



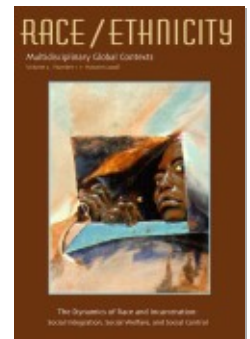
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Moralizing Security: 'Corrections' and the Post-Apartheid Prison¹

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Despite its historical commitment to the project of freedom, post-apartheid governments in South Africa have not shied away from significant use of the prison, especially as a way of curbing the 'crime wave' that emerged in the course of South Africa's transition out of apartheid. Through an analysis of policy and practice in post-apartheid prisons, this article argues that 'morality' and the reification of family values have come to stand in for more radical forms of social action in the production of a non-racial state. Moral reason, it is argued, cannot but stand in a relation of superficial idealism to the deeper dialectical issues at stake in the project of anti-apartheid reconstruction and to the symptom of criminality.

Every effort to improve the whole beginning with the family, necessarily betrays . . . a parochial and utopian outlook and simply distracts men from urgent historical tasks.

(Horkheimer, *Authority and the Family*, [1968])

When much of the political leadership of the South African liberation struggle was released from apartheid prisons in the early 1990s to take its place at the negotiations table, the urgency of the historical task of extricating South Africa from entrenched conditions of apartheid could not have been starker. Centuries of colonial and decades of apartheid rule had produced a society in which extreme economic inequality, organized by means of a white supremacist racial hierarchy, required immediate dismantling by the country's new leaders. Of the many areas requiring political deliberation and redirection, the security apparatus of the apartheid state was one of the most critical. Given the apartheid state's heavy dependence on mass-incarceration as a foundational instrument of racist subjugation—including the gratuitous use of prisons in the project of producing cheap black labor for white capital, in detention without trial, torture and the enactment of the death penalty for anti-apartheid dissi-

dents—South Africa in the 1990s marked a moment in which the plausibility of the prison as a ubiquitous feature of state control could be seriously questioned. The material and symbolic conjuncture of the institution of the prison and the system of apartheid, especially for those incoming office-bearers with acute personal experience of the violence of apartheid prisons, provided as hospitable a platform as possible for discussions of, if not abolition, then the serious curtailment of incarceration as democratic state practice. As the Freedom Charter clearly stated, “imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance.”² And yet, since 1994, the year of South Africa’s first nonracial elections, there has been a 60 percent *growth* in prison population.³ South Africa has consistently remained within the world’s top ten countries with the highest rates of incarceration,⁴ and it is by far the most aggressive incarcerator on the African continent, with some of its prisons 300 percent overcrowded, and large prison-building projects currently underway.⁵

This article is an attempt to understand how the prison could have been so quickly mainstreamed as a strategy of post-apartheid governance, even as the discourse of liberation and transformation permeated the national landscape, and in spite of the long history of racism vested in the project of incarceration in the South African context. In particular, I am interested

Steering a fine line between the developmentalist agenda of post-apartheid and the need to garner authority in the fight against the “crime wave” that accompanied the fall of apartheid,⁶ the government has leaned heavily on the principle of penal reform, on the institutional flexibility of the prison, as a means of easing the tension between liberation and incarceration.

in how *moral reason* has been mobilized as a justificatory strategy for the continued mass incarceration of South Africans, particularly the residents of black townships/ghettos, in which conditions of life have not been substantially altered in the fourteen years since the end of formal apartheid, and in which high levels of crime figure as a legacy of the country’s long violation of black subjects and communities. Steering a fine line between the developmentalist agenda of post-apartheid and the need to garner authority in the fight against the

“crime wave” that accompanied the fall of apartheid,⁶ the government has leaned heavily on the principle of penal reform, on the institutional flexibility of the prison, as a means of easing the tension between liberation and incarceration. In other words, post-apartheid prison practice has been accompanied by the rise of discourses of rehabilitation and the promotion of an ideal-type image of the prison as a benevolent moral institution capable of providing a developmental remedy for crime. With the whole apparatus of liberal Enlightenment penal philosophy at its disposal, the post-apartheid state developed increasingly utopian policy propositions about the potential for criminals to be forged into good citizens while in the carceral sphere. Relying on several key ahistoricizing concepts—morality, family values, life cycle—the security complex postulated by the state betrays a commitment to an idealistic intervention

into conditions of criminal social life. The superficiality of such an intervention is what this article seeks to reveal, as well as the difficulty—perhaps even the impossibility—of practicing the new moral terms of the state at the coalface of everyday prison work.

