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Title: Aspects of Child-Saving in South Africa: Classifying and Segregating the Delinquent 1917-1934.

by: Linda Chisholm

No. 251

CLASSIFYING AND SEGREGATING THE DELINQUENT: THE STRUGGLE FOR CONTROL OVER THE REFORMATORY, 1917-1934.

The care-takers of youth in South Africa, whether offocial or self-appointed, were deeply responsive in the 1920s to new social and psychological theories of the capacities and instabilities of youth. In the 1890s and early twentieth century, metaphors of religious conversion and salvation dominated the ideology of child-saving. By the 1920s a decisive shift had occurred. The language of science and medicine, of treatment, investigation and social and individual pathology, dominated discussion of the potentialities of youth. John R. Gillis has argued that, if the late nineteenth century saw the "*discovery of adolescence*" *in England and Europe, then the first* half of the twentieth century saw the emergence of pressures for the universalisation of adolescence alongside the stigmatization of certian youth as delinquent.[1] Adolescence and delinquency were related in that delinquency served to delineate the central features of adolescence, namely its conformity and its dependence and subordination to the adult world.

While South African child-savers absorbed and assiduously applied ideas emanating from the Old and New World, previous chapters have shown how these were modified and took on a different significance within the Cape colonial and South African context. Similarly new social and psychological theories about childhood and adolescence, introduced into South Africa at a time that segregation was being consolidated were both assimilated into and transformed by social realities and discourses established in earlier decades. Thus the concept of adolescence

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[1] John R. Gillis, Youth and History: Tradition and Change in European Age Relations 1770 - Present (New York and London: Academic Press), 1974), chs. 3 and 4, esp. p. 137.

was not universalised in South Africa at this time. In Europe, its universalisation was centrally related to the extension of secondary schooling to an entire age-group within the population as a whole. In South Africa, in so far as free and compulsory schooling was not universal, but incorporated white children only, the "experience" of adolescence as a stage of dependence was confined to white children. Likewise the concept of delinquency was to develop a specific meaning within white society, where adolescence was universalised, and within black, as opposed to and in relation to white society. How the concept of delinquency was thus developed is best explored through an examination of the impact of the mental testing movement in South Africa.

Not only were new approaches not adopted in a vacuum, but in a specific social context; within this context, they also formed part of a contest between the state and a new stratum of educationists, psychologists and social workers for control over institutions dealing with youth and, in particular, delinquency. "Scientific", psychological knowledge about childhood, youth and adolescence, was presented as the qualification and expertise necessary for dealing with delinquency. "Educational discipline" became identified with psychological knowledge. The struggle for control over delinquency occurred through the struggle for transfer of reformatories from the Prisons Department to the Union Education Department, and pulsed unevenly and contradictorily with the impact of wider economic and political developments on the state bureaucracy and on the "reformers" themselves.

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Municipal and miners' striked had been raging on the Rand a few weeks earlier, when on 2nd and 3rd July 1920 Richard Feetham of the Unionist and Col. Creswell of the Labour Party raised questions in Parliament about, and called for the establishment of a Commission of Inquiry into conditions at Porter Reformatory.

Porter Reformatory, the Labour Party member for Salt River, Mr. Snow alleged, "was simply an annexe of a convict prison."[2] While Feetham hoped the Commission "would not be limited to any particular institution, but that it would deal with the whole subject of juvenile delinquency," Col. Creswell "wanted this commission because he wanted new blood and new forms of investigation so that they could deal with the facts and the problems which had to be dealt with, and unless they had such investigations they were not going to get at the real facts of what went on behind prison walls."[3] In the next Parliamentary session, in April 1921, a Select Committee under the Chairmanship of Richard Feetham was duly established to "enquire into and report upon conditions existing... with a view to ascertaining what changes, if any, are required..."[4] In speaking to the motion, Richard Feetham argued that "a reformatory must obviously do something more than repress: it must develop."[5]

When the Select Committee reported in June 1921, its findings were not altogether surprising. The Committee made four main criticisms: firstly, the institution was too much of a prison and too little of a reformatory; secondly, there was no proper classification of inmates, either according to age or character, with the result that older inmates of a "criminal and vicious type" had opportunities of bullying and corrupting younger and more innocent inmates; thirdly, that the present buildings rendered any system of classification impossible and fourthly, that there were many boys in the reformatory who ought not to be there at all: "owing to the absence of classification and the consequent danger of corruption these boys are likely to get more

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[2] Debates in the House of Assembly of the Union of South Africa as reported in the Cape Times, vol. 5, 3 July 1920.

[3] Ibid., 3 July 1920.

[4] Ibid., 27 April 1921.

[5] Ibid.

harm than good from their stay in the reformatory."[6] The corrollary was that reformatories ought to be placed in the hands of people who knew how to classify and deal with delinquents.

On 22 Feb. 1922, Fr. Emmanuel, Rector of the Lourdes Mission in Griqualand East, submitted evidence to the Native Affairs Commission that in the yard of the convict station of East London, which he had visited:

> we saw about hundred native boys from seven(!) to sixteen or eighteen years of age. All were in prisoner's uniform. Small and big boys stay together....The Institute seems to follow only a vindicative(sic) policy; the environments of these children - policemen, prison, prisoner's uniform, high walls - make them too familiar with gaol life; the character of young children cannot be trained in such an Institution.;...from informations I have been collecting for some time I note that often the worst native criminals have been in such institutes.[7]

If these reformatories had to exist, he argued, let them exist only for the "worst cases"; the younger boys could be sent to mission stations where they could receive a decent education. The message from the Native Affairs Commission, of which Loram was a member, could not have been lost on the Secretary for Justice: only a year before the Select Committee Inquiry into Porter Reformatory in the Western Cape had disclosed similar criticisms.[8] In addition to missionaries like Lourdes, many Africans had themselves given evidence to the Commission protesting that the system followed in these reformatories was bound to turn young boys into criminals. Their solution, together with the missionaries, was both transfer and a plea for the

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[6] Ibid., 10 June 1921.

[7] Prisons Archive, File No. 1/595/30, Part 2.

[8] See chapter 5.

greater use of mission institutions and homes,[9] which functioned as alternatives to hostels for black youth.

