

https://dspace.org/

Reformatories and industrial schools in South Africa: a study in class, colour and gender, 1882-1939

Chisholm, Linda

2014-12-09
http://hdl.handle.net/10539/15911

Downloaded from a DSpace repository. https://dspace.org/

TABLE 2

TOTAL NUMBER OF JUVENILE OFFENDERS IN PRISON UNDER 21 YRS

YEAR	TOTAL NO PRISONERS	NO UNDER 21 NO.	%	EUR. M	EUR. F	NAT. & COL. M	NAT. & COL. F	ASIATIC M	ASIATIC F
1911	102,961	13,064	12.7	410	46	10,442	2,080	72	14
1914	121,597	13,338	10.9	1,017	30	10,187	1,864	222	18
1919	113,532	11,406	10.0	275	31	8,972	1,941	175	12
1920		13,672	11.9	455	24	10,811	2,140	222	20
1921		13,427	10.9	321	25	10,676	2,192	202	11
1922		13,522	10.6	506	42	10,611	2,261	89	13
1923		15,241	11.4	362	34	12,141	2,599	98	7
1924	145,040	17,014	11.7	383	30	13,806	2,699	87	9
1925		16,437	11.8	409	29	13,025	2,868	100	6
1926		16,768	11.4	326	12	13,568	2,766	85	11
1927		16,398	10.5	300	20	13,188	2,791	86	13
1928		16,909	10.2	316	13	13,615	2,895	65	5
1929	173,673	17,928	10.3	347	12	14,533	2,985	46	5
1930		18,608	10.1	392	13	14,965	3,153	81	4
1931		19,655	10.7	339	10	16,313	2,931	60	2
1932		20,460	10.1	368	15	16,813	3,179	85	0
1933		21,476	10.3	299	10	17,944	3,165	54	4
1934		19,487	9.5	309	14	16,166	2,931	65	2
1935		17,367	8.6	307	12	14,481	2,502	64	1
1936		17,212	8.9	305	17	14,178	2,621	86	5
1937		16,175	8.2	262	11	13,439	2,386	77	0

Source: Department of Prisons, Annual Reports 1911-1937.

FIGURE 8

reformatory committals before 1937) 1,055 juveniles were sent to reformatories, while 13,672 were sent to prison. A marked feature of the tables taken together, and probably related to the economic expansion of the mid 1930s, is the increase in committals to reformatories after 1936, and the corresponding relative decline in numbers confined to prison. Notable, too, is the relatively small number of European committals compared with black. Girls were not incarcerated in the reformatories in large numbers, but black girls outnumbered white boys sent to prison.

Although large numbers of white boys, mainly connected with the illicit liquor trade, continued to be imprisoned, the bulk of juveniles under 21 and sent to prison were male and black. A minority were drawn from the rural districts where there were few convictions other than for stock theft. These thefts appear to have occurred mainly in the North Eastern parts of the Cape Province and the South Eastern districts of the Orange Free State by African herdsmen and agricultural labourers. Police officers interviewed by Simons claimed that the prevalence of stock theft in the late 1920s was due to the treatment and 'meat hunger' of farm labourers: 'employees(are) underfed and receive no, or an inadequate meat ration'.[16]

The majority of the convictions were in the urban areas[17] which, during the 1920s and early 1930s, saw the proletarianisation and immiseration of ever-growing numbers of blacks unable to make a living off the land in deteriorating and impoverished reserves. Driven into an urban context where they were confronted by 'the three woes' of Africans, 'Pass - Police- and Prison',[18] black youth over the age of sixteen found themselves imprisoned for contravening the pass laws, various municipal bye-laws, Masters and Servants Laws, The Urban Areas

---

16 Simons, 'Crime and Punishment', p. 30.

17 T A.D., Department of Justice, Annual Reports, 1911-1934, especially 1911.

18 I. M'Belle in evidence to the Interdepartmental Committee on Pass Laws, 1920, cited in Simons, 'Crime and Punishment', p. 62.

Act (21 of 1923), and laws relating to taxation. Ninety percent of all convictions investigated by Simons, and which presumably included juvenile convictions, consisted of crimes other than those considered 'serious'.[19]

Sentencing to the reformatory showed a similar pattern. The majority of all boys were convicted for thefts of various kinds, often extremely petty. Thus there were boys sentenced to Porter reformatory for a 3-5 year stint for pilfering 'peanuts...fruit from trees and ...fowls'.[20] African boys in Diepkloof were also most often convicted for petty thefts; in addition, they faced reformatory sentences for being found passless, unemployed and of no fixed abode.[21] In 1926, one Malapan, 12 years old, was sentenced to Diepkloof Reformatory for 5 years for having exposed himself to a young white girl.[22] African and 'coloured' girls found themselves with severe reformatory sentences most often on account of theft from am employer's home. In addition they were sentenced for crimes relating to Master and Servant legislation, poisoning employers, assault and arson. White girls were institutionalised largely on various charges relating to the Immorality Acts dating from the beginning of the century.[23] Taken together, convictions and sentencing by colour and gender of crimes against property as well as behaviour within a personal

---

19 Simons, 'Crime and Punishment', p. 8.

20 C.A.D., Report of Select Committee of Inquiry into the Porter Reformatory, 1921, S.C. 14-'21, p. viii.

21 T.A.D., Union Education Department (U.E.D.), vol. 2000, File E219, vol. 11, Correspondence for 22 April 1932, 16 November, 1932, 19 December, 1932.

22 T.A.D., U.E.D., vol. 2000, File E212, vol. 1, Correspondence for 1926.

23 P.C.P., Department of Prisons, File No. 1/691/30, Part 1: Transfers of Industrial School Pupils to reformatories. Transfer of Reformatory Inmates to Industrial Schools. Correspondence to 1932; U.E.D., vol. 1971, File e202/1/4, vol. 1; T.A.D., Department of Justice, vol. 171, File 1/320/12, Return showing females under 21 years of age tried at the Juvenile Court, Auckland Park, during the 12 months ended 31 December 1933.

domestic context reveal t class as well as colour basis of juvenile justice in a colonial order.

111

Even as a larger number of European juveniles and juvenile adults was sentenced to terms of imprisonment rather than to the reformatory, there was a decisive shift in methods of 'disposal' of European children appearing before the courts during the 1920s. The provisions of the Children's Protection Act(1913) and the Hostels Act no. 46 of 1920 (an amendment of the Criminal Procedure and Evidence Act no. 31 of 1917)[24] provided for a variety of custodial and non-custodial alternatives, other than reformatories. Under the Children's Protection Act minors under the age of 16 could be referred either to government industrial schools, 'certified' institutions (homes, orphanages and refuges run privately for the reclamation of children in danger of falling into crime), non-certified institutions such as industrial schools, and private persons or they could be apprenticed, boarded out, or placed in the custody of a parent or guardian receiving a government grant. They could also be sent to reformatories or certified hostels under the Criminal Procedure Act no. 31 of 1917 and in conjunction with the Prisons and Reformatories Act. A large majority of juveniles were also dealt with by non-institutional methods such as fines, warnings, suspended sentences, whippings, etc.[25]

Their use was considerably advanced after the Nationalist-Labour Pact government with its 'civilised' labour policy took office in 1924.[26] The commitment to organised white labour

---

24 See Chapter Four.

25 T.A.D., U.E.D., vol. 1153, File E50/26, Notes from L. van Schalkwijk to the Secretary of Education, 5 March 1935 on the Reformatory Services Act.

