan Paton.

More explicitly, the Conference linked the abolition of juvenile delinquency with the provision of adequate wages,
removal of restrictions on the acquisition of skills by Africans, adjustments to the job colour bar and the provision of free and compulsory schooling. It further recommended that housing be improved, homes of safety be established for male and female African children, and that the taxable age of Africans be increased and fixed at 20 years, the government accept the recommendations of the Interdepartmental Commission on Native Education in regard to the financing of education. The Welsh Commission Report (1937), while critical of segregation, did not recommend measures which would overturn the system, but it did recommend that the government take increased financial responsibility.

At the end of the Conference a Continuation Committee was set up with representatives from each of the municipalities: the Departments of Native Affairs, Justice, Education, Social Welfare and Health; the Johannesburg Advisory Boards, and various liberals including local councillor Mrs Atteridge (of Pretoria), Mrs Hellman, Mrs Rheinalit-Jones, Miss Maud, Rev S. Carter, Ray Phillips, W.G. Ballinger, H. Britten, H.J.B. Vieyra, W.B. Ngakane, G. Radebe and the Rev. S. Tema.

The Continuation Committee sent the Report and Revised Findings of the Conference to the Secretary for Native Affairs. The Native Affairs Commission in turn prepared a Memorandum. It conflicted sharply with the Continuation Committee. The documents emerging from this exchange over the solution to urban juvenile delinquency amongst Africans reveals how the resolution of juvenile crime was perceived to be a question of the adequate reproduction of the fully proletarianised black worker. Put another way, urban native policy provided the frame for discussion of resolution of urban African juvenile delinquency.

The Conference argued that juvenile delinquency was ultimately related to urban native policy. The Native Affairs Commission in turn re-iterated the principles of Stallardism as a solution to delinquency. It maintained that the rigorous implementation of the native (Urban Areas) Act would prove a very
considerable safeguard against urban juvenile delinquency and that for the rest the development of the Reserves would subsidise mine and urban labour so adequately that the problems of juvenile delinquency would disappear.66 Both the Continuation Committee and the Native Affairs Committee claimed to have the best interests of Africans at heart. Both were concerned with the 'breakdown of tribal sanctions' and family life. The Continuation Committee saw the solution as the amelioration of urban poverty through adequate wages, housing and social services, while the Native Affairs Commission saw it in reconstitution of tribal relations allied with more effective policing mechanisms. 'Law-abidingness' would be secured in the one view through constituting blacks as stable, urban subjects with rights and services due to them; in the other, through recognising them only as tribal subjects with rights only in the rural areas.

At the base of the arguments lay a concern with the adequate distribution of labour, and conflicts between the demands for labour of agriculture and manufacturing. The N.A.C. felt that labour should be 'used in the primary industries on which the country depends', namely mining and agriculture, and that 'an undue proportion of the Native Labour of the Union is utilised by the town dwellers'. It quoted the Report of the Native Farm Labour Committee of 1939 which found that the 'Native Labour available was insufficient to meet the demands of the agricultural industry' and recommended the establishment of labour bureaux in different centres to register and regulate the flow of labour.67 Concerned with the requirements of secondary industry, the C.C. argued that attempts to stop the flow to the towns 'run directly contrary to the economic forces which cause

66 J.P.L., S. Pam.126:343:915(68)mem: Memorandum submitted to the Continuation Committee of the Delinquency Conference for its approval. Prepared for submission to the Secretary for Native Affairs.

67 Ibid., p. 11
labour to flow in that direction where its reward is greatest'. 68 The shortage of farm labour could be met, and 'there might well be a surplus which would be available for other industries', 69 it maintained, if farmers paid adequate wages. The question of juvenile delinquency was intimately and unambiguously related to wider state policy of labour flow and control.

Differences in what was to be done about delinquents themselves was related to these wider conflicts. The Native Affairs Commission recommended that those whose homes were in the reserves should be returned there, that they be apprenticed to farmers and that labour settlements be established for them on the Borstal principle. In contrast, the C.C. rejected the idea of sending urban juveniles 'to a rural area where there is no rehabilitative agency', disapproved of binding delinquents to farm labour through apprenticeship and noted that Diepkloof reformatory was already being run on Borstal lines. Instead, it reiterated its recommendation for provisions which would secure a supply of steady, disciplined labour to manufacturing industry: greater educational facilities, more Juvenile Affairs Boards and better homes. 70

Conclusion

During the 1930s, older approaches to delinquency were transformed. The Great Depression and realignment of political forces led to the re-articulation of questions of delinquency within different political agendas. Delinquency became a metaphor through which questions about, on the one hand, the disintegration of the social order and, on the other, the

68 Ibid.
69 Ibid., p. 12.
70 Ibid., p. 18.
reproduction of the urban African working class were posed. A common stock of ideas about delinquency as being the product of the 'failed' home were drawn upon and deployed to explain and represent socially threatening phenomena. Thus, 'gesuiwerde' Afrikaner nationalist criminologist, W. A. Willemse, represented the problem of 'poor white' disaffection from nationalist ideologies in delinquent terms; the 'weak' home was the cause, and greater discipline the answer. The potentially explosive consequences of increasing, uncontrolled proletarianisation of blacks were likewise posed as a problem of delinquency by liberals and native administrators. Whereas, for Willemse, the problem of delinquency would ultimately be resolved through incorporating 'poor whites' within an organic, national unit, the liberal solution to black delinquency lay in an urban 'native policy' which recognised the social rights of blacks to wages, housing and education. Delinquency, for both, whether amongst the white or black poor, was conceived but not expressed in political and economic terms.