That reformatories were not fulfilling their purpose of rehabilitation was a criticism taken up by the press during and immediately after the Rand Revolt of 1922. The Rand Daily Mail in Johannesburg and the Diamond Fields Advertiser in Kimberley drew attention to cases in which the accused seemed to be "men (who) have graduated through the reformatory to the prison in the career of crime."[10] This refrain was still being heard in 1925 when the Sunday Times reported the Judge Mr. Acting Justice Gey van Pittius asserting at the Circuit Court in Christiana that, in his opinion, reformatories "are doing no good to the boys sent there. Many a boy comes out worse than he went in, and embarks on a criminal career."[11]

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The tools of correct classification were provided by the IQ test. South Africans began testing during the First World War using Binet-Simon tests to prove that there were innate differences between blacks and whites.[12] The Frenchman, Alfred Binet (1857-

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[9] Prisons Archive, File No. 1/595/30, Part 2, Secr. of Native Affairs Commission to Department of Prisons, 28 Feb.1922.

[10] Rand Daily Mail, 24 July, 1922; Diamond Fields Advertiser, 2 Nov. 1922.

[11] Sunday Times, 14 July 1925.

[12] See for example, Aptitudes and Abilities of the Black Man in Sub-Saharan Africa 1784-1963: an Annotated Bibliography, compiled by L.E.Andor (Johannesburg: National Institute for Personnel Research, 1966); A.L.Martin (1915), "Experiments with Binet-Simon Tests upon African children, chiefly Kaffirs," (Training School Bulletin), cited in Aptitudes and Abilities, op cit, 38.See also, R.H. Loades and S.G. Rich, "Binet Tests on South African Natives-Zulus," cited in Abilities and Aptitudes, op cit, 39; S.G. Rich(1917), "Binet-Simon Tests on Zulus," in South African Journal of Science, 14, 477 -482; J.T.Dunstan, (1923), "Retarded and Defective Children: Native Mentality:

1911), first developed IQ tests before the First World War to show that certain mental ages corresponded to biological ages. The American, H.H. Goddard, who was director of research at the Vineland Training School for Feeble-Minded Girls and Boys in New Jersey during the First World War, had introduced the Binet scale to America. The Harvard psychologist, R.M. Yerkes made a tremendous impact with his use of mental tests on American army recruits during the First World War. Even though these tests were not used, " a technology had been developed for testing all pupils. Tests could now rank and stream all pupils."[13]

The ideas made use of by South African psychologists and psychiatrists were those developed by H.H. Goddard to classify mental deficients on a rising scale from idiots to imbeciles to morons, and to establish a link between criminality and mental defect. Two men in particular took a keen interest in these ideas at this time. These were Dr. Marius Moll, a psychiatrist (and close family friend to H.E. Norman), and Dr. J.T. Dunstan, Commissioner of the Mentally Disordered for the Union. Dunstan appears to have played a part in the Mentally Disordered Persons Act of 1916 which classified "defective persons" into idiots, imbeciles, feeble-minded persons, moral imbeciles and epileptics, and provided for the removal of such persons to institutions.[14]

Mental Testing," South African Journal of Science, 20, 148 - 156. Dr. M.L. Fick, who studied at Harvard University in the United States and became an educational psychologist with the National Bureau of Educational and Social Research (predecessor of the Human Sciences Research Council), conferred further authority on these views by his tests, the results of which were published in 1939 in his book The Educability of the South African Native. See also, M.L. Fick (1929), "Intelligence test results of poor white, Native (Zulu) Coloured and Indian school children and the educational and social implications", South African Journal of Science, 26: 904 - 920.

[13] Gould, 195.

[14] See TAD, A739, Je. de Villiers Roos Collection, vol. 11-12, J. de Villiers Roos, "Juvenile Delinquency and Mental Defect," 19 May 1920.

He and Dr. Moll began to popularise ideas about the presence of feeble-mindedness in the general and criminal white population during and after the First World War in public education talks for the Children's Aid Society and the South African Prisoners' Aid association.[15] Feeble-mindedness, they argued, was caused mainly by heredity. The source of criminality and immorality generally lay in feeble-mindedness.[16]. Every feeble-minded person was potentially a criminal.

The "future of the race" would not be solved until the feeble-minded had been eliminated. The prison system would fail so long as the feeble-minded were allowed to reproduce. "The true feeble-minded was a definite, separate species which reproduced itself, just as grass reproduced grass."[17] Because there was no cure for this condition, the species had to be prevented from reproducing itself. Two methods were discussed to prevent the spread of this menace: segregation and sterilisation.[18] Segregation was normally seen to be the most rational and feasible solution: segregation of the feeble-minded into institutions where they could be placed under strict supervision

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[15] "Feeble-Minded: Child Problem: Address by Dr. Moll," The Star, 9 April 1914; "State's Wards: Medical Man and Morons: How to treat the Feeble Minded, " Rand Daily Mail, 11 Dec. 1917; "Child Welfare: Care of the Feeble-Minded: by Dr. Marius Moll," The Star, 29 May 1918.

[16] See also J.M. Moll, "Classification of Delinquents and the Establishment of Psychopathic Clinics in connection with the Courts, South African Prisoners Aid Association, Minutes of the Triennial Congress held in 1920, who argued here that recidivism was due to feeble-mindedness.

[17] The Star, 11 Dec. 1917.

[18] The Star, 29 May 1918; "Fate of Feeble-Minded: Growing Public Evil: Institutions and Experts Needed," Rand Daily Mail, 30 May 1918; CAD, A2380, J.B. Watson(1926), "Population and Birth Control," in South African Prisoners Aid Association, Minutes of the Fifth Triennial Congress; "Destruction of Souls: Sterilising the Unfit," in Rand Daily Mail or The Star, 20 May 1929.

and discipline.[19] The existence of the feeble-minded in the population confirmed the fact that "men were not born equal."[20]

To prevent the growth of "a chronic incurable criminal population,"[21] careful enquiries had to be made, since this was a "matter of great importance for the future of the race" with potentially damaging effects on the "life of the country" as a whole.[22] People with knowledge of the feeble-minded needed to be attached to all magistrates and children's courts, where "psychopathic clinics" needed to be established.[23]. Every case of juvenile delinquency needed to be investigated by a person trained in this field. Correct information would be the basis on which to decide the degree of stupidity and therefore the degree of control necessary. The more moronic a person, the more s/he needed authoritarian discipline and control. The more intelligent, the more freedom was allowed.