The White Paper, The Family, and the Politics of Morality

In October 2004, the new minister of the South African Department of Correctional Services, Nconde Balfour, arrived at a medium security prison in the rural Western Cape province of South Africa to hold a meeting with the prison's staff and the residents of the surrounding towns and villages. Tucked away at the foot of a large mountain range and surrounded by farmland, Voorberg prison⁷ was established in 1976, but had only recently been allocated the title "a centre of excellence," a term newly invented by the state to mark those prisons which it felt were properly executing its new prison policies. Escorted by an entourage of Voorberg staff dressed in the brown uniform of the Department of Correctional Services, the minister made his way on an official tour of the prison. As he walked across the lawn to the prison, a prisoner *klopse* band, dressed in brightly colored satin suits, began to sing and dance for him.⁸ "I love you and I love you and I need you so, I'll never ever let you go, my Lollipop!" they sang, as a musician strummed a banjo and two performers flung cartwheels and flickflacks of shiny color against the brown drought-wrought stretch of farmlands and meters-high barbed wire of the prison fences. The glitter on their arms and faces barely concealed the green scratchings of their prison tattoos. Smiling broadly and applauding, the minister crossed the lawn and rounded the corner to enter the prison building. Here a prisoner's gumboot dance troupe had been positioned so that as the minister appeared, the line of young black men began to dance for him, stamping out a welcome as the dignitaries entered the prison to survey its tidied offices, scrubbed kitchens, and quietened cells, overfilled with men.⁹ Such pageantry was choreographed not only to pay deference to the minister, but also to arrange the bodies of incarcerated subjects in a diorama of a new carceral order: no longer subjugated by a repressive state apparatus,¹⁰ no longer mortified by apartheid's violent prison warehouses, but generative of rehabilitated, properly performative citizens.

The scene is unsettling in the context of post-apartheid South Africa not only because it glosses over the fraught history of national prison practice and its perduring hold over the real conditions of most of the country's prisons, but also because it elides longstanding international disputes about the viability of rehabilitation and penal reform more generally to adequately address the serious politics of race and class at the heart of most systems of criminal justice. It is indeed misleading to refer to the transformative ideals of post-apartheid

prison policy as “new.” They are in fact as old as the Enlightenment. The philosophy of rehabilitation had been peddled in South Africa since 1843, with the arrival of John Montagu, a British colonial prison reformer who came to South Africa to take up the position of colonial secretary at the Cape. Having been inspired by reforms in other colonial frontiers, Montagu brought South Africa’s disparate prisons into an organizational and ideological system underscored by notions of rehabilitation.¹¹ Throughout the colonial and apartheid eras there were periodic renewals of the call for transformed prisons based on rehabilitation. Even during the apartheid regime, when the most brutal forms of state violence were brought to bear on the hidden bodies of prisoners, the state published documents meant to demonstrate its commitment to the ideal-type international prison agenda. As a 1969 government-issued report of the South African Prison Service declared,

the policy of punishing merely to deter has lost much of its appeal, and the emphasis has gradually shifted to reforming those violating the rules of society, and to giving them the opportunity of becoming full and useful members of society again. This holds true for South Africa, where for decades a progressive policy has been followed, based on using incarceration not merely for detaining the prisoner . . . but as an opportunity for rehabilitating him. (Dept. of Foreign Affairs 1969, p. 1)¹²

The schism between rhetoric and reality in South Africa’s prisons is indicative of the general double standard in colonial contexts,

where the civilizing mission was always accompanied, and ridiculed, by violence and the entrenchment of racial hierarchy. To the degree that facilities for rehabilitation programs did exist in apartheid and colonial prisons, it was a form of prison life really only available to white prisoners, whose conditions of incarceration have, since the earliest days of the South African state and before, been significantly different from those of black prisoners.¹³ In one of the few scholarly publications concerning African prisons, Florence

Bernault argues that in spite of whatever rhetorical devices and intentions may have been issued about colonial African prisons, the practice was quite different.

Colonial prisons never served as true penitentiaries, but as practical fortresses where the conquest of Africa could be safely pursued. . . . [C]olonisation imported the modern prison in Africa severed from the very principles that had presided over its birth. Instead of seeking to rehabilitate criminals and promote social stability through popular consent over legal punishment, Europeans used the prison to secure control over a subaltern, racially defined social category that comprised the majority of the population.¹⁴

The post-apartheid South African state’s advocacy of precisely those “principles that had presided over [the prison’s] birth” is a reinvigoration of an old idea in the name of a “post-liberation” politics that allows for the prison to be stripped of its association with apartheid racism and oppression and resignified as a place of post-apartheid development and nation-building.