In the same way that a concern for stabilisation of the white working class was represented in and through the question of white juvenile crime and the link between schooling and housing, so concern for the stabilisation of the black working class was represented in anxiety about delinquency, schooling and housing. Whereas the question for the white working class was raised in the context of the establishment of the mining industry and the existence of a fully-proletarianised white working class, the question for the black working class was raised in the context of the rise of secondary industry and the presence of an increasingly fully-proletarianised African working class.
CHAPTER TWELVE
FROM PRISON TO SCHOOL: THE REFORMATORY, 1934-1939

In the mid-thirties, a more buoyant economy and a liberal Union Education Department provided the conditions of possibility for the transfer of reformatories from the Prisons to the Education Department in 1934. For the most part transfer was accompanied with a fanfare of publicity. In 1935 new Principals were appointed: at Tokai there was W.D. Marais, at Eshowe Miss J.G. van Schalkwyk, at Houtpoort Mr M. Zeemans who was replaced in 1936 by J.L. Pretorius and at Diepkloof, Alan Paton. It was their task to transform the institutions from prisons into schools.

Numerous articles appeared in the press demonstrating the 'remarkable experiment at Diepkloof' and the 'New freedom at Tokai: The Change of Outlook and Treatment'. The novelist, Lawrence Green, referred in glowing terms to Tokai as 'the school that has no blazer and no tie, the school for boys from broken homes'. A report in The Star of 1938 likewise referred to Tokai as the school 'run along the lines of an English public school, complete with prefects, Oxford accent and a code of its own about "what is not done, chaps"'. The press given to Tokai, for one, showed that significant changes had indeed been effected:

The most remarkable feature of the reformatory is its contrast today with what it was when it was regarded and administered merely as a juvenile prison. Gone are all the rifles and the warders who carried them in constant guard over the boys. Gone is all sense of confinement and surveillance. Boys' committee rules

1 The Star, 10 June 1939
2 Cape Times, 25 May 1937.
3 Cape Argus, 6 November 1937; see also report on this report in T.A.D., U.E.D., vol. 1700, File E94/6, Principal's Annual Report for Tokai Reformatories for 1937.
4 Marais' newspaper clippings held by his son in Durbanville, Cape Town, The Star, n.d. circa 1938.
hang in the workshops, dormitories and common rooms where once hung prison regulations. Most notable of all is the way in which the boys...are converting the old prison yard into a garden retreat....Evidence of the new spirit of Tokai and of the boys' response to it is the big and isolated building which the boys renovated themselves and where those who have given signs of rehabilitation and earned the right of special privilege spend their nights as a self-governing community.5

The change from prison to school and authoritarian to liberal democratic control was symbolised in changes in dress and appellation: wardens became principals, supervisors became teachers, inmates became pupils. Initiation processes of loss and mortification were softened. Prison garb was replaced by khaki. Pupils at Porter were to call teachers not baas but meneer. Finger-printing ceased at Porter and Tokai, although not at Diepkloof.

Not all reformatories could boast the same degree or kind of transformation. At first glance the most noticeable changes appear to have been undertaken and achieved most successfully at white reformatories. While changes to the European section of Tokai reformatory were emblazoned in the local press, Porter reformatory was held in the shadows. At Porter, the attempt to establish a 'friendly and kindly feeling of the inmates towards the educator and his system' through the system of 'self-government' failed hopelessly as those placed in authority 'break down at the slightest upset and let you down at vital points'.6 Only gradually was 'community singing, concerts, dramatics and bioscope shows, picnics and outings' allowed.7 Fort Glamorgan continued to be designated the East London Juvenile Convict Prison, and was run on prison lines. The Annual Report of the

Department of Prisons for 1936 noted that the majority of juvenile convicts were employed in the gardens, where sufficient produce was raised to supply all requirements at the three institutions comprising the East London Prisons, as well as a number of country gaols. Whereas Alan Paton used the borstal regime of 'freedom as a reformatory instrument' to great acclaim, and introduced a prefect system at Diepkloof, this was on the other hand not as developed as the system of 'self-government' at the European section of Tokai Reformatory.

If there appears to have been racial differentiation in changes to reformatories, there was also a distinct gender bias to them. While Tokai and Diepkloof in particular saw greater attention being paid to sanitation, diet, and the general health of pupils - as the 'South African nation's best insurance for an adequate labour supply, and the absence of disease' - the system at the Eshowe girls' reformatory, from which all white girls had been removed after the rebellion of


12 T.A.D., U.E.D. vol. 1700, File E94/6, Warden's Annual Report for Diepkloof 1937, noted a marked decrease in typhoid cases, pneumonia and dysentery; 'even the offer of a stouter resistance to the disease'; T.A.D., U.E.D. vol. 584, File E14/103/9 vol. 5, Diepkloof Reformatory Board Minutes.