26 By 1925 there were, for example, 7 industrial schools in existence. T.A.D., Department of Social Welfare (V.W.N.), vol. 869, File sw 176/24 vol. 1; E201/2, Under-Secretary for Education

assisted the further extension of welfare services to the white working class and 'poor whites'. The services of child welfare organisations, probation officers and social workers, which had expanded considerably after Union, were employed more extensively than had previously been the case.[27]

Between 1924 and 1934, important steps were taken in the co-ordination of welfare, and the professionalisation of social work in South Africa. The South African National Council for Child Welfare was formed in 1924 as a permanent national body to co-ordinate the work of existing welfare organisations. Although there was 'a multiplicity of charitable organisations many of these organisations doing social and charitable work on the the Rand',[28] very few of their workers were paid or trained. The majority were voluntary social workers. In 1926 separate premises were made available for a children's court at Auckland Park, and a children's magistrate was appointed. By 1927 four state-appointed probation officers attended the children's court: H. Norman, Ella Clarry, J. Millar and C. Olivier. As the volume and complexity of work expanded, so the need began to be felt for greater co-ordination and rationalisation of services. The formation of the South African National Council for Child Welfare in 1924 provided a forum through which common strategies could be expressed and developed. The Great Depression of the late twenties and early thirties gave a further boost to welfare work. The Carnegie Report on the Poor White Problem and the development of University Departments of Sociology and Social Work stimulated the greater use of 'more modern methods' and 'training (of)

---

to Secretary for Union Education Department, 'Re: Maintenance Grants under Children's Protection Acts', 21 January 1927.

27 See E. Malherbe (ed.), Handbook on Education and Social Work in South Africa (Pretoria 1934), pp. 33-79.

28 Malherbe, Social Work, p. 39.

social workers both theoretically and...also in practical work'.[29]

One of the consequences of the growth of welfare and social work was that institutionalisation was no longer seen as an effective way of re-building the white working class family. Regulation **within**, rather than removal **from** the community was becoming constructed as the dominant strategy for regulation of white delinquency.[30]

While the infrastructure of welfare services geared towards the white working class was being set in place, the poor within the white community itself was making greater demands on the state for relief. The Influenza Epidemics of 1918 and 1919 combined with the recession of the early twenties and growing unemployment of these years greatly increased the numbers of children eligible for committal to industrial schools under the 'destitution' clause of the Children's Protection Act. Many parents availed themselves of this clause, and discharged the burden of unwanted or neglected children onto the state. Extension of welfare thus did not simply take the form of spreading a network of state control over the white working class; it was, in some cases, actively sought by the poor.[31]

The shift to the use of non-custodial sanctions was first seen in the 1920 Hostels Act, which provided for an institution less rigidly custodial than a reformatory, and in the amendment to the Children's Protection Act in 1921. The latter provided for the committal of a 'waif and stray' to the care of its mother, grandmother or near relative. Government maintenance grants allowed for this development. These 'mother's pensions' worked as a form of poor relief, with industrial schools being used as alternatives. As can be seen from Table Three, there was

---

29 E.G. Malherbe, Handbook on Education and Social Work in South Africa (Pretoria 1934), p. 35.

30 S. Hall and B. Schwartz, 'State and Society 1880-1930' in M. Langan and B. Schwartz (eds.), Crises in the British State (London 1985), pp. 7-32.

31 See also Chapter Four.

a substantial increase in the numbers of children looked after privately and by mothers between 1923 and 1925. By the early 1930s, such committals formed an important dimension of the work of children's courts, alongside committals to private institutions and industrial schools.

TABLE 3
WHITE CHILDREN UNDER THE CHILDREN'S PROTECTION ACT

Year ended	Industrial schools	Certified[32] Institutions	Private	Mothers	Apprenticed
31.12.20	725	998	737	Nil	627
31.12.21	870	1412	816	269	711
31.12.22	973	1860	963	919	771
31.12.23	1068	2136	1071	1645	847
31.12 24	1224	2758	1317	1998	832
31.12.25	1332	2925	1490	2287	837
	6192	12089	6394	7118	4625

Total Number of Children falling under Children's Protection Act, 1920-1925, excluding numbers Boarded out (total: 3237) and Protected Infants.

The Table also shows the number of methods the state had of disposing with destitute white children: the industrial school was only one method, along with apprenticeship, and of lesser importance than the non-institutional method. Excluding certified institutions, it is clear that there was a significant increase in state expenditure on and care of destitute white children. Thus the industrial school itself was assimiliated into a wider network of welfare facilities.

State expenditure on white welfare rose in the period of heightened crisis before and after the Rand Revolt of 1922 which precipitated the Nationalist-Labour Pact government in 1924. In 1920 the total expenditure on the maintenance of children with mothers and private persons, in institutions and industrial schools was £92,992 and increased to the large figure of

---

32 In terms of the Childrens Protection Act of 1913 a certified institution was an institution certified as an institution to which children could be committed under the Act. An uncertified institution was thus not a recognised one for the purposes of dealing with children 'in need of care'.

£188,960 in 1925, while the number of children under the Acts for the respective years rose from 5,444 to 10,777. The biggest increase in expenditure was in respect of maintenance grants for children in institutions and with private persons other than with mothers. It increased from £32,600 in 1920 to £81,909 in 1925, whereas the number of children in respect of which such expenditure was incurred rose from 1,735 in 1920 to 4,415 in 1925.[33] By 1934 only 24.28% of white juveniles appearing before the courts were institutionalised; the remainder were in some form of community care. 64.82% were under supervision in their own homes, while 10.90% were in foster care.[34]

Imprisonment and probation work with mother's pensions stood at opposite ends of the spectrum of available alternatives in the field of penality for juveniles. A range of intermediary institutions using different degrees of external and internal discipline existed between these two poles. All however, constituted distinctive means of regulation and surveillance by the state. For Europeans, the preferred sanction from the 1920s onwards, was clearly non-institutional, within the community and within the family. It was clearly related to a process of maintaining a stable white working class family in the face of economic hardship. As L. van Schalkwijk expressed it in 1934, non-institutional treatment was equated with 'family care' and the family, 'the home (is) the unit on which the state is based'.[35]

---

33 T.A.D., V.W.N., vol. 869, File sw.176/24 vol. 1, E201/2.

34 Report of the Interdepartmental Committee on Destitute, Neglected, Maladjusted and Delinquent Children and Young Persons, 1934-1937, U.G. 38-1937, p.8.

35 Report of the Provincial Committee of Inquiry into Social and Charitable Work on the Witwatersrand, 1934, T.P. 5-34, p. 16.

Both the custodial and the non-custodial options for destitute, 'pre-delinquent' children were much more limited for black children and youth than for white: they were sent more often to prison than whites, and less often than whites to state-supported welfare institutions. At the end of 1929, certified institutions and auxiliary homes numbered 66 in the country at large. Of these, only 13 provided for 'non-european' children, while 6 of the 41 non-certified institutions were for 'non-europeans' and 1 for all races.[36]

The history of maintenance grants is an index of the greater importance to the state of the stabilisation of the white working class family, the impact of the post-War recession and 1929-1932 depression, and the signficance in the history of child welfare of a conception of rights applying differentially to people variously defined racially. Between 1913 and 1917 maintenance grants were laid down at the rate of £2 and £1.10.0 per month for European children in inland and coastal provinces respectively, and 15/- per month for Africans and 'coloureds'. In 1917, new rates were prepared. From January 1919 the rates of £2 and £1 per month were laid down respectively for European and coloured children in certified and other institutions and with private persons. These were increased until, in April 1921, the magistrates, Child Welfare Societies and certified and non-certified institutions were informed that in view of the serious position of the Union's finances, the Department had decided to reduce the existing rates of maintenance by 5/- per month. In July 1923 parents were enjoined to make some contribution towards the cost of maintaining their children in institutions. Many grants were stopped; maintenance grants were further reduced. By 1927 they had hit an all-time low. Simons thus correctly described the situation in 1931 as one in which the most important welfare provisions of the Children's Protection Act

