

In the Shadow of the ‘Big House’
Redefining halfway houses within the debate over incarceration

Andrew May [MYXAND004]

Supervisor: Professor Emeritus Elrena Van Der Spuy



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It is dangerous to be a part-time student. For better or for worse, this project has been connected with my life for over a decade. During my enrolment I have moved three times, had three children and begun three jobs. There have been two constants throughout these changes—the welcome I have received in South Africa's prisons and the love and support from my colleagues and family.

I could not have asked for a better incubator for this research than the Centre of Criminology. The faculty and staff are equal in their professional rigour, and in their kindness. Professor Moulton, Professor Kinnes and Professor Phelps have all directly edited this work, and it is better for it. One of the few advantages of being a perpetual student is that I had the privilege of knowing Dr. Anine Kriegler and Annie Kok as my classmates, and they have now surpassed me in joining the research staff of Centre. I cannot repay their professional feedback or their encouragement. Gustav Mbeha may have joined from a different department but he willingly immersed himself in South Africa's halfway houses with me. None of this research would have been possible without the guidance and experience of my advisor, Professor Emeritus Elrena Van Der Spuy. She has a gentle authority and wise humour that have meant everything for this project. The completion of this thesis—and anything that I go on to accomplish—must be credited to her.

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It is impossible to name the hundreds of prisoners who have been part of this journey. They are not merely the subject of my research—many have become my colleagues and my friends. I will always be an outsider in South Africa's prisons, but they have honoured me by showing vulnerability and kindness in the midst of a harsh environment. The pragmatic emphasis of this thesis is my attempt at paying this debt. If my research makes a lasting change to rehabilitation in South Africa, it is because every part of this thesis is anchored in the lives of South Africa's prisoners and parolees.

Three generations of my family have supported this thesis. The past two decades spent listening to prisoners' stories are a continuous reminder that my own parents are exceptional. They have always been the heart and the conscience both of my education and my work. This document is older than all of my children, and they have each sacrificed for a project that was not of their own choosing. Their joy and love is a constant refuge as I study a context that has very little of either. They may not understand why a thesis is worth writing, but they understand why prisoners deserve our help—their clarity becomes my strength. I cannot even acknowledge the debt that I owe my wife Anne for the completion of this project. Her support goes beyond the countless hours that she has given me for research and writing—it is something spiritual. She is my most trusted colleague and my best friend. This thesis—and all of my work in prisons—is as much due to her sacrifice and commitment as to my own. Her prayers, her wisdom and her grit have made this thesis possible.

ABSTRACT

Incarceration is a paradox. It creates an artificial convergence of intense and opposing social forces. Prison dominates every aspect of an inmate's life under the auspices of preparing them for a chaotic transition to a society governed by flexibility and choice. Somehow control and conformity are expected to prepare inmates to re-join communities with neither of these characteristics. While prison has the stated goal of rehabilitation, it has always been a barrier for inmates seeking to build new lives for themselves. Meaningful restoration demands a different institutional setting.

In the 19th century, pre-release residential programmes, also known as 'halfway houses', were created to deal with the challenges of prisoner integration. These rehabilitation programmes for ex-prisoners attempted to bridge the gap between rigid institutions and a world that confronts ex-prisoners with an overwhelming array of decisions and responsibilities. This thesis surveys the trauma of incarceration before exploring the potential for halfway houses.

In an environment where rehabilitation or training programmes are increasingly specialised, halfway houses are attempting a holistic programme. While they may fail in their mandate, these residential programmes at least recognise the difficulties in overcoming carceral trauma. This thesis will use South Africa's halfway houses and some comparative international data to study prisoners' struggle to integrate into a hostile society and the institutions that guide them. What does it mean to be 'halfway' inside a total institution? Ex-prisoners are caught between two worlds, and halfway houses inhabit this place of conflict.

This thesis will situate halfway houses within the larger theoretical debate between punishment and rehabilitation, and then propose several reform initiatives that will better utilise their potential. The first four chapters represent the weight of incarceration on our socio-political landscape and the prisoners' lives. Erving Goffman's concept of "total institutions" is foundational to these chapters, because it is impossible to understand rehabilitation without contending with the institutional deadweight of incarceration. The last four chapters present my ethnographic research into four South African case studies, and explore the theoretical and practical implications for halfway houses within the Department of Correctional Services.

Incarceration will always resist reform, but it is possible to pry inmates away from its grip if there is an alternate institutional context. This thesis is about narrowing the frame of reference to a small institutional setting. Innovation and reform are not possible until the lived

experience of prisoners has been revealed. Halfway houses are small-scale initiatives on the periphery of the criminal justice system, which is exactly why they are an ideal context for reform.

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ACRONYMS

CCA – Carceral Choice Analysis

CBRF – Community Based Residential Facilities

CMC – Case Management Committee

COG – Capital Offenders Group

CSP – Correctional Sentence Plan

CSPBs – Correctional Supervision and Parole Boards

CSPRI – Civil Society Prison Reform Initiative

DCS – Department of Correctional Services

DSD – The Department of Social Development

DSM – Diagnostic and Statistical Manual of Mental Disorders

JCPS Cluster – Justice, Crime Prevention and Security Cluster

IDP – Individual Development Plan

NGOs – Non-governmental Organisations

NICRO – The National Institute for Crime Prevention and Rehabilitation of Offenders

PIE Act – Federal Prison Industries Enhancement (PIE) Act

PTSD – Post Traumatic Stress Disorder

SAPS – South African Police Services

SLA – Service Level Agreements

TRC – Truth and Reconciliation Commission

CHAPTER 1: INTRODUCTION

1.1 IN THE SHADOW OF THE 'BIG HOUSE'

We have grown comfortable with prison. When street children and juvenile gangs from the back-alleys of 1930s New York City began referring to prison as 'the Big house,' it was a term of familiarity.¹ They were a generation without traditional coming-of-age narratives. With its structure, physicality, and power, prisons took over many of the formative roles of elders and even teachers. Incarceration had become a perverse rite of passage. It was part of the road to adulthood. There might not have been homes for this lost generation, but they would lay claim to a massive house (Garbarino J. , 1999).²

As rising industrial societies grew their carceral infrastructure to control a workforce in motion, their familiarity with prisons has come at a high cost. It is sadly ironic that even as the institutions that used to structure communities have lost power, we have become comfortable with institutions of confinement. There is a healthy debate about the scope and structure of the prison, but its shadow cannot be removed from the landscape of the modern city. There is fear that this familiarity has become a dependency. Correctional infrastructure has become a bureaucracy intent on self-preservation (Pinnock, 2016).

As prisons have become a self-fulfilling prophecy, it is increasingly difficult to pry people from their grip. It is tempting for reformers to take a completely individualised approach. There are always anecdotes about heroic counsellors and social workers who try to wrest individuals out of the system. These hopeful exceptions cannot be the substitute for an institutionalised response. Society has legislated punishment and rehabilitation into a comprehensive institution that controls and eliminates inmates' choices. Freedom of choice needs to be built into the system on an

¹ "The Big House" was a popular American movie released by Metro-Goldwyn-Mayer in 1930. It chronicles a prison riot and the writers earned an Academy Award. The 'Big House' penitentiary would go on to become a fixture of Hollywood cinema, but Hirsch (1992) describes the rise of these institutions with exceptional detail in his history, *The Rise of the Penitentiary, prisons and punishment in early America*.

² Sociologist James Garbarino (1999) documents these trends in detail in his book *Lost Boys: Why our sons turn violent and how we can save them*. Shadd Maruna agrees that cycling through the criminal legal system has become a perverse rite of passage. In the South African context, journalist and criminologist Don Pinnock has done extensive research on the myriad of ways that crime and incarceration have subsumed traditional coming of age narratives. His most recent book is *Gang Town* (2016), but he has been tracking this phenomenon since the 1980's. Both of these sociologists will feature in later chapters.

institutional level if there is any hope for reform. The institutional inertia of the prison system stifles innovation, but there is a crack in the cement walls. Halfway houses are small residential experiments on the margin of the criminal justice system. They provide an opportunity to bend the carceral rites of passage towards a different outcome. While halfway houses will always exist within the Big House's shadow, they represent the potential for something new.

1.2 THE SIGNIFICANCE OF HALFWAY HOUSES

Incarceration is a paradox. It creates an artificial convergence of intense and opposing social forces. Prison dominates every aspect of an inmate's life under the auspices of preparing them for a chaotic transition to a society governed by flexibility and choice. Somehow control and conformity are expected to prepare inmates to re-join communities with neither of these characteristics. While prison has the stated goal of rehabilitation, it has always been a barrier for inmates seeking to build new lives for themselves. Meaningful restoration demands a different institutional setting.

In the 19th century, pre-release residential programmes, also known as 'halfway houses', were created to deal with the challenges of prisoner integration. These rehabilitation programmes for ex-prisoners attempted to bridge the gap between rigid institutions and a world that confronts ex-prisoners with an overwhelming array of decisions and responsibilities. In an environment where rehabilitation or training programmes are increasingly specialised, halfway houses attempt a holistic programme. While they may fail in their mandate, these residential programmes at least recognise the full range of challenges their occupants face. This thesis will use South Africa's halfway houses and some comparative international data to study prisoners' struggle to integrate into a hostile society and the institutions that attempt to guide them. Ex-prisoners are caught between two worlds, and halfway houses inhabit this place of conflict.

Many treatment professionals reject the concept of a 'halfway point', but since it has been a familiar term for over a century, it will not easily be replaced. This thesis will use the term 'halfway house' as vernacular shorthand for a broad range of residential aftercare programmes that include the following four general characteristics:

1. Residential – Parolee supervision has several day-parole programmes and remote monitoring programmes, but halfway houses are always residential. There is surprising consensus amongst contemporary scholarship that where a parolee lives will become a leading indicator in their successful transition out of prison. Shadd Maruna and Andrea Leverentz explore this theme in their research on desistance and rehabilitation.
2. Parole Oriented – Halfway houses cater to many different demographic groupings, but they all are familiar with judges and parole boards. Whether the focus is on addiction recovery or re-entering the community after a long sentence, halfway houses exist on the periphery of the criminal justice system. They are directly engaging the legal requirements of parole.
3. Programming and Support – Halfway houses are more than subsidised housing or sober living arrangements. They are a staffed, residential environment with opportunities for treatment, training and support. The quality and focus of these interventions vary wildly, but their presence is definitional.
4. Transitional – At its core, a halfway house is a place of transition out of a restrictive carceral environment. It is a way out of prison. Implicit in their nature as transitional programmes, halfway houses are unique in the criminal justice system because of their use of volition on a structural level. Put simply, halfway houses offer their participants some form of choice about whether they will participate. Without choice, there is no transition, and the programme would only be a minimum-security prison. This distinction cannot be overstated. Inmates generally progress from higher-security facilities at the beginning of their sentence to minimum-security facilities just before their release. No qualifications or decisions are necessary—the prisoners just need to keep their heads down and avoid violent altercations or large-scale smuggling. A half-way requires a much higher level of commitment for entrance, and the corresponding reward is significant opportunity.

For this thesis, a halfway house is as defined as a structured, residential aftercare programme assisting former inmates in building new lives for themselves outside of the confines of their previous incarceration.

Halfway houses represent fertile soil, but they have not received extensive study—especially in the African context. While much has been written about the psychology of individual prisoners transitioning out of prison, there is far less scholarly examination of the institutions that

try to fill this space. Administrating halfway houses is seen as the domain of social workers and has attracted limited attention on a theoretical basis.³ There are several reasons for this oversight.

Firstly, halfway houses are difficult terrain. They represent a personalised, relational response to a growing criminal justice infrastructure. Their successful operation requires hard work. The difficulty and time required to manage halfway houses make them unattractive to both the ideological proponents of rehabilitation and its sceptics. Reformers want scalable solutions that will tackle the institutional root of the carceral infrastructure. Halfway houses are about escaping the grip of prison, not tearing it down. For reformers to engage with halfway houses, it would be taking time away from their larger objective of demolishing the modern prison. It represents too much work for too small an objective. From the other side of the ideological spectrum, the advocates of stricter punishment are equally disinterested in engaging with halfway houses. It is much easier to make an example of prisoners than try to fashion them into role models. Politicians rise to power by promising to “get tough on crime.” Where is the incentive to pursue small-scale rehabilitative innovation that is also resource-intensive and complicated?

Secondly, halfway houses are small. Their size perpetually relegates them to the margins of the carceral system and the ideological debate about its reform. They physically serve a tiny fraction of the system’s prisoners. More significantly, they do not align neatly with the more exciting reform movements, such as prison abolition. They are messy and relational and can never have the moral simplicity like the movement to abolish the death penalty. For either side to approach halfway houses as a significant innovation, this would threaten their larger narrative. Halfway houses remain relegated to the domain of overworked social workers.

The third and final challenge facing any scholarship of halfway houses is an ambiguity of meaning. What does it mean to be halfway inside a prison? Are halfway houses an extension of the carceral state or an escape hatch from its control? Some liberal scholarship questions the

³ Halfway houses have not received the academic recognition that they deserve in South Africa. Indeed, I could find only one scholar outside of the Department of Correctional Services who was writing about them at all. However, there is a small, dedicated cadre of scholars who have made a significant contribution on the international stage. Writing from the United States, Melissa Munn, Chris Bruckert, Andrea Leverentz and Reuben Miller have each added something important to the understanding of rehabilitation and the complex relevance of halfway houses.

ADD SOMETHING for each... Miller makes it personal... Together these scholars , but they are the exception that proves the rule.

premise of rehabilitation, which leaves little interest in halfway houses. Other conservative advocates of increased punishment question the utility of rehabilitation and come to a similar dismissal of the programme. There is agreement that halfway houses represent small-scale residential programmes for prisoners in transition, but there is no consensus about the value of these programmes.

The politics of incarceration make theoretical questions around specific definitions more difficult. For example, the rhetoric of rehabilitation is often employed to cover economic concerns, and many programmes are branded halfway houses when they are identical to minimum-security prisons⁴. There are court-ordered treatment programmes for the affluent and reform schools for the poor, but both are just prisons with a facelift.

However, the very reasons contemporary scholarship has tended to overlook halfway houses represent opportunities that should make the programmes more compelling. Consider the following structural advantages. It should be noted that these five characteristics of halfway houses are a statement of fact and should not be viewed in normative terms. Correctional officials and prison abolitionists can come to very different opinions about the policy response to these characteristics, but for better or worse, they represent potential.

1.2.1 *Halfway houses are physically outside of the prison*

Not all institutions are defined by a physical space. For example, the army and some religious orders have no fixed borders. However, in the case of carceral institutions, the physical walls represent a particular burden. Rehabilitation is of limited value as long as it is confined by concrete and razor wire. Rehabilitation is not dead but must be removed from prison, not grafted onto it. The most important feat reformers could accomplish in the abolitionist movement was physically removing prisoners from their cages.

⁴ In 2012 there was a scandal in the US State of New Jersey. The local government contracted with a network of halfway houses under the guise of rehabilitation, but the real purpose was to warehouse low-security inmates cheaply. A private company, Community Education Centers (which is a striking euphemism for a private prison contractor) was hired as a way of avoiding the State's expensive correctional officer unions. For months the New York Times was running headlines about abuse and neglect in New Jersey's halfway houses, but these programmes were actually run as low-budget minimum-security prisons. They were an attempt to run a prison on a tight budget and they failed. Halfway houses are now discredited in the area, which is tragic because these programmes have not actually been implemented Harris (2012).

This physical transition is not only about geography or architecture, but about staffing. A minimum-security prison largely relies on the same pool of correctional officers as the rest of the system. The training and culture of these personnel revolves around security and not rehabilitation. Ben Crewe and Alison Liebling (2011) explore some of the power dynamics where the training and culture of correctional officers can become a structural barrier to rehabilitation.⁵ Halfway houses are not administered by security personnel, and may not even have any official staff presence. They have a contractual relationship with the criminal legal system, but they are predominantly staffed by outsiders.

Just how far ‘outside’ these residential programmes are depend on the programme’s specifics. Some halfway houses function closer to minimum-security prisons with rigid security, while others offer almost complete freedom. There will always be tension here, and that is the point. Halfway houses possess unique potential as a contested space outside of the prison walls. Their relevance comes from their position at a critical juncture in the criminal justice cycle. They are positioned at the moment of release, and there is almost nothing else there.

1.2.2 *Halfway houses are small*

Halfway houses are often dismissed as small distractions on the edge of the prison system, but their size is part of their strategic importance. It is simple to run prisons as large authoritarian warehouses, but rehabilitation is a complex process that demands a personalized approach to every prisoner. Shifting the focus from an ‘inmate’ to an ‘individual’ requires a small, customised programme. There are both logistical and symbolic advantages to being small.

In practical terms, halfway houses are small enough that change and innovation is financially possible. Funds for rehabilitation will always be inadequate. Indeed, one of the primary excuses prison systems make for their failure is that they must spread their budget so thinly that the results are compromised. Prisons offer a ‘token’ of symbolic rehabilitation for each inmate because that is all they can afford. By narrowing the focus to a small group of parolees, they can fund meaningful initiatives. If the entire prison system needs to move before change is possible,

⁵ Rosemary Ricciardelli (2020) has a recent ethnographic study of the training program that produces correctional officers, and her work highlights the necessity that a halfway house draw from a different pool of personnel.

nothing will happen. Small programmes like halfway houses represent an entry-point for innovation and reform.

The size of halfway houses also has symbolic potential. Doing something highly customised for a small group of former prisoners is a direct challenge to the status quo of the criminal justice system. As Parenti (1999, p. 242) defiantly states,

Most books on criminal justice end with a coda earnestly enumerating what new and better things those in charge might do. My recommendations regarding criminal justice are quite simple: we need less. Less policing, less incarceration.

Reformers do not need to wait until they can re-imagine the entire system—it is sometimes more subversive, to begin with something small. Restraint has been missing in the criminal justice system for a long time. Halfway houses with their modest size and realistic objectives are a novel chance to bring this back.

1.2.3 *Halfway houses build coalitions*

Halfway houses present a rare opportunity where all the role-players in the justice system can potentially work in the same direction. This is in direct contrast to incarceration, which is defined by intense opposition and control. In prison, inmates and authorities have little common cause. This tension is not the exception, it is a feature inherent to the system. Atul Gawande (Hellhole, 2009, p. 6) and the psychologist Craig Haney (Haney, 2003) —who specialises in the effects of solitary confinement—document this structural paradox. Their findings are worth stating in their entirety:

The instinct to fight back against the enemy constituted the most important coping mechanism for the prisoners they studied. Resistance was often their sole means of maintaining a sense of purpose, so their sanity. Yet resistance is precisely what we wish to destroy in our supermax prisoners. As Haney observed in a review of research findings, prisoners in solitary confinement must be able to withstand the experience to be allowed to return to the highly social world of mainline prison or free society. Perversely, then, the prisoners who can't handle the profound isolation are the ones who are forced to remain in it. Inmates who have adapted are prime candidates for release to a social world to which they may be incapable of fully readjusting. (Gawande, 2009, p. 6)

The processes through which a carceral institution maintains control make rehabilitation a farce.

In contrast, halfway houses are small programmes where parolees have some control over their participation. Both staff and parolees share the incentive of smoothly transitioning the parolee back to the community. A collaborative purpose can influence hiring policies, programme design, and funding allocation. Again, there is no guarantee that any given programme will achieve a unified, cohesive agenda shared by staff and clientele alike, but it is possible. The bar for prison reform is so low that just the fact that the institution is not pushing people apart on a structural level represents a radical change.

This collaboration is only possible if parolees have demonstrated a commitment to leaving behind the violence of their past, but this can be determined through the intake process. Inmates are forced to go to prison, but they choose to attend halfway houses. This choice is the best distinction between halfway houses and minimum-security prisons. It is the fundamental difference between these two institutions, and it segues into the next structural opportunity:

1.2.4 *Halfway houses promote volition*

Prisons are designed to strip volition from their inmates. What could it look like to give these choices back on an institutional level? The role of human volition amid carceral institutions will always be a contested space. Ironically, the old punishment advocates with their authoritarian penitentiaries were right about the centrality of human volition, but they built institutions that crushed the human spirit. The next chapter will present the case study of Eastern Penitentiary. Solitary confinement was enforced as an extreme tool of introspection and personal rebirth. Unfortunately, it had negative impacts on the mental health of inmates to the point of madness and suicide. Effective rehabilitation must create a space where people are empowered to make new decisions, but the prison-industrial complex will never provide this setting.

Halfway houses are explicitly orientated to facilitate parolee's volition. They are a structural commitment to remove the institutional deadweight. Prisoners can choose for themselves in an institutional context enabling them to do so. If all prisoners are presented with a way out, some will take it, some will not. This would seem a truism, yet it flies in the face of punitive reactionaries and authoritarian reformers who attempt to use prisons to enforce their

agenda. Halfway houses create a way out, but it is the presence of meaningful choices that make this opportunity authentic.

1.2.5 *Halfway houses carry narrative power*

The affirmation of parolee's volition on a structural level creates significant narrative potential. By nature of their small scale and uncoordinated structure, halfway houses are disconnected from the rites-of-passage that prisons have come to represent. No amount of rhetoric can effectively rebrand prisons into correctional institutions, but there may still be a chance with halfway houses. Halfway houses still have the potential to be defined, and if the suitable structures are in place, the inmates may have an ownership role in this narrative.

Prisons run on stories. The correctional officers create a narrative to organise their corps. The gangs create a narrative to structure their resistance. Religion creates the third series of narratives that overlaps with the others. Goffman (1961, p. 150) describes these narratives as an *apologia*,

Quite generally, the person's line concerning self defensively brings him into appropriate alignment with the basic values of his society, and so may be called an *apologia*. If that person can present a view of his current situation which shows the operation of favorable personal qualities in the past and a favorable destiny awaiting him it may be called a success story.