1934, remained horrendously bleak and dismal. During June 1934 the remaining 10 European inmates under detention were transferred on licence to the Home of the Good Shepherd in Orchards, Johannesburg, leaving 98 Non-European inmates in the reformatory. The only changes of some, but minor significance wrought, were in the area of greater classification (older black women were removed to gaol) and in the introduction of a prefect system, neither of which reduced the 'prison atmosphere' or enhanced the liberty of the girls.

An explanation for the changes can not, however, be reduced to their racial character. Changes at the white boys' reformatory of Houtpoort were decidedly short-lived. The Heidelberg News reported on the 23rd September 1938 that at Houtpoort the experiment 'has not proved a complete success...It has been found that there are always boys who have to be locked up because that is the only way to detain them'. Staff meeting minutes revealed the high premium placed on order, discipline, obedience, neatness and quiet. As the incidence of absconding in 1938-1939 reached 'epidemic' proportions, the 'iron hand in the silk


glove' 18 broke through the fragile integument of reform. Greater use was made of isolation cells for refractory boys and of a special building to punish escapees. The old, harder regime of bars and bolts and for all the boys in general was also revived. 19 At both Houtpoort and Porter reformatory, the existence of an older, 'incorrigible' 'hard core' was invoked to explain the perpetuation of old methods.

The reformatories at Diepkloof (African) and Tokai (European) seem to have been the only institutions where any significant changes appear to have taken place. That all reformatories were transferred, but only two seemed to evince changes, may be partly explicable by reference to the role of their respective Principals (Alan Paton and W.D. Marais respectively).

Both reformatories had Principals dedicated to transforming these institutions into schools and places of education rather than detention. Both were inspired by the goals and methods of the prevailing progressive child-centred pedagogy which stressed a new relationship between pupil and teacher; an emphasis on individual psychological study; the creation of a community and family home in miniature complete with 'home-like cottages' to displace larger hostels; house-fathers and mothers to take care of children in institutions; a prefect system, individual instruction and supervision of pupils by university-trained professionals. Thus self-discipline would be inculcated through removal of external restraint. 20 Both Principals had experience in a section of the white schooling system which stood them in

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good stead for the work of change. Marais had participated in the process of changing industrial schools from penal to educational institutions, whereas Paton had been teaching in the Natal provincial education system since 1928. Whilst teaching at Maritzburg College, Paton took his M.Ed. degree at Natal University College in 1930. His educational outlook was profoundly shaped by it:

The course included a study of McDougall's *Abnormal Psychology*, not now well regarded. There was John Dewey on *Democracy and Education*; Sigmund Freud on the interpretation of dreams, sexuality, the unconscious; Giovanni Gentile on education; the educational theories of Comenius, Pestalozzi and Rousseau, A.S. Neill, Froebel and Montessori; more Watson and Kohler; and a history of education in Natal, our lecturers being Professor Allsop and the redoubtable Dr. C.T. Loras, then Superintendent of Education for Natal, and later Professor of Education at Yale University. And then a book that was to change the direction of my life—Cyril Burt's *The Young Delinquent*. ...Cyril Burt's book *The Young Delinquent* had quickened my interest, and this was increased by the books of Sheldon and Eleanor Glueck, and by reading the work of the George Junior Republic and Homer Lane.

Marais had educated himself in many of these theories and ideas.

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21 Alan Paton was born on 11 January 1903 and was educated at Maritzburg College and Natal University College where he obtained his B.A. and H.D.E. Between 1924 and 1934 he taught first at Newcastle High School, then Ixopo High School, and finally returned to his alma mater, Maritzburg College, in 1928 where he stayed until he left for Diepkloof. According to Paton, his work at university with the Students' Christian Association, convinced him that 'life must be used in the service of a cause greater than oneself'. (*Towards the Mountain*, p. 59). In 1948 his book, *Cry the Beloved Country* was published to international acclaim. He then left the Union Education Department to devote his life to politics and writing. In 1953 he helped to found the Liberal Party. Alan Paton died in 1987 at the end of a distinguished career as a liberal in South Africa.

on which he regularly lectured to industrial school staff.23

Both Marais and Paton also saw their role as reforming in order to build and maintain greater social and individual stability. In tackling the question of juvenile crime they saw themselves as simultaneously responding to and alleviating wider social stresses. Theoretically, the purpose of reformatory work, adjustment of the individual to the social environment, drew on dominant anthropologically-based functionalist arguments and reflected a desire to see the status quo stabilised.24 Stability of the social order was sought through steadying the mentality of offenders who were seen first as children, as innocents, as good but corrupted by their environment. As such they were seen as reformable and malleable. The institution existed not to 'minister to its own needs, but to the needs of society'. The needs of such an abstractly-defined society united in common purpose were for law-abiding, disciplined citizens who took up their allotted place not with rebellion, but with humility and obedience.