---

36 T.A.D., Transvaal Education Department (T.E.D.), Annual Report for 1929, pp. 77-78.

were 'largely inoperative in the case of black and coloured juveniles'.[37]

That child welfare for blacks was closely tied to state policy of allocating labour to the agricultural sector is demonstrated in the use that was made of specific provisions in the Children's Protection Act. A significant proportion of black, and especially 'coloured' juvenile offenders were apprenticed to white farmers.[38] The Western Cape, in particular, had a long history of indenturing black children to white farmers under Master and Servant laws. This practice was continued when Porter Reformatory was established in 1882, and formed part of the sentence of offenders. Both the Prisons and Reformatories Act (1911) and the Children's Protection Act (1913) incorporated this labour coercive technique derived from an earlier period in South African agrarian history into their methods of dealing with destitute youth and juvenile offenders. In practice, it was predominantly applied to 'coloured' youth. By the end of 1929, the total number so apprenticed was 1,012. Of these only 33 were Europeans.[39] In a paper read to a Child Welfare Conference in 1924, a social worker, one Miss M. Elliot, outlined the position as follows:

> In dealing with the coloured children, this difficulty (of placing uncontrollable children: L.C.) is almost greater, as little or no provision is made in institutions for them, and 'places' outside have to be found. The maintenance grant given is inadequate to provide a home life for them. Some of them have to be

---

37 Simons, 'Crime and Punishment', p. 129.

38 C.A.D., A2380, N.I.C.R.O., H. Parris, 'The Apprenticeship of Juvenile Inmates of Prisons and Reformatories', South African Prisoners' Aid Association, Minutes of Triennial Congress, 1920; see also Report of the Interdepartmental Committee on Destitute, Neglected, Maladjusted and Delinquent Children and Young Persons, 1934-1937, U.G. 38-1937, 'Apprenticeship to farmers is used very extensively in the case of coloured children in the Cape and the Committee is of opinion that this system is a useful one....(except)....when a Cape coloured child is sent to live amongst natives on a Transvaal farm', p. 53.

39 T.A.D., T.E.D., Annual Report for 1929, p. 36.

> left where they are under the supervision of kindly and friendly persons. Others are apprenticed by the Probation Officer to farmers or to private persons, either living in the country or towns. This method answers all right if the child fits into the "place" which has been found for it.[40]

Regulations entitled apprentices to 3/- per month up to the age of 10 years; 1/- per month yearly increasing until the amount of 6/- was reached; then 7/6 per month for one year, and 2/6 per month yearly increase thereafter until the age of 18 was reached. An eighth of the monthly payment was to be given to the apprentice for pocket-money, the rest put into a Savings Bank. It is small wonder then that The Select Committee into Porter Reformatory revealed in 1921 that the local 'coloured' community looked upon the system as one of providing 'cheap labour' for white farmers. By 1939 the system was still in force and, as the Principal of the Tokai Reformatories, W. Marais, nervously reported:

> is used by coloured leaders as an example of the oppression of the coloured. Such a leader even provided protection to one of the pupils who absconded from his employer. This spirit of opposition is also spreading to the pupils and it is obvious that the pupils who hear about this agitation won't be willing to stay with employers.[41]

Apprenticeship was also a favourite sanction in the courts of the Witwatersrand. Liberal attention became concentrated on conditions in which black children lived on the Rand in the aftermath of the 1918 and 1920 strikes and anti-pass law campaign. A minor scandal blew up over the apprenticeship of black children in 1921 when it emerged that the courts had been sentencing black youth predominantly to corporal punishment and apprenticeship. The Magistrate of Johannesburg and a labour recruiting agency for the Heidelberg-Standerton Farmers' Union

---

40 C.A.D., A2380, N.I.C.R.O., M. Elliot, 'Child Placing', 6th Child Welfare Conference, Report of Proceedings, 1924, p. 26.

41 T.A.D., U.E.D., vol. 942, File e36, vol. 2, Principal Tokai Reformatories to Secretary of U.E.D., 1939.

were discovered at that moment to be in the process of arranging the indenture of black juvenile offenders to white farmers. When the Secretary for the Native Affairs Department raised the question of facilities with the Union Education Department, its unsurprising response, on 11th March 1921, was that:

> it would seem an inversion of the proper order to concentrate efforts on provision for their needs while hundreds of European children are growing up in similar conditions and cannot be rescued owing to lack of accommodation at existing institutions.[42]

In the absence of social, economic and institutional alternatives, and in line with the Stallard doctrine that Africans were 'temporary sojourners' in urban areas, magistrates (in addition to whipping, apprenticing and sentencing a small percentage to reformatories), were also resorting to repatriating black juvenile offenders to the rural areas.[43] This practice began to be challenged by the Joint Councils, who argued that the solution to black juvenile delinquency lay in the wider sphere of the recognition of the permanence of blacks in urban areas. What was needed, it maintained, was compulsory education for black children up to the age of 14 years; the establishment of a Juvenile Affairs Board and Juvenile Employment Bureaux; the establishment of an Agricultural School for blacks in the Transvaal; the formation of a Native Children's Aid Society; the appointment of a European Probation Officer and a Juvenile Court for black juvenile offenders.[44]

---

42 T.A.D., U.E.D., vol. 942, R.B. Saayman, Secretary for Union Education Department to Secretary for Native Affairs Department, 11 March 1921. Another deputation from the Child Welfare Societies was sent to the Union Education Department in 1921, but the Secretary for Education insisted that financial stringency put their request out of the question.

43 T.A.D., U.E.D., Correspondence between Native Affairs Department and Secretary for Native Affairs, 4 August 1921 and 3 February 1922.

44 See, for example, T.A.D., Department of Justice, vol. 171, File 1/320/12, Pretoria Joint Council of Natives and Europeans, 'Conditions Prevailing amongst Native Juveniles in the

The appointment of a black social worker to the courts in 1923 signified a grudging recognition that existing measures were strained to breaking-point, and also provided an opportunity by liberals to attempt to regulate relations within the urban black community. In this work, Charlotte Maxeke, a stalwart of the Joint Councils and a leading figure in the Bantu Women's League, provided invaluable assistance: 'her intimate knowledge of many of the Natives charged, enabled the magistrate to dispose of the cases in a manner both in the interests of the delinquent, and to the advantage of the state'.[45] Her efforts, however valuable in pressing for recognition of the immense social problems on the Rand, only scratched the surface of the problems. In the case of very young children without a previous record of crime, for example, both of whose parents were dead and who seemingly had no friends or relatives, the problem of finding accommodation was often insuperable. Missionary schools could not function at one and the same time as orphanages, schools and refuges.

Probation work had, by this stage, become skewed in a way that later defined the segregated way probation and welfare was to develop. In 1916 H. Norman was appointed to the Johannesburg courts as probation officer. In the recessionary post-war years the number of juveniles appearing before the courts expanded, but they remained largely under-staffed and under-paid.[46] This was despite the fact that juvenile work at courts had become so important that by 1935, 87,4% of cases dealt with by the Johannesburg Probation Staff consisted of minors. In the entire country, there were only 11 probation officers; of these, only

---

Urban Areas of Pretoria', n.d.

45 T.A.D., Native Affairs Department (N.A.D.), vol 7601, File no 9/329: 'Mrs Maxeke: Native Welfare Officer', C. Olivier, Probation Officer for Johannesburg to Magistrate of the Juvenile Court, Auckland Park, 16 September 1930.