The post-apartheid South African state's advocacy of precisely those "principles that had presided over [the prison's] birth" is a reinvigoration of an old idea in the name of a "post-liberation" politics that allows for the prison to be stripped of its association with apartheid racism and oppression and resig-nified as a place of post-apartheid development and nation-building. Of course the zeal for correction and the new prison it augurs flies in the face of a substantial critical penal literature that argues that the prison as a method of punishment has consistently failed in its aims of rehabilitation and reform,¹⁵ and that in fact what it does most successfully is to consolidate the racism and class interest that almost always accompany criminal justice and penal bureaucracies.¹⁶ Although the post-apartheid state does at times acknowledge that most of the people it incarcerates come from poor neighborhoods impoverished by decades of violence, both structural and explicit, the enthusiasm with which it has heralded rehabilitation as a post-apartheid idea indicates a thoroughly liberal concern with individually redeemable lives, with subject rather than structure. "Correcting" the criminal has come to be framed as a positivist project in which criminality, severed from larger structural historical processes, is an immediate and naturalized problem that can be addressed not through any serious contention with structural-historical forces, but within the context of each of the individual, morally defined lives of incarcerated subjects.

From the early 1990s, the state had begun talking about the reform of the apartheid prison system. Various measures were implemented to signal a historic break with the old system, including the renaming of the Department of Prisons the "Department of Correctional Services" and, most dramatically in April 1996, the demilitarization of correctional services. The department abandoned its military drills, ranking systems, codes of formal greeting, insignia, and military "culture." This process was accompanied by a steady application of affirmative action, enabling black members of the department to move into management positions previously reserved for whites. Although demilitarization certainly sent shockwaves through prisons across the country, and threw the warder training schools into disarray, the process of reform over the first ten years of post-apartheid was piecemeal, and for the most part mismanaged, leading many stakeholders to criticize the extent to which the state had effected substantive change.¹⁷ It was after a new leadership was elected to the Department of Correctional Services in 2002 that a coherent vision for a post-apartheid prison began to emerge.

The 2004 White Paper on Correctional Services is the piece of state policy that most clearly characterized this prison agenda. It is a treatise that seeks to reconfigure the very terms of the post-apartheid prison by drawing on Enlightenment hyperbole about the transformative potential of incarceration. Not only does it place the work of "corrections" at the center of the

prison imaginary, but it wants prisons in post-apartheid to be understood as spearheading the moral recuperation of South African society. Thus the correctional schema is not attuned merely to the prevention of crime, but is understood as “a holistic phenomenon incorporating and encouraging social responsibility, social justice, active participation in democratic activities and a contribution towards making South Africa a better place to live in.”¹⁸ The state sees its prisons as having the potential to “regenerate the moral fibre of South African society”¹⁹ by correcting all “anti-social” behavior toward good and productive citizenship. Through situating the prison thus, as an institution involved in the moral project of post-apartheid nation-building, the state is able to salvage the prison as a valuable developmental asset. Central to the White Paper’s discussion of national morality is a set of ideological presumptions about “the family.” “The family unit,” reads the document, “is recognized as the basic building block of any healthy and prosperous community and nation.” It is the family that has the possibility of creating the kind of citizens that can uphold a healthy nation, and equally the family that has the power to ensure its demise. Failure to correct the behavior of children within the context of the family is the first step towards the “moral degeneration” of citizens, and thereby of the nation.²⁰

Criminality from the perspective of the Department of Correctional Services, then, is theorized as the repercussion of familial and moral crises, as the result of the failure, in the first instance, of “the family” in its capacity as a corrective force in the lives of young South Africans.²¹ By positioning “the family” as a central category of interpretation, the state can utilize the reified tropes of family values in constructing a national strategy against crime and can frame criminality as remediable through familial and moral intervention. Thus, during the minister’s auspicious visit to Voorberg in 2004, as part of the state’s national effort to promote the White Paper and its new vision, the one-time apartheid political prisoner could stand on a stage in the mess hall and chastise the families of prisoners who had gathered to hear him speak, the majority of whom had traveled from the poorer, darker sides of the small towns in the surrounding area, towns whose demographic divisions were still largely structured around apartheid’s race–class hierarchy. It is in the *home*, the minister declared, that the criminal is *made*. “We get them at the end of the conveyer belt,” he intoned. “It starts with the family. Parents are not doing their job. I’m not blaming only the rapist, I am also blaming the mothers. *Mothers must be mothers!*”

The tautology “mothers must be mothers” is instructive. As with much moralizing discourse on family values, terms are decontextualized and rendered self-referential, masking the array of ideological and historical underpinnings that have given them formation. Horkheimer has warned of the danger involved in such abstraction, the conceptual violence of

“turn[ing] human nature, conscience, or reason, or moral and religious ideas, into stable, independent essences and try[ing] to explain the functioning of society by the influence of one or more of them.”²²

Tautology allows for slippery ideological work that gives ideas the quality of the obvious, and prevents their contestation. As Berlant has argued, the moral valence of state communication in the public sphere is dangerous precisely because it eclipses and prevents live democratic critique and complexity: “A politics of moral hierarchy,” she writes, “tends to sublimate history into a field of ahistorical truths.”²³ Here what the state gets away with is the allocation of responsibility for crime to the fetishized idea of “the family,” the redistribution, in the interest of national security, of correction into the intimate sphere of familial life.