Prison reform requires embracing the power of these narratives. Rehabilitation has rarely felt compelling in South Africa's prisons because the inmates could see that there was no meaningful pathway out of prison. They could assemble the certificates and attend all the seminars, but these activities had little connection with the outside world. Prisoners are not stupid. They need to see how their cooperation and sacrifice is leading to something. They need to buy into the story.

Halfway houses represent an opportunity to show prisoners that if they follow the rules, it can lead to a concrete benefit. Even a small network of programmes would be proof that change is possible. This could unleash significant narrative power throughout the entire institution. The appeal of gangs is not only for the protection they provide within the prison, but for the opportunities they represent on the street. Halfway houses create a competing narrative in a way that prisons never can. It is uncertain if the criminal justice system can engage with this opportunity but its potential must be acknowledged.

In summary, it should be evident from these five characteristics that halfway houses represent significant potential. They are a unique entry point into the study of prisons. Taken together, they create a sixth advantage—halfway houses have a level of intrinsic institutional accountability that is extremely rare in the criminal legal system.⁶ The term ‘halfway house’ is informal and covers a diverse range of residential aftercare programmes for people trapped on the periphery of the criminal justice system. The programmes and culture will be strikingly different, but these five characteristics speak to their shared utility and the reason for this thesis.

1.3 POSITIONALITY

This thesis will move between case studies and statistics from the United States of America and the Republic of South Africa. There are strategic reasons to engage with both contexts, but ultimately the reason for this decision comes from something very simple—I have been working in prisons in America since 2001 and in South Africa since 2003. I was an eighteen-year-old high school student when I had my first internship at Essex County Correctional Center in Massachusetts. Prisoner rehabilitation has been part of my life ever since. I was a university student in 2003 when I first came to South Africa for an internship. I lived in a halfway house and knew that someday I would return. Since 2008 I have been living in South Africa, and since 2009 I have been running a non-profit organisation dedicated to prisoner rehabilitation. My family has lived with parolees between 2009 and 2012. This thesis is my attempt to analyse twenty-two years of conversations with prisoners through the lens of prison ethnography.

Throughout this thesis, there will be short, qualitative anecdotes drawn from the lived experience of prisoners and parolees that I have worked with. This may be non-traditional in some academic treatment, but it provides necessary accountability for every chapter. Ethnography has legitimised the personal experience of both researcher and subject—a critical development in criminological research. It shifts the frame of reference to the lived experience of an individual. It elevates qualitative narrative, but it also creates space for deep inquiry. Science is governed by consistency, but a simplistic pattern can become a self-fulfilling prophecy. The history of prison

⁶ Chapter Seven of this thesis will explore how each of the five strategic characteristics of halfway houses play a role in holding carceral institutions accountable. This is rare for a system that is designed to exist out of the public eye and represents significant potential for system-wide reform.

reform is rife with tragic examples of social scientists finding confirmation for their pre-existing, unified theories. Chapter 5 will discuss ethnography's technical practice and principles, but every chapter is influenced by its narrative focus. There are other countries that have experimented with halfway houses, but only in America and South Africa can I contextualise the official statistics with my personal experience.⁷

Ethnography provides a credible academic framework for the qualitative narratives in this thesis, but it would be dishonest to ignore these stories on a more fundamental level. As a researcher, there are many reasons why halfway houses represent fertile ground for study, but this is not what drew me to the topic. The prisoners have guided my theoretical study of halfway houses and their voices deserve to be heard.

The motivation for this thesis comes from one of my first conversations with an ex-prisoner in South Africa who had served a long sentence under the apartheid state. He recalled an instance when the prison gang decided to punish one of the guards. This warden was also a dog handler, so they needed to be strategic in their attack. The ex-prisoner recounted the story as follows:

I have first-hand experience with prison dogs, and they are terrifying. They are bred to attack and trained to hate anyone without white skin or a brown uniform. There were four inmates selected for the attack. Two were given knives to stab the guard, but the other two inmates first needed to take out the dog. They were only given a blanket. These two prisoners obediently took their blanket and jumped on top of the dog that was trained to kill them.

It would be easy to sensationalise this story and dismiss it as the crazed behaviour of a sociopath. Still, the ex-prisoner sitting in front of me was soft-spoken and entirely in his right mind. It was counterintuitive, but I needed a rational explanation. What would incentivise two perfectly sane prisoners to jump on top of an attack dog?

Without going into the deep mythology of prison gangs in South Africa, the behaviour of these four prison gangsters was a rational, even calculated response based on their environment. The gangs offer advancement and privilege that follow a strict promotion line based upon fealty and violence (Pinnock & Douglas-Hamilton, 1997). The task was challenging but concrete, and

⁷ The criminologists Ben Crewe and Alice Levins have a good analysis of the opportunities and challenges of being immersed in this form of ethnographic work.

the rewards were tangible. Prisoners are concrete thinkers — it is difficult to ‘think outside the box’ when prison represents the ultimate box. These men were willing to face the threat of death to earn a better place for themselves (Steinberg, 2010).

Once I got over the drama of the story, I could observe a compelling question that should be at the centre of any rehabilitative effort — if there are prisoners willing to move heaven and earth to better their situation through the gangs, why have the rehabilitative programmes of the state been unable to harness this dedication? Why has the Department of Correctional Services not offered an alternative more attractive than jumping on an attack dog armed only with a blanket? There is no reason a researcher could not identify these questions without ever setting foot in a prison, but that is not my story. The inmates’ stories in this thesis deserve credit for guiding my research in substantive ways. Ethnography allows me to recognise their contribution.

1.4 RESEARCH QUESTIONS

A topic like halfway houses is riven with contradictions. They represent an institutionalised response to the challenges of transitioning out of prison, and they exist at the point of collision between severe and opposing forces. There is no grand unified theory that can diagram this conflict. However, the growing acceptance of ethnography provides a valuable tool to parse subtle distinctions that might not fit a single model. My personal biography and ethnographic work has centred around a broad research question: *What does it mean to exist ‘halfway’ inside a prison?* To analyse this question, the thesis will be based on three sets of questions categorised into the historical, regional and social contexts. The following questions will structure the contextual foundations for this thesis, and there will be one chapter dedicated to each theme.

- Historical
 - What is the place and purpose of a halfway house in the evolving debate between punishment and rehabilitation?
 - Where are halfway houses situated in the larger context of criminology and the history of penal reform?
- Regional
 - What are the implications and opportunities of this project for the developing world?
 - Can South Africa provide a meaningful series of case studies to inform a global debate?

- Social
 - Practically, how do halfway houses facilitate an inmate’s release from prison?

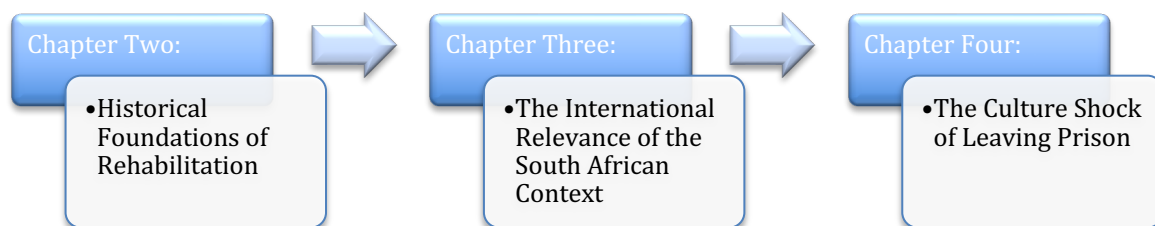
Once this foundation is established, three additional chapters will attempt to build a guiding theory for administering halfway houses from South African case studies.

Recording the theory, history, and best practices of prisoner rehabilitation is the task of a library and not a thesis. Each of the three research questions—and the corresponding chapters that follow them—will serve to narrow the research focus of this thesis. First, examining the *Historical Context* will use the development of halfway houses to focus on the more considerable historical debate between punishment and rehabilitation. While halfway houses are an international phenomenon, the *Regional Context* will centre this thesis on the Republic of South Africa. Finally, the *Social Context* uses halfway houses to focus a diverse range of material relating to integration studies onto a narrow institutional context. These three research questions will utilise halfway houses to bring clarity and accountability to a debate that has become unwieldy.

1.5 THESIS OUTLINE

Chapters 2-4 narrow the focus from a broad theoretical debate to the lived experience of parolees, as they arrive at the gates of South Africa’s halfway houses. These chapters create the contextual foundations for South Africa’s experiment with halfway houses, and for this thesis. Chapters 5-7 explore new research across four case studies, and discuss implications for the Department of Correctional Services. Figure 1.1. below illustrates these two stages of the thesis:

CONTEXTUAL FOUNDATIONS:



IMPLICATIONS AND APPLICATION:

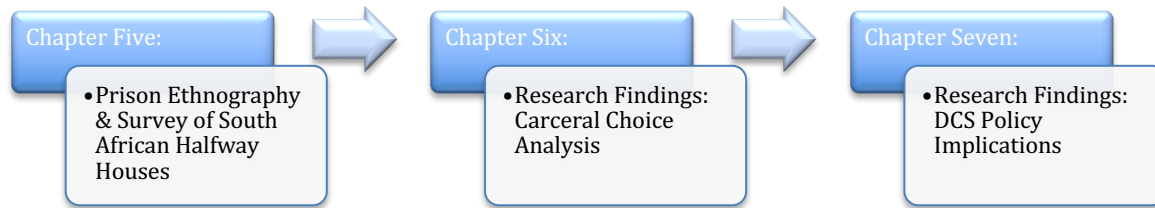


Figure 1.1: The six body chapters in this thesis

Chapter 2 introduces the institutional context by discussing the historical foundations of Halfway houses. These spaces represent a compelling case study for integration and exist within a larger historical context. This thesis is situated in the narrow intersection between punishment and prisoner rehabilitation. It falls in a tenuous grey area between these two warring extremes. Halfway houses are traditionally tiny, but they provide a symbol and a context for studying integration on an institutional level. They are that place where the extremes meet.

Most importantly, these small programmes have a symbolic capacity in the more extensive penal system and can be used to construct a compelling narrative for rehabilitation that will affect prisoners long before they are released. Therefore, it is necessary to understand that this debate is not new to the twenty-first century but has been inherent in policy discussions of incarceration since the seventeenth century. To provide context, Chapter 2 will trace the historical evolution of this conflict between punishment and rehabilitation. Halfway houses serve as a bellwether for this debate.

Chapter 3 discusses the relevance of South Africa for the global study of prisoner integration, and for this thesis. South Africa is negotiating the same historical tension between punishment and rehabilitation as presented in the previous chapter. However, this process is moving with an immediacy and intensity because of the country's abrupt transition to democracy. There is a continuous struggle to realise the ideology of the constitution when incarceration serves as an amplifier of the country's inequality and injustice. As a result of these challenges, South Africa is strategically positioned to inform correctional policy internationally. For example, government delegates from other African countries visit South Africa to model what successful corrections can look like in the developing world. Whatever the Department of Correctional Services does in this country will ultimately resonate throughout the continent.

Chapter 4 delves into the social contextualisation of incarceration, starting with the point of impact. This chapter provides a theoretical context for halfway houses, and an examination of culture shock provides social context. It is impossible to understand the need and nature of integration until the problem of culture shock has been introduced. Therefore, this chapter will examine inmates' significant challenges as they attempt to transition out of prison. Parolees face challenges that range from psychological and social to legal and economic. The sum of these challenges is almost visceral in its power and often leads to immediate re-incarceration. There must be recognition that parolees do not face one problem (i.e., a lack of jobs) but a whole range of interconnected challenges.

Indeed, the theoretical context of halfway houses is so often overlooked because of the urgency of this social context. This chapter also reviews the literature on culture shock after release from a total institution — both within South Africa and on the international stage. The goal is to introduce the need for the integrative principles defined in the next chapter. An ex-prisoner's challenges are diverse, so the solution must be relevant to the same breadth of problems. The theoretical significance of halfway houses and the relevance of the South African context is the essential contextual background for this thesis; but the weight of culture shock provides the urgency.

Chapter 5 is an outline of the prison ethnography and research design. Firstly, this chapter will outline fundamental ethnographic principles and practices related to an institutional study of halfway houses. In addition, it will introduce my survey of all the halfway houses in South Africa, including the new public-private partnership that the Department of Correctional Services (DCS) launched in 2012. My goal is to build a comprehensive database for the entire country that can be used to derive best practices from institutional examples. Depending on how residential aftercare is conceptualised theoretically, programmes will respond to this culture shock differently. Each programme falls somewhere between empowerment and control. This qualitative study assesses the narrative potential of halfway houses across a range of case studies. This thesis is searching for an institutional guiding theory for halfway houses that needs to be derived from individual prisoners' chaotic and often contradictory experiences. Therefore, the appropriate science is ethnography — both as a technical craft of participant observation and a theoretical methodology that elevates the lived experience of the prisoners themselves.

Chapters 6 and 7 present the research findings on carceral choice analysis and its policy implications for the Department of Correctional Services. Chapter 7 will propose a progressive, symbolic role for halfway houses that allows small programmes to take on national significance without an unrealistic increase in budget. The key is a renewed focus on their symbolic potential. Halfway houses are discussed pragmatically, but they represent only a fraction of the penal infrastructure as programmes. The real significance of these programmes is their immense capacity to create an institutional narrative.

The penal infrastructure in South Africa has not successfully created ownership by inmates in the rehabilitative process. Rehabilitation requires that inmates be trained to make constructive and meaningful choices in a way that benefits their lives and community. Prison is particularly ill-equipped for this challenge because it is explicitly designed to curtail any significant choice for its inmates. The DCS has not articulated a pathway out of prison for inmates serious about changing. Some inmates would be willing to make great sacrifices for a second chance, but they cannot see how their choices in prison will have any bearing on their lives outside. A deep fatalism has made leaders in the government and the academy doubt that rehabilitation is even possible. For these reasons, halfway houses have a unique potential to allow inmates to experience choice and build ownership—even in the shadow of a total institution. This 7th chapter will draw on the previous chapter's case studies and ethnographic principles to articulate a vision for halfway houses. These guiding principles go beyond the pragmatic discussion of skills development for a particular ex-prisoner, examining the system as a whole. This theoretical role for halfway houses will naturally lead to a series of best practices for those seeking to prepare their clients for successful integration.

Chapter 8 is a summary of the thesis and presents concluding thoughts. The guiding narrative throughout this thesis is that criminological theory is vital to the practical design of halfway houses. These institutions are not philosophically neutral but are crucial in the theoretical debate between punishment and rehabilitation. This thesis — particularly Chapters 6 and 7 — has significant policy implications for those seeking to develop halfway houses in South Africa and beyond.

This thesis ends with a pragmatic focus. Criminological theory must be accessible to the case officers and social workers who spend their days struggling in the correctional system. This writing must apply to conditions on the ground. The theoretical debate between punishment and rehabilitation must be held accountable to the lived experience of the men and women for whom

incarceration is a daily reality. Maintaining this balance between criminological theory and recent case studies is the foundation and purpose of this thesis.

1.6 KEY CONTEXTUAL TERMS

One of the challenges of carceral research is that prisons have a dual identity. On the one hand, they are driven by numbers. If it cannot be easily counted, prison bureaucrats will largely ignore it.⁸ On the other hand, prisons represent a complicated cultural nexus that cannot easily be quantified. As this introduction has emphasised, incarceration has become a perverse coming-of-age narrative, and its impact is difficult to quantify. The cost of engaging with this dual identity is that this thesis will need two different terminologies. The first is the technical rhetoric which are specific terms of reference from the academic fields of criminology or psychology. These terms are often complicated, but they have the luxury of a formal definition. The second is a class of vernacular terminologies from the world outside of peer-reviewed journals. There is variation in how the same term may be defined or applied. The rhetoric that surrounds incarceration will always be a contested space. All that is possible is to be clear and consistent. Towards that end, it is necessary to recognise three essential terms which deserve explication. Together they create the broad context for this entire thesis and set the parameters for the discussion that will follow:

Prison-Industrial Complex – The etymology of this term can be traced back to January 17th, 1961, when Dwight Eisenhower gave his farewell address as President of the United States. He warned the nation about the dangers of a cold-war military-industrial complex that was beginning to pursue its profit and influence at the expense of peace. It was an early recognition that institutions could create momentum — independent of the politicians who supposedly provide oversight. It is only natural to apply the same terminology to the infrastructure, influence, and profit surrounding incarceration. At best, it is the recognition that prison administrators and correctional officers' unions wield significant power in domestic politics. However, the term ‘prison-industrial complex’ usually has a pejorative edge. It is an accusation of profiteering at the

⁸ If you visit any prison in South Africa, you will find bar-code style numbers written on the side of office furniture in black permanent marker. This is the residue from the Department of Correctional Services and their attempt to keep track of their assets. They are not willing to track recidivism, because this would involve complicated assessments of their performance. It is much simpler—and safer—to count tables and chairs. Every prison I have visited in South Africa has a room somewhere that is full of broken furniture that cannot be discarded because someone has written a number on the side of it. None of them could provide quantitative evidence for the success of their programs.

expense of inmates, their families, victims, and taxpayers who are forced to pay for everything. It includes the fear and frustration that carceral institutions are mainly free to set their agenda with little accountability or oversight. In its simplest form, the term prison-industrial complex is about power. For better or for worse, carceral infrastructure is a force that must be understood.

Rehabilitation – A controversial term because it has been the mantra for both compassion, mercy, hubris and excess. It is a clinical term with medical overtones implying inmates can be ‘fixed’. It has inspired progressive innovation but also authoritarian excesses by reformers dedicated to the ‘greater good’. It is precisely because ‘rehabilitation’ carries this historical baggage that the term is so important. This thesis is not attempting to create new terminology. The previous discussion of the prison-industrial complex (and the entire body of this thesis) should emphasise that prisons are not going anywhere. Reform movements must wrestle with the complete history of penal institutions and cannot ignore the past controversies. In the broadest sense, rehabilitation is about breaking the cycle of crime and incarceration. It is a forward-looking impulse amidst a reactionary institution. It is the possibility that something hopeful can emerge from underneath the weight of penal institutions. The definition will always be contested, which is why it is part of the context of this thesis. For my purposes, this thesis will use the term in its broadest sense—how can prisoners be equipped and empowered to leave prison with the skills and mindset that will reduce the likelihood of their return. Rehabilitation is also the concept that binds this thesis to a much larger body of academic work. The process of successfully releasing prisoners and encouraging them to desist from their previous crimes has been the centre of a thriving academic debate with a long history.⁹

Total Institution – This term was defined through the sociology of Erving Goffman and will feature throughout the thesis. In simplest form, total institutions pursue total control of their inmates or clientele through institutionalised means. They enforce a series of degradations against an individual’s conception of themselves and the relationships connected to that identity. It is

⁹ Chapter Two will present some of the history of rehabilitation, but it would require a library, not a thesis, to fully present its historical evolution. While it is necessary to acknowledge the broad contours of previous forms of rehabilitation, this thesis is dedicated to a contemporary understanding, and will prioritize modern voices. Shadd Maruna and Bruce Western are two of the most articulate voices chronicling the rehabilitation journey of formerly incarcerated people. Ben Crewe and Alison Liebling add an important institutional perspective as their research describes the structural power-relationships that affect rehabilitation. Melissa Munn and Chris Bruckert need also to be acknowledged.

necessary to crush the individual to maintain control within a total institution (Goffman E. , 1961, p. 4)

Prisons are the archetypal example of these institutions, and the authoritarianism that defines them.¹⁰ They are institutionalised social engineering, reminiscent of the total control exercised by an army or a convent but without the moderation of voluntary membership. Although an army may be split between lords and conscripts, they remain unified in a desire for survival, victory and spoils. A convent or monastery is one of the earliest forms of residential social engineering. It controls every aspect of the initiate's experience, but at least this control emanates from the initial consent of the governed. Incarceration is the backbone of a total institution without any of these moderating influences.¹¹

¹⁰ Goffman presents a typology of five different classes of total institution. Prisons and concentration camps are distinct because of the heightened level of antagonism from the staff and the difficulty in negotiating an exit for the inmates. (Goffman E. , 1957)

¹¹ Goffman is one of the most influential sociologists of the 20th century, so his work has attracted the debate that it deserves. Farrington (1992) and Schliehe (2016) have both pushed back against the concept of total institutions, but I do not believe their criticism is actually in conflict with a more nuanced reading of the term. Total institutions never completely overwhelm the volition of their inmates. "Total" implies that the institution is exerting pressure over every aspect of an inmate's identity, not that total domination has been achieved. The debate will continue, but there is no controversy about the weight and damage of incarceration, and so total institutions are the setting for this thesis.

CHAPTER 2: HISTORICAL CONTEXT

2.1 INTRODUCTION

Correctional policy exists in perpetual tension between punishment and rehabilitation, with integration or re-entry forming a tenuous bridge between these two poles. This thesis will inhabit this place of conflict, but it will not attempt to bring balance. Indeed, even a cursory study of the human tendency towards vindictive punishment demonstrates that these tensions will remain. Ultimately the hypothesis and objectives of this project will be to study the integration of prisoners within the focused institutional context of halfway houses. However, it is first necessary to track the history of this conflict to understand just how difficult it is to bridge the gap between punishment and rehabilitation. Halfway houses provide a narrow institutional context to examine the point of impact between society's desire to punish and to heal. Halfway houses are often dismissed as social-work projects with minor theoretical implications.¹² However, they can serve as the fulcrum in a much larger academic debate.

The significance of halfway houses derives from their dual function in the criminal legal system. They play both a prescriptive and descriptive role. On a descriptive level, they show how society addresses integration. They are the best predictor of the larger debate between punishment and rehabilitation. They address whether ex-prisoners are welcomed with opportunities for advancement or are punished again with stigma and restrictions based on their criminal records. Halfway houses play a narrative role as they describe the process by which inmates can rebuild their lives, and then justifies this opportunity both to the inmates and the community that will ultimately receive them. This is a rare opportunity to build a new story within a bureaucratic, legal framework that is defined by hard labels.