46 T.A.D., V.W.N., vol. 860, File sw 176/24 vol. 1: Commissions and Committees, Delinquency, General, L. van Schalkwijk, 'Transfer of Probation Officer to the Union Education Department', n.d.

one was a woman, Miss Ella Clarry,[47] Norman's assistant since the days of the Lads' Clubs. Five of the 11 officers were stationed in Johannesburg, while three were in Cape Town, two at Durban and one at Pretoria. In addition, there were a number of voluntary officials. The pressure of work was enormous. It was work, however, geared to alleviating conditions in the white rather than the black working class. 'Probation officers', it was noted in 1932, 'are so heavily burdened with work relating to European cases as to be unable to attend to non-Europeans'.[48] From 1923 to 1930 Charlotte Maxeke was the only paid, black social worker appointed by the Native Affairs Department and based in Johannesburg.

In 1930, Charlotte Maxeke was discharged, the relinquishing of her services a sign of both cost-cutting exercises in the context of the Great Depression as well as the steadily hardening segregationist programme of non-recognition of the right of Africans to be in urban areas. Her departure brought the problems which, in the context of rapid and dramatic black urbanisation and impoverishment in Johannesburg, were by now acute, to a head. Numbers appearing before the courts had swollen with the tide of economic destitution that deposited juvenile offenders there. In 1926, for example, a total of 778 black males appeared before them, as opposed to 95 white.[49] Not all of these could be sent to prison or to missionaries, the latter being the only rather limited form of non-institutional provision existent in the urban areas for black children.

Recognising this, C. Olivier, Probation Officer for Johannesburg, wrote to the Magistrate of the Juvenile Court at Auckland Park, pleading for a replacement for Charlotte Maxeke on

---

47 See Chapter Four.

48 T.A.D., N.A.D., vol. 7601, File no. 9/329, Extract from an Inspection Report by Public Service Inspector to Director of Native Labour, June 1932.

49 T.A.D., Department of Justice, vol. 170, File: 1/320/12, Part 1, Secretary of Justice to Magistrate, Johannesburg, 16 September 1926.

the grounds that community solutions were needed to resolve social problems amongst blacks on the Rand, and that Maxeke's work was indispensable. During the first eight months of 1930, he pointed out, 263 African males and 42 females under the age of 18 had come before the court. During the preceding 12 months the numbers were even higher, at 375 and 93 respectively. In the majority of cases neither corporal punishment nor committal to a reformatory was a satisfactory answer.[50] Only an African social worker, he argued, had the necessary knowledge of the black community to make suitable recommendations. Such a welfare worker could also exercise closer supervision and provide better assistance than a white welfare worker. This approach was supported by the African National Congress and the Industrial and Commercial Workers' Union. On 17 June, delegates from the two organisations met Major H.S. Cooke, Native Commissioner for the Witwatersrand, with a view to securing the appointment of welfare officers at all police stations and in court. It would be their task, they argued, to provide every assistance the prisoner might need.[51]

In 1931 there was a minor crisis. The number of cases appearing before the magistrate again increased drastically.[52] A 'very high percentage' of these cases were dealt with not in terms of the Children's Protection Act, but according to criminal

---

50 T.A.D., N.A.D., vol. 7601, File No. 9/329: 'Mrs Maxeke: Native Welfare Officer', Correspondence dated 16 September 1930.

51 T.A.D., N.A.D., vol. 7601, File No. 9/329.

52 2,596 cases were dealt with, involving 3 040 individuals, or an increase of 1 372 cases. Of these there were 422 Africans under the age of 16, 432 between the ages of 17 and 18 and 416 between 19 and 21 years of age. See T.A.D., N.A.D., vol. 7601, File No. 9/328, Annual Report for 1931, Magistrate of the Juvenile Court.

procedure.[53] The Magistrate, frustrated with the inadequacy of existing measures in preventing recidivism, remarked that:

> It would appear that the administering of cuts to juveniles as a deterrent is more or less futile, particularly as regards the Native. The fear of a caning is a better deterrent than the actual infliction. Boys who have been caned are constantly being brought back to the court for minor offences such as touting on railway premises, contravention of Municipal By-laws and other minor offences. Some of these boys have been caned from 1 - 4 times.... It is useless fining them as they very seldom have money to pay a fine and if an alternative of imprisonment is given, there is no place to detain them. There are no native hostels, they cannot be sent to reformatories (in all cases)....The same remarks apply to Native girls....
> We have tried apprenticing, sending them out to farms, postponed or suspended sentences, returning them to their parents under committal orders, returning them to the districts from which they came. All these expedients have proved useless as these youngsters either run away from the employers or disappear from their homes or return here in less than no time.[54]

This magistrate did not, however, see the appointment of a probation officer as an answer, since this would have implied a commitment to dealing with urban social problems in their context. Instead, he argued that, since numbers were so enormous and the staff so small, such an officer would be unable to provide the necessary individual attention. The remedy, as far as he was concerned, was to have the detention house declared a gaol under the Prisons and Reformatories Act. This would enable him to sentence larger numbers to terms of imprisonment. This was the short-term punitive solution. The long-term alternative was endorsing 'surplus' blacks out of the urban areas.

---

53 Report of the Interdepartmental Committee on Destitute, Neglected, Maladjusted and Delinquent Children and Young Persons, 1934-1937, U.G. 38-1937, p. 53.

54 T.A.D., Department of Native Affairs, vol. 7601, File no. 9/328, Annual Report for 1931, Magistrate of the Juvenile Court.

The magistrate proved to be more powerful than the probation officer, a 'native policy' committed to territorial and political segregation stronger than one which sought recognition of the large African proletariat in the urban areas, and the depression and commitment to white 'upliftment' more pressing than extension of welfare facilities to blacks. In 1932 the Report of the Carnegie Commission of Inquiry into Poor Whites recommended that a state bureau for Social Welfare be created. As a result of the work of the Poor White Conference called in 1934 by the Dutch Reformed Churches, a Union Department of Social Welfare was created on 1st October, 1937. One consequence was that no black probation officer was appointed for a period of 6 years. When such an officer was finally appointed, the requirements were phrased in the Stallard-ite language of the 1920s, and embodied the direction taken by the new South African Party in the Hertzog 'Native' Acts which removed Africans in the Cape from the common voters roll, reinforced territorial segregation through the Land Act and tightened influx control. What was needed was a person with 'a sound knowledge of the pass laws and conditions on the Reef'.[55] The process of repatriation, and using the courts as a means of policing a black proletariat on sufferance in the urban areas, was continued as the primary purpose of the juvenile court. The post of probation officer was firmly linked to 'native policy'. As the Director of Native Labour expressed it:

> ....Such an officer might be of invaluable assistance in what I consider should be a policy of endeavouring to discourage detribalisation and settlement in urban areas, and for that reason alone I think he should be a sympathetic official with some understanding of the native mind.[56]

---

55 T.A.D., N.A.D., vol. 7601, Director of Native Labour, B.W. Martin to the Secretary for Native Affairs, 12 February 1936.

56 T.A.D., N.A.D., vol. 7601, B. Martin to Secretary for Native Affairs, 25 February 1937. The strategy of 'retribalisation' was 'clear and growing' in the Native Affairs Department throughout the 1920s. See Saul Dubow, 'Segregation and "Native Administration" in South Africa 1920-1936', D.Phil., Oxford, p. 219.