Sharing a widely accepted conception of the methods of correction of juvenile crime, Paton and Marais introduced regimes in their respective institutions which depended on individualisation of treatment, a dedicated staff and a stiff training scheme. Intellectually they drew not only on the principles and practices of the child welfare movement and child-centred pedagogy, but also more directly on the practical

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example of industrial schools and the open and closed borstals established by Alex Paterson in England between 1932 and 1938, when the borstal system reached its apogee.26 'Closed' borstals were converted prisons and had a security wall, although the boys' daily life was not confined within the wall. 'Open' borstals, for the less 'hardened' juvenile offender had no security wall.

These new borstals intended to instil responsibility, self-discipline and self-reliance into Borstal lads and to ensure their eventual re-integration into society as honest citizens. Paterson strove, no less than his predecessors, albeit through different means, to teach the boys the 'habits of industry' and to 'send out honest, steady workmen, satisfied with their lot, willing to "play the game" without challenging the rules or the referee'.27 There was, in the end, no consensus on what constituted the primary objective in the training scheme: technical instruction, production of manufactured goods or character training. Whatever the objective may have been, the system depended on an inflexible discipline.28

The reformatories headed by these two men can, then, provide some test case of the changes brought about after 1934. Of these, several key questions can be asked. To what extent were the penal features of the 1911-1934 regime abandoned or transformed? In what ways did the racial differentiation in the rehabilitative regime continue to correspond to the growing segregationist patterning of the wider society? What was the relationship between aims and intentions and institutional realities? Analysis of these questions can perhaps provide greater insight into the


27 Bailey, Delinquency, p. 205.

28 Bailey, Delinquency, p. 246.
nature of the innovations stripped of their rhetoric; their possibilities and limits, and what they represented. In probing the changes more closely it is necessary to examine the systems of graded freedom and self-government implemented and the nature of preparation of boys for the outside world through education and training and apprenticeship. The aim is not simply to provide a corrective to the picture presented by Paton himself, but to examine the contradictions between stated goals of reform and institutional reality, the relationship between the institutions and the wider society, and the possibilities they held out for youth who passed through their gates.

The system of graded freedom at Tokai (European) and Diepkloof were modifications of standard penal systems of reward and punishment. Set in motion in 1934, it was in operation by 1937. In this system discipline was exercised through a different architecture, which combined old enclosures with that of the 'cottage system' in use at industrial schools.

As in any total institution, release was still part of the privilege and reward structure, imbricated in the architecture of the institutions. All discipline at Tokai was graded. The newcomer was closely confined for several months. After that period, limited freedom was allowed. At the end of 6 or 8 months the trusted boy was taken out of the strict control of his hostel and placed in to a freer hostel with better leisure facilities. The discipline here is entirely self-discipline with only


31 See Goffman, Total Institutions, 53.
indirect control of staff’. Once in this hostel, he was entitled to participate in sports competitions against ordinary schools; attend bioscopes or outings under supervision; take messages or jobs unaccompanied on Tokai Estate; spend a week-end out with relations or friends; go camping and spend holidays at home.

Paton’s system of freedom began with the opening of the dormitories, of the younger boys in the main block, and proceeded with the taking down of the double barbed wire fence surrounding the building. As soon as Paton arrived, he submitted proposals for his ‘village plan or rondavel system’, which would allow for greater freedom outside the main block. His hostel system was built on an open piece of land below the main block, and consisted of five rondavels, each accommodating boys, and arranged around a cottage. As the inmates showed improvement in behaviour they would be transferred to these hostels which would be conducted without the ‘ordinary paraphernalia of detention’, Paton defended its structure on the grounds not of the ‘freedom’ it would provide some of the boys, but on the grounds that it approximated ‘native community life’, that inmates would learn to ‘preserve law and order in such a community’ and ‘respect for the property of others’. The ‘village plan’ would also, Paton argued, ‘enable us to embark on the programme of domestic-servant-training desired by your Department’. These hostels, where

34 Baton, Mountain, p. 192.
boys were in personal contact with black housemasters and ate 'special' food, better than that in the Main Block, and enjoyed certain other privileges like being allowed to listen to music, allowed for differentiation within the reformatory on the basis of conduct, and individualisation of treatment. Although the buildings looked different, their emphasis on replicating the family and a miniature 'community' resonated with the ideology of industrial schools. When privileges were abused, or when a boy absconded, he was sent back to the Main Block as punishment.

The system of 'self-government' developed at reformatories was as much a part of the disciplinary process as that of graduated, residential freedom. Conformist behaviour was rewarded with the privileges of freedom and control over other boys. 'Striving for these freedoms', wrote the Principal of Tokai, 'is seen as a method by which the boy can be taught to control himself. In the same way the system of self-government is intended to achieve corporate control of boys by boys'.