It is worth noting that halfway houses are not mere passive indicators of public opinion. In addition to their descriptive role, they contain the potential to shape and direct much larger forces in the prison-industrial complex. While they are perpetually on the margins of the criminal justice system, the power of halfway houses is in their potential for accountability. Because they are

¹² In South Africa, there is only one criminologist writing about halfway houses outside of the Department of Correctional Services' official documentation. Lukas Muntingh (2021) has a short critique of the department's policy on economic grounds, but there is no one else who has explored this topic.

explicitly built to assist inmates with integration, it becomes evident if there is no clear pathway away from incarceration. However, before it is possible for a close study of halfway houses, it is necessary to make a broad contextual study of the larger prison-industrial complex. This historical framework is the purpose of chapter two.

This chapter aims to discuss the historical origins of the fundamental contrast between punishment and rehabilitation systems in the 21st century. In so doing it contributes to the current debate over integrating prisoners into the society they have harmed. Tracing the entire evolution of rehabilitation would be a project of vast scope. However, the emphasis on halfway houses and their institutional approach to integration narrows the focus of this project to a manageable setting and keeps the discussion anchored in concrete terms.

Punishment and rehabilitation represent charged theoretical terms. Their treatment quickly becomes more about ideology than the pragmatic discussion of incarceration. The policies and analysis of this thesis can be linked to various schools of criminological thought, but this thesis is not attempting to align with any single holistic theory. It focuses on the institutional challenges to successfully guiding an inmate out of prison, which can only be understood within the more significant historical struggle between punishment and rehabilitation. This conflict can be traced back to the puritan experience in the 17th century and has maintained steady momentum. An historical review demonstrates that prison is a compelling symbol of government and human potential, that each generation of social reformers feels obligated to try their hand at the rehabilitation challenge. This chapter shows that what began as experiments in 17th century governance still influences the contemporary politics of criminal justice reform.

2.2 EARLY HISTORICAL ORIGINS OF THE DEBATE

Rehabilitation in the West and indeed modern correctional infrastructure, in general, originated in the Puritan experience in Europe and the American colonies. Religious wars between states were not new to Europe. Still, internal persecution in the 17th century prompted a wave of protestant “deviants” to leave the society whose social order they offended and settle on the northeast seaboard of America. These colonists had experienced the horror of European dungeons and elaborate state brutality that still echoed feudal punishment. Kirch (2008, p. 242) provides a grim summary of the world they were leaving behind:

England, so proud to have avoided the worst excesses of the inquisitors, was hardly kind or gentle when it came to the use of torture and capital punishment. “The Spanish Inquisition was certainly no worse than contemporary secular courts in other countries,” writes one historian, “including England.” Defendants who refused to plead guilty or not guilty when charged with a crime under English common law, for example, were subjected to a form of torture called *peine forte et dure* (“strong and hard pain”) in which stones were piled on the victim’s chest until he or she answered or died. Convicted criminals were still being drawn and quartered—and hangings still served as a gruesome form of popular entertainment—well into the 19th century. Not until 1868, in fact, did the practice of public hanging come to an end in England.

In the extract, the scholar shows that the goal was not to change individuals but to savage them with enough devastating effect to warn society as a whole. This is an early claim that punishment is an effective form of deterrence still exercised in the 21st century.

However, Puritan colonists rejected these punishments on two grounds. First, there was a pragmatic need for all available workers as they broke ground in their new territory. The early provisional governments had few resources for building and staffing elaborate dungeons and needed all the manpower they could muster. In extreme cases, the punishment was quick and would not interfere with an individual’s responsibilities to the community. One striking example was a dunking chair used to punish women who had broken the law. The offender was strapped to a hinged lever and lowered into the water while the community watched. There was a shame, but there was still time to care for the children and complete the evening chores. The goal was to regain the individual as a contributing member rather than create widespread fear. The brief but sensational witch trials that would come later have coloured history’s perception of the puritans and falsely exaggerated what was a comparatively benevolent regime. Colvin (1997, p. 34) presents a more balanced account of Puritan judgment:

the severity of punishment in colonial America can be easily exaggerated. In fact, fines were the most commonly used punishment, followed in frequency by whippings; the pillory and other humiliating punishments listed earlier were rarely used. The chronic labour shortage made frequent executions or disabling penalties untenable. Those who could not pay fines were sometimes sold into servitude for a term of years, a sanction that reflects this labor shortage. Reluctance to use harsh punishments is also related to a communal life in which outrage over criminal conduct was likely to be tempered by compassion toward an offender known well by everyone. This is reflected,

for example, in the early history of the Massachusetts Bay Colony where nearly half of the sentences originally ordered by the General Court were rescinded in whole or in part (Preyer, 1982, p. 335). Indeed, “‘mercy’ was applied generously when the Court was assured that the accused had made appropriate deference to the behavioral standards of the community.”

The second reason the Puritans rejected the dungeons and executions of Europe was philosophical and even theological. Their religion contained a personal conception of grace that held an individual could overcome deviant behaviour if they had an experience with God. This theology emphasised personal reflection and stillness as the path to this spiritual revelation. A striking example is that some words associated with incarceration today invoke this theology. “Cells” and “penitentiaries” were first used to restrain offenders, hoping they would facilitate a monastery’s reflection and prayer-like cells.

The term penitentiary evokes the ancient religious practice of penitence as a way of absolving sin. In fact, many of the practices inaugurated in penitentiaries were first used in monasteries and church prisons. Flogging, being placed in cells on restricted rations, and absolute solitary confinement were common disciplinary techniques employed in these ecclesiastical institutions (Colvin, 1997, p. 48). Unfortunately, the enthusiasm of this religious conviction contained the seeds of authoritarian excess.

Punishment and rehabilitation have been susceptible to excess throughout history, and these authoritarian tendencies still cripple the debate over rehabilitation today. The first authoritarian tendency is an over-reliance on the punishment of the State. The blunt assertion that criminals must be deterred through the shock and awe of public vengeance. This is clear in the medieval punishments that launched the Puritan movement into its reforms. Ironically, this same hubris of an all-powerful government that could control human behaviour would also deceive the Puritan reformers. Towards the end of the 17th century, the American colonies increasingly established themselves with stable and effective governance. Their initial emphasis on penitence and confession shifted away from an individual conviction and became something the state could enforce. It culminated in 1692 with Massachusetts Bay Colony’s infamous witch trials (Hill, 2000; Norton, 2003; Francis, 2005).

The tragic affair at Salem Village, now more than three centuries old, ranks only as a speck on the larger blemish of humankind’s long history of inhumanity toward its own. Yet, dwarfed as it may

be by the greater tragedies of the Holocaust, the Inquisition, and even the mass suicide at Jonestown, the Salem witch affair still stirs the consciences of Americans today. And for generations to come, Americans will likely still question how the good people of Salem Village could have fostered such acts of evil. Perhaps the Reverend John Hale of Beverly said it best in 1697 when he wrote, “We walked in clouds and could not see our way. And we have most cause to be humbled for error ... which cannot be retrieved.” (Rice, 1997, p. 101).

This punitive zeal foreshadows the hubris that can easily infect rehabilitation. While these excesses tainted the Puritan reform legacy in the Massachusetts Bay Colony at the turn of the century, these abuses pale compared to the Spanish Inquisition ravaging Europe during the same period (Pérez, 2004; Murphy, 2012).

The coming of the Inquisition to a town was, in principle, designed to cause fear. In his commentary on the 14th century Manual of Eimeric, Francisco Peña, in 1578 stated that “we must remember that the main purpose of the trial and execution is not to save the soul of the accused but to achieve the public good and put fear into others”. Thus, the Holy Office’s public activity was based on a premise, common to all policing systems, that fear was the most useful deterrent (Kamen, 2014).

Accordingly, there was a harsh irony, as Salem’s Puritan magistrates’ ancestors had fled the fear they were now creating. It is a tribute to a democratic government that those early colonists were able to learn from their failings and build something not seen before. This period of Puritan excess led to the creation of three new colonies based on religious tolerance in Pennsylvania, Rhode Island, and New Hampshire. The rehabilitative ideal continued to develop. Later political philosophers would look back upon a relatively free society that righted itself after a period of excess and conclude the 21st century had something to learn from the 17th. Garland is referencing De Montesquieu (1993, p. 10) when he writes, “it would be an easy matter to prove that in all, or almost all, of the governments of Europe, punishments have increased or diminished in proportion as these governments favoured or discouraged liberty” (Garland, 1990, p.10). The institutionalisation of punishment has always been a bellwether of social trends.

While new social movements were soon justifying penal reform from secular worldviews, these Puritan experiments represent the first-time western governments thought about integration and rehabilitation on a meaningful scale. The Puritans experienced the tension between

punishment and rehabilitation and began building a bridge between these extremes. Their legacy is tainted by authoritarian excess, but they deserve credit for their foundational role in the contemporary struggle for a progressive, community-based rehabilitation model.

2.3 THE CYCLE OF PRISON REFORM

This thesis begins with the 17th century for two reasons. The historical origins of the debate are significant, but the second reason is perhaps more important—we are still having the same conversation in the 21st century. The puritan experiments with criminal justice reform are relevant to the contemporary debate on incarceration. The puritan’s struggle to balance punishment and rehabilitation is the first example of a socio-political phenomenon that this thesis will refer to as ‘the Cycle of Prison Reform’.

The Cycle of Prison Reform is my invention, though it feels artificial to claim authorship of a descriptive matrix. The point of this cycle is that society’s debate over its prisons follows a distinct and recurring pattern. One danger facing current reform efforts is resistance to engaging with the past. I am sympathetic to the current prison-abolitionist movement, but I fear it moves too quickly through an old debate with significant historical lineage. The Cycle of Prison Reform is a tool to contextualise the evolving discussion on criminal justice reform with its historical origins.

The danger of a thesis that studies prisoner rehabilitation is that it can quickly become a library that is attempting to chart the full evolution of modern sociology. Criminology is explicitly interdisciplinary, and even a basic historical account becomes unwieldy. A brief history would need to acknowledge three distinct theoretical streams, originating in Weber, Marx and Durkheim, and each of these streams have been promoting their own branches for a century. My thesis is attempting something much more narrow. Rather than tracing the full evolution of the debate between punishment and rehabilitation, it is enough to demonstrate three objectives. First, the debate is an old one. Second, it is cyclical in nature, and finally that halfway houses play a descriptive role in this cycle.

The Cycle for Prison Reform will feature throughout this thesis and is my attempt to contribute novel insight to the debate between incarceration and rehabilitation that has become

unwieldy. There are five stages to this cycle, which are discussed here, along with an example from the puritan context for illustration.

2.3.1 *Stage One: Outrage and Compassion*

Prison reform begins with an offence. Compassion may ultimately become the driving force behind sustained changes, but prison has so much bureaucratic inertia that it takes something genuinely scandalous to act as a catalyst. Since prison exists outside the public eye, this offence usually involves someone with a personal connection with the system.

In terms of the puritans, this sense of injustice came easily from their experience of persecution in European dungeons. By the time they established their colonies, they were well acquainted with a standard of punishment that was almost medieval in its severity. The term 'Puritan' is now a pejorative adjective synonymous with authoritarianism. However, there was a strong theme of compassion in their early experiments with criminal justice. As long as their experience of draconian persecution had remained with the puritan forefathers, they maintained a commitment to moderation.

2.3.2 *Stage Two: Institutionalisation and Control*

Neither compassion nor outrage has a meaningful structure. The second stage of the Cycle of Prison Reform involves creating an institutional or legislative framework that will guide the mass phenomena of Stage One. There is a shift from street protests to passing legislation. Sometimes control represents a reactionary impulse in government to appease the masses' will. Whether it takes shape in government or civil society, it draws from a mass commitment so extensive that it brings people together. Stage Two is about creating an organisation that will safeguard the reformer's priorities. At this stage, the vision is still a positive one. The reformers have not been confronted with unexpected opposition, so they are not on the defensive.

For the puritans, stage two coincided with their first successful attempts at state-building. There was so much physical work to be done in an environment marked by extreme weather and disease that there was little interest in religious courts of inquiry. There was enough ideological uniformity in the community that the laws and church councils were not punitive. Even as prison cells were being constructed, the preference was still for swift, community-based punishments that

quickly reintegrated offenders into the workforce. The emphasis was on practical governance and not ideological purity.

2.3.3 *Stage Three: Excess*

Either the reformers feel unexpectedly threatened, or their positive experience with the institutionalisation leads them to seek even greater power—the resulting excess is the same. What was once a pragmatic or even compassionate response now becomes an ideology to be imposed upon others. During Stage Three, it becomes controversial to discuss the effectiveness of a given law or program because they are now rooted in the identity of the ruling power. What was once a method is now an ideology that demands allegiance.

It would require a separate thesis to identify when the puritan governments in Massachusetts and New York took up the zealot's sword. Still, one contributing factor was the chartering of two new competing colonies based on religious tolerance—Pennsylvania and Rhode Island. Suddenly puritan magistrates in Boston were on the receiving end of the same rhetoric they had recently hurled against their British oppressors. Their identity was being threatened, and they were ready to fight.

The puritans manifested this excess both in their punishment and in their rehabilitation. Most witch trials were conducted over a brief period, but their excess has eclipsed the entire puritan legacy. While not as infamous, the impulse to rehabilitate took on similar excess. Initially intended to promote reflection, solitary confinement was imposed on inmates until they went mad (Dickens, 1842).

2.3.4 *Stage Four: Disillusionment*

Excess in a correctional environment is a vicious spiral—the coercion of stage three will quickly alienate anyone not directly invested in the control mechanisms of stage two, and disillusionment sets in. Because stage three turned the earlier pragmatic approach into an ideology, this discouragement cuts at the central identity of the reform movement. Any reform will quickly give way to punishment—not necessarily because its advocates believe this new policy to be effective, but because it is cathartic to lash out against offenders that do not conform.

This disillusionment stripped the ideology away from one of the 17th century's great social experiments in puritan New England. The 'City on a Hill'¹³ was no longer interested in being more than another commercial harbour. The ideals that had once engendered compassion had been corrupted by jealous authoritarianism that left the colonists with little appetite for rehabilitation.

2.3.5 *Stage Five: Contextualisation*

Once a reform movement has been pulled apart by the conflicting impetus of coercive rehabilitation and punishment, there is finally space to assess the actual merit. Whatever remains is no longer an ideological movement, so the conversation can return to a pragmatic balance of ends and means. Either the program is discarded or placed within realistic parameters. It is finally possible to recognise an innovative idea that will not be effective in all settings. The puritan social order may not have resulted in a successful theocratic model of punishment and rehabilitation, yet those early struggles still provide context for rehabilitation centuries later.

2.4 ACCELERATED CHANGE

The Cycle of Prison Reform is an effective tool to identify consistent patterns in a debate that spans three centuries, but the speed and intensity that a society moves through these stages has consistently increased. The early debate between punishment and rehabilitation in Europe and the American colonies in the late 17th and early 18th centuries is striking because it was not anchored in an institutional context. The prison-industrial complex that would dominate 20th century justice discussions were unimaginable at the turn of the century.

Throughout the colonial period, incarceration was seldom used as a punishment. Discipline most often involved public ceremonies of shaming and reintegration. "The preferred sanctions operated to draw resident offenders back into the community" (Hirsch, 1992, p. 33). Even punishments such as whipping, and the pillory were inflicted not so much for the physical pain

¹³ John Winthrop was one of the founders and governors of the new Massachusetts Bay Colony. He quotes the Gospel of Matthew while challenging his fellow Puritans with their symbolic role in the new world, just before they disembarked from the ship *Arbella*. His words have echoed through centuries of political speeches and are used even by governments that would be distinctly uncomfortable with the radical politics of Jesus' *Sermon on the Mount*. Winthrop's full speech *A Model of Christian Charity* is preserved in the collections of the Massachusetts Historical Society.

they caused but for the sense of shame and remorse they might elicit. Feelings of shame could only be awakened in offenders who knew and respected their onlookers. In the close-knit, self-contained communities of the early American colonies, offenders were almost always local, lifelong residents who were well known to their neighbours. Thus, these practices “presupposed that the offenders had neighbours willing to involve themselves, face to face, in their personal affairs” (Hirsch, 1992, p. 34).

This communitarian form of justice was quickly at odds with social trends. The 18th century was a time of unprecedented change—both in economic and social terms. Many scholars document this transformation, but Colvin (1997, p. 33) summarises its effect on institutionalised punishment.

As crime increased, traditional punishments appeared to be less viable. A growing critique of the ineffectiveness of criminal sanctions emerged, especially among commercial elites whose property was the chief target of growing crime. Traditional punishments were effective only to the extent that a viable community existed. Increasingly, offenders were not part of any established community. Thus punishments produced no sense of shame ...and certainly no desire by either the offender or community for reintegration. Occasions of public punishment often became scenes of chaos and incipient riot as members of the public vented their unrestrained anger against the offender. These punishments, then, often contributed to, rather than deterred, public disorder. Public punishments designed to create shame became useless, as did fines (since offenders were increasingly indigent) and banishment (because offenders could easily move anonymously in and out of urban areas).

The traditional response to criminality was inadequate. Economic uncertainty and social upheaval had swept away most of the community-based punishments that prioritised a quick return to the community. The stage was set for an institutional response.

Colvin has documented the fear of crime and the market unrest that were the precursor to modern incarceration, but the rise of the prison was not simply an economic phenomenon. Two social factors combined intensified the struggle beyond what the early puritan reformers had experienced. The first was secularisation. The enlightenment brought a wave of scientists and

philosophers dedicated to analysing human behaviour (De Montesquieu, 1989)¹⁴. When these scholars turned their attention to prison reform, the result was a scientific analysis of inputs and outputs. Thinkers like Jeremy Bentham (1787) devised inventive approaches to corrections. Whereas puritan rehabilitation relied on religious penitence, these new models took a more clinical practice to human nature. Human volition was no longer popular. The right combination of biological and social stimuli could accomplish a more effective rehabilitation than anything the puritans sought to achieve through moral suasion.

Unfortunately, the secularisation of prison reform removed one of the few safeguards that had held the system in check. The puritans had at least respected individual autonomy for all their faults. Because of their religious foundation, they had a high opinion of human volition. This protected them against the dangerous arrogance that individuals could be forced to change against their will. However, the new reformers had little interest in the soul. They were seeking the right balance of stimuli that could compel a behaviour change and even a change in nature.

Secularisation alone would not be strong enough to intensify the struggle between punishment and rehabilitation. However, the 18th and 19th centuries brought a second tendency that would amplify the latent determinism in the new secular conception of treatment and result in an excess. Prisoner rehabilitation was suddenly adopted by a slate of newly centralised governments experiencing unprecedented levels of social control. As such, modern governments attracted the attention of reformers—progressive initiatives that once relied upon persuasion could now be accomplished with the force of law.

The result was a dangerous coupling of secularisation and government. The former was pushing the limits of what could be accomplished through social engineering. At the same time, the latter was an increasingly powerful institution with the strength and hubris to enact these programs through legislation. Whereas before, there was excess only in punishment, now there was excess in treatment. Charles Dickens, a social reformer and novelist first visited the American

¹⁴ Tracing the various humanist ideologies that replaced the puritan theology would be a project of vast scope. It would be interesting to trace the evolution of a political ideology—such as the theories promoted by Montesquieu in *The Spirit of the Laws*—into the positivism and modern sociology espoused by Auguste. Unfortunately, this evolving diversity of theory was not matched by innovation in the sphere of incarceration. The institutional reality of prison has grown increasingly immune to the theoretical debates that characterize the outside world.

northeast in 1842. He encountered the dark side of this combination in Philadelphia prisons. In his visit to Eastern Penitentiary, which was based on a rigid system of solitary confinement, he observed the disjuncture between high-minded reformatory ideals and the brutal methods through which “science” thought they could be achieved. He authored *American Notes: Philadelphia and its Solitary Prison* and observes the following (Dickens, 1842, p. 117)

In its intention, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is that they are doing. I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers; and in guessing at it myself, and in reasoning from what I have seen written upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow-creature. I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body: and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.

Who would have thought Pennsylvania was once the colony most revered for its tolerance? Rehabilitation can represent the same draconian excess as punishment, and these changes were happening at great speed.

The institutionalisation and eventual excess of carceral policy have their roots in the speed of these historical transitions. As social movements such as urbanisation and industrialisation became overwhelming, reformers needed a separate space where they could still exert control amidst a changing world. Prisons—whether for treatment or punishment—represent an institutional attempt to stop a world spinning too quickly.

2.5 INSTITUTIONALISING THE DEBATE

The factories of the industrial revolution were a social phenomenon as much as a technological one. Institutions of commerce and government took on a symbolic role that sometimes surpassed

their commercial function. Whether the transition was economic or social, the result was the same. Institutionalised responses increasingly replaced the rural and agricultural customs that once governed society. This transition was fuelled by unprecedented government power. State reach into communities became more extensive than it had ever been before. Governments could coerce and control a level of human interaction hitherto the domain of local communities or the church.

This transition to institutionalised control was most evident in the government's response to criminality. Ironically, a period in history renowned for intense social upheaval would give rise to an archetypal institution of control—the prison. Colvin (1997, p. 47) summarises this trend:

The people who invented the penitentiary were experimenting with a new form of punishment. This approach was directly influenced by social trends that emerged in the late 1700s. First, the increasing centralisation of political and judicial institutions at the state level greatly removed control from localities. The shift from capital and corporal punishments, which any town sheriff could administer, to the far more expensive penitentiary represents a clear example of the centralisation involved in state formation. As such, the penitentiary represented much more than an efficient response to crime (which, after all, it may not have been); it was a visible symbol of state power at a time when such power was in doubt. In this sense it provided concrete reassurance to those who feared disorder.

The social conflict was not new, but the context dramatically changed. What had previously occurred in marketplaces and village squares began shifting to institutions. This institutionalisation created the foundation for our modern debate over criminal justice reform.