By 1938 this task could not be adequately performed by the new appointee, one E.A. Kernick, who had only a working knowledge of Xhosa. It was accordingly decided, on the prompting of the South African Institute of Race Relations through its Director J.D. Rheinallt Jones, who had found Mrs Maxeke in dire financial straits, to re-employ her in a temporary capacity at £12 per month: her own destitution was a mark of the course of state welfare in excluding Africans from civil society.

Liberal intervention in welfare work did not end here. At the same time that Charlotte Maxeke was given such short shrift, the view was growing amongst welfare workers, missionaries and the Union Department of Social Welfare, that Africans should be responsible for the 'work of rehabilitation of their own people'. In 1940 the Jan Hofmeyr School of Social Work for Non-Europeans was founded in inner Johannesburg by Ray Phillips, an active liberal and missionary of the American Board Mission. It was a direct consequence of the recommendations of the Conference on Native Juvenile Delinquency held in Johannesburg in 1938 for the training of black social workers. A committee appointed by the Young Mens Christian Association began a training school which grew into the Jan Hofmeyr School, and was headed by Dr. Ray Phillips from 1940 to 1957.[57] More widely, it was made possible by the changed conditions wrought by war, the growth of manufacturing industry, the continuing deterioration of the reserves and the rapid urbanisation of blacks, all of which briefly strengthened the hand pressing for recognition and stabilisation of a settled urban African working class.

The juvenile court, in the case of African youth, as demonstrated above, acted as a repressive arm of the state in its expulsion of black youth from the urban centres, and their allocation as labourers to the agricultural sectors. In sentencing young black boys and men to apprenticeship it played a part in re-enforcing labour coercive techniques in agriculture. Apprenticeship was the method of control used most extensively in

---

57 U.W., C.P.S.A., Ray Phillips Papers, Box No: 1444-1446 (File 2); see also C.P.S.A., Rheinallt Jones Collection, G6/5.

the Transkeian Territories.[58] By 1934, however, the failure of this method led magistrates increasingly to call for a reformatory in these areas,[59] even though it was not provided for several years.

The state attempted to use tribal authorities in the rural areas as an adjunct to the courts in urban areas. The growth of juvenile crime in Durban in the early 1930s had led to experimentation with repatriation under the care of approved chiefs and headmen.[60]

Native Commissioners were required to obtain and keep a list of all chiefs, headmen and other 'responsible natives' who would be prepared to accept juveniles on committal. The Department of Education would pay a grant of 5/- per month to the custodian of a committed child by way of maintenance. To ensure proper supervision the guardian was required to report quarterly to the Native Commissioner who would prepare a report. The proposed scheme, which was based on the principle of tribalism, proved so popular with the Native Affairs Department, that extensive investigations were made into the suitability of chiefs in other parts of the country for this purpose. It eventually proved impracticable. Some areas, where people lived on farms, where there were no chiefs in the area or where chiefs were 'generally unsuitable', as in large parts of the Transvaal, Orange Free State and some parts of the Cape Province, chiefs simply could not be used in the desired way. Together with doubts about the abilities of chiefs to control the 'sophisticated urban juvenile delinquent', these were sufficient grounds for the abandonment of the scheme.[61]

---

58 T.A.D., N.A.D., vol. 7642, File No. 7/331.

59 T.A.D., N.A.D., vol. 7642, File no. 7/331.

60 T.A.D., N.A.D., vol. 7642, File No. 8/331.

61 T.A.D., Department of Justice, vol. 171, File no. 1/320/12, Part 4.

the Transkeian Territories.[58] By 1934, however, the failure of this method led magistrates increasingly to call for a reformatory in these areas,[59] even though it was not provided for several years.

The state attempted to use tribal authorities in the rural areas as an adjunct to the courts in urban areas. The growth of juvenile crime in Durban in the early 1930s had led to experimentation with repatriation under the care of approved chiefs and headmen.[60]

Native Commissioners were required to obtain and keep a list of all chiefs, headmen and other 'responsible natives' who would be prepared to accept juveniles on committal. The Department of Education would pay a grant of 5/- per month to the custodian of a committed child by way of maintenance. To ensure proper supervision the guardian was required to report quarterly to the Native Commissioner who would prepare a report. The proposed scheme, which was based on the principle of tribalism proved so popular with the Native Affairs Department, that extensive investigations were made into the suitability of chiefs in other parts of the country for this purpose. It eventually proved impracticable. Some areas, where people lived on farms, where there were no chiefs in the area or where chiefs were 'generally unsuitable', as in large parts of the Transvaal, Orange Free State and some parts of the Cape Province, chiefs simply could not be used in the desired way. Together with doubts about the abilities of chiefs to control the 'sophisticated urban juvenile delinquent', these were sufficient grounds for the abandonment of the scheme.[61]

---

58 T.A.D., N.A.D., vol. 7642, File No. 7/331.

59 T.A.D., N.A.D., vol. 7642, File no. 7/331.

60 T.A.D., N.A.D., vol. 7642, File No. 8/331.

61 T.A.D., Department of Justice, vol. 171, File no. 1/320/12, Part 4.

Conclusion

The reformatory and industrial school were but one form of institutional sanction used by the state against black and white, and especially male juvenile offenders between 1911 and 1934. The range of sanctions employed, at different times and over time, was related less to the aim of reforming offenders than to the relation of the state to white and black labour. Juvenile and children's courts sentenced black male children to imprisonment, apprenticeship, caning, fines and repatriation to the rural areas. By contrast, white children were exposed to a wider range of welfare provisions. Whereas the concern with the white working class and 'poor white' child was re-education and re-socialisation within a reconstituted and stabilised working class family, the concern with the black child was discipline and control. Whereas the role of the children's court vis a vis European children appears to have been mainly ideological, in displacing the locus of control from itself to civil society through the construct of the family, especially after the Pact government's 'civilised policy' from 1924 onwards, the role of the juvenile court was central to the state apparatus of helping to exclude blacks from civil society and instead, to police and de-stabilise, through repression, a settled, urban working class. It was kept weak and insecure, jostled from rural to urban and from the urban to the rural areas. For the black child, the reformatory existed alongside the prison, as a form of control over movement and labour; for the European, the industrial school and reformatory existed alongside the school, for the re-allocation and re-socialisation of the children of the urban unemployed.

These developments were a direct consequence of the impact of a labour-repressive, migrant labour-based economy developed under the hegemony of mining capital, the segregationist political solution advanced by the state, and the racial conception of rights that, as a consequence, dominated thinking on social policy in urban areas. Alternative strategies were increasingly

advocated by liberal bodies such as the Joint Councils from 1921 onwards, which sought extension of probation services for blacks in urban areas. Until 1930 these were assured of limited state support, in the form of recognition of the services of a black social worker. As the Depression began to cut into budgets, the limits of this support were felt. The first to be axed were those whose services, in terms of state policy, were inessential.

The process of diversification, differentiation, categorisation, classification and surveillance which marked the development of new forms of social regulation in the metropolitan countries, under determinate social conditions, in a slightly earlier period, 1890-1914,[62] were repeated in South Africa, scarcely a decade later. They were, though, given a particular character by the political and economic form taken by South Africa's industrial revolution, based predominantly on a black migrant labour force and a fully-proletarianised white working class. Their welfare needs were accordingly framed within a social policy structured by recognition of a white but not a black working class, and stamped by a racial conception of welfare rights. Whereas the courts were used in the period of primitive accumulation during the English industrial revolution to batter a newly-proletarianised peasantry into shape, they were used in South Africa in the first part of the twentieth century to frustrate the growth of a permanent black working class and to allocate and tie labour to different sectors of the economy.

---

62 D. Garland, Punishment and Welfare: A History of Penal Strategies (Gower 1985); see also M. Katz, In the Shadow of the Poorhouse: A Social History of Welfare in America (New York 1986).