Moralizing politics in South Africa did not emerge from the context of prison work, but was initiated as a broader state project. In 1997, then-president Nelson Mandela met with various South African religious leaders to discuss what he called the “spiritual malaise” that had descended on South Africa, contributing to the presence of crime, corruption, pessimism, and moral failure. Calling for a “New Patriotism,” Mandela said that “we must build our nation into a community of citizens who appreciate their civic duty as each one of us improves our well-being. We must be ready to give back to society part of what we gain from it. . . . We need a campaign of moral regeneration.”²⁴ The following year, a “Moral Summit” was held in Johannesburg, after workshops between government and religious leaders had begun to identify what became known as the “moral failure” of the nation, a failure largely argued with reference to criminals who, in the words of the minister of Correctional Services, “are at an advanced stage of moral degeneration.”²⁵ Mandela later articulated what a commitment to moral regeneration might mean:

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It is the reconstruction of the soul of the nation, the “RDP of the soul.” . . . It means asserting our collective and individual identity as Africans, committed to the rebirth of the continent; being respectful of other citizens and honouring women and children. . . . It means building our schools into communities of learning and improvement of character. It means mobilising one another, and not merely waiting for government to clean our streets. . . . These are things we need to embrace as a nation that is nurturing its New Patriotism.²⁶

Difficult as it may be to find fault either with this statement or with the person of Mandela, it is crucial, in order to understand the work this invocation of morality is doing, to contextualize it within the framework of the concurrent macroeconomic shifts in Mandela’s government. The “RDP of the soul” to which

Mandela alludes is a reference to the first major socioeconomic policy framework produced by the African National Congress (ANC) government when it took office in 1994. The Reconstruction and Development Programme (RDP) was a left-leaning national strategy for post-apartheid social transformation. Although already reflecting a compromise position that had retreated from the Freedom Charter's firm leftist commitment to nationalization of South Africa's wealth, the RDP laid out a series of measures for intervention into the South African economy that would alleviate poverty and provide effective social services in the interests of poor black South Africans. However, at the time Mandela was launching the "RDP of the soul," the ANC had shifted its economic policy further to the right by *abandoning* the RDP economic framework and replacing it, after considerable discussion with the IMF and the World Bank, with the neoliberal policy framework known as GEAR (Growth, Employment and Redistribution).²⁷ What GEAR effectively inaugurated was a retreat from social spending and redistribution to the poor, the protection of white capital, and a genuflection to the ideological assertion that there is no viable alternative to fiscal and market-friendly conservatism.

To be fair, the end of formal apartheid in South Africa did coincide with the end of the Cold War and the apex of the persuasiveness of neoliberalism. However, what was effectively produced by the adoption of GEAR in South Africa were the very conditions necessary for the *de facto* prolonging of apartheid social relations under a post-apartheid government, preventing significant transformative intervention into the structural conditions of South African life. What these conditions mean for the project of criminal justice is that the rehabilitative agenda of Correctional Services is in the impossible position of trying to play a remedial role in a polity in which criminality signals the continued inability of the post-apartheid government to sufficiently resolve the unequal and violent legacy of colonialism and apartheid.

Stuck in this impossibility—an impasse—of trying to create new subjects amid unchanging, sometimes exacerbated, structural conditions, one of the only avenues for movement is into the realm of the idealistic. Hence an "RDP of the soul" in the absence of an RDP of the state. Morality, flexible in its ahistoricism, is what can muster hope in the context of the impasse. Wendy Brown theorizes this turn to morality as an indication of the *loss* of alternative social and political possibilities:

If, as Nietzsche recognized, impotent rage inevitably yields a moralizing (re)action, how might we succeed in rereading contemporary political life through this recognition? . . . The righteous moralism that so many have registered as the characteristic political discourse of our time . . . I see as a symptom of a certain kind of loss.²⁸

But ideational intervention with little basis in any structural transformation of social relations eviscerates the very politics

that are being rhetorically invoked. As Marx and Engels remind, "The phantoms of their brains have got out of their hands. . . . Life is not determined by consciousness, but consciousness by life."²⁹ If we are to take the point of Marx and Engels that consciousness itself is a social product, and ask why it might be that idealistic liberal Enlightenment penal philosophy, with its prophesy of social change through the moral recuperation of subjects, could come to have such credibility as a vehicle for social transformation in post-apartheid South Africa, then the analysis of Brown may well be instructive.

Moralism emerged as a political proposition because the post-apartheid state can neither fall into the kind of penal machismo that would undermine its claims to democracy, nor can it produce the kind of social equality that would significantly constrain criminality.