Today, the public debate over incarceration has become institutionalised around two poles: institutionalised punishment and institutionalised rehabilitation. Firstly, the institutions of punishment are a growing network of prisons now sprawled across the landscape of the industrialised Western state. However, these new institutions of punishment incorporate earlier punitive social phenomena that were once practised in the open marketplace. The foremost examples of this trend include slavery and public executions. Both practices had grown distasteful in the public square but were incorporated into institutions of punishment with sobering effect (Garland D. , 1993, p. 12).

Secondly, institutionalised rehabilitation may have a humanitarian inclination toward treatment, but unfortunately it can lead to similar excesses. Specialised incarceration targeting the mentally ill or the socially deviant for “correction” creates an authoritarian regime eerily similar to the draconian system of punishment it was supposedly replacing. Carceral institutions provide a convenient setting to enact harsh social experimentation that would not be acceptable in public. 20th century incarceration provided institutional cover for a range of medical procedures such as electrocution, lobotomy and sterilisation. Each trauma was inflicted upon helpless prisoners in the name of treatment (The Argus Press, 1974).

Both institutional responses rely upon the state’s control, which leaves them vulnerable to excess. Punishment through incarceration slips easily into a frustrated desire to ‘make an example’ of its prisoners, but rehabilitation through incarceration quickly becomes an exercise of heavy-handed authoritarianism. The same overreach that had destabilised the Puritan experiments with punishment and rehabilitation has persisted in the modern era.¹⁵

These two carceral institutions are not limited to the American experience. As punishment and rehabilitation became an institutional phenomenon, these prisons became a global commodity. During the 18th and 19th centuries, carceral infrastructure became a prime export as European powers sought to accomplish their colonial exploitation. Prisons in the developing world could escape the scrutiny on European facilities. Thus, dungeons became both an instrument of repression and an engine of commerce in European colonies. French colonial efforts in Southeast Asia represent this trend most clearly.

Whereas in 19th century France, forced labor was seen as a way of reforming inmates and preparing them to enter the industrial workforce, it was valued solely as an economic resource in Indochina. The colonial state’s attitude to prison labor may be viewed as a response to chronic labor shortages, especially in remote provinces far from the densely populated river deltas. It also reveals the colonial state’s disregard for rehabilitation as a goal of Indochina’s prison system (Zinoman, 2001).

Entire road networks and buildings were constructed with this prison labour, and there are no accurate records for how many lives were lost along the way. The colonial prison deserves

¹⁵ The end of this chapter will introduce the work of Michelle Alexander. Her book *The New Jim Crow* is a strong indictment of modern carceral excesses. Chapter Four will explore these excesses in detail.

extensive study, but for this thesis it is simply an example of institutionalised punishment without the veneer of social reform.

Since this thesis will draw increasingly on the South African experience, it is valuable to identify the rise of carceral institutions in the region. In the late 19th century, Southern Africa's mining sector was a driver in the rise of modern incarceration. Much has been written about the gold that caused conflict with colonial England and the Afrikaner republics. Contrastingly, little has been written about the prisoner-slaves who brought it up from the ground (Meredith, 2008; Meredith, 2005). Later chapters of this thesis will examine South Africa's prison gangs. Their unique mythology and speech, "Sabela," was created by these inmate miners.

The colonial powers were not anxious to develop liberal penal institutions in their territories, but in some cases, the liberalising impulse worked in the opposite direction. Independence brought a wave of idealism to the practice of rehabilitation. Many new countries sought to develop local models of corrections relevant to the developing world that were not indebted to western jurisprudence.¹⁶ It is not an accident that the DCS in South Africa prominently features the concept of ubuntu in its official speeches and press releases (Department of Correctional Services, 2009 a). These systems were rarely able to keep pace with new idealism of independence, but they demonstrate that prisons throughout the developing will now inform the broader debate over rehabilitation.

Perhaps the most outstanding example of colonial innovation informing European trends occurred in the 19th century with Alexis de Tocqueville and Gustave de Beaumont's famous visit to the United States. What began as a survey of American prisons became *Democracy in America*—one of the most extensive studies of liberal government (De Tocqueville, 2000). While *Democracy in America* would overshadow their writings about prisons, "*On the Penitentiary System in the United States and Its Application to France*" is a reminder that a post-colonial world increasingly informs correctional policy. Institutionalised punishment and rehabilitation are a global phenomenon.

¹⁶ Chapter Three of this thesis will explore this theme by presenting the relevance of the South African context for the contemporary debate over rehabilitation and punishment.

2.6 ORIGINS OF THE HALFWAY HOUSE

This chapter has traced the debate between punishment and rehabilitation back to the Puritan era, but institutional responses brought an unprecedented intensity to the conflict. This new carceral infrastructure claimed a holistic mandate on control and possessed the bureaucratic capacity to enforce it. The power of these total institutions seduced early reformers. The regimen and structure of prison seemed an ideal context to reform deviant behaviour. However, whatever rehabilitative potential these prisons might have possessed was quickly overshadowed by their weaknesses. Reformers discovered that total institutions were crippled by an overwhelming bureaucratic inertia. They began seeking an alternative context for their reforms.

One of the driving forces that led to this dissatisfaction amongst reformers was protecting vulnerable sub-populations within the prison environment. Early prisons represented a severe uniformity that could not accommodate women and children. Colvin (1997, p. 138) documents this tension,

At New York's Auburn prison, about 30 women were enclosed in an overcrowded attic room above the kitchen where they were left to fend for themselves ... To avoid their communication with male prisoners, the windows were shuttered and kept closed all times, creating a stifling, unhealthy environment. The women were never exercised or supervised. Serious offenders were not separated from minor offenders and younger delinquents. Assaults were frequent, both from other female inmates and from male guards. As Auburn's chaplain, B. C. Smith, proclaimed, "to be a *male* convict in this prison would be quite tolerable; but to be a *female* convict in this prison would be quite worse than death."

Since it quickly became evident that the scale of incarceration—even in the early years—represented a severe barrier to rehabilitation, reformers began searching for a smaller, more manageable institutionalised response. They thought reformatories were the answer. There is no uniform history or firm definition for the reformatories that began to appear parallel to the prison system in the 19th century. These new institutions seemed as varied as the reform philosophies themselves. Whether the guiding philosophy was religious penitence or medical science, the purpose was to keep people from being absorbed into the prison system. Their structural independence became their only unifying characteristic. Reformatories created a space where small-scale, specialised programs could focus upon a single demographic group.

Unfortunately, the reformatory movement became a supplement to the prison system—not a replacement. The goal was to give correctional infrastructure a softer touch suited to women and children. As such, its distinction was more about scale than about philosophy. Many reformatories could just as well be described as minimum-security prisons. Their founders were not looking to break the control of a total institution but better manage its application on small sub-populations of inmates.

These reformatories are the institutional ancestors of the modern halfway houses, but they differ philosophically. The distinction between a reformatory and a halfway house emanates from the question of whether it is possible to facilitate human volition on the margins of a total institution or not. Prison attracts strict determinism in its managing ethos—just apply enough pressure, and the institution can compel a favourable outcome. Moderate reformers understand that individual choice remains vital in building ownership and lasting change. Since total institutions are built upon removing these choices, they create a range of barriers to the reforms they claim to seek. Reformers realised that if they wanted to equip offenders to make different choices, they needed to break the institutional stranglehold of incarceration. For example, they could move inmates to a smaller context. Still, they faced the question of definition and whether they were merely extending the carceral infrastructure or offering a pathway out of prison for those inmates that were committed to choosing it.

This question is the dividing line between carceral reformatories and the 20th century halfway houses that are the topic of this thesis. Nominally, halfway houses imply that they are partially outside the total institution. They seek to return volition to a population that has been completely controlled. They may serve diverse people and be animated by various philosophies, but the institutional recognition of human preference must be at the centre—anything less is simply a minimum-security prison in a small building. Chapter Five of this thesis will explore the theme further, but the distinction is simple, choice versus control. A halfway house is, by nature, a place where choice is re-introduced to a total institution, whereas reformatories seek to extend the carceral infrastructure beyond the prison walls. This distinction between genuine choice and authoritarian control is at the centre of Super's (2011) criticism of rehabilitation. Her insights will contribute to discussion in the conclusion chapter.

The tension between volition and control remains unresolved in the 21st century. The term “reformatory” has fallen out of favour, but the desire to extend institutionalised incarceration is popular and favoured. Indeed, the term “halfway house” is now primarily discredited in many quarters. This is not because human volition is no longer deemed necessary to rehabilitation but because it has been ignored in favour of authoritarian control. Too many halfway houses should instead be described as reformatories or even minimum-security prisons. Halfway houses quickly become a catchall for extending prison reach in cost-effective ways.

In summary, this chapter has traced the conflict between punishment and rehabilitation, and halfway houses represent the point of intersection. These spaces were designed to facilitate rehabilitation in small-scale reformatories because reformers had lost control of the prison system. However, total institutions seem to create their own gravitational pull, and the reformatory movement was subjugated to the carceral infrastructure it was supposed to replace. The tension between facilitating choice and entrenching control is the foundation for the modern debate over corrections.

2.7 CONTEMPORARY INCARCERATION

Essentially, this timeline of correctional policy arrives in the 20th century with two authoritarian projects, and it is debateable which is more aggressive in scope. On the one hand, a range of totalitarian regimes in Europe and the developing world wielded a vision of incarceration that would have quickly resonated in feudal Europe. For example, Franco’s dungeons and Stalin’s gulag invoke the spectre of medieval punishment. On a softer, more insidious level, there were decades of American politicians winning elections through promises of ‘getting tough’ on crime. By the 20th century, the American south had constructed an extensive network of prison farms that essentially legitimised slavery. More so, the guise of punishment became a justification for race-based incarceration. Punishment was becoming institutionalised, widespread and culturally accepted at an unprecedented level.

On the other hand, there were those in academia who placed their faith in a determinist vision of ‘treatment’ and control. This came strikingly close to the bizarre world envisioned in the 1962 dystopian novel *A Clockwork Orange* by Anthony Burgess. This brand of clinical corrections disregarded moral suasion as inefficient and perhaps even unnecessary. The right combination of

inputs and stimuli could force obedience. This determinist brand of rehabilitation was hardly reserved for literature.

Consider this example. In 1931, the American state of Vermont demonstrated authoritarian excess through its eugenics program, codified in an Orwellian-themed law entitled ‘A Law for Human Betterment by Voluntary Sterilization’ (Duffy, Hand, & Orth, 2003). Tragically, the criminal justice system seems ill-equipped to monitor the concept of ‘voluntary’ participation. Soon sterilisations to protect the ‘good old Vermont Stock’ were occurring under the watchful eye of law enforcement. While many prisoners were sterilised, the only offense being committed was not being white. Thousands of Indians checked into western-style medical clinics, only to be sterilised sometimes without their knowledge or consent. The Coalition Against Sterilization Abuse formed in the early 1970’s to combat this injustice. It became one of the forefront advocacy groups, and its papers and research are housed in Stanford University Archives. Sterilisations were conducted under guise of ensuring that supposed deviant behaviour was not passed on to an impressionable generation. Even the United States Supreme Court upheld this authoritarian treatment regime. In the words of Chief Justice Oliver Wendell Holmes (Buck v. Bell, 1927),

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes.

While some of the lofty rhetoric surrounding eugenics became understandably unfashionable after the Second World War, forced sterilisation has lingered on the periphery of the criminal justice system. The arrogance of these determinist programs almost discredited the entire concept of rehabilitation. It would culminate in the 1980s with the fatalism that “nothing works.” (Miller J. G., 1989).

The most disconcerting tendency of criminal justice reform in the 20th century is when the state pursued an institutionalised agenda that simultaneously represented authoritarian excess in punishment *and* rehabilitation. An uncontroversial example is the ‘re-education’ camps run under

communist regimes, but the west is not immune from excess. The death penalty—and the legal institution surrounding it—is a prime example of these authoritarian tendencies. It represents the ultimate punishment, but it is wrapped in a clinical veneer that draws its origin from the rehabilitative ideal. Ironically, medical practitioners must verify that the condemned maintains the mental faculty to understand their impending punishment. As one State Attorney for the Eighth Judicial Circuit reflected after presiding over an execution “To watch his death in such an antiseptic and clinical environment convinces me that the punishment does not fit that crime.” (Garland D. , 1993, p. 2). The worst punishments can be presented as medical solutions to the problem of crime.

It is striking that America could simultaneously represent contrasting extremes in the debate between punishment and rehabilitation. The South was dedicated to a retributive ideal rooted in slavery, while the North pursued models of social engineering with puritan zeal. These positions are so ideologically charged that they hinder any pragmatic discussion of integration. The divide between punishment and rehabilitation remains intact, but the scale has increased exponentially. The effect of these divergent forces is that the Cycle of Prison Reform keeps spinning with increasing intensity.¹⁷

2.8 THE CYCLE OF PRISON REFORM: A CONTEMPORARY MODEL

It should be clear from this chapter that the tension between punishment and rehabilitation has a long and intense history. The Cycle of Prison Reform (CPR) identifies broad patterns in this debate so that the past can inform the present. Since this thesis used puritan New England in the 17th century to introduce this tool. I will retain an American frame of reference for its application to the 20th century.

2.8.1 *Stage One: Outrage and Compassion*

As the civil rights movement gained gradual acceptance, prisons—and their racial, colonial baggage—naturally came under increasing scrutiny. Prisons that had operated with near impunity were suddenly under the public eye with mass media making this process more intense. This meant

¹⁷ The state of rehabilitation and carceral institutions has become increasingly polarized, but it is ripe for analysis. Kelly Hannah-Moffat (2000, 2005) is one of the scholars working in the tension between these two extremes.

that stories which once would have run their course in the regional newspapers were now national sensations overnight. A new aspect of this publicity was the exponential rise in litigation. Inmates could generate compassion from within the prison by filing a lawsuit. These suits would not always create sympathy and outrage, but the result was a heightened awareness of a world that had long gone unnoticed.

2.8.2 *Stage Two: Control*

Whether the impetus was compassion over abusive prison conditions or outrage over crime, the government's response was the same—build more prisons. The 20th century saw an unprecedented global growth in correctional infrastructure. Incarceration had grown into an economic force in the 19th century that became big business in the 20th (Oshinsky, 1997). Prison farms became a global phenomenon¹⁸, and operating correctional centres became one of the most lucrative public contracts. At the beginning of the 21st century, the size of this carceral infrastructure and the speed with which it has developed cannot be overstated. Mauer (*Race to Incarcerate*, 2006, p. 17) captures the significance of this trend.

Today, activists who advocate “a world without prisons” are often dismissed as quacks. Still, only a few decades ago, the notion that our society would be much better off without prisons—and that the end of prisons was more or less inevitable—not only dominated mainstream academic discourse in the field of criminology but also inspired a national campaign by reformers demanding a moratorium on prison construction. Marc Mauer, the executive director of the Sentencing Project, notes that what is most remarkable about the moratorium campaign in retrospect is the context of imprisonment at the time. In 1972, fewer than 350,000 people were held in prisons and jails nationwide, compared with more than 2 million people today. The rate of incarceration in 1972 was at a level so low that it no longer seems in the realm of possibility. Still, for moratorium supporters, that magnitude of imprisonment was egregiously high. “Supporters of the moratorium effort can be forgiven for being so naïve,” Mauer suggests, “since the prison expansion that was about to take place was unprecedented in human history.” No one imagined that the prison population would more than quintuple in their lifetime. It seemed far more likely that prisons would fade away.

¹⁸ The abuse of prison farms in South Africa was so extreme that they received special mention in the Freedom Charter of the African National Congress.

Incarceration now represents such a high percentage of government budgets that there is an established for-profit prison movement in which significant, multi-national corporations benefit from prison overcrowding.¹⁹ The 20th century saw incarceration levels with no historical precedent, and this trend showed little change at the beginning of the 21st century.²⁰ This is a strong indication of governments seeking to command and control.

2.8.3 *Stage Three: Excess*

As the United States incarcerates the highest percentage of inmates and the highest gross number of inmates,²¹ it is the easiest context to demonstrate excess in any international study of incarceration. There is a qualitative narrative behind this trend involving nearly four decades of successive American presidents declaring war on social issues. These include President Johnson who declared war on poverty, Nixon on crime, Reagan on drugs and George Bush on terror. Each of the last three Presidents was able to mobilise the electorate for a second term in office,²² but the price was a penal infrastructure that had expanded to gross excess.

For each of these ‘wars’, a growing prison infrastructure was a vital component. The rhetoric of war relied upon creating an undercurrent of fear. During this period, rehabilitation was held captive to domestic fearmongering for political gain. Furthermore, the legal infrastructure that had once held prosecutions in check became a foil for domestic politicians to discard rehabilitation and prisoners’ civil rights as weak, naïve baggage from the civil rights movement. Stuntz (2013, p. 217) details how a liberal Supreme Court that assumed it was protecting the civil rights movement’s legacy set the stage for a conservative backlash.

The procedure-focused character of the Court’s decisions made them easy to attack once voters demanded more brutal law enforcement practices: it is one thing to overturn convictions of defendants who may well be innocent, quite another to reverse otherwise valid convictions based

¹⁹ Several of these private prison corporations are: SERCO, G4S, Sodexo, Corrections Corporation of America, and the GEO Group.

²⁰ The United States of America represents roughly 4.5% of the world’s population (according to the U.S. Census Bureau - www.census.gov), and yet they incarcerate 25% of the world’s inmates. (International Centre for Prison Studies – University of Essex, www.prisonstudies.org)

²¹ The United States incarcerates 730 people per 100,000, and incarcerates the highest total number of inmates at 2.27 million inmates - International Centre for Prison Studies – University of Essex, www.prisonstudies.org

²² President Johnson did not run for a second term because of the unpopularity of the Vietnam war.

on one or another procedural error. And the timing of those decisions made rising voter criticism inevitable. If anything invites a political backlash, expanding criminal defendants' rights in a period of steeply rising crime and rapidly falling punishment does so. The upshot was a nationalised and punitive politics of street crime that lasted a generation. This, in turn, opened the door to political entrepreneurs like another, very different California Republican: Ronald Reagan. Thus did Warren-style legal doctrine wind up promoting Reaganite politics.

Crime is a consistent measure of social uncertainty. As voters and politicians struggle to regain control, there is a dangerous tendency towards excess.

2.8.4 *Stage Four: Disillusionment*

The problem with war is that the public expects victory. Years of bellicose rhetoric and billion-dollar budgets have not produced a decisive close to any of the conflicts, but all of the carceral infrastructure remains. The public is disillusioned with grand visions of social engineering and even more disillusioned with prisons as a mechanism for any progressive change. Unfortunately, disillusionment has a narrative quality that goes beyond the statistics and legislation. In 1975 the sociologist Robert Martinson used a dry academic survey to propel his career to near-celebrity status. The report on *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (Lipton, Martinson, & Wilks, 1975) would have become an instant footnote in the debate between punishment and rehabilitation, except that Martinson had a showman's ability to interact with the media. "Nothing Works!" became an indictment against rehabilitation that would come to character more than a decade of academic scholarship. Recent scholars have identified why Martinson's scholarship seemed to capture the disillusionment of an era:

It is certainly rare for any single piece of research to mobilise such powerful changes, and in the case of Martinson's work, it has been demonstrated that there was much more to the situation than an important set of research findings. Instead, a combination of favorable factors had converged to elevate Martinson's work to one of the most important pieces of research in recent criminal justice history. In the mid-1970s, the social and political climate was ripe for change. Both conservatives and liberals were prepared to abandon rehabilitation, though for different reasons. Conservatives were fed up with rehabilitation because it was "soft on crime." Liberals, on the other hand, were angered by the excessive discretion afforded to less-than-trustworthy judicial and correctional officials in the name

of rehabilitation. It was at this time that Martinson's article appeared in print, essentially claiming that "nothing works" in the realm of correctional treatment. Martinson was successful in communicating his findings, and once they reached the public domain, his results spread with intensity (Pratt, Franklin, & Gau, 2011).

Unfortunately, politicians responded by changing the war rather than the tactics. Even as academics and politicians in the 1980s claimed that nothing works in prison rehabilitation, the Reagan administration was charging ahead with the war on drugs. Contemporary scholars have since questioned the methodology of this survey, and Martinson himself became an advocate for certain forms of rehabilitation, but the public was no longer listening. "Nothing Works!" had captured the general disillusionment of a political movement, and Martinson was no longer in control (Miller J. G., 1989).

One notable aspect of the Cycle of Prison Reform is that the movement from control to excess and disillusionment often mirrored society's financial prospects. People are more gracious and willing to pursue progressive rehabilitation programs when times are good. However, economic hardships create frustrations with people who do not play by the rules and any government money invested in their rehabilitation is considered a wasteful investment (Stuntz, 2013, p. 217). On an economic level, this opposition began in the late 1920s and early 1930s. For example, legislation like the 1929 Hawes-Cooper Act and the 1935 Ashurst-Sumners Act resulted in a ban on almost all prison-made goods from 1940 onwards. This supported the notion that rehabilitation was viewed as a wasteful expense.

2.8.5 *Stage Five: Contextualisation*

The fatalism that gripped correctional reform in the 1980s brought a form of clarity. Determinism, whether for punishment or rehabilitation, had grown so extreme that it was discredited through its inertia. The search for a holistic, guiding corrections theory has fallen out of favour. There remains a great diversity in criminological theory, but the debate is increasingly overshadowed by an institutional reality independent of the current philosophical trends.

Again, this institutional focus brings clarity because institutions can be measured in concrete terms. The prison is worth studying in its own right—not merely as part of larger economic or social trends. The conversation has expanded to include a new generation of

practitioners. Social workers, guards, and bureaucrats in the middle of the system have something to contribute. Their work may not fall into a pre-determined theoretical box, but if they achieve results, it will create a grassroots consensus that may defy the previous scholarship. As the proverbial Russian economist said of capitalism, “it worked in practice, but not in theory.” Carceral evolution is slow, but it is happening.