CHAPTER SIX

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

The care-takers of youth in South Africa, whether official 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.[1] 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. J. 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 certain youth as delinquent.[2] Adolescence and delinquency were related in defining each other as opposites. 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 attempted to show 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

---

1 See Chapter Four.

2 J. Gillis, Youth and History: Tradition and Change in European Age Relations 1770 - Present (New York and London 1974), chs. 3 and 4, esp. p. 137.

discourses established in earlier decades. Thus the concept of adolescence 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.[3] Likewise the concept of delinquency was to develop a specific meaning in relation to white and black youth. How the concept of delinquency was developed is best explored through an examination of the impact and use of the mental testing movement in South Africa. In Britain and America, IQ testing, like eugenics, was primarily addressed to questions of class; in the colonial domain, it was readily transferred and applied to questions of race and gender.[4]

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. Between 1911 and 1917 this growing conflict was manifested in the attack by Norman and the Childrens Aid Society on industrial schools and reformatories controlled by the Prisons Department. From 1917 onwards, the struggle shifted to a battle for transfer of reformatories from the Prisons Department to the Union Education Department. Increasingly, 'scientific', psychological knowledge about childhood, youth and adolescence, was presented as the qualification and expertise necessary for dealing with

---

3 See Chapter Two.

4 S. Dubow, 'Race, Civilisation and Culture: The Elaboration of Segregationist Discourse in the Inter-War Years' in S. Marks and S. Trapido, The Politics of Race, Class and Nationalism in Twentieth Century South Africa (London, 1987), p. 73; see also S. Dubow, 'Mental Testing and the Understanding of Race in Twentieth Century South Africa', mimeo, August 1989, p. 1.

delinquency. 'Educational discipline' became identified with psychological knowledge. These new ideas were marshalled to criticise the nature of control over reformatories during times of greater social stress; they pulsed unevenly and contradictorily with the impact of wider economic and political developments on the state bureaucracy and on the 'reformers' themselves. They were first articulated in the post-war recession between 1917 and 1922, and then gained much greater momentum during the Great Depression of 1929-1933.

1

On 2nd and 3rd July 1920 Richard Feetham of the Unionist Party 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'.[5] 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', Colonel 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'.[6] 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

---

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

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

what changes, if any, are required...'.[7] In speaking to the motion, Feetham argued that 'a reformatory must obviously do something more than repress: it must develop'.[8]

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 harm than good from their stay in the reformatory'.[9] The corrollary was that reformatories ought to be placed in the hands of people who knew how to classify and deal with delinquents.

Between 1922 and 1925 missionaries, the Native Affairs Commission and magistrates took up many of the criticisms made in an earlier period by Norman and the Childrens Aid Society.[10] 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

---

7 Union of South Africa, Debates in the House of Assembly, as reported in the Cape Times, vol. 5, 27 April 1921.

8 Union of South Africa, Debates in the House of Assembly, as reported in the Cape Times, vol. 5, 27 April 1921.

9 Union of South Africa, Debates in the House of Assembly, as reported in the Cape Times, vol. 5, 10 June 1921.

10 P.C.P., Department of Prisons, File No. 1/595/30, Part 2, Evidence submitted to Native Affairts Commission 1922 and Secretary of Native Affairs Commission to Department of Prisons, 28 February 1922; see also Rand Daily Mail, 24 July, 1922; Diamond Fields Advertiser, 2 November 1922; Sunday Times, 14 July 1925.

reformatories with the Prisons Department, but was rebuffed. The Nationalist-Labour Pact coalition had 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 organised white 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 subordinate classes.

Segregation, 'crystallised' during Reconstruction, and 'driven forward' after Union, was now becoming 'thorough and complete'.[11] The Native Urban Areas Act (No. 21) of 1923 provided for separate African locations for a labour force defined by Colonel 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 Colour Bar Bill of 1926 reserved certain categories of semi-skilled industrial jobs for whites, while the Immorality Act of 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 standard six 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.[12]

---

11 J. Cell, The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South (Cambridge 1982), pp. 210, 214, 215.

12 See Chapter Nine for struggle of institutions to find apprenticeships for pupils.

In the contest between the Prisons and the Union Education Department over control of the reformatories, transfer hinged on the question of the nature of the discipline to be provided, and the capacity of educationists as opposed to the Prisons Department to correctly classify the delinquent and defective population.[13] The 'educational principle', it was argued, allowed for the correct classification and separation of the 'really bad cases' and the different 'varieties of mentality and conduct amongst youths'.[14]

The approaches by Hofmeyr did not come out of the blue. They were informed, supported and validated on the one hand by magistrates, probation officers and educationists and, on the other, by the knowledge provided by the mental testing movement. Continual criticisms had been made in the press 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.[15] 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'.[16]

By 1925 there was a consensus among a wide range of groups that the administration of 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

---

13 P.C.P., Department of Prisons, File No. 1/594/30, Part 1, Secretary to Minister of Education, 15 October 1924; P.C.P. Department of Prisons, File No. 1/594/30, Part 1, Secretary to Minister of Education, 15 October 1924.

14 P.C.P., Department of Prisons, File No. 1/594/30, Part 1, Secretary to Minister of Education, 15 October 1924.

15 Cape Times and Cape Argus, 16 July 1924; Sunday Times, 14 June 1925.

16 P.C.P., Department of Prisons, File No. 1/595/30, Part 2, Warden to Director of Prisons, 15 May 1923.

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.[17]

In response to this range of attacks, the Boards of Management at Tokai and Houtpoort Reformatories proposed 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 permit.[18] Four years later, the Board of Houtpoort was singing a different tune. On 20 November 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.[19]

Much of the rationalisation for the right of educationists and psychologists to take over the institutions lay in their ability to classify, provide knowledge, and intervene 'scientifically' in the diagnosis and cure of delinquency. 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.[20] The Frenchman, Alfred Binet (1857-

---

17 Cape Argus, 16 April 1926.

18 P.C.P., Department of Prisons, File No. 1/595/30, Part 2, Board of Management to Prisons, 11 September 1926.

19 P.C.P., Department of Prisons, File No. 1/595/30, Part 2.

20 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. Martin, 'Experiments with Binet-Simon Tests upon African children, chiefly Kaffirs' (Training School Bulletin 1915), cited in Aptitudes and Abilities (1966),

1911), first developed IQ tests before the First World War to show that certain mental ages corresponded to biological ages. The American, 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. Yerkes made a tremendous impact on mass as opposed to individual testing 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'.[21]

The ideas made use of by South African psychologists and psychiatrists were those developed by 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. M. Moll, a psychiatrist (and close family friend to H. Norman), and Dr. J. Dunston, Commissioner of the Mentally Disordered for the Union. Dunston 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

---

p. 38. See also, R. Loades and S. Rich, 'Binet Tests on South African Natives-Zulus' cited in Abilities and Aptitudes, p. 39; S. Rich, 'Binet-Simon Tests on Zulus', South African Journal of Science, 14, 1917, pp. 477 -482; J. Dunstan, 'Retarded and Defective Children: Native Mentality: Mental Testing', South African Journal of Science, 20, 1923, pp. 148 - 156. Dr. M. 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. Fick, '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 1929, pp. 904 - 920.

21 S. Gould, The Mismeasure of Man (New York 1981), p. 195.

provided for the removal of such persons to institutions.[22] 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.[23] Feeble-mindedness, they argued, was caused mainly by hereditary factors. The source of criminality and immorality generally lay in feeble-mindedness.[24] Every feeble-minded person was potentially a criminal.