By 1935 the Warden of Tokai reported that the European inmates had a Committee chosen by themselves, not unlike that in operation at industrial schools, with their own Chairman and Secretary. This house committee was chosen by pupils who had been there over 6 months. The Chairman was nominated by the Principal. The latter two nominated the Executive Committee from the elected House Committee, members and prefects. Their powers included choosing 'trusted pupils' for privileges like picnics, dances, etc., maintaining informal discipline over sporting committees, and conveying suggestions for improvements to the Principal. The Committee was considered 'invaluable in the creation of an esprit de corps and in the formation of a certain standard of behaviour'. There were also group committees - all


groups had committees - of trade shops, sports and cultural committees. They submitted monthly reports to the Principal. House committee punishments included drill, sending a boy to Coventry for 2-3 months, giving him a bald cut and putting him into knickers and a blue shirt for that period. A journalist of the period wrote:

Every school has its runaways, and this school is no exception. As the gates are always open by day and the boys are not guarded, it is a simple matter for a pupil to walk out....But the groups disapprove of this sort of thing. They have a system very much like Army fatigues for those who break the rules. An offender may find himself polishing boots for a month, making be's and cleaning rooms, while his companions are on the playing fields.39

Thus the Warden of Tokai could place the 'self-government system of house and group committees' at the top of his list of the main forms of discipline and punishment at Tokai.40

There was racial differentiation in the extent to which this system of control through co-option and privilege was developed. While in principle a graded system of 'freedoms' also applied at Porter, together with contact with the home, it was only in 1938 that 'coloured' pupils were allowed to camp out of the grounds for the first time. The camp was pitched on a military site next to the old Hout Bay fort in the vicinity of the crayfish factory.41 The attempt to develop what Marais called 'constructive discipline' through house committees proved a complete failure, since boys continually subverted it.

There were also far more clubs and societies and recreational outlets for European boys, including visits with the Durbanville Institute for Girls, than for 'coloured'. Amongst the clubs and


societies for whites were the Dramatic Club, the Owl Club and Journal, Debating Society, Choir and Orchestra and cadets. 'Coloured' pupils by contrast had the Young Ideas Society. Otherwise they occasionally attended concerts and bioscopes, and were also allowed to engage in soccer, cricket, boxing and athletics with other prestigious 'coloured' schools like Livingstone High and Battswood.42

The system of co-option and collaboration was never as advanced at Diepkloof as it was in the European section at Tokai, although a headboy and prefect system was incorporated, the 'standard of duties' reportedly being 'extraordinarily high'. Headboys were also graded. Each grade carried with it a badge, duties of control and privileges.43 In 1936 there were 20 headboys. Each month averaged three new appointments. Boys could also be downgraded or 'de-graded' as Paton preferred to refer to it in his 1937 report.

A unique feature of Baton's system, but not of the total institution, was his importation of public ritual and ceremony into the discipline of rewards and punishments.44 The receipt of a badge of freedom became a deeply individual, public act of obedience over which Paton presided binding, through his person, the state and the offender in a mutual moral obligation. Each graduation was punctuated with a ceremony and ritual of obedience. At the ceremony for the granting of the 'vakasha' badge:

each boy would be given a shirt the pocket of which had been covered with a piece of green cloth. This green pocket soon became known as the 'vakasha badge', the word 'vakasha' ...meaning in Zulu 'to go for a walk'. On Fridays at evensong these chosen boys would be paraded before the whole congregation, and facing me.


44 See Coffman, Total Institutions, pp. 89-105.
As the names were called out, each boy in turn would come and stand in front of me. I would say to him, 'Today you are receiving your "vakasha" badge. What do you have to say?' The boy would then turn to face the congregation and say:

Today I receive my "vakasha" badge
I promise not to go beyond the boundaries of the farm
I promise not to touch anything that is not mine
I promise to obey the rules of the school.

He would then turn to me again and be given a shirt with the green badge. When all the badges had been given, I would say to the congregation, 'Today these boys you see before you have received the "vakasha" badge', and the congregation would applaud.45

At the ceremony for his special leave badge, an inmate promised under similar conditions to return at the time fixed by the Principal, not to bring forbidden articles such as dagga (marijuana) into the yard, and not to damage the reputation of the school.46 This semi-religious and quasi-military ritual was intended to shift control from the physical to the moral realm; from external restraints to internal, individual self-discipline. The badge, given at various intervals depending on conduct, signified privilege, maturity, responsibility, reliability: the law-abiding citizen who knew his limits, respected private property and the law of the institution.

Likewise Paton relied on public confessions for disobedience. A ritualised obeisance to authority and public shaming of the individual he saw as preferable to corporal punishment, although he did not stop administering the cane.47 In this theatre of guilt, 'repentence of the offender' in the form of a 'public confession' was considered to 'have a good

45 Paton, Mountain, pp. 174/5.
moral effect'. Paton was thus extremely proud when a boy who had absconded and run 450 miles finally gave himself up 'because of my promise' and that another, who had been a determined absconder until he received his freedom said: 'When I made my promise, it was like a chain on my leg'.

Paton continually stressed the need for a working boys' hostel as part of the reformatory system. The idea was that:

Here, after having spent nine months in the main block, having survived the temptations of the vakasha badge and the home leave, and after having lived for six months or more in a free hostel, a Johannesburg boy would be allowed to spend his last six months in a working hostel, where he would earn, spend and perhaps save money. If it worked well, other hostels would follow.

In June 1940 some boys were transferred to the Wierda Hostel in Pretoria on a monthly basis. The staff was insufficient, and headed by Bob Moloi, an ex-teacher from Diepkloof. By 1944, Mrs Rheinallt-Jones, member of the Board of Management of Diepkloof Reformatory, reported that Moloi was 'somewhat bitter that he had no equipment for educational and recreational activities'. She also intimated that boys had no freedoms or privileges associated with Diepkloof.