The Cycle of Prison Reform is not a holistic timeline, but it should demonstrate that the conflict between punishment and rehabilitation is consistent and sustained. This should not be surprising, considering these tensions were evident at the beginning of the penal reform movement in the 17th century. The puritans struggled to balance the limits of their government’s capacity and the strength of their zeal. This struggle to effectively mould or “correct” human behaviour is as relevant today as it was for them. The debate between punishment and rehabilitation continues. The carceral institutions continue. It is only the scale that changes.

The penal systems that emerged in the 19th century continue to define the punishment practices in the United States today to a great extent. Some recently adopted penal rules and proposed punishments presented as innovations reflect past methods. For example, boot camps incorporate military-style discipline into the punishment process, as did the Auburn system. In addition, super-maximum security prisons, such as California’s Pelican Bay facility, are contemporary versions of the solitary confinement regime inaugurated in the Pennsylvania system without its reformatory purpose. Programs to treat drug abuse or other presumed sources of crime can be traced to the reformatory movement and its search for scientific treatment methods. Proposals for whipping, paddling, or caning were considered by at least six state legislatures in 1995, harkening back to practices of the colonial period. The recent surge in private industries contracting the labour of prisoners reflects many 19th century prison industry arrangements. Finally, the current enthusiasm about reintroducing chain gangs recalls the predominant form of punishment in the South in the late 19th and early 20th centuries. It is difficult to find anything new in contemporary punishment and corrections. The only new thing is the massive scale to which the enterprise of punishment and corrections has grown (Colvin, 1997, p. 267).

This historical continuity is the foundation for the thesis. Halfway houses have always been influenced less by theory than by the institutional weight of correctional infrastructure. The contextualisation of Stage Five of the CPR is the right context for all the analysis that will follow.

2.9 A NEW INSTITUTIONAL REALITY

The 20th century experiment in corrections ended with a dramatic contrast. There is an incredible diversity in criminological theory and limited institutional innovation. Successive generations of sociologists and criminologists attempt to carve out a specialisation by coining new revisionist theories. Still, these ideas have never been further removed from the institutional practitioners of incarceration. Sadly, this makes the historical contextualisation of this study much simpler. It is not necessary to trace every divergent nuance in the contemporary academy, because the debate is bounded, constrained and anchored in an institutional context that is shockingly similar to its 19th century predecessors. Halfway houses have incredible relevance, but this comes not from their location in the theoretical canon, but because they represent a chink in the armour of the archetypal total institution.

Perhaps there has always been a divergence between theory and the institutional practice of incarceration. Still, at the beginning of the 21st century, prisons have never been more insulated from any theoretical debate. Criminologists and statisticians have studied the harsh rise in incarceration rates in the second half of the twentieth century, particularly in the United States. A traditional focus on economic and social forces seems inadequate to explain this growth. Colvin (1997, p. 268) as well as Zimring and Hawkins (1999, p. 124) illustrate neither crime rates nor drug use can explain away the rising prison populations. Sykes, et al., (1992, p. 228) and Colvin (1997, p. 269) show that the ‘War on Drugs’ in the late 1980s and early 1990s brought more offenders into the penal system, even though drug use had already peaked in 1979 and 1980.²³ Incarceration has picked up so much bureaucratic dead-weight that it has become a self-fulfilling prophecy. Useem and Kimball (1989) as well as Colvin (1997) have analysed this discouraging trend:

With the decline of the rehabilitative ideal, no subsequent relaxation in prison discipline practices ensued. No longer in pursuit of “gentle correction,” as Foucault envisioned modern punishment, prison regimes built on the tools of classification and control pioneered in the reformatory treatment model to develop more refined methods of prison rule. The late 1960s’ prisoner rights movement

²³ Reuben Miller’s scholarship also demonstrates some of the forces that have pushed America towards record levels of incarceration in his 2015 study on criminalizing the poor.

and subsequent court orders that ensued from it did not lead to more lenient treatment of prisoners but instead to ever more rational procedures of control. This is reflected in the process of executions, which now follows rational, carefully calculated, bureaucratic procedures designed to produce a “good execution” in which the condemned goes quietly to the death chamber (Johnson, 1990). Even prison riots became the raw material for developing techniques of control. The prison riots of the 1970s and early 1980s were carefully studied and became part of the scientific knowledge base used to design prison officer training and rational practices of control in increasingly overcrowded and dangerous prisons (Colvin 1997, p. 270-271).

A bureaucratic, institutionalised reality transcends the theoretical discussion of a just society. This should not be surprising, since it represents a broader, dominant trend in western criminal justice. Stuntz (2013, p. 228) details the growth of bureaucratic procedure in the courtroom sometimes at the expense of a fair resolution. He writes,

[These] mistakes were especially important. [Supreme Court Justice] Warren and his colleagues continued and exacerbated a long-term trend: they proceduralised criminal litigation, siphoning the time of attorneys and judges away from the questions of the defendant’s guilt or innocence and toward the process by which the defendant was arrested, tried and convicted.

Perhaps the greatest proof that carceral infrastructure has become independent of political debate can be seen in the prison system’s budget. In the United States of America, \$8.5 billion was allocated for the Federal prison system in 2015 (US Department of Justice, 2015), which is fraction of the amount spent on criminal justice as a whole. While the United States incarcerates well over two million people, only a small minority is locked up for Federal sentences. At the start of 2015 the number stood at 185,644 inmates with more than \$45,700 was being spent on each (US Sentencing Commission, 2015). Studies demonstrate that more than 75% of these offenders could reoffend within five years. Thus, the money continues to flow (Durose et al., 2014). The cost of prisons has become a shocking example of small results accomplished through great expense.

This chapter has traced the debate between punishment and rehabilitation because halfway houses are located in the tension between these two agendas. However, as prisons have become entrenched as a total institution, they have changed the axis of this debate, but not the point of intersection. What was once a philosophical debate is now an institutional one. Prison as a total institution oppose the outside world. The philosophical debate continues with passion but largely

washes past the prison walls. Garland (2010, p. 10) provides an example of this growing disjuncture between theoretical debate and institutional reality in his study of the death penalty.

[We must] compare the endless talk about capital punishment with the relative silence with which American public discourse (and Supreme Court case law) passes over extraordinarily severe prison sentences and the mass imprisonment they produce, even though incarceration affects tens of millions of individuals and families in the United States while death sentences are imposed on fewer than 120 offenders each year.

This is part of the reason halfway houses are so relevant. Even as this debate has shifted, they remain the point of intersection between opposing forces. In the 19th century these institutions represented the conflict between a punitive state and a new generation of progressive reformers. At the beginning of the 21st century, they remain caught between these forces, but there is a third axis in the debate. The institutional momentum of incarceration has become equally formidable in the debate between punishment and rehabilitation. A struggle that once had two primary forces now has three. Halfway houses are small forgotten institutions of transition, falling squarely in the centre of these three positions.

Thus, halfway houses need to be contextualised as much by institutional analysis as theory. Theory will play a significant part in this thesis, but the discussion will always be surrounded by four walls and a metal gate. The institutionalised aspect of this debate does not necessarily have to be negative. The institutional setting of incarceration provides accountability by grounding the latest theoreticians in the lived experience of prisoners.

Essentially, this analysis will prioritise the institutional effect of incarceration. Reformers and politicians have tried to use prison as a tool to pursue their agenda. The result is an inscrutable institution that seems to defy whatever the current political objectives may be. The prison as it appears at the beginning of the 21st century is a total institution which creates its own ideology. It has not been 'reformed' and cannot be 'wielded' by political science. The historic debate between

punishment and rehabilitation now seems to have little effect.²⁴ Institutionalised incarceration seems to have grown almost immutable. Colvin (1997, p. 271) identifies a discouraging consensus,

The penal enterprise has taken on a life of its own. In the words of Diana Gordon (1990), it has become part of a “justice juggernaut,” an increasingly self-justifying bureaucracy that eats up ever greater proportions of state and federal budgets. Today, government bureaucrats, politicians, and private business interests, who seek building and service contracts from state and federal corrections agencies, form a “prison-industrial complex” that pushes for prison expansion and tougher sentences. Prison construction and operation have increasingly substituted for viable economic development, especially in poor rural areas that seek the jobs provided by new prisons. The growth is not just in prisons, but in all types of correctional supervision. The explosion in probation and parole represents a dramatic widening of the net of criminal justice; people who previously would have been diverted out of the system come under control of the criminal justice apparatus. Thus, the reach of state surveillance over its citizens, as Foucault predicted of modern society, has expanded enormously.

This is a sobering context for any discussion of reform.

2.10 CONCLUSION – THE LONG RETREAT

The ‘Big House’ casts a long shadow. Even as the prison-industrial complex has grown to a globally unprecedented level, the reform movement has largely retreated from its traditional call for institutional renewal. This chapter has traced the evolving debate between punishment and rehabilitation. However, it should be evident that rehabilitation advocates have been in steady retreat, even as the pendulum of public opinion has swung between these two extremes. Rehabilitation and what can be accomplished for prisoners through social policy have been restricted to an increasingly narrow sphere. Consider the history presented in this chapter in the broadest terms. It is a retreat—not only in theory, but in geography. This thesis centres around halfway houses, because it is one of the only institutional settings still available for reform.

²⁴ The Department of Correctional Services in South Africa is a compelling example of how penal institutions have insulated themselves against the theoretical debate between punishment and rehabilitation. In their manual for “Placement on Parole and Correctional Supervision” the department claims that prisons can simultaneously “extract retribution” from an offender with such force as to “set right the scales of moral justice” while at the same time rehabilitating them. The same page calls for punishment so stringent that it will “deter others from committing crimes” while at the same time protecting prisoners from vengeance. Prisons—as an institution—seem well able to contain broad contradictions and opposing forces.

2.10.1 *The Marketplace*

The original and broadest setting for reforming offenders were the marketplaces and town squares at the centre of each community. Punishment was predicated on the belief that an offender wanted to re-join the community and would be able to earn their place after a public rebuke. Reformers abandoned this communal shaming and closed a gateway that had once been open to re-integrating offenders. The growing anonymity of urban centres and the rise of vigilante mob justice meant that justice in the public sphere could not be restorative. Crime was about the ‘other’, so punishment was about removing a foreign object rather than healing a part of the whole.

2.10.2 *The Penitentiary*

Reformers who could no longer operate in the public sphere focused their efforts on large factory-like institutions. They were enticed by the possibility of a total-institution that could forcibly meld an inmate into new behaviour patterns. The scale and complexity of these big house penitentiaries quickly outpaced the capacity of the reformers. Once again, an initiative begun with benevolent intent had become a grim spectacle of punishment.

2.10.3 *The Reformatory*

Almost immediately it became clear to some reformers that large-scale incarceration was unwieldy and prone to corruption. Large prisons simply had too much momentum as total institution to enact meaningful change. Reformers needed a smaller and more manageable venue for their rehabilitation efforts. Pursuing small-scale, institutional responses to incarceration has led to a diverse range of programming. Unfortunately, the diversity of these alternatives has proven to be a barrier to lasting change. Many initiatives created to reform offenders were simply cost-effective extensions of the prison system. While individual programs were successful, too many were reminiscent of ill-equipped minimum-security prisons. Halfway houses find their pre-cursors in the reformatory movement, but there is little consensus about what this means.

2.10.4 *The Academy*

Many reform advocates in academic circles have now largely withdrawn from the concept of government facilitated rehabilitation altogether. The excesses of forced treatment and eugenics and the immutability of prison bureaucracy has culminated in the fatalism that ‘nothing works’.

The Academy was the last institution where reformers could promote social engineering, and it is no longer a receptive environment.²⁵

In conclusion, prison is no longer seen as a fertile context for institutional reform and all that is left is a struggle to reach individual prisoners. There are still progressive reform movements like *The Innocence Project*²⁶, but they focus on specific cases. Legal reformers emphasise the civil rights of individuals, rather than the carceral infrastructure that contains them. This is perhaps where the debate should have been focused. Rather than an overwhelming struggle to fix society, let individual struggling prisoners fix themselves. Therapeutic excess would have been prevented if reformers had placed more value in human volition. There is constructive accountability in this narrow focus. When the sphere of analysis encompasses millions of inmates throughout an entire correctional system, it is easy to justify a lack of progress and a damaged system. How often has overcrowding been used to justify removing programmes from a prison system? If the analysis is rather targeted on a single inmate's lived experience, it is more difficult for bureaucrats to make excuses. Reform movements and prison administrators face a dangerous tendency to do a little bit for everyone, rather than something meaningful for a small number of individuals.²⁷ The carceral bureaucrats fall into this habit out of a desire to prevent liability and avoid the difficult job of outlining a comprehensive pathway out of the institutional maze prisons have become.

A renewed emphasis on human volition does not remove the vital significance of the institutional context. The opponents to prison reform have often used a superficial insistence that offenders 'will make the right choice' to absolve any institutional responsibility. This is an oversimplification that denies the power of total institutions. It is disingenuous to hold prisoners responsible for choosing a pathway that is not genuinely available to them. Michelle Alexander is a racial justice advocate in the United States. She chronicles her realisation that few 'choices' are

²⁵ One interesting social phenomenon is that the retreat from prisoner rehabilitation has often corresponded with a parallel retreat from racially mixed communities that house a disproportionate number of ex-prisoners. The fatalism and fear that culminated in a 'nothing works' mentality was also an impetus behind successive generations of 'white flight' in many western urban centres. This trend goes beyond the scope of this thesis, but it is analysed in detail through the work of Woldoff (2011).

²⁶ The Innocence project is one of the forefront advocacy organisations opposing the death penalty, but their work is heavily individualised in the specific cases they select. www.innocenceproject.org

²⁷ Chapter Three will diagnose this tendency within the South African Department of Correctional Services

available to a vast number of incarcerated minorities and her thoughts on the volition of prisoners is a strident critique (Alexander, 2011, p. 13):

What is completely missed in the rare public debates today about the plight of African Americans is that a huge percentage of them are not free to move up at all. It is not just that they lack opportunity, attend poor schools, or are plagued by poverty. They are barred by law from doing so. And the major institutions with which they come into contact are designed to prevent their mobility. To put the matter starkly: The current system of control permanently locks a huge percentage of the African American community out of the mainstream society and economy.

We cannot escape incarceration's institutional reality by focusing only on individual inmates. Earlier generations of reformers may have discredited themselves by attempting to construct a total institution that will remould offenders into citizens; but this does not negate the urgency of removing the institutional deadweight that prevents inmates from breaking free of their sentences.

The fundamental challenge facing institutional rehabilitation is how to facilitate meaningful volition in a total institution. It is the culmination of this chapter, and the introduction to the unique relevance of halfway houses. These confusing institutions are situated on the edge of the prison-industrial complex and represent one of the few institutional settings where there is still space for human volition.

Changing the context makes it possible to get out from under the weight of a total institution. Shift the analysis from a prison to a halfway house, and suddenly there is room to manoeuvre. Halfway houses are urgent because of their proximity to full incarceration, but they are small enough to be responsive to scholarship and accountability. Because they are forced to acknowledge human volition on a structural level they can never be fully integrated into the "justice juggernaut" (Colvin, 1997, p. 271).

This chapter has tracked the evolution in a struggle between punishment and rehabilitation as social forces. Excesses in both positions have allowed institutionalised incarceration to grow beyond anything early reformers and policymakers could have imagined. Since prisons are now shockingly immune to the philosophical debates that once created them, policymakers need to place their efforts into a different institutional context more responsive to experimentation. Examining halfway houses in this thesis is a conscious decision to forgo holistic ideologies to find

a fertile middle ground where social experimentation is still possible even in the shadow of the 'big house.'

CHAPTER 3: THE SOUTH AFRICAN CONTEXT

3.1 IN SEARCH OF CASE STUDIES FOR THE DEVELOPING WORLD

Since the tension between punishment and rehabilitation shows no likelihood of dissipating in the 21st century, it is necessary to identify contemporary case studies. This chapter will advocate that some of these examples must be drawn from the developing world, particularly South Africa. Post-industrial societies in Europe and North America will continue to rotate through the Cycle of Prison Reform (CPR). However, countries throughout Africa and Asia are moving through the cycle with new intensity. Prisons in the developing world used to mirror the colonial tendencies of Europe, but they are increasingly pursuing a different model (Zinoman, 2001). By current accounting, almost two-thirds of the world's prisoners are outside Europe and the United States (Walmsley & Fair, 2021). Incarceration as a global phenomenon cannot be ignored. The tension between punishment and rehabilitation remains the same, but for better or for worse, it is increasingly decoupled from the European frame of reference.

Global economic bodies like the International Monetary Fund are demanding transparent governance at the same time as global humanitarian organisations like Amnesty International are demanding accountability on a moral level. These forces are amplified by an interconnected economy and a viral media empire that can live-blog cell conditions and executions. The result is a new level of scrutiny and awareness for prison systems that were comfortable in their anonymity. The question is whether these emerging correctional systems will experience intense conflict as they vacillate between punishment and rehabilitation or benefit from the hubris of their predecessors and avoid either extreme. What will rehabilitation look like in a developing context, and how will this affect the global debate over corrections?

The introduction presented the significance of halfway houses, and Chapter 2 placed these small institutions within a larger theoretical context and debate. Chapters 5 to 7 will discuss a range of South African case studies for which this chapter provides context. This chapter introduces South Africa's experiment with halfway houses and summarises its carceral infrastructure and the cultural forces shaping it.

The study of incarceration in South Africa has two streams—a historical analysis of laws and policies at the state level and an ethnographic study of the lived experience of individual prisoners. Obviously there is overlap between these streams, but they deserve to be acknowledged. The historical analysis of prisons in South Africa is led by Professor Dirk Van Zyl Smit (1992). He has been studying prisons in South Africa since before the transition to democracy, and has played an active role in developing the Department of Correctional Services guiding White Paper (Department of Correctional Services, 2009b). Van Zyl Smit has taken an increasingly international focus, but the study of South African prisons continues (2019). Dr. Lukas Muntingh and his colleagues at the Civil Society Prison Reform Initiative (CSPRI) now represent the gold standard for carceral research in South Africa. As with Van Zyl Smit, they have managed to engage directly with DCS while still being critical in their analysis.

The second stream of carceral study in South Africa is more diverse, because ethnography has even greater interdisciplinary roots than criminology. Jonny Steinberg is one of the nation's most famous journalists, and his ethnography of an ex-prisoner is the best example of this stream. Other scholars like Sasha Gear (2002) and Kelly Gillespie (2017) engage with ethnography from a more criminological background so the lived experience of individual prisoners is well represented.

3.2 TOTAL INSTITUTIONS CREATE THEIR OWN RELEVANCE

Prison in South Africa are relevant to the larger debate over incarceration simply because they are prisons. As total institutions, prisons overwhelm all other cultural distinctives. Goffman (1961, p. 129) describes this force,

Persons who become mental-hospital patients vary widely in the kind and degree of illness that a psychiatrist would impute to them, and in the attributes by which laymen would describe them. But once started on the way, they are confronted by some importantly similar circumstances and respond to these in some importantly similar ways. Since these similarities do not come from mental illness, they would seem to occur in spite of it. It is thus a tribute to the power of social forces that the uniform status of mental patient cannot only assure an aggregate of persons a common fate and eventually, because of this, a common character, but that this social reworking

can be done upon what is perhaps the most obstinate diversity of human materials that can be brought together by society.

Total institutions function as meat-grinders. Mental hospitals and prisons collect such a wide range of inmates that their only unifying factor is the institution itself. These are buildings filled with men and women—whom by their very definition have resisted conformity—and yet they conform. Regardless of the cultural diversity before sentencing, everything comes out ‘looking like sausage’. Haney (2020, p. 249) gives a more academic description of this process,

Some of the worst effects of incarceration derive from the forced accommodations prisoners must make to the atypical and dehumanising nature of prison life. Sometimes termed “prisonization,” the necessary adaptations to the pains of imprisonment require prisoners to undergo a series of psychological changes that are often difficult to relinquish upon release when these habits and ways of being are no longer needed or even functional. They represent the psychic aftereffects of incarceration that may significantly interfere with successful reintegration into the world outside prison.

This institutional weight can be discouraging but provides a unique research opportunity. The force of prisons as a total institution creates a parallel reality where prisons on opposite sides of the globe can be assessed and cross-referenced with surprising consistency. My own experience visiting prisons in different countries is evidence of this phenomenon. Since 2001, I have worked with prisoners in Botswana, Zimbabwe, Lesotho, Mozambique, South Africa and the United States of America. I possess little ability to learn new languages and am a Caucasian American male from a privileged background. It should be impossible for me to move between institutions in these six countries, yet it happens easily. The fact that I can seamlessly move between prisons in these countries is a testament to the power of total institutions to enforce conformity. Before incarceration, a gangster from Chicago is from a different universe than a gangster in Johannesburg. However, after a total institution’s compression and trauma, their stories take on a startling uniformity. There is a discouraging familiarity whenever I step into the prison of a new country.²⁸

²⁸ Obviously there are other cultural and socio-economic factors that enable me to transition smoothly between prisons in different countries. Prison represents an archetypal colonial institution—political control, intimidation and even

3.3 THE CYCLE OF PRISON REFORM (CPR) IN SOUTH AFRICA

The intensity of prison as a total institution creates a rich opportunity for the comparative scholarship between South Africa and the rest of the world. CPR was introduced in chapter 2 as a rubric to assess the evolving trends in criminal justice reform, and this chapter will apply it to contemporary South Africa. If the same tool can evaluate trends in both 17th-century Puritan America and 21st-century South Africa, there would seem to be strong, cross-cultural parallels in the debate between punishment and rehabilitation. Consider CPR as it relates to the post-Apartheid experience of corrections in South Africa:

3.3.1 *Stage One: Outrage and Compassion*

There is a sparse tradition of prison reform in South Africa. The colonial reformer John Montagu (1797-1853) made some attempts as the Colonial Secretary of the Cape Colony in 1843. The only remaining evidence of this work are the roads built with convict labour (Newman, 1855). Various Protestant denominations have some history with religious programming behind bars, but these efforts were not engaged in policy reform. All told, these moments of reform were the exception in a system that gradually moved from racial ambivalence to full-scale exploitation and repression. It was not compassion driving prison reform in South Africa, but outrage. Apartheid prisons were a notorious symbol of injustice that drew outrage on a global scale. As one activist recalls in Turell (2004, p. 85),

Apartheid was a crime because it entailed a systematic policy involving the murder, enslavement and torture of citizens, committed with the intention of maintaining the hegemony of the dominant white racial group. It was a crime that diminished whatever value there is in being human, a crime so heinous that it diminished every member of the human race.