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[19] See also CAD, A2380, 4/1/1, H.E. Norman to Sir William St. John Carr, Chairman of S.A.P.A.A., 25 Jan. 1918: "Students of psychology tell us that...this class cannot be 'reformed' or 'reclaimed' to the level of ever being able to live honestly without the supervision and support of a stronger personality"; "Segregation not Sterilisation: Grave Warning to Legislature," Rand Daily Mail, 25 May 1929 reported that the government was conducting a secret inquiry into the subject of sterilisation of the unfit: a "prominent doctor" urged segregation not sterilisation; the Children's Aid Society called for a proper inquiry into the matter.

[20] Address by Dr. Dunstan to the Child Welfare Conference as reported in "Child Welfare: Bloemfontein Congress Resumed: The Mentally Defective: Valuable Experience Gained in Union," ? 1920?

[21] Address by Dr. Dunstan to the annual meeting of the Children's Aid Society reported in Rand Daily Mail, 11 Dec. 1917.

[22] Ibid; see also CAD, A2380, File No. 1/5/1, Dr. J.T. Dunstan, "The Relation of the Psychiatrist to Delinquency," in South African Prisoners Aid Association, Minutes of the Fourth Triennial Congress for 1923.

[23] J.M. Moll(1920), "Classification of Delinquents and the Establishment of Psychopathic Clinics in Connection with the Courts," in South African Prisoners Aid Association, Minutes of Triennial Congress held in 1920.

The task of such investigations would be classification for the purpose of segregation. Thus, of the 50 tested cases that passed through the Johannesburg Probation office between 1917 and 1919, the following classifications were made: Approximately Normal (10); Subnormal, not Moron (3); Border Area (5); Morons (15); Imbecile (1); Normal Moron (1); Constitutionally inferior (1); Nervous Disturbance(Chorea, epilepsy) (8); Psychoses (6). [24]

Tests provided the knowledge and information that was needed to render visible, classify, segregate and neutralise disorder in the social body; only psychologist-educators appeared to have this knowledge. On the basis of it, they presented themselves as experts on delinquency, a knowledge important for the survival of the race as well as the health of the society. Only those with this specialised knowledge should be entitled to deal with delinquents. Equipped with this new expertise on delinquency, mental condition and suitable treatment, child welfare societies and the SAPAA continued the press for transfer of reformatories from the Prisons Department to Education. Patrick Duncan's quip in Parliament in 1911 that the men in charge of delinquents under the Prisons Department "lacked discipline, character and experience" and should be "men of good character and good education"[25] was now "scientifically" supportable. Thus, alongside the drive for the transfer of reformatories to the Education Department, a demand arose for the employment of staff trained in individual psychology.[26] The professionalisation of psychology and social work went hand in hand with the production of new forms of knowledge about delinquency and the confinement of work in reformatories and industrial schools to experts in

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[24] J.M. Moll, op cit.

[25] Union of South Africa, House of Assmebly Debates, 3 Feb. 1911, Patrick Duncan, col. 985.

[26] H.E. Norman was one of the fiercest exponents of the scientific and rational study of the causes of delinquency. See H.E. Norman(3.4.1917), "Probation Work on the Reef and Elsewhere," in SAPAA Minutes of Second Triennial Congress, 1917 .

deviance.

It was not completely accidental that links were being made between earlier notions of degeneracy, newer ideas about delinquency and mental defect between 1917 and 1922. Social disorder was beginning to manifest itself in severe forms in this period. The urban proletariat had swelled in the context of the development of manufacturing industry. Between 1915-16 and 1921-22 the number of industrial establishments on the Rand increased from 862 to 1 763, while the black working class engaged in non-mining activities soared from 67,111 in 1918 to 92 597 in May 1920.[27] During 1917 inflation also began to bite. The post-war recession saw prices soar and real incomes fall as wages were pegged ar pre-First World War levels. Crammed into squalid and oover-crowded slums, and kept in a "state of economic bondage" by the pass-law system which was "making slaves of our people for all time",[28] the African working class was growing in militance, while the petty bourgeoisie was being correspondingly radicalised.[29] In 1920, 70 000 black mine-workers, faced by substantial price-rises, struck for higher wages. The mine-workers were beaten back, and the mining companies thus "successfully stabilised the ultra-low level of African wages

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[27] Philip Bonner, "The Transvaal Native Congress 1917-1920: The Radicalisation of the Black Petty Bourgeoisie on the Rand", in Shula Marks and Richard Rathbone, Industrialisation and Social Change in South Africa: African Class Formation, Culture and Consciousness 1870-1930 (London & New York: Longman, 1982), 270-273.

[28] R.W. Msimang, Minutes of Meeting between Minister of Justice and Transvaal Native Congress, 7 April 1919, cited in Christie, Electricity, Industry and Class in South Africa, 60.

[29] Philip Bonner, "The Transvaal Native Congress 1917-1920: The Radicalisation of the Black Petty Bourgeoisie on the Rand", in Shula Marks and Richard Rathbone, Industrialisation and Social Change in South Africa: African Class Formation, Culture and Consciousness 1870-1930 (London & New York: Longman, 1982), 270-273.

over time".[30] Classifying and segregating this disorder had been a symbolic strategy used by de Villiers Roos for dealing with social conflict and the consequences of proletarianisation. It was now being mobilised again, through the concepts of the mental testing movement, by the very strata who were wanting to challenge the system established by Roos.

111

In 1925 George Hofmeyr, Under-Secretary for Education who had played a role in the transfer of industrial schools to the Union Education Department in 1917, and had played a role in ensuring "mother's pensions," raised the matter of transfer of reformatories with the Prisons Department, but was rebuffed. The Nationalist-Labour Pact coalition had just taken office in the wake of the 1922 strike, and was committed to a "civilised labour" policy which, amongst other things, pledged to restructure the labour market in the interests of stabilising organised labour and to provide employment in the public service for whites at "civilised" rates of pay. The pressure for transfer within the Union Education Department was thus also partly structured by this wider imperative to ensure the best form of intervention as regards the white working and lower classes.

Segregation, "crystallised" during Reconstruction, and "driven forward" after Union, was now becoming "thorough and complete."[31] The Native Urban Areas Act(1923) provided for separate African locations for a labour force defined by Col. Stallard as "temporary sojourners" in the city. Protection of skilled white labour was built into the labour market by the Industrial Conciliation Act of 1924 and the Wage Act of 1925. The

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[30] F.A. Johnstone, Class, Race and Gold, 183.