In 1948 the government eventually built a hostel for twenty Diepkloof boys in Orlando. This was not, however, the realisation of Paton's dream, which was the establishment of a system for blacks paralleling that for whites. This he outlined in his letter of resignation in 1948:

49 Paton, Mountain, p. 176.
...The failure of the authorities to break up Diepkloof into three totally separate institutions, on three noncontiguous pieces of land, under three separate principals. Approximately one quarter of our seven hundred pupils would have gone to a half-open, half-security institution; in general they would have been of ages seventeen to twenty one, and the majority of them would probably lead lives of conflict with the law. Approximately one quarter of the pupils, those of the ages eleven to fifteen or sixteen, those most likely to profit from schooling and the most likely to lead a law-abiding life, would have gone to an institution which would be predominantly open; the middle fifty percent would go to an institution very like Diepkloof Reformatory itself. The second part of my grievance was the failure of the authorities to provide the first working-boys' hostel, where boys ready to return to ordinary life would live, working by day in the city and returning by night to the hostel.52

While Paton's proposals for the extension of state supervision over black delinquents through developing the hostel and after-care system was at one level an attempt to broaden the range of social services available to urban Africans, they were at another a direct contradiction of his theory that the best state is the one that intervenes minimally in the affairs of its 'citizens', which black delinquents also were not. So too was his repeated call for the state to lengthen rather than reduce reformatory sentences, so that his plan could be made to work.53 His 'free system' paradoxically depended on lengthening a boy's sentence and the duration of his institutionalisation.

The major component of 'educational' as opposed to penal discipline hinged on the question of freedom and self-government. The reformatory regime before 1934 was characterised in terms of its deprivation of freedom as manifested in the external and physical constraints barring freedom of movement and interaction with the outside world. It was now characterised as embodying an extension of freedom. This freedom was considered

52 Paton, Mountain, p. 302.
achieved in the extent to which the reformatory managed to discipline boys and girls without the use of direct external controls in the form of 'locks, bolts and bars' and to integrate its regime and pupils into wider social life and values. This notion of freedom rested on a liberal theory of the state which saw the best government as that which relied on market forces and the social contract for regulation of individual interests. The state should only intervene in order to protect breaches of the social contract, and to enforce market relations. The fundamental assumption of this theory of the state was that all men entered the market place as free and equal.54

A corollary of this view was that individual character was conceived of in terms of moral freedom and responsibility. Freedom as rehabilitation implied internalised respect for law and order, the family, discipline and private property. The most powerful disciplining and socialising agent in any community was believed not to be external force, but 'the community itself, and participation in its life....The reformatory boy who most needs the personal influence of the teacher and supervisor is the one most likely to fall in the outside world'.55 The development of self-restraint and self-discipline was pursued through shifting control from external to internal sources by gradually relaxing controls over movement as part of a modified system of reward and punishment, a prefect system and a system of 'self-government'. Reform in the end depended on the individual.

In practice, Paton sought to reduce external controls, but also to lengthen the period of the individual's subjection to the authority of the institution, and thus to the state. This brought him into conflict with the state which was committed to extending state surveillance over the white but not the black


55 Paton, Mountain, p. 197.

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proletariat. Wider state policy was not, as we have seen, moving in the direction of acknowledging the presence of a black proletariat and extending social, welfare and educational facilities to blacks in urban areas. Politically it was, at this stage, removing Africans from the common voters' roll through the Hertzog Bills of 1937. The recommendations of the Welsh Commission of Inquiry that full responsibility of African education become that of the central government were also not acted upon.

The consequence of state policy to expel black delinquents from urban areas was the massive overcrowding of existing institutions. Overcrowding became acute at both Tokai and Diepkloof from 1937. It materially affected the extent to which penal experiments could be conducted, especially in the 'coloured' section of Tokai, accounting in part for their success at the European section of Tokai and its failure at Porter. By 1939 store rooms and hospital rooms at Tokai were being used to accommodate some of the overflow. In each dormitory a third more boys were compelled to sleep there than there was space for. The buildings were so crammed that there was 'only space for the width of the sleeping boards which practically touch one another'. The Board feared the outbreak of some sort of an epidemic and 'that the object of the Act - the teaching of self-respect to the pupils - is lost sight of under present conditions, so that the institution is not functioning in the manner it should'.


however, see its way clear to authorise the necessary funds.\textsuperscript{59} In September 1939, 170 pupils went down with high temperatures in five days. Numbers were also increasing due to 'the strong opposition against the contracts to farmers by the coloured organisations in Cape Town'.\textsuperscript{60} In this context discussions were begun by the Warden of Tokai about whether the institution should remain with two sections and one Principal or whether other alternatives ought to be explored. Proposals were pursued on the basis that 'contacts between European and Coloured delinquents is at all times undesirable. The further removed European and Coloured delinquents could be, the better for both'.\textsuperscript{61}

On 1 August 1940, the Principal was informed by the Secretary of the Union Education Department that 'as a result of the present international situation it has become necessary to curtail all expenditure as far as possible and to discontinue indefinitely all building operations'.\textsuperscript{62} On 28 January 1942, the Warden wrote: 'Numbers at the Institution are standing at 400 pupils. We can take not a single more pupil. Our stoeps and sheds are full to bursting. Diningrooms are overflowing....Admissions this month have already totalled 14. In the course of the year there were four serious cases of tuberculosis, alleged to be a result of overcrowding, lack of covered winter recreation rooms and covered protection during leisure hours, lack of isolation and hospital facilities and mass

\textsuperscript{59} Cape Town, Porter Archive: Institution Premises and PWD General File No.0.3 9 August 1935 - 29 April 1940.