In the age of Twitter and YouTube, it has become easy and fashionable to rage against human-rights abuses on the other side of the world. However, Apartheid galvanised outrage globally when

resource extraction from disadvantaged populations on behalf of the powerful. My status as a white, anglo-saxon protestant male makes many of these western institutions available to me. It is not just the forced conformity of incarceration that allows me to move smoothly between institutions, but my privileged place within the system. There is much more that could be said about my positional advantages within the western criminal-legal infrastructure, but all of this self-reflection is still in service to the central point—there are unique parallels between prisons in very different cultures.

“social media” still involved a rotary telephone. The long incarceration of Nelson Mandela brought a face to what might otherwise have remained impersonal, institutional oppression.

Since the last political prisoners left Robben Island in 1991 (Mandela, 1994; Smith, 1997; Maharaj, 2010), it is easy to forget the intensity of this outrage. The old prison is now a museum, but South Africa still labours under the shadow of Apartheid incarceration. It has the dubious honour of being home to the continent’s most structured and historied prison gangs and their longevity and power directly result from the Apartheid era dungeons that birthed them.²⁹

Incarceration grew increasingly grim throughout the 20th-century, as South Africa’s Prison Service became weaponised by the Apartheid state. However, the plight of inmates was often overshadowed by the larger social unrest as the Group Areas Act of 1950 sliced the country into pieces. Since Apartheid targeted entire communities, there was neither time nor sympathy for common prisoners. Because there was little public advocacy on behalf of prisoners’ rights, the gangs subverted a mantle of moral authority for themselves. They presented themselves as a resistance movement against an authoritarian state, instead of the criminal organisations. Their elaborate rituals, language, rank and even liturgy could only come from the crucible of a total institution. The prison gang’s persistence decades after the Apartheid regime’s fell is evidence of the power of total institutions (Parker-Lewis, 2006; Pinnock, 2016).

While Apartheid was an outrage against any conception of human rights, there was a strong sub-plot of economic exploitation. Even before South Africa emerged as an independent country, incarceration was being shamelessly abused as a source of slave labour. Ironically, Governor John Montagu, the prison reformer, expanded the use of convict labour in building programmes. Many of the Western Cape’s most beautiful and significant mountain roads were constructed in the 1850s by prisoners. What is now a tourist route was once a deadly injustice (SA Mountain Passes, 2010). On a personal level, I travel yearly to the rows of convict graves at the top of Bain’s Kloof pass that is a memorial of this exploitation.

²⁹ Researchers Sasha Gear and Marie Rosenkrantz Lindegaard have a detailed account of how South Africa’s prison gangs develop on an interpersonal level. The weight of Apartheid has forced even criminal organisations to develop some extreme coping mechanisms (Gear & Lindegaard, 2014).

The greatest abuse of convict labour occurred in the Kimberley region. In a system that paralleled the American plantations in the post-Civil War era, white business owners tried to use prisoners to replace their slaves (Colvin, 1997; Alexander, 2011). Meredith describes this abuse (2008, p. 157),

The model for the closed compound system that developed in Kimberley was a convict station built by De Beers as a base for employing cheap convict labour. In return for housing and feeding several hundred convicts, De Beers was given the right to use them as free compulsory labour, paying only a small fee to the Cape government...De Beers found the employment of convicts so advantageous that it continued to use them for nearly fifty years.

Thousands of black workers kept South Africa's mines functioning, but there is no accurate record of how many prisoners turned slaves. Today, South Africa's miners are a unionised force with a powerful voice in national politics, but the legacy of economic exploitation continues in South Africa's prisons.³⁰ Nowhere is this more evident than in the farm prisons of the Western Cape. This region has 43 prisons, which is above the national average. They result from a bargain between local farmers and a government that feared the growing influence of non-white labour. Farmers would build small prisons on their land, and the courts would keep them full of slave labour. This process was both prevalent and lucrative to the point where many international boycotts against South Africa directly resulted from this practice. The ANC Freedom Charter explicitly calls for the abolition of farm prisons (The African National Congress, 1995).

South African prisoners are no longer abused as slave labourers, but the country's carceral infrastructure still perpetuates the unjust system that created it. Most small farm prisons still exist in remote corners of South Africa's agricultural regions like Villiersdorp and Tulbagh. They are no longer renting their labour out to White landowners, but the very geography of the prisons belies any pretence of rehabilitation. The problem is accessibility. The inmates incarcerated in this space are from the Cape Flats with their families and support networks often hundreds of kilometres away. Moreso, due to the remote nature of these old farm prisons, there are few transportation options for families that want to support their incarcerated loved ones. Unless your

³⁰ The foremost scholar of prison labour in South Africa is criminologist Dirk Van Zyl Smit. His 1999 book *Prison Labour: salvation or slavery?: International Perspectives* is still relevant but it goes beyond the scope of this research (Van Zyl Smit & Dünkel, 1999).

family owns their car or can charter a special taxi, there is little chance of a visit. This would be a significant challenge, but the situation is much worse. Nature abhors a vacuum and a community will come together even in prison. Since parents and loved ones are unavailable, the prison gangs' step in to fill the void. Many inmates feel isolated and 'The Number' gangs seem to offer the only choice. The tragedy of these prison farms is that the institutions built to enslave the parents still poison the children even in South Africa's 'Born Free' generation. Decades after the first democratic elections, South Africa's prisons still represent the institutional deadweight of Apartheid.

3.3.2 *Stage Two: Control*

As CPR is applied to the South African context, this stage represents a significant point of weakness. The outrage against past injustice is intense, but neither the Department of Correctional Services (DCS) nor civil society has been able to conform this energy into a sustained constructive plan to reform the nation's prisons. While the abuses are public, the efforts to curtail them on an institutional level are complicated, incremental and exist in the shadows. High-ranking officers will make pronouncements about a rehabilitation agenda, but there is no cohesive movement or narrative.

Four institutional weaknesses have prevented the DCS and its allies in the non-profit sector from adequately bringing control to this chaotic system. They are outlined below to help explain the weakness of reform efforts in South Africa and the intensity of stages 3 (Excess) and 4 (Disillusionment) in CPR. These weaknesses are also why South Africa is a compelling case study on the international stage.

Rhetorical Excess

The easiest thing to control is a press-release. When South Africa's prison system rebranded as a correctional system, a significant amount of effort went into telling public that everything had changed. For example, the inmate uniforms that had been covered with the stamp of 'prisoner'

were now stamped ‘corrections’. Prisons were renamed correctional centres.³¹ However, on an institutional level the shift was primarily cosmetic. There was a conscious effort to separate South Africa’s prisons from their Apartheid legacy, but there was little vision or resources available to build something new. Reform energy was wasted redesigning the correctional officers’ uniforms, but the focus was on marketing rather than substance.

The DCS can be forgiven their rhetorical excess because lofty rhetoric was the order of the day. At the centre of the new democracy was an idealistic constitution that presented rights and aspirations for a new country that did not yet exist. This was not cynical re-branding, it was a conscious effort to break the Apartheid narrative.

Unfortunately, the public did not want to be reassured, they wanted results. They could not see the incremental changes behind prison walls, but they did experience the rising crime rates in their neighbourhoods. Even as they attended community meetings or ‘*indabas*’ hosted by the DCS with the newest congratulatory press releases, there was growing anger about unchecked crime.³² Tragically, South Africa is poised to discredit many progressive reform policies in the eyes of the public not because these policy proposals have failed, but because the public does not realise they exist only in aspirational rhetoric.

Institutional Inertia

Attempts at controlling South Africa’s carceral institutions were always at risk because of the heavy negative inertia behind prisons as a total institution. Chapter 2 describes how prisons create their frame of reference. They become self-justifying systems with entrenched protective tendencies. Even in a country like South Africa in the 1990’s that was undergoing cultural transformation on a seismic level, prisons move slowly. Ndebele (2010, p. 57) records this difficulty,

³¹ The Department of Correctional Services wrote this name-change into law in their 2008 amendment to the Correctional Services Act No. 111 of 1998, but criminologist Gail Super (2011) makes it clear that the change was primarily cosmetic. Her work will introduce the conclusion of this Thesis.

³² IOL news posted stories in June and July of 2023 calling for the urgent return of the death penalty, but this public anger about crime is not new. Dixon and Johns (2001) have a detailed history of vigilante violence in democratic South Africa.

the new state became unduly dependent on the delivery instruments of the old one, at the cost of frustrating sustained innovative intent. The management and operational energies of the new state may be consumed by inherited institutional work cultures found to be initially indispensable and immediately attractive. The risk is that short-term utility might translate into medium-term and even permanent dependence, resulting in the constriction and abandonment of long-term thinking and objectives. Inherited management and administration, “demanding” their own maintenance, may subordinate strategic objectives with potentially devastating consequences. Government may then become obsessed with administrative goals, such as affirmative action targets and their politics of blame, which begin to substitute for long-term emancipatory projects. The credibility of governments may be progressively eroded.

When the only instruments of control available to a reform agenda are the institutions that once represented oppression, it is difficult to engage the problem. It was difficult for the same officers hired and trained during the Apartheid State of Emergency in the 1980’s to transition to progressive innovation. Thus, a short-term focus on effectively warehousing inmates was the only task that could unify the staff and keep the system functioning at a basic level.

The Defensive Crouch

The DCS has never been able to get ahead of the reform narrative and seems perpetually trapped in a defensive crouch. The institutional limitations of an aging Apartheid infrastructure and a demoralised officer corps (as outlined in the second weakness) meant that the department could not follow through with a reform project. The attempt to improve things only raised expectations and increased scrutiny and blame.

Just because a reform agenda is untenable, it does not remove the urgency for a bureaucracy to regain control of its institutions. Outrage demands a response and must be concealed if the problem cannot be addressed. Within the DCS, as with many prison systems worldwide, this defensive posture usually takes one of two forms: fatalism or protectionism.

Fatalism is easy and understandable in the face of such overwhelming challenges. Prison authorities who do not want to tackle the hard problems have numerous excuses for discarding a reform agenda. Chapter 4 will explore some of the challenges rehabilitation faces in the South African context, but the list is long. Bureaucrats can claim emergency-circumstances to cancel

inconvenient programs and excuse their shortcomings. All told, fatalism can be a strategic instrument of control. If people are kept in a state of perpetual discouragement, there is little energy for change.

Protectionism uses the security environment of a carceral institution to accomplish parallel objectives that have little to do with safety. Many total institutions have a preoccupation with security, and this has as much to do with controlling their image as protecting their clientele. The DCS currently restricts foreigners' access to its prisons. Signed approval needs to be obtained from the Head Office in Gauteng before a foreign NGO worker can provide counselling programs in remote farm prisons on the other side of the country. Security is the justification, but the actual objective is to keep foreign media far away from the embarrassing conditions of South Africa's prisons. Public outrage (Stage One) must be controlled, and if the situation cannot be improved, keep out the audience.

[An Unequal Partnership](#)

Tragically, the culmination of these three factors creates the fourth barrier to meaningful control, perhaps the most damaging to carceral reform efforts. The White Paper on Corrections (2005) proclaims that "corrections is a societal responsibility", but the DCS has not been able to leverage the full potential of the NGO sector.

Civil partnerships that promote prisoner rehabilitation are difficult under the best of circumstances. There is so much anger surrounding crime in South Africa, that any initiative based in a carceral setting is greeted with suspicion and hostility. Charity work cannot mobilise volunteers on a large scale, because there is just not enough interest. This same negative atmosphere also places corporate social investment at a significant disadvantage. Many of the large NGOs in the South African context rely on CSI funds, yet a small fraction of this money is directed at rehabilitation efforts. The problem is branding—what corporate sponsor wants to be associated with a prison? Rehabilitation is a long journey without a sure destination. Businesses would rather put their logo on the side of a school than choose to support a halfway house or a trauma counselling initiative.

Even these significant challenges would not be insurmountable, but the DCS has been unable to maintain a reform agenda throughout its hierarchy. High-ranking officials are positive about engaging the NGO sector, but the officers charged with implementing this partnership are overworked and under-resourced. Primarily it is a problem of ownership. Local unit managers will get no credit if a rehabilitation program goes well, but they will face significant blame if something goes badly. There is limited incentive for saving the department money at the local level or to protect the prison infrastructure controlled by the Department of Public Works. Even within these structural disincentives, some correctional officers make rehabilitation their mission, but their energy is crushed between security duties or reporting. Most NGOs lack the patience to serve in this kind of environment. Billions of Rands in foreign development aid are invested annually in South Africa's hospitals and schools. Yet, the DCS has been unable to leverage this potential to control a reform agenda.

Each of these obstacles has parallels in the global debate on incarceration, but, significantly, they are all intensely interconnected in the South African context. Section 3.5 of this chapter explores several of these themes in further detail but first, it is necessary to understand their role in CPR. The weaknesses of the control response in Stage 2 help explain the intensity of the excess and disillusionment in Stages 3 and 4.

3.3.3 *Stage Three: Excess*

The excess and trauma of Apartheid incarceration is well documented. The severity and injustice of its punishment are the galvanising force at the beginning of this cycle. However, limited attention is given to the excess that has also been present in the reform movement. This is not a new phenomenon in the South African experience, but it represents a counter-narrative often out of sight.

Reform movements within the total institution are the most fraught because their proposals come with the tacit understanding that they are possible because of the institution's weight. This can either tempt reformers into overreach or motivate the bureaucracy benefiting from the status quo to resist these efforts with extreme prejudice. In either case, the result is an excess that will quickly lead to disillusionment in the next stage of the cycle.

In contemporary South Africa, there is excess both in rehabilitation and in the public reaction against crime. This growing trend is evident in the public response to clemency for offenders. I had the privilege of being friends with several correctional officers during the amnesty procedure of 2012 (SA News, 2012). Ever since 1994 the government has granted a special remission of sentence to commemorate significant occasions. Traditionally, this was associated with President Mandela starting at his inauguration and 80th birthday. However, recent presidents have attempted to build parallels with his administration and continued the practice. This practice was popular in the early years when the prison system was still an extension of the old Apartheid regime. It was interesting to experience the ambivalence and negativity of the correctional officers as they were tasked to implement a reform that no longer had the public backing. There is a strange phenomenon in contemporary South Africa, where people who have never visited a prison in their life are convinced that inmates are coddled on the taxpayer expense. The public's deep frustration makes one thing clear: people are angry, and this creates a barrier for prison reform in South Africa.

Ironically, rehabilitation in South Africa is equally susceptible to excess. The reform movement's most insidious weakness is also the most mundane. The Rainbow Nation idealism heavily influenced the early White Papers in the DCS. There is a stated objective to reach *every* inmate, regardless of their willingness to participate. If you listen to high-ranking officials speak, they make it sound like rehabilitation is something that can be forced, and that every inmate must experience the same standard.

There is no public outcry against this practice, yet it is a poison that prevents rehabilitation programs from gaining any innovation and depth. The DCS has scarce resources, and by trying to do something for everyone, they cannot bring any project to fruition. Rather than identifying a select group of inmates who desperately want to build a new life for themselves and giving them the full resources necessary to succeed, everyone gets a symbolic token. The DCS is never held accountable for actual transformation because they can make the excuse that their efforts are spread too thin. This structural weakness will be addressed in the policy analysis of Chapter 7, but it plays a significant role in the Cycle for Prison Reform in South Africa.

3.3.4 Stage Four: Disillusionment

As of 2023, this stage of CPR is most descriptive of the South African climate. South Africans are disillusioned about the possibility of carceral reform. From the moment Apartheid's prisons were rebranded as correctional centres, the Department was caught between the idealism of the constitution and the lethargic, under-resourced bureaucracy that was supposed to implement it. The rainbow-nation's zeal from the early 1990s could not overcome the dead-weight of a broken institution.

The state of prisons in South Africa suggests that rehabilitation requires a cultural benevolence that cannot survive in an atmosphere of social unrest. Prison reform will always be a small policy sideshow with a second-tier cabinet ministry. Because the total institution is removed from the public eye, any other social unrest outside its walls will be more urgent. It is difficult for the South African parliament to move forward with prison reform when street crime is such a pervasive fear. The American political experience proves just how dangerous it is to be "soft on crime," even at the expense of common-sense reforms that would save taxpayers money.

People are angry, and these emotions are more intense because of the hopes and promises generations of campaigning politicians fed them. Krog (2010, p. 147) describes how some of the vulnerability and optimism of those early days has become hardened into anger:

It also reveals the logic of the current groundswell of anger and frustration among victims, expressed in letters to the media and group actions demanding compensation, and also by those who were forgiving during the TRC process itself. Although their anger is used as proof that the TRC pressured them into forgiving, I want to suggest that it was interconnectedness that made the victims forgive *then*; but because no reciprocal sign of change and *Wiedergutmachen* came from the forgiven, victims have become angry *now*.

The current anger runs deep. It is different than the righteous indignation that sparks the beginning of CPR. It is less about moral outrage and more focused on punishment for its own sake. The Apartheid-era hangings are forgotten, and people call for a return of the death penalty as Turrell (2004, p. 102) describes,

There are many who believe that the abolition of capital punishment has encouraged both predatory murder by those who kill, safe in the knowledge that they themselves will not face death in our new constitutional democracy, and vigilante murder carried out, for example, by the relatives of rape victims, who would rather kill those they suspect than see them locked up.

It is the anger of disillusionment. It is closer to bitterness and discouragement than outrage. This deep frustration is evident, not only in the public but in the DCS as well. The Judicial Inspectorate of Prisons for South Africa chronicles absenteeism annually. When morale is low, it is discouraging and difficult to pursue a rehabilitation agenda. A striking example is 'Operation Vala,' where the DCS shuts down for a month over the holidays. Most rehabilitation programs are cancelled, and the inmates are usually locked in their cells 23 hours a day. The stated rationale for this lock-down is security they are worried that the inmates will be more motivated to escape over the holidays. However, absenteeism is the real justification. The Department needs to cut down to half-staff, otherwise members will simply not report for duty. Tragically, this 'security' measure perpetuates the disillusionment as a vicious cycle of isolation and cancelled programs feeding into the prison gangs' power.

The one silver-lining as South Africa struggles with Stage Four of CPR, is that hopefully the DCS will eventually step back from high-energy, low-result forms of punishment. Sometimes disillusionment means simply laying down your weapons and walking away even without the confidence that things will get better. South Africa's Constitutional Court faced this decision when it abolished capital punishment as noted by Turrell (2004, p. 85),

South Africa has experienced too much savagery. The wanton killing must stop before it makes a mockery of the civilised, humane and compassionate society to which the nation aspires and has constitutionally pledged itself. And the state must set the example by demonstrating the priceless value it places on the lives of all its subjects, even the worst.

There was considerable social apprehension about rising crime rates, yet the judges knew that something had to change. The cycle needed to be broken, and someone had to take that uncertain first step.

3.3.5 *Stage Five: Contextualisation*

South Africa has not yet reached a place of contextualisation for its carceral project. The DCS still clings to its lofty rhetoric even as the public demands tangible results. Hopefully, these conflicting impulses would clear a space for some form of pragmatic compromise, but there is little innovation happening. There is no good sense of what is possible in South Africa's prisons or what is desirable.

The various levels of the DCS hierarchy are disconnected, which has prevented the leadership from having a frank discussion about what reform is possible from within the current infrastructure. Negativity is not necessarily bad if it leads to frank assessment and a narrow set of achievable goals, but this redefinition has yet to occur. If the department was willing to step back from the unrealistic task of saving everyone, they would be able to provide meaningful services to the smaller group of inmates who want to change. However, this realignment does not seem to be under discussion.

Having seen the challenging conditions of South Africa's correctional centres, I have deep sympathy for correctional officers who are discouraged in their work. The DCS is blamed for challenges far outside their control. For example, the frequency of police arrests, the backlog in the courts, and the growth of heavy sentencing has led to prison overcrowding. This will be addressed in the future chapters, but it is unfair to hold the DCS solely responsible for its transformation under these circumstances. However, there are reformers outside the Department pushing for contextualised, pragmatic reform. Generally, they coalesce into two voices: technocratic policy analysis and emotional protest.

The NGO sector in South Africa has a small but experienced community of activists and scholars engaging with country's largest total institution in new ways. They have been instrumental in holding the DCS to account, and hopefully their work will be the foundation for a new consensus in rehabilitation. These organisations include The Centre of the Study of Violence and Reconciliation³³; Civil Society Prison Reform Initiative (Africa Criminal Justice Reform)³⁴;

³³ www.csvr.org.za

³⁴ www.acjr.org.za

Just Detention International, South Africa³⁵; The Dullah Omar Institute for Constitutional Law, Governance and Human Rights³⁶; Institute for Security Studies³⁷ and The Judicial Inspectorate of Prisons³⁸.

The work from their policy analysis presents a technical critique of the existing paradigm and some concrete proposals for the way forward. Ndebele (2010, p. 73) presents the hope of these perspectives and the challenge.

We are now called upon to lay the foundations for a post-reconciliation South Africa. I suspect that such a country is about creating a humanised public space beyond the postures of a politics habituated by struggle. It is about a democracy of individuals with a public conscience, who enable us to transcend group stereotypes by discovering the value of individuals. It is about black South Africans finally having no obligation to prove themselves to anyone but themselves. It is about their reconnecting to emancipatory goals that are in danger of being forgotten. It is about assailing the resilient factors with passionate intelligence and ethical resolve.