[31] John W. Cell, The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South (1983), 210, 214, 215.

colour Bar Bill(1927) reserved certain categories of semi-skilled industrial jobs for whites, while the Immorality Act(1927) made mixed marriages and casual sexual intercourse between races illegal. By far one of the most important measures relating to education and welfare, was the Apprenticeship Act of 1922 which prohibited "pass-bearing" employees, and employees without std. 6 from qualifying for apprenticeship training and skilled work. If the children of unskilled whites were to be placed in a position of qualifying for apprenticeship, all institutions dealing with them should be so oriented. Reformatories were patently not placing white children in such a position. They required reform. They needed to be brought within the wider ambit of the Education and Labour Departments rather than the Prisons Department.[32]

The first salvo was fired at the Prisons Department towards the end of 1924, when George Hofmeyr, Secretary for the Education Department, approached Bateman, Director of Prisons, to transfer reformatories to his Department. Discussion of the issue hinged on the question of the nature of the discipline to be provided. The Prisons Department rejected Hofmeyr's suggestion for transfer on the grounds that strict discipline, such as the reformatories provided, was still necessary to deal with the "really bad cases," and that the Department would have difficulty in disposing of the staff under its employ at reformatories. For Hofmeyr, this was an inadequate reply. In his report to the Minister of Education on the matter, he maintained that the problem was one of the principle of whether the proposed transfer was theoretically justifiable or advisable.[33]

The principle at stake, according to Hofmeyr, was whether the treatment of youthful offenders "is essentially an educational or a penal problem." He argued that, theoretically, the:

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[32] See succeeding chapters for struggle of institutions to find apprenticeships for pupils.

[33] Prisons Archives: Juvenile Crime. South African National Council of YMCA World Conference, File No. 1/594/30, Part 1, Secretary to Minister of Education, 15 Oct. 1924.

> educational problem of the exceptional child comprises the following classes of children: physical defectives(deaf, dumb, blind, cripples), mental defectives(feeble minded), children with psychopathic natures (character or personality difficulties), juvenile delinquents.[34]

He felt that the "problem cases" would also benefit "more by an educational treatment detached from the atmosphere and methods inseparable from a prison system." The "really bad cases" could be met by a proper system of classification. As a last resort they could be transferred to gaol.

In addition to the question of principle, he saw what he called several "practical" advantages flowing from the proposed transfer. Firstly, in saying that there was a need for one administration to deal with young persons under the age of 21, he was arguing for rationalising and streamlining methods of control over white youth. State supervision over youth could be made more effective, as "there would be one system of schooling and training, one system of inspection and after-care, and one system of probation." Secondly, he maintained that transfer would enable a more thorough classification and means of dealing with different "varieties of mentality and conduct amongst youths", transferring them, when needed, without difficulty, from industrial school to hostel to reformatory.

These sentiments were communicated to Bateman. An acrimonious response by letter was immediately forthcoming on the 6th Jan. 1925, in which Bateman reiterated the early position that "even if the Education Department were to take over the existing reformatories, it would still be necessary for this Department to have modified prisons for the younger prisoners." Evidence was adduced from prison records to show that there was still a category of delinquent that could be defined as "hard core," one that needed strict supervision and not educational

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[34] Prisons Archive, File No. 1/594/30, part 1, Secretary to Minister of Education, 15 Oct. 1924.

methods. It went on to suggest that the Education Department ought to busy itself with establishing government industrial schools for blacks. The main concern of the Prisons Department was still protection of its staff.

The approaches by Hofmeyr did not come out of the blue. They were preceded by a press campaign conducted by assorted influential individuals who included magistrates, probation officers and educationists. Throughout, the criticisms were that conditions in reformatories led to the mixing of the young with hardened criminals and that reformatories were producing habitual criminals rather than rehabilitating them.[35] Writing to the Director of Prisons in May 1923, the Warden of Houtpoort Reformatory expressed his fear that "there is an insidious attempt, which I now feel amounts to a conspiracy to bring about the demise of this reformatory."[36] He attributed the conspiracy to magistrates falling under the influence of child welfare.

By 1925 there was a consensus among a wide range of groups that reformatories should be transferred. The views of psychologists, probation officers and magistrates were frequently sought. Both black and white were concerned about the issue. Through the South African National Council for Child Welfare formed in 1926 a forum was provided for an the development of an organised response. An African National Congress deputation to Tielman Roos, Minister of Justice , in 1926, charged, amongst other things, that "reformatories did not reform". They proposed that reformatories should be places where children learnt some trade or occupation and would thus be compelled to become better citizens.[37]

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[35] Cape Times, Cape Argus, 16 July 1924; Sunday Times, 14 June 1925.

[36] Prisons Archive: Reformatory System: Criticisms: Attacks, etc., File No. 1/595/30, Part 2, Warden to Director of Prisons, 15 May 1923.

[37] Cape Argus, 16 April 1926.

In response to this range of attacks, the Boards of Management at Tokai and Houtpoort Reformatories proposed to the Minister in 1926 that magistrates who presided at children's courts be invited to inspect the institutions and "see for themselves how things are conducted." This the Department declined to do.[38] A mere four years later, the Board of Houtpoort was singing a different tune. On 20 Nov. 1930 a letter was penned to the Prisons Department from the Board of the Houtpoort Reformatory, informing the former of the resolution the Board had taken that its members desired the transfer of reformatories to the Department of Education.[39]

IV

By 1930, social and economic conditions had changed considerably. South Africa was in the grip of a depression which affected both black and white workers. Secondary industry had begun during and developed after World War One and then accelerated greatly after the Pact government. Both rapid industrialisation, the agrarian revolution and extensive on-going proletarianisation of both black and white producers disrupted earlier patterns of life and thrust men and women into new contexts, new relationships, new ways of life, and new world-views. The cumulative impact of more than two decades of segregationist measures and the onset of the Great Depression in 1929 plunged the rural and urban poor into renewed hardships. The formation of the Industrial and Commercial Workers' Union which swept the countryside presaged revitalised African militance, while the "poor white" question constituted another area of potential urban upheaval. The recession in agriculture in the late 1920s drove larger numbers off the land such that, by

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[38] Prisons Archive, File No. 1/595/30, Part 2, Board of Management to Prisons, 11 Sept. 1926.