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Warders, Jesus, and the Practice of Morality

Christianity had, of course, recognized long ago the family's task of educating men to live under authority in society.

(Horkheimer, *Authority and the Family* [1968])

The impasse of corrections, and its moral injunction, is most dramatically experienced by the warders who work at the coal-face of prison practice. Faced with the task of rehabilitating criminals into morally refurbished citizens, warders are the vehicles through which the actual practice of corrections is worked out in the space of the prison.

Veena Das, following Derrida, has theorized this relationship between state injunction and state practitioner as always potentially disruptive of any simple sovereign directive: "It is my argument that many of the functionaries of the state themselves find the practices of the state to be illegible."³⁰ Indeed, warders faced with the task of implementing new corrections policy, itself a result of an impasse in South African social life, are often despondent, overwhelmed, or confused by the task that has been given to them. The work warders do in mediating that illegibility makes policy open for interpretation; makes of state practice a site of translation and improvisation. As Das describes, "the iterability of utterances and actions [are the places] in which the signature of the state can detach itself from its origin and be grafted to other structures and other chains of signification."³¹ Just as the state, faced with the overwhelming task of reducing crime, reached for the ideational, so warders, charged with the near-impossible task of correcting the criminals in their keep, reach for the mystical. One of the primary mediations of corrections policy is Christianity. It is the frame in which the state's injunctions—morality, family values and re-

habilitation—make sense at the level of implementation. Thus the familial becomes not only a site of culpability for criminality, but also a mobilizing trope in the practice of moral labor inside prisons.

An ethnographic example is revealing. One winter morning in 2003, a television actress from the popular Afrikaans soap opera *7de Laan* came to visit a female prison in the small town of Worcester.³² The head of the prison, a middle-aged white woman who was a devout Christian, was beside herself with excitement at the arrival of the “famous actress,” and had gathered as many prisoners as possible into the eating hall in the center of the prison courtyard, where “Letitia” (the name of the soap opera character) was to address them. When the actress arrived in the hall, it was not as herself, nor as “Letitia,” but as Mary Magdalen, dressed in flowing robes with a crocheted scarf covering her hair and a cluster of women around her, bearing bottles of perfume and tissues. Her performance, a monologue in character as the handmaiden of Jesus, was given in quavering voice and great rapture: “Jesus’ all-seeing eyes saw the Devil in my soul and ordered it OUT!” chanted the once-fallen woman. The guilt and grief she felt when she washed Jesus’ feet with her tears and perfume required her womenfolk to hand her a great many tissues during the performance. Just as she began to rave about the joys of heaven she suddenly stopped short. Staring into the faces of her audience, she commanded, in crescendo, “And then we are changed! Cast that rejection away! Turn yourself completely around! Change your thoughts completely!” Then she made everyone in the room repeat after her: “Father, come into me. Plant the seed of the Messiah inside my heart. So that I can *change*!” The final word, three syllables long in Afrikaans, was spoken slowly and emphatically, as if to a class of young children.

These last phrases, and indeed the performance as a whole, inserted the prisoners into a set of normative Christian family values, in particular around conservative interpretations of gender. The women were positioned in relation to a male God either as children (“I am your child and you are my Father!”, “Thank you that we are all your daughters”), or as passive sexual partners (“Cast away rejection,” “Come into me. Plant the seed of the Messiah inside [me]”). This gender ideology was not only performed in the context of religious instruction, but pervaded much of the everyday pedagogy of the prison as well. The head of the prison understood her responsibilities to prisoners to be the role of a Christian mother, giving them love, treating them sternly when they misbehaved, and mostly instructing them on how to be proper women. Although many of the prisoners under her care were not practicing Christians, she “encouraged” them to participate in events brought to the prison by Christian visitors. Judging from the prison’s visitor’s book, there was, however, not that much else to choose from.

During the Mary Magdalen performance, several warders kept trying to steer inside those prisoners who were hovering

outside of the hall and clearly disinterested in the proceedings. Lena, one of the inmates who attended the performance, later confided to me that she had only gone because she wanted to see her girlfriend, from whom she had been separated after the head of the prison had discovered their love affair and moved them to different cells. During the course of the performance, Lena had slowly inched from bench to bench until she was able to sit at the back of the hall and hold her lover's hand. All lesbian activity was banned inside the prison, and it had become status quo to split up couplings that formed within the context of any communal cell. Talking through the bars of her cell window in hushed tones after the three o'clock lock-up, Lena felt that she was going crazy from the separation, especially the interruption of a network of care that provided her some means of succor in the context of the general alienation of prison life. To maintain some degree of proximity to her lover, Lena found a way to send her small comfort items from window to window until they reached her cell.³³ The only time lovers could see each other was during exercise time, when prisoners were released from their cells into the central courtyard, or during events such as the visit of the "famous actress." And the warders resented even these brief moments that the women could spend together.