Ndebele (2010) is precise and even moving, but his audience is narrow. Chapter 4 outlines the prejudice against ex-prisoners fuelled by the anger against crime in many communities. Thus, it is unlikely that a measured discussion of resilient factors will create a new contextualised rehabilitation treatment.

Perhaps a more powerful voice will come from South Africa's artists. Usually, poets, musicians and creative writers are associated more with Stage One of CPR. The injustice of the system leads easily to emotional and creative protest. However, this does not give adequate credit to the power of the arts. While a poem or a creative essay does not come with a policy white paper attached, they can create a cultural space where something new can be built. Any new consensus will ultimately be structured around humility, and even lament which can only flow from a more emotionally intelligent form of advocacy. For example, Taljaard (2010, p. 54) uses Antjie Krog's

³⁵ www.justdetention.org/southafrica

³⁶ www.dullahomarainstitute.org.za

³⁷ www.issafrica.org

³⁸ <http://jics.dcs.gov.za/jics/>

poem titled *Land van Genade en Verdriet* ‘Country of Grief and Grace’ to illustrate this power of the art.

what is the past tense of the word hate
what is the symptom of brutalised blood
of pain that did not want to become language
of pain that could not become language
what does one do with the old
how do you become yourself among others
how do you become whole
how do you get released into understanding
how do you make good
how do you cut clean
how close can the tongue tilt to tenderness
or the cheek to forgiveness?

Perhaps the best hope for South Africa to move into Stage Five of CPR will involve combining these two voices. There needs to be something with the emotional force of the arts, but that also has the depth to speak to policy on a technical level. Part of the answer for the South African context must be ethnography. Chapter 5 explores this methodology in detail, creating emotionally relevant and politically technical narratives. Steinberg (2010) and Gear and Ngubeni (2002) reach into their own experience to bind sophisticated policy analysis with narratives that can engage a mass audience. They present compelling stories with a nuanced perspective on criminal justice reform. One of the difficulties of prison as a total institution, is that is necessary to confront the ground-level lived experience of individual people. Ethnography brings something personal to the analysis that pierces the institutional anonymity of carceral structures.

In Stage Four of the Cycle of Prison Reform we finally admit the depth of what has been broken, but in Stage Five there is a growing realisation that something else is possible. It is not idealism—total institutions have not been forgotten—but it is the cautious hope that something new can be built in the margins. There will not be a solution that will “save” everyone—there cannot be—but there can still be something good.

Former president F.W. de Klerk (2010, p. 31) knew something about negotiating for a future vision that would not make everyone happy. His treatment of reconciliation is foundational to the contextualised rehabilitation that can occur in Stage Five of CPR.

A third meaning of reconciliation is the acceptance of things that in an ideal world we would rather not accept. We say, in this sense, that we have reconciled ourselves to this or that reality. We would have preferred something more but the imperative for compromise requires us to accept something less. Reconciliation, in this sense, is also a prerequisite for peace. The reality is that any search for lasting solutions to the problems that have caused conflict in the past will require all parties to make real, and sometimes painful, compromises. ...In South Africa we have learned that reconciliation and peace require us to accept compromises. The achievement of reconciliation and peace nearly always requires a leap of faith and a willingness to trust those whom we previously regarded as sworn enemies.

As the president who oversaw South Africa's unilateral decision to abandon an arsenal of nuclear weapons, de Klerk (2010) understood that sometimes peace requires laying down your arms before the fighting is over. It is a message of hope, restraint and perhaps even a cautious idealism that remains a compelling message to South Africa's "Born Free" generation.

3.4 FOUR STRENGTHS

The Cycle of Prison Reform provides a useful reminder that South Africa is wrestling with the same archetypal questions that have governed society's expression of punishment and rehabilitation for over a century. CPR has a linear element because South Africa has roughly experienced the stages chronologically. While this tool is descriptive, it is useful to emphasise key strengths and weaknesses that are distinct to the South African experience. They arise at different cycle stages, but will provide context for the next 50 years of carceral reforms. For better or for worse, South Africa is uniquely positioned to play a crucial role in determining both the form and practice of prisoner integration throughout Africa. The following four elements make the country a particularly attractive case-study.

3.4.1 *Speed*

More than the typical bureaucracy, carceral infrastructure is governed by inertia. Prisons are the last aspect of society to change, but any shift will be sustained by institutional momentum for a generation. The result is that correctional policy is perpetually lagging behind the public will. Either the public is progressive, but the penal system is vindictive and abusive, or the correctional system is struggling to achieve meaningful rehabilitation while being pilloried by an indignant public thirsty for vengeance.

What makes the South African experience nearly unique on a global level is the speed in which it was forced to transition between an instrument of oppression through Apartheid into a correctional system oriented towards rehabilitation. The nation is engaging with the same struggle between punishment and rehabilitation that European countries have been exploring for a century, but everything is condensed into a window of about 20 years.³⁹ Chapter 2 traces this debate back to the 1700s, yet South Africa thrashes through these philosophical paradigms with an intense immediacy.

There are few modern parallels where a prison system lost its *raison d'être* in a sudden transition to a stable democracy. While this transformation's speed created challenges, there remains an opportunity because the prison-industrial complex is less entrenched than in other countries. Today, the hope and optimism of those first democratic elections has dissipated, but significant opportunities remain. It is ironic, but the fact that the DCS is so understaffed and under-resourced presents an opportunity. Total institutions are not interested in reform if they have the power to be self-sufficient. South African prisons are under-developed, so the administration is still willing to build partnerships with civil society.

Within the context of this thesis, South Africa's recent experiment with halfway-houses is a prime example of how quickly everything changes. The DCS only announced its first halfway house in 2012.⁴⁰ This is hardly an innovation in correctional programming, yet we can engage with

³⁹ Professor Dirk Van Zyl Smit is one of the leading scholars of this time period, and his article *Criminological Ideas and the South African Transition* captures the speed of this transition (Van Zyl Smit, 1999).

⁴⁰ DCS Minister Nosiviwe Mapisa-Nqakula formally launched the first DCS-affiliated halfway house in Naturena, Johannesburg at a press event on 24 February 2012 (Department of Correctional Services, 2012).

the policy freshly in South Africa. “There is nothing new under the sun” in incarceration, but whenever it is possible to find a total institution that is doing something for the first time it is a window that should not be missed.

3.4.2 *Intensity*

Intensity creates its own relevance. South Africa’s correctional infrastructure faces significant challenges, but this provides a compelling opportunity to study a total institution during conflict. The DCS is sometimes described as the ‘Wild West’ because it seems as though everything is possible. However, it is not certain whether the result will be transformative or disastrous. This intensity derives from both the size of South Africa’s prison system and the severity of the violence it contains.

In terms of size, no other African country incarcerates more people than South Africa, and many countries have small prison systems that could fit into a single South African prison complex. The World Prison Brief brings together comparative data that demonstrates the extent of this problem. South Africa stands 12th in the world for the highest number of people incarcerated per capita (Walmsley & Fair, 2021). Yet, the size of South Africa’s carceral infrastructure demands recognition on the global scale (Muntingh, 2016).

It is not just the size of South Africa’s prison system that creates intensity, but the violence it contains. The Jali Commission (2005) provides evidence of the prison rehabilitation crisis in South Africa. The project was launched as the Commission of Inquiry into Allegations of Corruption, Maladministration and Violence in the DCS. It later took on the name of its Chairperson, Mr. Justice T.S.B. Jali. The commission documented a comprehensive series of gross abuses by the DCS. The progressive rhetoric of the Department was shattered by new evidence of negligence, corruption, abuse and even sex trafficking by Departmental officials.

While the full report is roughly 1,800 pages long, various non-profit advocacy groups have produced summaries for the public. For example, the Civil Society Prison Reform Initiative released one of these summaries to make the Commission’s work available to the public. While the Commission and its summaries touch on almost every aspect of the DCS, they bear particular relevance to the question of rehabilitation (Van der Berg, 2007, p. 27).

The Commission found that prisoners were subjected to torture, assault, and abuse and made to perform duties that infringed upon their dignity. It appeared to the Commission that warders' general opinion was that prisoners were in prison "for punishment" and not "as punishment".

While the Jali Commission is focused on abuses within the DCS, there is daily evidence of abuse within the prison gangs (Lindegaard & Gear, 2014). Hollywood would have us believe otherwise, but many of countries do not struggle with prison gangsterism. The specifics are discussed in Chapter 4, but South Africa has the continent's most entrenched prison gang system. Inmates will be lucky to complete their incarceration without experiencing further life changing trauma.

3.4.3 *Geography and Social Context*

South Africa has 240 prisons spread over a wide diversity of geography. Tiny prisons serve rural villages with fewer than 80 prisoners, and there are vast prison complexes. Cape Town's urban prisons are built on some of the most valuable real estate in the world, but Paardeberg Correctional Centre is only an hour away but does not have phone lines.

The challenges of the African socio-economic context are even more diverse than its geography. South Africa's DCS must contend with its status as a minor portfolio in a government struggling with much larger issues. The condition of prisons is not a compelling issue at the cabinet level when unemployment hovers around 40% in some demographics.⁴¹ Indeed, there is often public backlash against even the most basic rehabilitation programs when crime and economic inequality remain rampant. Any success that South Africa can demonstrate in its correctional policy will be significant because of these challenging contextual factors. In turn, governments throughout Africa, South America and Asia will notice because these developments can be replicated on a limited budget.

The size of South Africa's prison population and its emerging status as a symbolic African democracy guarantee the country's place as a prominent case-study for a 21st century examination of correctional policy. Small Scandinavian countries accomplish incredible progressive initiatives within their systems but receive limited attention. The South African government might be

⁴¹ "[F]or the first quarter of 2022, the unemployment rate was 63,9% for those aged 15-24 and 42,1% for those aged 25-34 years, while the current official national rate stands at 34,5%." (StatsSA, 2022)

sceptical of Swedish innovations when their entire system could fit into Pollsmoor Correctional Centre, one of 42 prisons in the Western Cape.⁴² Furthermore, Sweden has a GDP of \$528 billion, so African countries can be justified in some scepticism about the relevance of imported European models (World Bank, 2017). The debate over correctional policy in the 21st century demands a case-study from the developing world. Thus, South Africa is uniquely positioned to speak to this need because of its geography and culture.

3.4.4 *Non-Western Scholarship*

South Africa's appeal goes beyond its profile of incarceration levels and economic statistics. The 'Rainbow Nation' has articulated a narrative of statehood that is unmatched in greater Africa. Its symbolism resonates with everyone looking for a model not limited to a western paradigm. Many post-colonial nations experienced euphoria surrounding their independence, but South Africa's struggle leading to the 1994 elections has taken on almost mythic proportions. Former president, Nelson Mandela and fellow anti-apartheid activists created an international profile for themselves. The United Nations has renamed its convention on the fair treatment of prisoners (formerly the Standard Minimum Rules for the Treatment of Prisoners) the Nelson Mandela Rules.⁴³

While there is a unique danger to this hype that could damage the current debate over correctional policy, it effectively cements South Africa's relevance as a case study. The continent has a great appetite for a uniquely African solution to corrections. Already government delegations from the north are visiting South Africa for a correctional model that does not rely on a European economy and class structure. Whatever the DCS accomplishes in this country will ultimately resonate throughout the continent.

A generation of scholars is trying to shape this evolving narrative of corrections to apply the South African experience to a much larger field.⁴⁴ There is a thriving academic community pursuing the study of rehabilitation and criminology more broadly in universities throughout the

⁴² In 2009 Sweden spent SEK 6.5 Billion on their Prison and Probation Service for an average of only 4,700 inmates incarcerated on a given day (*The Swedish Prison and Probation Service, 2009*).

⁴³ Professor Dirk Van Zyl Smit has a good description both of these rules and their incorporation into the legacy of South Africa. He was asked to write the official handbook on the subject for the United Nations Office on Drugs and Crime (Van Zyl Smit, 2022).

⁴⁴ Jeremy Sarkin has an extensive survey of prisons across the continent. *Prisons in Africa: An Evaluation from a Human Rights Perspective* (Sarkin, 2008, pp. 23-50)

country. Policy advocates like Lukas Muntingh⁴⁵ are working at a policy level while ethnographers like Steinberg (2010) creates a bridge between the academic world and the correctional practitioners.

3.5 FOUR WEAKNESSES

Unfortunately, South Africa's legacy for corrections is in flux. The abrupt transition to democracy in 1994 brought an immediacy and excitement to the debate, but the system has been unable to keep pace. The Jali Commission and many more recent reports from the Civil Society Prison Reform Initiative (CSPRI) and The National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) show a troubled system. South Africa receives an unprecedented level of attention on an international level because of the compelling constitutional narrative as the rainbow nation. Still, it remains to be seen how this transformation will be reflected in correctional policy. The DCS faces four challenges, which are not unique to the South African experience, but each represents globally significant themes in the debate over rehabilitation.

3.5.1 *Flowery rhetoric*

Prison is a prime example of bureaucratic intransigence. While high-ranking administrators may have adopted progressive rhetoric, the situation on the ground changes slowly. Indeed, this is a peculiar danger for South Africa. By allowing the rhetoric of reform to outpace the results, the DCS could unwittingly discredit the principles of rehabilitation they are attempting to promote. This tendency is perhaps best illustrated with the concept of restorative justice. While South Africa did not invent the term, the Truth and Reconciliation Commission (TRC) was responsible for bringing it into the vernacular.

The DCS (2009 c) has a White Paper on restorative justice, and cabinet level officials use the corresponding progressive rhetoric in many of their public speeches. Ironically, this lip-service to restorative justice may discredit the concept South Africa popularised. The public does not know about the DCS programs for restorative justice because they exist only on paper. Instead, the public hear only the high-minded rhetoric but do not see a functioning carceral system. They will wrongly

⁴⁵ Lukas Muntingh was the leader of the Civil Society Prison Reform Initiative, now expanded into Africa Criminal Justice Reform – www.acjr.org.za

believe that the concept of restorative justice is flawed when it has never been tried. Progressive models must be quickly adopted at the grassroots level before the public continues down CPR and lashes out again.

A recent example of this trend has been the policy of renaming South African correctional centres without noticeably changing how they are run. In an attempt to address the prejudice that surrounds incarceration, the DCS decreed the names of certain notorious correctional centres would be changed.⁴⁶ Even more significantly, they began a process of public hearings to publicise this reform and collect possible names. What was conspicuously absent from this process was any change in the policy of how the institutions were run. Prisons like Pollsmoor in the Western Cape certainly have a notorious reputation for gangsterism and corruption, so a symbolic break from the past could be significant, but only if there is substance behind the change. Pollsmoor and many other correctional centres on the list resemble the apartheid dungeons they were supposed to replace. A new name is a powerful way to generate publicity, but it can only happen once. The public has little knowledge of what goes on behind bars, but they are intensely cynical regarding rehabilitation. Two of the non-profit organisations I am involved with were invited to participate in this process, but we declined in protest. The Department suspended the hearing on Pollsmoor's name change, perhaps because they had been warned that the public perception of the project would not be favourable. In my informal research, I keep encountering the expression 'putting lipstick on a pig' from some community members. This reflects the public's desire for tangible results instead of the rhetoric that once was acceptable.

While optimistic government propaganda is not unique to the DCS, this tendency poses a unique threat to correctional policy. The public will not likely abandon their interest in healthcare or education if the government fails to deliver on its promises. Indeed, this failure often makes the outcry for reform more adamant. Not so with prison rehabilitation. If DCS bureaucrats continue with their lofty rhetoric while performing at a low standard, they will discredit the rehabilitative ideal. The public has such conflicted feelings about anything other than abject punishment being meted out to prisoners, that rehabilitation is one of the most vulnerable programs in the

⁴⁶ I was given formal invitation as a stakeholder to participate in this process by Johan le Grange on 9 February 2011. He was Regional Director for Corrections in the Western Cape at the time, and he emailed a letter on behalf of the Minister of Correctional Services.

contemporary South African state. There is even a technical term for this danger (Dixon, 2004, p. 163)

Cosmetic criminology sees crime as a ‘blemish’ on the skin of an otherwise healthy society (Young, 1999: 130). It ‘distances itself from the core institutions’ of society and offers only ‘technical, piecemeal solutions’ to crime. And it confuses cause with effect by suggesting that ‘crime causes problems for society’ when, in reality, ‘society causes the problem of crime.’

The DCS is pressing forward with press conferences full of politically correct jargon, even as conditions continue to languish. Society hears this progressive talk of rehabilitation, yet sees no corresponding increase in security. Their natural conclusion is that rehabilitation is a futile waste. South Africa faces a problem with crime and public opinion will not tolerate rhetoric without results.⁴⁷

3.5.2 *Size over substance*

The DCS should concern itself only with rehabilitating only those inmates who wish to be helped. There should be a concrete path allowing these few, dedicated inmates to earn their new position in society. Currently the Department’s efforts at rehabilitation are diluted to the point of being inconsequential. On a philosophical level, there needs to be a shift away from rehabilitating everyone—a determinist fallacy represented by Stage Three in CPR. It is not a failure to the inspiring ideals of South Africa’s constitution to recognise that limited means must be reflected in limited ends. Indeed, this is inherent in the concept of human volition. If rehabilitation attempts to empower prisoners to make different decisions, it is only logical that some prisoners will be unwilling or unable to change.

This is not a unique weakness to the DCS. Unfortunately, it is representative of the larger idealism that swept through South Africa in the wake of democratic elections. Ndebele documents this trend during the Mbeki administration. Sometimes a large program stretched to inefficiency

⁴⁷ In a sign that the government is beginning to take notice of an increasingly punitive sentiment in the electorate, 2009 saw a change in one of the most important government departments. The “Department of Safety and Security” has now been renamed the “Department of Police.”

and dilution is more dangerous than doing nothing. “The risk of continuing failure could be devastating and increase the corrosion of citizen confidence in the state” (Ndebele, 2010, p. 62).

This risk is particularly severe for the DCS because there is little margin of error. People are not hopeful about prisoners, so if they are critical of government waste in general, they will be doubly so with any failure in providing adequate rehabilitation. The department must stop over-selling and under-delivering, or the rehabilitation project will die in South Africa.

This narrow perspective for rehabilitation is a more aggressive position than the status quo. The current mode is a rhetorical commitment to rehabilitating everyone while sacrificing any meaningful depth in program delivery. The Correctional Sentence Plans used to poor effect across South Africa’s prisons are a tragic example of this trend, and they will be analysed in chapter 7. Doing a little for every prisoner prevents anyone from getting the full measure of their needs.

There is something intensely cynical about staking out an idealistic ideological position that nobody reasonably expects is possible, and then using this broad over-commitment to justify avoiding responsibility for the few inmates dedicated to change. This has been a structural weakness in South Africa’s prison system for more than 50 years. Super (2011, p. 204) documents this trend under the Apartheid state:

Thus, for example, in the 1970s, placing people, including black people, in prison was justified by the rehabilitational role of treatment in prison; however, for the most part, black people were not ‘treated’ at all. Where lack of treatment was acknowledged, this was blamed on the lack of ‘sufficient professional people from population groups’.

The structural oppression of the Apartheid prison remained unchanged, but a rhetorical commitment to rehabilitation now covered it. The best way for a bureaucracy to avoid meaningful change is to pursue a token of reform for everyone. For the past 50 years, the DCS has been decrying a lack of resources, but this is a convenient justification to shield themselves from meaningful reform.

This thesis is about setting a narrower path for reform. Rather than spreading a therapeutic veneer over every prisoner, new policies must strategically target resources on small groups of

prisoners at the grassroots level. Chapter 6 will outline some guiding principles, but it is a much more limited project than what has traditionally characterised South African prison reform.

3.5.3 *Poor statistical modelling*

Ideally this narrower debate would involve a quantitative baseline that could hold the DCS accountable. Unfortunately, they have deliberately avoided any meaningful record of recidivism because tracking these statistics will lead to criticism as the public becomes aware of their inefficacy. This fear is misguided because public perceptions of the prison system are already incredibly negative.

A renewed focus on recidivism statistics could allow the department to prune some ineffective efforts and hold their external role-players accountable. Several non-governmental organisations profitably engaged in prisoner rehabilitation and are not responsible for demonstrating efficacy. There is a structural disincentive for these organisations to track their recidivism data. For argument's sake, consider a successful development program that kept 50% of its students from returning to prison within the first three years. Tracked in isolation, this is not an impressive statistic. What donor will be motivated by a program that fails half of time? However, if this data could be aligned with a baseline from the DCS, the picture could appear very differently. For example, in a scenario where 80% of all inmates return to prison within three years of release. Suddenly the 50% success rate represents an inspiring program that is saving millions of the taxpayers Rands. The DCS claims that tracking recidivism is an official departmental goal, but no system has yet been developed (PMG, 2010). Considering that these statistics will indict the state of their rehabilitation efforts, it is unlikely to become a meaningful priority soon.

Rehabilitation cannot be delayed until the DCS commits to an appropriate statistical model. Chapter 5 will present a literature review on ethnography and apply it to the South African context. This narrative-based group participation could create a space for the DCS to engage with the NGO sector without either party needing to hide their statistics.

3.5.4 *New mission, but an old infrastructure*

It is unclear whether the Department of Correctional Services has the facilities to facilitate rehabilitation. Under Apartheid, the very architecture of the building itself was an instrument of

oppression. Farm prisons were constructed to utilise the inmates as slave labour at the expense of separating families. None of the facilities were built with classrooms for education, and prisons intended to house black and coloured inmates received even less infrastructural support.

One of the inmates I was working with was studying electrical engineering, but he had to do it hunched in the bathroom in the middle of the night. It was the only time and place where he had light and quiet to think. There will always be a small group of inmates who are so determined to change their lives that they can overcome even the most toxic environments, but this is the exception that proves the rule. The tragic reality is that rehabilitation in South Africa happens *despite* the prison infrastructure, not because of it.