[39] Prisons Archive, File No. 1/595/30, Part 2.

1932, they numbered 300,000.[40] In response to the latter, the Carnegie Commission of Inquiry began its investigations in 1929, and reported in 1932. One of its recommendations was that a state Bureau for Social Welfare be created. In response to the former, the South African Institute of Race Relations was founded in 1929, and new initiatives were developed, also with the assistance of the Carnegie Corporation, to moderate radical black opinion. The American Board Missionary, Ray Phillips, presented an apocalyptic vision in his book The Bantu are Coming (1930) of the consequences of uncontrolled and unsupervised black urbanisation. Writing of the children who "had no place to play but in railway yards, nothing to eat, no decent homes...(no)compulsory schooling," those who fall "to tbe bottom of the cliff...the reformatory," he advocated "increasing adaptation of Christian social service methods to the needs of the native youth."[41]

These conditions also stimulated another series of attempts to classify the poor, blacks and criminals. This re-definition of youth was now taking place through state Commissions of Inquiry. Categories of classification of "poor whites" were refined so that, by the end of the 1920s, it was agreed that the primary distinction to be made was that between the mentally subnormal and the psychopathic delinquent, the delinquent who was merely behaviourally disturbed. Both the English Mental Deficiency Committee (1929) and the South African Inter-Departmental Committee on Mental Deficiency(1930) chaired by Louis van Schalkwijk[42] noted that juvenile delinquents were recruited

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[40] Davies, 227.

[41] Ray Phillips, The Bantu Are Coming (London: Student Christian Movement Press, 1930), 96-98.

[42] Dr. Louis van Schjalkwijk returned to South Africa in April 1921 having studied abroad,and joined the Union Education Department as Organising Inspector. In his studies he paid particular attention to the teaching and education of children who "had difficulty in adjusting to society." His thinking in

largely from that section of the juvenile population designated as subnormal. By subnormal was meant:

> a type of mind whose intelligence is less than 80% of what one might call normal intelligence (IQ: 80).The group subnormal falls between the normal and the mentally defective, and its range of IQ is approximately 80 - 65.[43]

In addition, the definition of a subnormal child in South Africa was given as one who was unable to pass std. VI, the objective of the primary school and furthermore the standard qualifying white working class and excluding black boys for apprenticeship. The mentally subnormal child, the white delinquent and the black, together were not eligible for skilled work, but "must be placed in semi or unskilled occupations for which this educational requirement is not necessary."[44] Psychopathic children, by contrast, were those who manifested an inability "to adjust themselves satisfactorily to their surroundings"; who exhibited a "disharmony of their mental condition (which) brings them into continual clash with their fellows and with authority." These were the so-called "Problem Children,"[45] those with "character

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later years revealed the influence of Cyril Burt's multi-factoral analysis of delinquency in The Young Delinquent (1925). Little information is available about this bureaucrat who was a central intellectual in the Union Education Department.

[43] Louis van Schalkwijk, Lads' Hostels at Norwood and Cottesloe, Johannesburg, South Africa (1932), 7; See also CAD, A2380, File No. 1/5/1, Dr. N. Diederichs(1931), "The Control of Youth," in South African Prisoners Aid Association, Minutes of the Sixth Triennial Congress for 1931; UED, vol. 1715, File No. e103, vol. 1, Memo by van Schalkwijk on Juveninle Deliqnuency submitted to the South African National Council for Child Welfare in 1932: Dr. Gie, Secretary of Education to Minister of Education, 5 May 1933.

[44] Louis van Schalkwijk, Lads' Hostels at Norwood and Cotteslow, Johannesburg, South Africa (1932), 8.

[45] Memorandum on Juvenile Delinquency(1932), op cit.

or personality difficulties." [46]

Both class and racist assumptions about the mental inferiority of blacks and the white poor, and the superiority of whites in general and the middle classes in particular, underpinned the connection made between delinquency and mental deficiency. In the discourse of "scientific racism," black juveniles were delinquent because they were black. Blacks were "young savage(s), (a) creature(s) with primitive, untrained instincts, greedy appetites, no scruples, and no concern for anything but the pressing needs of the immediate moment."[47] Segregationist ideology was expressed in the finding that their total difference required different treatment. As van Schalkwijk put it:

> ....It is reasonable to assume that the mentality and general attitudes of Natives and so-called Cape Coloureds show distinct differences, each requiring a different method of approach. If this is so, then the two races should be separated, which at

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[46] These distinctions were based on those made by Sheldon Glueck who was put in charge of the psychiatric clinic of Sing Sing prison in New York by the National Committee for Mental Hygiene in 1916. See J.M. Moll, "The Classification of Delinquents, op cit, 23. Glueck's classification and distribution of delinquents was as follows:

a. Normal, capable of learning a trade:		Industrial Prison
b. Normal, but too old	: 41%:	Agricultural Prison
c. Insane Delinquents	: 12%:	Hospital for Criminally Insane
d. Mentally Defective Delinquents	: 28%:	Special Institutions for the Feeble-Minded
e. Psychopathic Delinquents	: 19%	Either of last two institutions.

[47] Mrs Retief(1931), Probation officer for Women, Cape Town, "The Coloured Girl Delinquent" in South African Prisoners Aid Association, Minutes of the Fifth Triennial Congress for 1931.

present is not always done.[48]

Blacks, and particularly coloureds, were seen as constituting a naturally thieving community. The young coloured girl was also, by nature, "untruthful, unreliable, dishonest (and) devoid of gratitude."[49] Since "the native mind" was classified as "different," the black juvenile delinquent had to receive a different treatment. Reflecting the ideology of the political order, van Schalkwijk believed that Africans "will as a rule prove to be more responsive to methods of mass treatment in large institutions, whereas the coloured shuld preferably be dealt with on more individualistic lines."[50] Since blacks were considered to be low on the scale of intelligence, it was assumed that they needed greater control. In other words, the social imperative for control over blacks and lumpen whites was translated into an with which industrial schools have to cope is backwardness or apparent need for control over the lesser intelligent.