\textsuperscript{61} Cape Town, Porter Archive: 'Institution Premises and PWD General: Minor Works File No. 0.3 9 August 1935 - 29 April 1940', Correspondence between Principal Tokai and Seer of UED, 29 April 1940.

\textsuperscript{62} Cape Town, Porter Archive: Major Works. File No. 0.4 1940-1943. Correspondence.
cooking and serving of food for such huge numbers'. In November 1943 they reached a new high at 537. Porter House, with accommodation for 90 pupils, had grown to 203 and Orpen House, with accommodation for 70, was accommodating 260. There were no dining room or kitchen facilities. Four of the classrooms had been converted into dormitories.

Overcrowding was not an unmitigated disaster for all concerned. For pupils, it meant that many were released, after a short period, on licence. One ex-pupil was admitted for only 2-3 weeks.

Overcrowding made a complete mockery, however, of the claims of reformation. It was probably for this reason that changes at Porter reformatory were under-played. The rate of recidivism remained extraordinarily high. The re-conviction rate seemed to climb higher every year. Younger pupils seemed to become far more prone to criminalisation. Of 545 placed out between 1937 and 1941, 54% were re-admitted. Eighty percent of all these re-admissions and 73% of all pupils who 'fell into crime' were from the junior group.

63 Cape Town, Porter Archive, Major Works. File No 0.4 1940-1943.
64 Cape Town, Porter Archive, Major Works, File No 0.4, 1940-1943.
65 T.A.D., U.E.D. vol. 1678, File E89/5/1, Correspondence between Under Secretary of U.E.D. and Secretary U.E.D., ref. E 14/113/19, 20 January 1943.
Diepkloof's congestion began almost immediately after Paton's arrival. Diepkloof provided accommodation for 330 pupils. On 2 November 1936, there were 443 and on the 7th 438 pupils. In 1936, committals were at the rate of 360 a year. In practice this meant that all pupils had to be discharged on licence after a year's detention if all new committals were to be admitted. During that year, the average period of detention had been reduced to 16 months. This led to the practice of discharge on licence after a year's detention. The persistence of this whole process, according to van Schalkwijk, 'reduce(d) reformatory training...to a farce'.\textsuperscript{70} It was agreed to admit offenders on remand to Diepkloof.\textsuperscript{71} But between October 1939 and October 1940, numbers ranged from 616 to 456 pupils. In 1941 and 1942 they dropped to the high three hundreds, but shot up to 450 by May 1943. After mid-1943, numbers did not drop below 450. There were regularly some 600 boys in Diepkloof.\textsuperscript{72}

If overcrowding set very real limits to the experiments being conducted, the continued existence of the main block as a detention centre gives another angle on the lie to the publicity about freedom at Diepkloof for the vast majority of boys continued to be housed here. Only a small minority (100 boys) lived in the hostels at any one time. The stress on the new hostels thus deflected attention away from the very punitive side of life at Diepkloof. Its dilapidated buildings seemed, even to many visitors, to neutralise the educational reforms conducted in


\textsuperscript{71} T.A.D., U.E.D., vol. 2003, File e221/8, General Correspondence re Reformatory Inmates, 1936.

other parts of the institution. By contrast, 'the whole tone and lay out of the hostels' is cheerful and pleasing'. Both Paton and his Visiting Members agreed that conditions at the Main Block were not what they could be. The visitor for 1942 also found that:

The native dormitories have, on the one side, open windows barred with iron rods. In stormy weather the rain beats in through the bars and not only makes the place most uncomfortable, but any beds near these openings get wet. This is most unsatisfactory and definitely unhygienic. The bars ought to be replaced by wooden louvres or mosquito netting.

Matters were agreed that restorative provision was necessary for a 'hard core' of delinquents. During the early 1940s Paton increasingly urged upon the Board of Management the need for more systematic classification, separation of older and incorrigible from the younger and reformable and the incarceration of the former in an 'institution which would more closely resemble a prisons institution'. Paton's success was thus limited to those boys who did not constitute a 'hard core'. For that reason he preferred to separate these off from those with whom he could work; to retain Diepkloof as an 'industrial school', as he once referred to it. In 1945 the Management Board and Paton began discussing the need for a new building 'for hardened and more

mature pupils'. By 1947 the Main Block was still impressing visitors with its 'institutional grimness'. While, by the end of Paton's career at Diepkloof, it was thus found that 'on average the hostel pupil benefitted more from the reformatory process than a pupil who for any reason had never lived outside of the Main Block', and that the absconding rate had fallen from 13 per month in 1935 to £3 per month in 1948, the Main Block still constituted part of the process of freedom as conceived by Paton. There was a necessary relationship between the grim old dormitories and the new free hostels. It was the necessary relationship between reform and repression, the inequality at the heart of the conception of the liberal theory of the state and its concomitant political strategy of incorporation and privilege of a few and oppression and prohibition for the majority.