The overwhelming majority of South African warders are practicing Christians, and many bring their faith directly to bear on their relationships with prisoners. Christianity, and particularly evangelical Christianity, provides a scaffold for warders to negotiate the rehabilitative ideals of the state, and in particular the familial tropes of "corrections." Those who claim to have been able to rehabilitate prisoners tend to have interpreted this procedure as coterminous with Christian redemption. The interpretation is an easy one to make, given that the logic and language of "correction," particularly with its emphasis on morality, is congruent with that of conversion. As "Mary Magdalen" put it, "Turn yourself completely around! Change your thoughts completely!" The Christian notion of casting evil aside and accepting the spirit of a Christian God maps easily onto the notions of rehabilitation promoted by the state: that criminality can be banished and a new and proper citizen created through an intervention into the individual moral life of a prisoner. In the everyday spaces of interaction between the state and the criminal, the evidence of a "corrected" subject is sought in the most heteronormative of Christian family values.

Although official expositions by the state often veer into overtly Christian terms—most notably in the development and implementation of restorative justice programs, but also in the ubiquitous praying before every meeting and function, and the

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frequent references to Jesus and a Christian God during official speeches as prominent as those of the minister himself—the state is explicitly obliged by the post-apartheid Constitution to support religious pluralism and to oppose discrimination against homosexuality. Therefore, official memoranda and policy cannot espouse anti-gay practices. Rather, the state frames its position on sexuality in prison as a control over *all* forms of prisoners' sexual expression so as to protect not only the “decency” of the incarcerated population, but also their families and communities at home. It is a convenient invocation of the propriety of the heterosexual family as a means of protecting against non-normative sexual practice. As a memorandum sent to all heads of prisons instructed,

We receive persons from the community into our prisons to be rehabilitated during their period of incarceration. We have a responsibility towards the public to protect their loved-ones whilst they are in our care. We can thus not allow inmates to develop love relationships in the prison. . . . It happens from time to time that inmates get involved in relationships with fellow inmates. These relationships cannot be allowed, since it is perceived as indecent by most of the inmates. . . . No love relationships, holding hands, kissing, etc. [can] be allowed *where other staff or inmates are present*. . . . Where Heads of Prison know or are informed about such relationships or there are grounds to believe that a love relationship exists, those inmates must be separated.³⁴

Given that almost all of South Africa's prison cells are communal, meaning that at least twenty prisoners (often up to fifty) spend more than twenty hours each day locked into the same small space together, most distinctions between public and private space become moot. To place a prohibition on public sex in prison (“where other staff or inmates are present”) is to place a prohibition on (homo)sex. There are certainly attempts made by prisoners to create spaces of semi-seclusion in which to have sex, mostly by hanging blankets or sheets around a bed, and yet such enclaves inevitably denote the very act they are intended to hide. Although the intimate corporeal details are here foreclosed from view, by and large privacy takes the form of a “public secret,” private in the circumscription of discourse about sex acts, but not in terms of the acts themselves. In circumstances where couples have been separated, prisoners may seek out tiny convolutions in an otherwise exposing prison architecture for moments of pleasure.

Into the dense sexual environment of prison—with its complicated line between sexual coercion and consent, the delicate reciprocities and structured protections offered by sex within the context of gang affiliation, the difficulty of negotiating the volatile nexus of identifications associated with homosex, both inside the prison and in the outside world that awaits prisoners—the state seeks to make interventions that clarify and control the terms of sexual expression that occur within its institu-

tions. Some degree of control is indeed necessary, as prisoners should be protected by the state against acts of sexual violence. But the state's interventions into prison sex have tended to dwell more on petty regulation than on serious issues of sexual abuse, on moralizing rather than on a serious ethic of care. Take, for example, the state's position on pornography. The stipulation in prison code states that "prisoners may be in possession of erotic magazines *if* he/she applied for them and received them in the prescribed manner." This means that prisoners with "A-group" privileges (the highest privilege ranking) may order subscriptions to pornographic magazines that are delivered by mail order directly to the prison, but are not allowed to receive ad hoc magazines from family or friends during visiting hours. The code also requires that "erotic magazines are not transferable to the next prisoner," an improbable proposition given the velocity of exchange networks and shared living arrangements among prisoners not only in each communal cell, but in whole prisons.