For political reasons, mental backwardness among whites was not seen as so irretrievable a phenomenon as that amongst blacks. Many employed a multi-factoral analysis of the causes of white juvenile delinquency: the environment also had to be taken into account. Often the environment was deemed responsible for the degeneracy and feeble-mindedness of the delinquent. Thus, in 1928, Louis van Schalkwijk, Inspector of Industrial Schools for the Union Education Department, conceded that the "great problem with which industrial schools have to cope is backwardness or mental retardation." However, the cause of this backwardness lay not so much in "inferior mental abilities" as in the absence of parental responsibilities" and in "psychopathic tendencies, that is tendencies towards conduct, character or personality

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[48] UED, vol. 1715, File No. e103, vol. 1, op cit, van Schalkwijk, Memo on Juvenile Delinquency to Child Welfare Conference, 1932.

[49] Ibid, 54.

[50] Ibid, 23.

difficulties."[51]

Thus, in the case of both black and white youth, delinquency was evidence of backwardness, but whereas defective home conditions, nonconformity and intractability were more often invoked as explanations in the case of white delinquents, in the case of black delinquents their supposed backwardness was explained on biological grounds. Degeneracy amongst whites was constructed largely as a social phenomenon, a result of corruption through environment as well as by heredity. Degeneracy amongst blacks, by contrast, was constructed as part of their biological constitution.

Delinquency amongst girls was related, in addition, to their gender and their sexuality. Young girls who were seen to be sexually active as well as rebellious were likely to be considered abnormal and deviant. The view expressed by Dr Moll that "the incidence of mental defect amongst sexually delinquent females (is) nearly always much higher than in any other group of wrongdoers," was not an uncommon one.[52] This discourse appears to have placed (white) women and black people within the same categories.[53] Both were predisposed by nature to degeneracy. The distance of the sexualised white female deviant from the "normal" white woman was represented by her implied pathological predisposition to sexual delinquency, as well as by her feeble-mindedness. Her gender and sexuality defined and stigmatised her as both subnormal and abnormal.[54]

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[51] Union Education Department, vol. 1429, File e55/2/1, vol. 1.

[52] J.M. Moll(1923), op cit.

[53] Dorothy Driver (1988), "Women as Signified in the South African Colonial Enterprise," Journal of Literary Studies, vol. (1988), 11. This can instructively be compared with colonial discourse of British India, cf. V.G. Kiernan, Lords of Human Kind

[54] Union Education Department, vol. 1983, File e208, vol. 1; see also Linda Chisholm (1988), "Gender and Deviance in South African Industrial Schools and Reformatories for Girls, 1911-

Any sexual flouting of the racial code exacerbated the association of lower-class white girls and women with degeneracy. The term "miscegenation," dating from the late nineteenth century and still in use at this time, embodied a fear not merely of interracial sexuality, but also of its supposed result, the decline of the white population. If such liaisons produced any children at all, these would be weak and doomed, leading to deterioration of the white race and its ultimate defeat in the struggle for survival.[55]

At the same time, however, that white women and black people were seen to occupy the same "natural" space, white women were sharply differentiated from blacks, and especially from black women.[56] The black woman or young girl stood at the opposite end of the scale of civilisation, of order and control. In late nineteenth century (and early twentieth century South African) thought she was, as Gilman has shown, the source of corruption and disease, her sexuality an icon for black sexuality, black sexuality in turn being an icon for deviant sexuality in general. The black female represented society out of control.

White girls in sexual or other association with blacks had abandoned their allegiance to civilisation. They were the moral decay attendant on race fusion and miscegenation which so obsessed the eugenicist-inspired social engineers of South Africa's particular racial order. Nonetheless, they could be rescued and saved by removal from an environment of vice and immorality to one of discipline and control where they could be taught "decent" habits, whereas black girls could not. Their inclusion was predicated on the total social exclusion of black girls.As much as for boys, subnormality amongst girls was

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1934," in Cheryl Walker, ed.

[55] Sander L. Gilman, Difference and Pathology: Stereotypes of Sexuality, Race and Madness (Ithaca: Cornell University Press, 1985), 107.

[56] Driver (1988), op cit, 13.

evidence that they ought to be prepared for restricted futures. While the expected employment of a "normal" delinquent was domestic service, subnormal girls were not considered fit for this. "The only avenue of employment for these misfits," Dr.Fick, recently returned from Harvard, intoned in 1932, "...appears to be work of a routine type in a factory with proper supervision in a hostel after working hours."[57] In 1932, special provision was made for "mentally subnormal girls." After representations from the Dutch Reformed Church, the Luckhoff Institute, designed to house about 40 "psychopathic girls," was founded at Durbanville in Cape Town.[58] It was later renamed the Durbanville Institute for Girls.

In many ways, then, the discourse of delinquency that arose and took shape between 1917 and 1932 first isolated and defined that section of the population posing a social threat, and then condemned it to that same position by stigmatising it as subormal and restricting its future possibilities. By segregating it from an environment that symbolised threat to one symbolising control, it displaced the source of the fear, which was now projected onto blacks alone. At the same time, IQ testing and mental classification operated as a mechanism of objectification: it imposed a principle of compulsory visibility, of constantly being seen, on the subjects of the tests. Thus the disciplined individual was maintained in his/her subjection through the "ceremony of objectification."[59] In this way, the testing movement also supported the belief in superior and inferior classes being predestined for differential social and economic positions.

This analysis was sharpened and given a further nuance from

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[57] Union Education Department,vol. 101; File 26/1, vol. 1.

[58] Durbanville Institute for Girls Archive Paper: "Instituut vir Meisies, Durbanville, Geskiedenis" (undated).