It was not completely accidental that South Africans were so receptive to ideas about the relationship between delinquency and mental defect between 1917 and 1922. Both the wider segregationist social policy elaborated before and after Union and the immediate social context - the combination of a worsening economic climate, urban African militance, a white working class revolt in 1922 and a growing rather than diminishing 'poor white' problem - made for the possibility of representing conflict in the terms provided by the eugenics movement.[25] Anxieties about improvement of the race occurred at an historically high point of mass black and white revolt.

'Feeble-mindedness' was examined at this time almost exclusively in relation to the white working class and 'poor white' population. The position of the white working class was

---

22 See T.A.D., A739, J. de Villiers Roos Collection, vol. 11-12, J. de Villiers Roos, 'Juvenile Delinquency and Mental Defect', 19 May 1920.

23 The Star, 9 April 1914; Rand Daily Mail, 11 December 1917; The Star, 29 May 1918.

24 See also C.A.D., A2380, N.I.C.R.O., M. Moll, 'Classification of Delinquents and the Establishment of Psychopathic Clinics in connection with the Courts', South African Prisoners Aid Association, Minutes of Congress held in 1920, who argued here that recidivism was due to feeble-mindedness.

25 See S. Dubow, 'Race, Civilisation and Culture: The Elaboration of Segregationist Discourse in the Inter-War Years' in S. Marks and S. Trapido, The Politics of Race, Class and Nationalism in Twentieth Century South Africa (London 1987), pp. 73, and 75-78.

assimilated into concerns about the 'future of the race'. And this would not be solved until the feeble-minded had been eliminated, the feeble-minded being concentrated in the lower ranks of white society. In 1917, Dr. Dunstan told the Children's Aid Society that 'the true feeble-minded was a definite, separate species which reproduced itself, just as grass reproduced grass'.[26] 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.[27] 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 and discipline.[28] The existence of the feeble-minded in the population confirmed the fact that 'men were not born equal'.[29]

To prevent the growth of 'a chronic incurable criminal population',[30] H.E. Norman was arguing in 1918, careful enquiries had to be made, since this was a 'matter of great importance for

---

26 The Star, 11 December 1917.

27 The Star, 29 May 1918; Rand Daily Mail, 30 May 1918; C.A.D., A2380, N.I.C.R.O., J.B. Watson, 'Population and Birth Control', in South African Prisoners Aid Association, Minutes of the Triennial Congress, 1926; Rand Daily Mail, 20 May 1929.

28 See also C.A.D., A2380, N.I.C.R.O., 4/1/3, H.E. Norman to Sir William St. John Carr, Chairman of S.A.P.A.A., 25 January 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'; 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.

29 Address by Dr. Dunston to the Child Welfare Conference as reported in 'Child Welfare: Bloemfontein Congress Resumed: The Mentally Defective: Valuable Experience Gained in Union', n.d., circa 1920.

30 Address by Dr. Dunston to the annual meeting of the Children's Aid Society reported in Rand Daily Mail, 11 December 1917.

the future of the race' with potentially damaging effects on the 'life of the country' as a whole.[31] In 1920, the year of the black mine-workers' strike on the Rand, proposals were being made that 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.[32]. 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 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).[33]

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 S.A.P.A.A. continued the press for transfer of

---

31 Rand Daily Mail, 11 December 1917; see also C.A.D., A2380, N.I.C.R.O., File No. 1/5/1, Dr. J. Dunston, 'The Relation of the Psychiatrist to Delinquency', in South African Prisoners Aid Association, Minutes of the Fourth Triennial Congress for 1923.

32 C.A.D., A2380, N.I.C.R.O., J. Moll, '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.

33 C.A.D., A2380, N.I.C.R.O., J. Moll, 'Classification of Delinquents'.

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'[34] 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.[35] 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 deviance. In particular, as Louw has pointed out, psychologists harnessed mental testing to their desire to establish their profession as a rigorous, experimental science.[36]

11

Another key moment for the mobilisation of ideas about 'degeneration of the race' occurred between 1929 and 1932. 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 gathering pace of capitalisation in agriculture 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-

---

34 Union of South Africa, Debates in the House of Assembly, 3 February 1911, Patrick Duncan, col. 985.

35 H.E. Norman was one of the fiercest exponents of the scientific and rational study of the causes of delinquency. See H.. Norman, 'Probation Work on the Reef and Elsewhere', in S.A.P.A.A. Minutes of Second Triennial Congress, 1917.

36 J. Louw, 'This is thy Work. A Contextual History of Applied Psychology and Labour in South Africa', Ph.D., University of Amsterdam, 1986, p. 86.

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 between 1927 and 1929 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 1932, 'poor whites' numbered 300,000.[37] In response to the latter, the Carnegie Commission of Inquiry began its investigations in 1929, and reported in 1932. 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 the bottom of the cliff...the reformatory', he advocated 'increasing adaptation of Christian social service methods to the needs of the native youth'.[38]

These conditions also stimulated another series of attempts to classify and control the poor. 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. The 1930 South African Inter-Departmental Committee on Mental Deficiency[39] chaired by Louis

---

37 R. Davies, White Labour, p. 227.

38 R. Phillips, The Bantu Are Coming (London 1930), p. 8.

39 Union Education Department Report of Commission to Inquire into Mental Deficiency, 1930, chaired by L. van Schalkwijk.

van Schalkwijk[40] noted that juvenile delinquents were recruited 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.[41]

In addition, the definition of a subnormal child in South Africa was given as one who was unable to pass std. V1, 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'.[42] 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',[43] those with 'character or personality difficulties'.[44] In other words, the social

---

40 See Chapter Four, footnote 78.

41 J.P.L., L. van Schalkwijk, Lads' Hostels at Norwood and Cottesloe, Johannesburg, South Africa (1932), p. 7; See also C.A.D., A2380, N.I.C.R.O., File No. 1/5/1, Dr. N. Diederichs, 'The Control of Youth', in South African Prisoners Aid Association, Minutes of the Sixth Triennial Congress for 1931; T.A.D., U.E.D., vol. 1715, File No. e103, vol. 1, Memo by van Schalkwijk on Juvenile Delinquency submitted to the South African National Council for Child Welfare in 1932 and Dr. Gie, Secretary of Education to Minister of Education, 5 May 1933.

42 J.P.L., L. van Schalkwijk, Lads' Hostels at Norwood and Cottesloe, Johannesburg, South Africa (1932), p. 8.

43 T.A.D., U.E.D., vol. 1715, File No. e103, Memorandum on Juvenile Delinquency, 1932.

44 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

imperative for control over lower-class whites was translated into a concern with mental defect, classification, segregation and control.

Although the dominant emphasis remained on 'poor whites', blacks were now also entering the discourse of mental defect. 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'.[45] Segregationist ideology was expressed in the finding that their total difference required treatment of a separate and distinct order. 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

---

Hygiene in 1916. See C.A.D., A2380, N.I.C.R.O., J. Moll, 'The Classification of Delinquents', p. 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.

45 C.A.D. A2380, N.I.C.R.O., Mrs Retief, Probation Officer for Women, Cape Town, 'The Coloured Girl Delinquent' in South African Prisoners Aid Association, Minutes of the Sixth Triennial Congress for 1931.

> two races should be separated, which at present is not always done.[46]

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'.[47] Since 'the native mind' was classified as 'different', the black juvenile delinquent had to receive a another 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'.[48] Since blacks were considered to be low on the scale of intelligence, it was assumed that they needed greater control.