Other punitive dimensions of the old institutions also remained in operation in the Western Cape. Punishment in the form of caning, food deprivation, solitary confinement and punishment such as wood chopping continued to be built into the reward system. A newspaper clipping from Marais' collection carried a Cape Times report which noted that:

...Everywhere, among boys from all sections of the institution, I encountered a complaint that boys in the disciplinary hostel — or Blue Shirts, as it is known — were beaten, kicked and tramped on. The Blue Shirts is one of five hostels at Constantia. The others are the privileged, the semi-privileged, the junior and the

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82 Paton, Mountain, p. 176.
83 See Goffman, Total Institutions, p. 53; see also Cape Town, Porter Archive. File: Pupils General A5(1935-1938).
admission hostels. Boys who escape and are brought back or who have committed other offences are sent to the Blue Shirts, so-called because those inside wear blue shirts instead of the khaki of the other trainees. Boys in blue are kept under strict discipline and supervision. The hostel corresponds roughly to the Army Detention Barracks. There are other details, regarding ill-treatment, but difficult to substantiate because of boys' fears of victimisation, etc.84

The scheme of graded freedom (and self-government) was just that: a scheme which boys had to learn to work. As Victor Bailey has noted of borstals during this period, 'Learning the ropes was not, however, the same as learning to live in the outside world: it was a form of institutionalisation'.85 To this institutionalisation, boys responded in the classic ways of non-participation: deliberate infractions of rules, escape and open rebellion.86 The Warden of Tokai noted in 1937:

One of the major problems of a reformatory is to encourage the pupils to adjust themselves to the life in the reformatory as such. Before the introduction of our large number of groups of extra-mural activities, our thorough trade instruction and sound scholastic facilities...many pupils definitely refused to learn at school, they pottered about in the trade shops to keep busy. They have had to be forced to play cricket and rugby. They did not attempt to adjust. If they kept themselves apart, were quiet and did nothing there was no chance of getting into trouble either. The present did not count. It did not matter how 'today' passed. Life was just for the day of release. Then 'Life' would begin....87

84 Mara is' newspaper clippings, no source, n.d., circa 1942.
85 Bailey, Delinquency, p. 246.
Absconding remained an inescapable problem for the authorities. Whilst absconding did not cease at Diepkloof, Paton was fond of arguing that numbers had not increased, despite enhanced opportunity for escaping. Between December 1935 and December 1937 absconders averaged 1.74% per month, as against 2.10% during the last six months of 1935.88 During 1937 there was a total of 83 absconders, of whom 62 returned to the reformatory and 3 were sent to prison. In 1937 only 30 of the 280 pupils granted the 'vakasha' badge absconded. Free pupils constituted 45% of the total enrolment and contributed only 34% of the total of absconders.89 In other words, the majority of escapes still tended to be from the Main Block. During the same year, out of 1,308 pupils given special leaves, 8 pupils failed to return, 1 was detained by police for being in possession of clothing, 1 was arrested for drunkenness and 1 had contracted gonorrhea while out. The record of punctuality was found to be 'amazing'.90 Absconders were treated in much the same way as they had been before. The moment the alert went out, the police would be informed, and then there would be a search. Usually they were caught and returned to the reformatory where their sentence was extended and they lost any privileges they had.91

That the word 'absconding' continued to form part of the discourse of reformatory training, irrespective of the actual numbers and process is, however, indicative that the 'willing obedience' aimed for was but conditional and that the regime was still that of the penal institution, albeit modified.

91 Jonathan Paton, son of Alan Paton, interview with the author, Johannesburg.
In conclusion, then, Paton's conception of 'freedom as a reformatory instrument' was a practical enactment of the liberal theory of the state in penalological terms in a colonial context. It was contradicted by his advocacy of extension of state surveillance over youth in the context of a state policy not committed to stabilising the urban proletariat through provision of facilities in urban areas. His theory and plan could only work in abstract. It was also profoundly shaped and modified by its context. While new rehabilitative models were certainly put into practice, certain structural features of the penal institution were retained: a system of reward and punishment built around residential and social privilege and deprivation within the institution.

The role of reformatories in inculcating habits of work and preparing reformatory boys for manual labour did not change after their transfer to the Union Education Department. Initially all that did change was that a small proportion of the European boys were given the chance of technical training. Eventually, towards the end of Paton's Principalship, there was discussion of training African boys for similar, semi-skilled work. On the whole, black boys - 'coloured' and African, at Porter and Diepkloof - were used to maintain the institutional gardens, 'a fairly ideal method of keeping the gardens clean', but also raising 'so many other questions'. Apart from gardening, 'coloured' boys were involved in fruit farming and dairy work in 1937 and white boys in vegetable farming. By 1944 Porter boys who were not trained in trades, were divided into three groups:


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