[59] Michel Foucault(1977), "The Means of Correct Training," in The Foucault Reader, ed. Paul Rabinow, op cit, 199.

the early thirties onwards by intellectuals of the Broederbond recently returned from study overseas and strongly influenced by European fascism. [60] In December 1929 the FAK (Federasie van Afrikaanse Kultuurverenigings) was founded to take the battle for the ideological re-definition of Afrikaner nationalism into the cultural sphere, to win over Afrikaner workers who displayed an "unhealthy attraction for class organisation" and to prevent the mobilisation of a very large group of "poor whites" by working class organisations, who thereby undermined any potential mass base for Afrikaner nationalism.[61] The key intellectuals interesting themselves in crime included Dr. N. Diederichs, who returned to South Africa in 1931, Geoff Cronje, who returned in 1933 and W.A. Willemse who arrived a year later.[62] In 1931 Diederichs gave two lectures to the Triennial Congress of the SAPAA on "Juvenile Neglect and Juvenile Delinquency" dealing in the one lecture with the significant of the environment and in the other with the signficance of internal factors. The in the first, his concern was with degeneracy amongst "poor whites":

> The future of the youths who grow up in such an environment (of degeneracy), is predestined and along with it the future of South Africa, unless drastic measures are immediately adopted to combat this grave evil. For if ever an imminent danger threatened the future of South Africa, it is the rapid growth of a white-black proletariat that soon must develop into a mighty devastating force, a force capable of shaking the very foundations of civilization in this

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[60] Dan O'Meara, Volkskapitalisme: Class, Capital and Ideology in the Development of Afrikaner Nationalism 1934-1948 (Johannesburg: Ravan Press, 1983); Dirk van Zyl Smit, "Adopting and Adapting Criminological Ideas: Criminology and Afrikaner Nationalism in South Africa," unpublished paper presented at Hamburg, 1988.

[61] O'Meara, Ibid., 65.

[62] This strand will be considered in greater detail in subsequent chapters.

country![63]

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In the same year as Diederichs gave his address, reformers in the Federale Raad vir Moederkunde en Kindersorg and the South African National Council for Child Welfare forwarded two resolutions through a deputation to the Minister of Justice. The first resolution recommended the transfer of reformatories, while the second requested that the powers of probation officers be so extended that they be permitted to deal with cases of uncontrollable children who had committed no criminal offence. The deputation was led by Rev. L.E. Brandt. In speaking to the first resolution, he argued that reformatories branded children with a stigma; that the warders had a bad effect on them; that one department would ensure better control over transition to different types of insitution; that trained teachers were needed to deal with this special type of boy/girl.[64]

Probation officers were also active in Natal, publicising the role of reformatories as "Universities of Crime."[65] Nor were they concerned only with the boys' reformatories. Through the press in Durban, Malcolm Norman, Probation Officer for Durban, scandalised the Department by referring adversely to conditions at the Eshowe girls' reformatory, and by stating publicly that "this was not a reformative institution." Instead, what was required, he argued, was an institution certified under the Hostels' Act: so that girls would have the same facilities as boys. Here they would not be brought into "contact with the essentially undesirable element in massed formation", as they would be at the reformatory, but with the "vitally necessary

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[63] Dr. N. Diederichs(1931), op cit.

[64] Prisons Archive, File No. 1/595/30, Part 2.

[65] Natal Mercury, 27 May and 4 June, 1932.

environment (of the) home and the protection and guidance of parents,"[66] missing from the reformatory.

The report led to a flurry of correspondence, a denunciatory resolution from the Board of Visitors at Eshowe and a demand that the Prisons Department request the probation officer publicly to "say what information and experience he bases his views as described."[67] Norman backtracked slightly, saying that he had no inside knowledge of the reformatory, but that he based his statement on the fact that that every reformatory inmate with which his office had had contact in the previous 18 months had either returned to a reformatory or a gaol. In addition he referred to a statement by the Matron of the Eshowe Reformatory that the only occupation the girls had was for a short period each year when they beat sisal.

Tokai in the Western Cape came under attack in 1932 when The Star[68] reported, in a series of articles on Juvenile Justice, that boys were being whipped and treated so brutally at Tokai that one lad, "D", "now recently in Johannesburg and recently released from Tokai stated that towards the end of last year conditions became so bad that an attempt to escape was planned by 75 of the inmates, but when the hour came the place was surrounded by warders and police."[69] The Warden of Tokai gave the by now classic reponse.[70] A large number of lads could only be dealt with in reformatories. It had already been proven that they were "social misfits...and their miraculous conversion in large proportions into good law abiding citizens can scarcely be

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[66] Natal Mercury, 27 May and 4 June, 1932.

[67] Prisons Archive, File No. 1/595/30, Part 2, Director of Prisons to Durban Magistrate, 28 June 1932.

[68] The Star, 13 July 1932.

[69] The Star, 13 July 1932.

[70] Prisons Archive, File No. 1/595/30, Part 2, Warden to Director of Prisons, 26 July 1932.

expected." Reformatory boys, he maintained, were of the incorrigible variety. Society needed protection from the juvenile criminal. There was no alternative for a juvenile offender with criminal propensities. "It is quite evident," he stated, "that the curtailment of the liberty of lads of this description is necessary in the interests of society, if for no other reason."

Another allegation made in The Star series was that a form of "lynch law" existed in the reformatories: boys were beaten up by their fellows while warders and officials turned a blind eye. Both the Wardens of Tokai and Houtpoort confessed to knowledge of these practices, but denied their importance. Thus, by the early 1930s, pressure was exerted by magistrates, Boards of Visitors at the white reformatories of Houtpoort and Tokai, probation officers, the press, Child Welfare Societies and the Education Department. What seemed to tip the balance was that even magistrates were refraining from committing juveniles to reformatories.

What in fact tilted the balance in favour of those calling for reform was the changing political and economic climate. In 1927 the Nationalist-Labour alliance had split. A weakened Labour Party gave the Nationalists a majority of seats in the 1929 elections. In 1932, in an attempt to form a national government, the two major parties re-opened negotiations, and the coalition of Smuts and Hertzog swept the country in the general elections. The Nationalist Part splintered, while Smuts and Hertzog formed the United South African National Party.[71] Economic recovery after 1932 stimulated large-scale programmes of industrialisation favouring manufacturing industry, social reform and measures to entrench segregation. In this context, in 1933, the Education Department felt in a position to raise the matter of the reformatories with the Prisons Department again. On 24 April 1933 a memo was sent from the office of the Director of

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[71] Alf Stadler, The Political Economy of Modern South Africa, 72-73.