For political reasons, mental backwardness among whites was not seen as so irretrievable a phenomenon as th ɔt blacks. Many employed a multi-factoral analysis of ɔf white juvenile delinquency: the environment also h aken into account. Often the environment was deemed respo e for the degeneracy and feeble-mindedness of the delinquent. Thus, in 1928, Louis van Schalkwijk, then 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

---

46 T.A.D., U.F.D., vol. 1715, File No. e103, vol. 1, van L. Schalkwijk, Memo on Juvenile Delinquency to Child Welfare Conference, 1932.

47 T.A.D., U.E.D. vol. 1715, File No. e103, Memo on Juvenile Delinquency, p. 54.

48 T.A.D., U.E.D. vol. 1715, File No. e103, Memo on Juvenile Delinquency, p. 23.

tendencies, that is tendencies towards conduct, character or personality difficulties'.[49]

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.[50] Degeneracy amongst blacks, by contrast, was constructed at this time as part of their biological constitution.

Delinquency amongst girls was related 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.[51] This discourse appears to have placed (white) women and black people within the same categories.[52] 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

---

49 T.A.D., U.E.D., vol. 1429, File e55/2/1, vol. 1.

50 See for example E.G. Malherbe, Education and the Poor White: Report of the Carnegie Commission (Stellenbosch 1932), pp. 145-211 and 271-332.

51 C.A.D. A2380, N.I.C.R.O., J.. Moll, 'Classification of Delinquents and the Establishment of Psychopathic Clinics in Connection with the Courts', in S.A.P.A.A. Minutes of Triennial Congress held in 1920.

52 D. Driver, 'Women as Signified in the South African Colonial Enterprise', Journal of Literary Studies, 4, 1, 1988, pp. 16-18. This can instructively be compared with colonial discourse of British India, cf. V. Kiernan, Lords of Human Kind: European Attitudes to the Outside World in the Imperial Age (Harmondsworth 1969).

sexuality defined and stigmatised her as both subnormal and abnormal.[53]

Any sexual flouting of the racial code exacerbated the association of poor white girls and women with degeneracy. The term 'miscegenation', dating from the late nineteenth century and still in popular use at the 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.[54] 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.[55]

White girls in sexual or other association with blacks had abandoned their allegiance to civilisation. They signified 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. Their inclusion was predicated on the total social exclusion of black girls. As much as for boys, subnormality amongst girls was evidence that they ought to be

---

53 T.A.D. U.E.D., vol. 1983, File e208, vol. 1; see also L. Chisholm, 'Gender and Deviance in South African Industrial Schools and Reformatories for Girls, 1911-1934', in C. Walker, (ed.), Gender in South African History before 1945 (Johannesburg forthcoming); also K. A. Eales, 'Whores, Mothers, Wives and Property: Black Women and Urban Administration in Johannesburg, 1924-1931', M.A., University of the Witwatersrand (forthcoming), pp. 1-2, 5.

54 S. L. Gilman, Difference and Pathology: Stereotypes of Sexuality, Race and Madness (Ithaca 1985), p. 107; see also J. Coetzee, 'Blood, Flaw, Taint, Degeneration: The Case of Sarah Gertrude Millin', White Writing: On the Culture of Letters in South Africa (New Haven and London 1988), pp. 136-163.

55 D. Driver, 'Women as Signified', p. 13.

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'.[56] 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.[57] 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'.[58] 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 the early thirties onwards by intellectuals of the Broederbond recently returned from study overseas and strongly influenced by

---

56 T.A.D., U.E.D., vol. 101; File 26/1, vol. 1., 1930.

57 Cape Town, Durbanville Institute for Girls Archive, 'Instituut vir Meisies, Durbanville, Geskiedenis' n.d.

58 M. Foucault, 'The Means of Correct Training', in P. Rabinow (ed.), The Foucault Reader (New York 1984), p. 199.

European fascism.[59] In December 1929 the Federasie van Afrikaanse Kultuurverenigings (F.A.K.) was founded to take the battle for the ideological re-definition of Afrik[illegible]r 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.[60] 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.[61] In 1931 Dr. Diederichs and Dr. J. de Keyter of Grey University College, Bloemfontein addressed the S.A.P.A.A. on 'Juvenile Neglect and Juvenile Delinquency' dealing with the significance of internal and environmental factors respectively. Referring to the evils of 'the herding together of white and black in the slums of our cities', he noted that:

> 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 country![62]

---

59 D. O'Meara, Volkskapitalisme: Class, Capital and Ideology in the Development of Afrikaner Nationalism 1934-1948 (Johannesburg 1983), p. 64; D. van Zyl Smit, 'Adopting and Adapting Criminological Ideas: Criminology and Afrikaner Nationalism in South Africa', unpublished paper presented at Hamburg, June 1988.

60 D. O'Meara, Volkskapitalisme, p. 65.

61 This strand will be considered in greater detail in chapter eleven.

62 C.A.D., A2380, N.I.C.R.O., Dr. J. de Keyter, 'Juvenile Neglect and Juvenile Delinquency (The Significance of the Environment), S.A.P.A.A., Minutes of the Sixth Congress, October 1931, p. 35.

In the same year, 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. 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.[63] Probation officers were also active in Natal, and reformers in the Western Cape in publicising the role of reformatories as 'Universities of Crime', producing only 'social misfits'.[64] By the early 1930s, then, pressure was being 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 to have reformatories transferred from the Prisons to the Union Education Department.

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 Party splintered, while Smuts and

---

63 P.C.P., Department of Prisons, File No. 1/595/30, Part 2.

64 Natal Mercury, 27 May and 4 June 1932; see also P.C.P., Department of Prisons, File No. 1/595/30, Part 2, Director of Prisons to Durban Magistrate, 28 June 1932; The Star 13 July 1932; P.C.P., Department of Prisons, File No. 1/595/30, Part 2, Warden to Director of Prisons, 26 July 1932.

Hertzog formed the United South African National Party.[65] Gradual economic and agricultural 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 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'.[66] 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...[67]

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, as well as the growing concern among liberals about a troublesome non-migrant black proletariat in the urban areas, and the access liberals had to the state in the mid 1930s.

---

65 A. Stadler, Political Economy, pp. 72-73.

66 P.C.P., Department of Prisons, File No. 1/595/30, Part 2.

67 T.A.D., U.E.D., vol. 1429. File No. e55/2/1, vol. 1.

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 and was resolved in favour of the critics by deep-seated 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 change, the task of rehabilitation was interpreted as 'educational and psychological' rather than penal. L. van Schalkwijk, Inspector of Reformatories in 1924, expressed the argument 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 <u>criminal.</u> 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 is

> based on the assumption that the actions of individuals are the results of mental actittudes and that education is capable of modifying or changing these attitudes; that is, that mind is capable of change and improvement.[68]

However, some minds were more capable than others of 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'.[69] Thus, the Second Report o. the Education Administration 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 appropriate place within 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. 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

---

68 T.A.D., U.E.D., vol. 1715, File No. e103, vol. 1, L. van Schalkwijk, 4 November 1924.

69 T.A.D., U.E.D., vol. 1715, File No. e103, vol. 1, Undated memo.

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 ultimately 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.[70] 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.

The 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

Social workers, psychologists and educationists dealing with juvenile delinquents were already disposed by a social darwinist

---

70 See Chapter Three.

Author Chisholm Linda
Name of thesis Reformatories And Industrial Schools In South Africa: A Study In Class, Colour And Gender, 1882-1939. 1989

PUBLISHER:
University of the Witwatersrand, Johannesburg
©2013

LEGAL NOTICES:

Copyright Notice: All materials on the University of the Witwatersrand, Johannesburg Library website are protected by South African copyright law and may not be distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

The University of the Witwatersrand, Johannesburg, is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the Library website.