When state policy is unclear, as in whether prisoners are allowed to stick semi-pornographic images up on the cell walls above their beds, decisions are left up to warders as to allow the practice or not. One head of prison reported that he always goes into cells and tears them off the wall, because they offend his Christian sensibilities. He also monitored carefully the photographs and pictures that prisoners receive in their letters. One morning I found him in his office in conversation about the contents of a letter sent to a prisoner by the inmate's girlfriend. He and a warder working in the unit where the young prisoner was held had their heads bent over two photographs that had been included with the letter. In one of the photographs, a blurred young woman was standing, almost at attention, in a small garden dressed only in her underwear and staring straight at the camera. In the other, she was lying on a bed, her head propped up by her hand, in the same large beige bra and panties. The two prison staff were discussing whether the photographs were to be classified as pornography and therefore discarded, or if they were simply photographs of a friend in her underwear, which could be passed on to the letter's owner. This small event is typical of the kind of interpretive control that prison staff exert over the content of sexuality, and by extension, of the idea of what constitutes "correction" and the moral order it signifies.

Many warders who take the role of rehabilitator/corrector seriously, reach for kinship metaphors in negotiating their relationships with prisoners, referring to themselves explicitly as "mothers" or "fathers" of the prisoners in their care. With the "family" being the institutional trope of correction, and the means by which the future propriety and good citizenship of

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prisoners are to be achieved, prisoners are cast as children, and criminality a developmentally arrested state requiring the pedagogy of family values as a passage to adulthood. As warders take up the idea of moral correction, they configure it in ways that reconstitute authority in highly patriarchal and conservative ways. As they, and the state they represent, assume the role of *über*-parent in providing a strict corrective environment for criminality, the space of the prison is infantilized as a zone of delayed childhood (re)socialization. This has major implications for the way in which prisoners are entailed in carceral relations. And it is a reason why sexuality is such a fraught issue in prison: because children, according to normative Christian family values, are not supposed to be sexualized, and certainly not sexualized through homosexual encounter. Prisoners who gravitate toward the idea of rehabilitation are, generally, willing participants in their own infantilization, and are, often, willing to succumb to the dual proposition of rehabilitative change and reborn Christianity. These messianic terms curry the least favor with members of prison gangs, who mostly reject the rehabilitative gesture, especially the familial nature of the relationship with warders, who they are obliged by gang codes to avoid. The gangs' resistance to the infantilizing techniques of corrections in fact provides one of the only platforms for a critique of the familial and moral turn in prisons. Drawing on black nationalist traditions and laying explicit claim to a militant (adult) manhood, gang members often mock prisoners who work with warders with phrases such as *Jou pa roep jou daar* [Your father is calling you], aimed at taunting prisoners about the awkwardness of their investment in the project of paternalism. Their suspicion is not misplaced. As Horkheimer reminds us, "When the child respects in his father's strength a moral relationship and thus learns to love what his reason recognizes to be a fact, he is experiencing his first training for the bourgeois authority relationship."³⁵

Criminal Abstractions: A Conclusion

In the introduction to the 2005 annual report of the Department of Correctional Services, the prison is described as "a place that has since [the end of apartheid] come to symbolize the power of truth and democracy, far-removed from its earlier days as a centre of repression."³⁶ This thoroughly depoliticized reading of the institution of the prison, a reading that misinterprets the prison as a flexible institution available for reform, characterizes the manner in which the post-apartheid state is seeking to resolve the dilemma of mass incarceration after apartheid. The structural logic of punishment could hardly be clearer: prisoners who share the country's overcrowded prison cells come disproportionately from poor black communities underwritten by apartheid violation, communities to which

they will return with even less chance of employment outside of the criminal economies that have already led them to incarceration. *Still*, the state builds around an expensive prison industry an argument and a bureaucracy that invests in a liberal paradigm of individual moral recuperability. Far from achieving through the doctrine of corrections a passage into democracy, the work that the idea of rehabilitation accomplishes is in fact a consolidation of patriarchal authority as well as the provision of an alibi, a wishful justification, for mounting rates of incarceration.

The abstraction of criminality and incarceration out of their historical and structural conditions is an ideological project that pathologizes individual criminals and their circumscribed biographies. Positioned in the first instance as a failure of the family, and as a problem of moral ineptitude, criminality is understood in reified and ahistorical terms. Its redress is subsequently divorced from any serious material interventions into the impoverished and violent conditions of social life that are the result of South African colonial and apartheid history, and which animate much of post-apartheid criminality. While a resolutely materialist diagnosis of criminality and punishment may well override the complexities of social organization and community, the case must be made for a serious critical engagement with the misrecognition of moral order as both the cause of, and the solution to, the problem of crime. The parochialism of moral intervention places hope for social transformation in idealistic projects which, even as they demonstrate the good intentions of the state, mark the loss of the kind of radical social and political alternatives that would contribute so much more to the amelioration of criminality.

While a resolutely materialist diagnosis of criminality and punishment may well override the complexities of social organization and community, the case must be made for a serious critical engagement with the misrecognition of moral order as both the cause of, and the solution to, the problem of crime.