Prisons to the Minister of Justice recommending the transfer of reformatories to the Education Department. It was a direct outcome, he wrote, of the "considerable criticisms and adverse comment on the part of the public."[72] It was also now conceded that to reclaim and reform the young offender

> is beyond the capacity of the Prison officers. It is to be conceded that the problem of reforming and reclaiming...has become a scientific one which requires to be dealt with by pscyhologists,, sociologists and specialists. Prison officers are unsuited for this because of their educational standard...their prison training is a direct mental retardation." However, the cause of this backwardness lay not so much in "inferior mental abilities" as in an "absence of parental responsibilities" and in "psychopathic tendencies, that is tendencies towards conduct, character or personality difficulties."[73]

In the conflict that developed to transfer reformatories to the Education Department, the reformers thought and spoke of white youth, even as they were negotiating the transfer of both white and black reformatories. Although the main focus was on white youth, conditions in urban areas where the black proletariat and black delinquent youth were beginning to constitute an unavoidable and intractable issue, were beginning to command considerable apprehension amongst liberals. That transfer and reform of black reformatories was incorporated into this wider call was partly a consequence of their establishment as state-controlled structures in 1911, the growing concern among liberals about a troublesome non-migrant black proletariat in the urban areas and the fact that most of the reformatories were located in semi-rural areas. Diepkloof on the Rand was still on the outskirts of Johannesburg, as was Porter on the periphery of Cape

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[72] Prisons Archive, File No. 1/595/30, Part 2.

[73] Union Education Department, vol. 1429. File No. e55/2/1, vol. 1.

Town. Eshowe was some distance away from Durban, while Fort Glamorgan at east London appears to have been discontinued during this period.

The reformatories were duly transferred on the 1st July 1934 to the administration of the Education Department. Transfer was, as has been shown, very largely the product of conflict between different social forces for control over the field of deviance being resolved in favour of the critics by political and economic circumstances. The reformers claimed the right to manage deviance on the basis of their possession of a specialised knowledge whose concern was the offender and his/her rehabilitation. The Prisons Department defended its right on the grounds of the existence of a "hard core." The reformers did not challenge this distinction; they challenged the expertise of the Prisons Department in dealing with it. In the process of this battle, the analysis of delinquency that had emerged just before and during the First World War years was developed and refined, revealing through the IQ test the individual and specific features of the delinquent that required control.

The debate that developed around transfer of reformatories reflected changing perceptions of the nature and origins of juvenile delinquency. Attention became concentrated on the mind of the delinquent rather than on the corrupting environment. This, in turn, was a product of the growing relationship between the disciplines of psychology and psychiatry using mental tests and the practice of child welfare. The capacity and potential of psychological "science" to combat crime through working with the mind was increasingly advocated. Since the mind was the object of reformation, the task of rehabilitation was interpreted as "educational and psychological" rather than penal. Louis van Schalkwijk, Inspector of Reformatories in 1924, expressed the argumently most succinctly in 1924 when he wrote:

> The modern view of punishment is twofold: (a) <u>exemplary</u> and <u>deterrent</u> and (b) <u>reformative</u>...Whilst formerly punishment was mainly concerned with crime as such,

> present-day penal measures, under the influence of the psychological sciences, consider primarily the criminal. Punishment should be made to suit not crime, but the one who commits the crime. Penal practices, like so many other social practices, has become psychological. Reformatories are therefore essentially educational institutions, reformatory education (sic) is based on the assumption that the actions of individuals are the results of mental attittudes and that education is capable of modifying or changing these attitudes; that is, that mind is capabale of change and improvement.[74]

However, some minds were more capable of others than change; distinct mind-sets were available to specific forms of intervention. A distinction was made, in this discussion, between "youthful delinquents" and "incorrigibles". The "problem with the reformatory child" was understood as "essentially the problem of the psychopathic child, that is, the child with personality or character difficulties."[75] Thus, the Second Report of the Education Administraton Committee reported that youthful delinquents should be treated through industrial schools or hostels whilst the "residue of incorrigibles" should be placed in a juvenile prison.

In order to determine the "really bad cases" from the others, to classify and separate them into the differentiated grid of homes and orphanages, hostels, industrial schools, auxiliary homes and reformatories, proper knowledge of the offender was needed. This meant knowledge of the "great variety of mentality and conduct amongst youths," and knowledge of the psychology of each individual delinquent: knowledge both of types and of individuals.

In this debate it was assumed that educationists and social workers were responding to real differences; all they needed to do was discover, through testing, what these differences were.

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[74] UED, vol. 1715, File No. e103, vol. 1, Louis van Schalkwijk, 4. Nov. 1924.

[75] UED, vol. 1715, File No. e103, vol. 1, Undated memo.

Testing, the examination, sifted the good from the bad, the normal individual from the mentally subnormal, mentally defective, feeble-minded and psychopathic individual. These differences then provided the basis for classification according to types suitable for different kinds of training and different degrees of control and supervision. Specific institutions were deemed to correspond to particular types of delinquents. In fact, however, these types were ideational constructs; they, and the institutions, were produced by a particular discourse of delinquency which enabled greater control over youth. The conditions for the discourse itself lay in the political economy of the society.

The hierarchy of institutions provided a hierarchy of punishment, each acting as threat against another. The reformatory, the "last resort," was the last stop to prison and the indeterminate sentence. It was the final destination of the "incorrigible" who had shown his/her inability to be trained for social life in institutions claiming to be doing so. As we will see in a later Section, however, the reformatory itself reproduced these divisions internally, such that penal sanctions for youth as a whole - from probation to the reformatory- operated to ensure the subjection of the delinquent to the constant though shifting, normalising gaze of the authorities.

These new forms of knowledge were all of a piece with segregationist programmes and the attempt to restructure the labour market in ways advantageous to organised white labour, particularly after the Nationalist-Labour Pact took office. Classification, segregation and appropriate treatment of the degenerate in the form of the mentally defective and psychopathic, was a major priority. Improvement of the race informed the entire social welfare and educational programme. Thus, even as white youth fell along the whole spectrum from "normal" to "moronic," being available for greater and lesser degrees of "freedom" in treatment, black youth uniformly fell at one end of the spectrum: they were the "incorrigible," the

"psychopathic," the "moronic." In treatment they were also subjected less to the diversified grid of available sanctions than to the uniformity of the prison and reformatory. If the move amongst white youth was towards individualisation, it was, in the case of black youth, towards collectivisation.

Conclusion

This chapter explored the impact of the mental testing movment on a welfare and educational network already disposed by a social darwinist ideological framework(explored in chapter four) to segregationist social policy. These ideas were mobilised by reformers in key periods of social strife and turmoil (1917-1922 and 1929-1932), to advance and win support within the state for a a modernising vision of the relation between state and delinquency. In the South African context this vision articulated with a social policy that extended welfare rights to white workers and denied them to blacks.