Endnotes

1. This article is an adaptation of a chapter of the author's dissertation, written through the Department of Anthropology at the University of Chicago. The author is now in the Department of Social Anthropology, University of the Witwatersrand. Research towards this paper was generously funded by the Social Sciences Research Council and the Wenner-Gren Foundation. The author would like to thank for their longstanding support and mentorship Jean Comaroff, John Comaroff, and Danilyn Rutherford, as well as Andrea Muehlebach and Jessica Greenberg for their intellectual friendship during the course of writing. Thanks are also due to this article's anonymous reviewers.

2. The *Freedom Charter*, adopted in 1955 by the Congress of the People, a broad alliance of South African anti-apartheid organisations, provided the first statement of a coherent political agenda for a post-apartheid polity. It remained a constitutional document throughout the liberation struggle and was largely regarded as representative of

the policies the African National Congress would implement upon taking office in national government.

3. Office of the Inspecting Judge of Prisons, *Annual Report* 2005.

4. Office of the Inspecting Judge of Prisons, *Annual Report* 2006.

5. Office of the Inspecting Judge of Prisons, *Annual Report* 2007.

6. For an analysis of post-apartheid criminality, see especially Steinberg, *Crime Wave*; and also Jean Comaroff and John Comaroff, *Law and Disorder*.

7. *Voorberg* is an Afrikaans word meaning "before the mountain."

8. A *klopse* band is a historically "colored" ("mixed-race") cultural form that is performed at carnivals and choral competitions mostly in the Western Cape. The *klopse* repertoire typically synthesized old Dutch colonial songs, slave songs, and barber-shop, and is performed with clowning gestures and carnivalesque costumes.

9. Gumboot dancing is a dance form developed by black miners on South Africa's mining compounds. A line of dancers, wearing the knee-high rubber boots used in the mines, stamp out a base rhythm in unison while slapping a syncopated rhythm onto the sides of their boots with the palms of their hands.

10. See Althusser, "Ideology and Ideological State Apparatuses."

11. Corry, *Prison Labour in South Africa*; Van zyl Smit, *Prison Law and Practice*.

12. Department of Foreign Affairs, *Prison Administration in South Africa*, 1.

13. Channock, *The Making of South African Legal Culture*, 97–113.

14. Bernault, "The Politics of Enclosure in Colonial and Post-Colonial Africa."

15. Foucault, *Discipline and Punish*; Ignatieff, "State, Civil Society and Total Institutions"; Garland, *Punishment and Modern Society*; Rothman, *The Discovery of the Asylum*; Rothman, "Perfecting the Prison"; Rotman, "The Failure of Reform," 151–177.

16. Davis, "Race and Criminalization"; Gilmore, "Globalization and U.S. Prison Growth."; Critical Resistance Collective, "Critical Resistance to the Prison-Industrial Complex"; Wacquant, "Deadly Symbiosis."

17. Giffard, "Out of Step?" Dissel, "Tracking Transformation in South African Prisons"; Sloth-Nielson, "Overview of Policy Developments."

18. White Paper, 2.8.9.

19. *Ibid.*, 3.3.6.

20. *Ibid.*, chapter 3.

21. Policy documents from other sources and departments of the state have offered more sophisticated readings of the causes of criminality. The National Crime Prevention Strategy (NCPS) of 1996, for example, cautioned that attributing crime to any single factor would simplify the problem and lead to ineffectual solutions. Yet it also contained reference to "the family" in its first paragraph on the causes of crime.

22. Horkheimer, "Authority and the Family," 54–55.

23. Berlant, "The Epistemology of State Emotion."

24. Rauch, *Crime Prevention and Morality*, 16.

25. Department of Correctional Services, "Correctional Services Participates in Moral Regeneration Summit."

26. *Ibid.*, p.17.

27. Bond, *Elite Transition*; Adelzadeh, "From the RDP to GEAR."
28. Brown, "Moralism As Antipolitics."
29. Marx and Engels, *The German Ideology*, "Preface" and p. 47.
30. Das, "The Signature of the State," 234; Derrida, *Spectres of Marx*.
31. Das, "The signature of the state," 245.
32. Worcester female prison is the only maximum-security facility for women in the Western Cape province. As a result, many of the women incarcerated here are hundreds of miles from their families and communities and therefore rarely receive visits from friends or family.
33. Prisoners use a system called *speen* (literally "to wean," or "ud-ders") to move items between cells after lock-up. Usually sheets are torn up and made into a long cord, with one end being tied to a bar on the cell window. At the other end, the traveling object is tied into the sheet, often with another object (a bar of soap, for example) to give it weight. Then the heavy end is thrown across a corridor or courtyard to another cell, where it is hooked up, often with a clothes hanger, through the receiving window.
34. Provincial Commissioner of Correctional Services, fax transmission sent to staff at Western Cape prisons, circa July 2004 (emphasis mine).
35. Horkheimer, "Authority and the Family", 101–102.
36. Department of Correctional Services Annual Report 2004–2005, Minister's introduction.

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