The Judicial Inspectorate for Correctional Services (2020) supplies a vital quantitative perspective on the state of South Africa's carceral infrastructure. Their 2020 annual report lists an overcrowding rate of 32% but this is made worse because of the general disrepair of the facilities (2020, p. 24). The report (2020, p. 30) describes the following weaknesses as endemic throughout the Department.

- Potential spreading of disease as a result of drains overflowing and dysfunctional ablution facilities.
- Inhumane treatment of inmates, including no warm water for bathing, especially problematic in winter.
- Leaking taps causing water wastage.
- Faulty, unsafe electrical systems.

It is almost impossible to debate the merits of rehabilitation when the total institution is not structured around a base humanitarian standard.

3.6 NARROWING THE FOCUS – INTRODUCING SOUTH AFRICA'S HALFWAY HOUSES

These four challenges affect every aspect of the Department of Correctional Services, but they provide specific context for my prison ethnography into South Africa's halfway houses. Chapters 5 to 7 will describe this research in detail, but the current chapter introduces the broad outlines of the programme.

The DCS embraced halfway houses in many ways because they needed a distraction. By 2012, the department faced extreme pressure with over-crowding, staff shortages, and low morale. Halfway houses represented an insignificant expenditure with only R40,000 allocated to the

project in the 2011/2012 budget cycle (Mathabathe, 2016, p. 8). Still, it was an opportunity to generate positive press and shift attention outside the prisons.

Mathabathe (2016) explains the government's legal basis in the Correctional Services Act, 111 of 1998 and the 2005 White Paper on Corrections. However, what set the programme apart was its privatised, decentralised nature. The DCS would not administer the halfway houses at all, but rather issuing tenders supporting local non-profit organisations.

The DCS has a long and controversial history with privatisation that is beyond the scope of this thesis, but it seemed ideal for this programme. The first three chapters are about the power of prisons as a total institution and the difficulty of transitioning inmates away from them. Physically moving prisoners out of prison is difficult, and carceral institutions are not well structured for the task. Neither the Community Corrections officers nor the Correctional Supervision and Parole Boards (CSPB) can initiate anything new. However, in this pilot project, there was hope they could effectively monitor the service level agreements (SLA) and c in a public-private partnership.

The results of this initiative are lacklustre. Individual halfway houses have accomplished significant results, but this potential has not been integrated into the larger criminal justice system. Chapter 7 analyses these struggles in detail, but for now it is enough to emphasise two failings. First, the DCS has not held its halfway houses accountable for reducing recidivism. Moreover, tracking results over three to five years is challenging because the tenders have such a short timeline. The whole purpose of privatised partnerships is to hold these outside organisations to account for quantitative results. Strangely, DCS has not pursued this simple, administrative strategy.

The second failing is negligible awareness of halfway houses within the larger department. Community Corrections is already the smallest part of DCS, and the halfway house program is invisible even within Community Corrections. Chapter 5 will document my struggle to create a database of halfway houses. Most community corrections offices do not even know about the few programs that are in existence, so they are under-utilised even for their small size. Most significantly, most prisoners do not know about these programs. In some ways, the greatest strategic use of halfway houses is symbolic. It proves to South Africa's prisoners that there is a

way out of the total institution. It is a narrative power that change is possible. Even the small number of existing halfway houses could provide this narrative function, yet the DCS has not pursued this opportunity. The small amount of promotional work is outwards focused as they want credit in the community for rehabilitation but there is no promotional work within the prisons themselves. Prisoners cannot be challenged or inspired by a program they do not know exists.

However, there is a small positive subtext to these two failings. Neither relate to the halfway houses, but their oversight by the DCS. The ethnography in Chapters 5 and 6 demonstrates that the hard work of rehabilitation is still happening in these institutions. Innovation and reform are happening daily, but it has almost no connection with the larger DCS. Problems of integration and communication are much easier to address than substance problems. Halfway houses continue to have potential. Even with halfway houses representing a small fraction of the budget, the DCS could get much more impact for their money without spending more. Chapter 7 explores how several inexpensive shifts in government policy could transform the use of halfway houses into a significant part of the system but without needing a new budget. Halfway houses are currently so isolated within the DCS that the bar for transformation and reform is exceptionally low.

3.7 CONCLUSION – RESIST FATALISM

In the long term, it is unclear whether South Africa's halfway houses will become a hopeful example of reform or a cautionary tale. However, the very intensity of the challenges is proof that South Africa deserves its place on the world stage. The carceral infrastructure of this country is a globally significant case study, and these challenges only increase its relevance. Perhaps prisons in South Africa will only serve as a warning, but their relevance cannot be ignored.

However, it would be short-sighted to allow the net result of these challenges to be fatalism. South Africa's judicial system has slipped from the idealism of its first representative government into the same fatalism that gripped America in the 1980s. Their society is rotating through the Cycle of Prison Reform, but at a faster speed than anything currently happening in America or Europe. Hopefully South Africa will avoid the punitive excess that has crippled American correctional policy for decades. In that case, there is only a narrow window in which a frustrated public will tolerate progressive innovation. Chapter 7 explores the limits and possibilities of this reform in the context of halfway houses.

Unfortunately, because of the structural inadequacies in the DCS, some scholars have concluded that the very concept of rehabilitation in South Africa is fundamentally flawed. Super (2011, p. 218) demonstrates that the promise of reform has faded because incarceration has increased since the free elections in 1994.

Ironically, in the ‘new’ South Africa, the more people that are put in prison and the more chronic the overcrowding issue has become, the more the department has embraced the discursive manoeuvre of rehabilitation—how else could the ANC government, a former liberation movement, promoter of people’s power, justify South Africa’s heavily prisonized society? Yet, the standard line of the department is that there has been a paradigm shift from the punitive, punishment-orientated prison regime of apartheid to the caring, rehabilitative prison of the ‘new’ South Africa.

Super (2011) speaks for a growing community of academics who believe that rehabilitation is nothing more than a public-relations veneer for an increasingly authoritarian state.⁴⁸ On the one hand, the conditions inside South Africa’s correctional centres often resemble the apartheid prisons they intended to replace. However, it would be presumptuous to declare rehabilitation a failed experiment when so little has been tried. Super (2011) is right to criticise the Department’s empty rhetoric, but it compounds their error to discard rehabilitation altogether.

Ndebele (2010, p. 57) makes the case that this is an urgent danger in contemporary South Africa:

[There] are elements of personal or institutional behavior which resist change by simulating it in such a way that in the end there is only the impression of change. It is a form of resistance that goes hand in hand with good intentions. The risk that resilient factors pose is that within a short space of time, a country in transition, such as South Africa, may enter into an unintended state of inertia in which change is genuinely sought, but the complexities of transition delay movement beyond it, such that the sense of transition actually becomes permanent. The state of inertia may generate its politics, which may be as vibrant as any but actually dances on the same ground.

If progressive rhetoric commandeered for government press releases cannot prove rehabilitation, it cannot disprove it either. For better or for worse it is an empty distraction or ‘dancing on the same ground’. The discussion needs to be refocused on the programs being offered at the grassroots

⁴⁸ Kelly Gillespie also diagrams this trend. Her research demonstrates that South Africa’s new democratic government maintained a troubling reliance on older forms of coercion and incarceration. (Gillespie, 2008)

level. The debate must remove grandiose white papers and emphasise a realistic assessment of what is possible. It is in this narrow, re-focused emphasis that there is hope.

The same question will always present itself again. Is there any bridge between punishment and rehabilitation? It may be tenuous, but I believe the bridge of integration is still evident, and it is the challenge of this thesis to make the case. This research will examine the cultural barriers that prevent 'offenders' from shedding their labels and participating in a society that still views them with prejudice. There will always be fatalism that inmates are a lost cause that can only serve as an example to the larger society. There will always be social determinists who claim the right concoction of therapy and incentives can overcome human volition and keep society safe by compulsion. However, when these two authoritarian paradigms have discredited themselves through excess, there remains a grey area where a few remorseful prisoners try to make their way into a better future. It is the job of responsible rehabilitation programming to make this journey possible, and this thesis will articulate a standard of cultural rehabilitation that will hold the NGO community to account. This chapter has made the case for the relevance of the South African context. The following four chapters draw upon this context to articulate the challenges and opportunities for halfway houses in South Africa and beyond.

CHAPTER 4: THE SOCIAL CONTEXT OF INCARCERATION

4.1 BACKGROUND

The price of studying a total institution is that the scholar is perpetually on the outside. A closer examination reveals the messy contradictions of an inmate's daily life. To draw any larger principles from the politics and policies of the criminal legal system, it is essential to engage with the lived experiences of prisoners. This thesis moves from the broadest point of historical analysis in Chapter Two with the Cycle of Prison Reform to an increasingly narrow field of vision. Chapter Two situated the halfway house—and the residential treatment that it represents—within the larger historical debate between punishment and rehabilitation. Chapter Three explored the relevance of South Africa as a strategic setting for this research. However, there is a danger that because prisons have a symbolic role in the relationship between communities and government, it is easy to lose track of the daily lives of individual prisoners. Incarceration will always be pressured by the politics of the day, but the nature of prison as a total institution means that life behind bars is highly insulated from public opinion. Before we can understand how halfway houses can effectively transition an inmate back onto the streets, we need to spend time behind bars. Each of these three contextual chapters represents a narrowing of focus—taking us to the very gates of the “big house.” It is time to go inside.

Chapter Four is an attempt to find the lowest common denominator which will be the central building block for new analysis. I cannot articulate guiding principles for the design and optimisation of halfway houses until I have contended with the extensive scholarship surrounding integration studies at an individual level. Halfway houses represent a customised, institutional response to the challenge of prisoner integration. Before we describe the policies and principles that guide these programs, it is necessary to reckon with the full weight of incarceration. It is naïve to discuss reform without a realistic assessment of the problem.

Essentially, I view the research process as an hourglass as depicted in figure 4.1. The prison-industrial complex touches almost every aspect of society, and it takes considerable work to refine our focus to the lowest common denominator. Each of my three contextual chapters sort

and condense broad trends in governance and theory until arriving at the point of basic impact in the lived experience of the prisoners themselves.

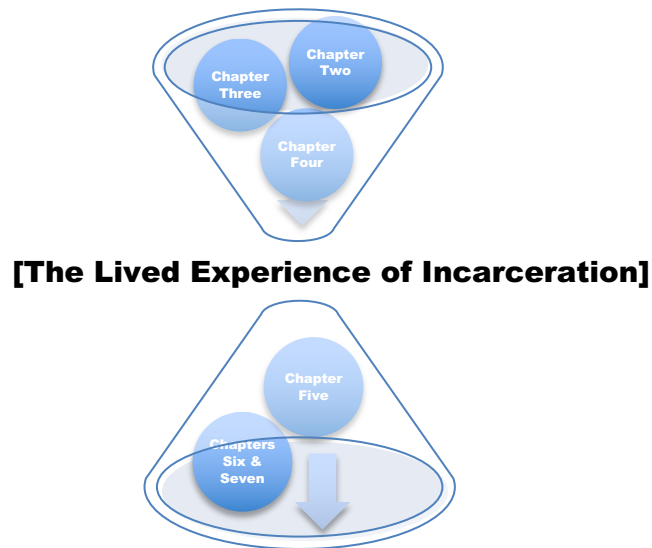


Figure 4.1: My Research Process

Only then can the thesis move outward again into a broader field of vision. This continues in Chapter 5, through an ethnographic survey of some of South Africa’s halfway houses. To the extent this ethnography coalesces around a guiding narrative or group of themes, it is recorded in Chapter 6 as I propose a set of core principles for the comparative analysis and optimisation of halfway houses. Chapter 7 concludes by returning to the broadest field of study—policy reform and systems analysis—but now the work is informed by the lives of real people.

4.2 INTRODUCTION

A man sits weeping in the highway median. His scars and tattoos belie a lengthy prison sentence. He has just been released, but there is no celebration. He is one of the thousands of inmates who have been pardoned in South Africa’s continuing experiment with amnesty (Department of Correctional Services, 2020 b), but he is not ready for the outside world. Every prisoner longs for

*freedom, but after years of confinement within a total institution, he no longer knows what freedom means. His sentence has been commuted, but he carries the prison on his back. There is no one sitting with him as the cars drive by, but he is not alone—his confusion, anxiety and hopelessness could describe tens of thousands of inmates who cycle through South Africa’s prisons every year. There is no clear institutional pathway out of prison.*⁴⁹

It cannot be overstated how little preparation and support is available for newly released prisoners in South Africa. While the country has been experimenting with amnesty since the 1990s, this process has always been about political messaging with limited logistical support. Thus, this thesis is focused on halfway houses, but they are the exception that proves the rule. Halfway houses represent a diverse range of residential treatment programs but comprise an incredibly small portion of the prison industrial-complex. Many management areas have no halfway houses registered⁵⁰, and those existing programs maintain less than a dozen beds. Per the database in Chapter 5, two provinces in South Africa do not have a single halfway house serving their parolees. This is striking because the residential approach to parolee support that halfway houses represent is not a novel concept. The United States Department of Justice published a 52-page “National Evaluation Program” on halfway houses in 1977 surveying 153 programs (Seiter, 1977). It is tragically ironic to see the DCS struggling with a “new” program when this information was once available on Microfiche tape. This absence is understandable because of the long shadow of Apartheid, but there are contemporary forces at work in South Africa’s criminal legal system that have prevented halfway houses from developing.⁵¹

Clear structural weaknesses in South Africa’s carceral system disadvantage halfway houses and any aftercare support for the nation’s parolees. Criminal justice infrastructure influenced by a western legal tradition is explicitly weighted towards the beginning of the prison sentence and is sadly lacking at the end. This is the natural result of the three bureaucracies that oversee

⁴⁹ I first heard this particular story from some of the officers in the Community Corrections division of the Department of Correctional Services, but I have since 2001, been working with similar parolees as they struggle with the anxiety of their release.

⁵⁰ Each province in South Africa is divided into management areas, and there are usually 4 prisons in each one of them. A small number of management areas contain only 1-2 prisons, but this is only the case if the region is strategic and the prison is large. For example, the Goodwood management area in the Western Cape has only one large facility, but it is the regional office for Correctional Services in the Western Cape. Perhaps tellingly, it does not currently operate a halfway house.

⁵¹ The contemporary barriers to DCS utilization of halfway houses will be fully discussed in Chapter 7.

correctional infrastructure. The police, the courts, and the prison system share theoretical oversight of every prisoner. Naturally, the police and the courts are pre-occupied with processing the arrest and the trial, and their priorities demand increasing participation from the prison system. This shift is exaggerated if the police and the courts have an advantage over the prison system in terms of budget and prestige.

The clearest way to track this imbalance in South Africa is through the respective budgets of the police and the prison system. Consider the disparities in Table 4.1 between these two departments over the past three years, as presented by the South African Treasury in its proposal for total expenditures.

Year	South African Police Service (SAPS)	Department of Correctional Services (DCS)
2018	<i>R91,834,200,000</i>	<i>R23,848,500,000</i>
2019	<i>R97,595,300,000</i>	<i>R25,407,600,000</i>
2020	<i>R101,711,000,000</i>	<i>R25,324,500,000</i>

Table 4.1 SAPS (2020) and DCS (2020) budget disparities, as recorded by the Treasury.

The police control 400% of the resources afforded to correctional services and thus, the carceral system prioritises SAPS objectives. This shifts the entire system into focusing on the earliest stages of incarceration. The imbalance towards the beginning of a prisoner’s sentence becomes even more extreme if the justice system faces overcrowding. There may be policy dealing with a prisoner’s release, but the constant influx of new arrivals prevents its full implementation. For example, of the five prisons that comprise the Pollsmoor Management Area, four of them are focused on inmates who are still awaiting trial. Many of these cases will be thrown out, but their administration requires disproportionate resources and attention from correctional officials. Only Pollsmoor Medium C is designated a pre-release correctional centre with a population of under 350 inmates, while the other four prisons house more than 6,000 inmates (Department of Correctional Services, 2020 a). The entire criminal legal system in South Africa is structurally biased against inmates

completing their sentences and attempting to return home. These structural forces create the setting for every other barrier to successful integration.

The lack of institutional support for newly released prisoners makes all the other obstacles from their incarceration more intense. The remainder of this chapter will outline the challenges an inmate must overcome before facing the final confrontation of their release. I do not use the term “obstacle” lightly. Men and women trapped in prison do not usually come from easy, privileged lives (George, 2015). Upon release, they are legally obligated to conform to a set of impractical rules and standards that does not consider the trauma of incarceration. The term reintegration should be rejected because there is little for most inmates to return to. The “re-” prefix creates the impression of returning to something that existed, however, this is not the case for most (Muntingh L. , 2005). Chapter 5 surveys some organisations attempting to help parolees with this transition, but it is first necessary to reckon with the weight each ex-prisoner is forced to carry. The only way to describe this burden is trauma. This chapter will document carceral trauma across an inmate’s culture, psychology and physiology, but a summary definition is simple: Carceral trauma is the cumulative damage of incarceration inflicted upon an inmate that becomes deadweight that will be carried into parole. A total institution will not release its subjects easily. We cannot fully understand halfway houses and their strategic utility unless we grapple with prison as the archetypal total institution, and the damage that this inflicts upon its inmates.

4.3 A REVIEW OF CARCERAL TRAUMA

This review will trace the inmates’ experience as carceral institutions slowly affect their culture, bodies, and minds. The trajectory of these three segments is deliberate. It is a chronological analysis of the assault that prisoners experience upon their incarceration. First comes the label of prisoner. The new inmate may not even have accepted their status yet, but society has begun to strip them of privilege and identity. Cell phone, bank accounts, even their clothes are all gone. This quickly transitions to an assault on their body and many prisoners are changed forever simply by the drive between the courthouse and the prison. South Africa is notorious for the violence in the large prison transport vans. Those few kilometres in the back of prison-transport could be enough to create a deep and lasting wound. The assault on their mind comes later once the adrenaline of the moment has passed. It may be more gradual, but it is ultimately much more

debilitating. This mental strain from incarceration can manifest long after release in the form of substance abuse, flashbacks and crippling anxiety.

In many ways these three levels of assault represent a cycle. The moment inmates are released, they are forced to confront an external battery of stigma and prejudices all over again. The disruption in each of these areas is so intense and sustained, that it can only be described as trauma. This chapter begins on a theoretical basis through the work of scholars such as Erving Goffman and will contextualise each category with statistics from the South African DCS.

Goffman is foundational to this thesis. His collection of essays in *Asylums, Essays on the Social Situation of Mental Patients and Other Inmates* (1961) and *Stigma, Notes on the Management of Spoiled Identity* (1963) define total institutions and develop their typology. This chapter on carceral trauma centres around his discussion of “mortification of the self,”⁵² a process that summarises the crushing forces a total institution brings to each inmate. Goffman (1961, p. 14) writes,

The recruit comes into the establishment with a conception of himself made possible by certain stable social arrangements in his home world. Upon entrance, he is immediately stripped of the support provided by these arrangements. In the accurate language of some of our oldest total institutions, he begins a series of abasements, degradations, humiliations, and profanations of self. His self is systematically, if often unintentionally, mortified.

Each portion of this review will emphasise a different aspect of this mortification. By way of validation, it was striking to uncover a direct parallel to this passage in the writings of a former prisoner (DeVeaux, 2018, p. 275):

Reading Ervin Goffman’s book, *Asylums*, helped me understand what was happening during my time in incarceration and what has happened since my release. The self that I had constructed prior

⁵² Goffman never claims to be sole observer of this phenomenon—indeed any sociologist studying the challenges of reentry or the pains of imprisonment will be able to describe it. Ben Crewe (2011) speaks to this directly. However, his work possesses a compelling eloquence and he was one of the first sociologists to present these findings through ethnographic fieldwork. Still, there is a certain ridiculousness to this entire chapter. I will be carefully, and academically charting a phenomenon that is tragically obvious to any prisoner. Academic criminology should be hesitant presenting research findings that are in fact truisms. This is why ethnography is such an important methodology and will feature heavily in Chapters Five and Six. At least in prison ethnography prisoner get credit for what they have always known.

to prison was assaulted at the beginning of my incarceration. My reactions to the physical and psychological attacks were defensive in nature. I did not know how to be a prisoner and was unwilling to learn; even so, the socialisation process was unavoidable when immersed in that environment. The degradation and humiliation I and others experienced during my reception was intentional and part of the process of institutionalisation.

In addition to Goffman's (1961) academic writing, his research style makes him vital to this project. He was a pioneer in prison ethnography who spent a year observing the inmates of an American mental hospital as a participant. In Goffman's (1961, p. 16) words,

It was then and still is my belief that any group of persons—prisoners, primitives, pilots, or patients—develop a life of their own that becomes meaningful, reasonable, and normal once you get close to it, and that a good way to learn about any of these worlds is to submit oneself in the company of the members to the daily round of petty contingencies to which they are subject.

The next two chapters focus on ethnography and thus his theory and observation are a natural connection point. This thesis focuses on South African halfway houses, but it is impossible to do this research without a global frame of reference. In the application of Goffman (1961; 1963) to a country he never visited, it is necessary to alternate between an American frame of reference and an African one.

On a logistical basis this is vital, because finding meaningful crime statistics in South Africa is problematic. The DCS has a structural disincentive to record data that makes them look bad, so it is necessary to use an international frame of reference for statistical comparisons. Theoretically, this is appropriate because prison ethnography is both universal and hyper-local. It is local in that all ethnography flows from a “grassroots” commitment to individuals and their immediate surroundings. It is universal because of the nature of prison as a total institution. As Chapter 2 demonstrated, prison creates its own centre of gravity. It should not be possible for a researcher to move between prisons in Boston and Bulawayo. Still, I am equally at home in both places because the crushing uniformity of prison overwhelms the cultural divide.

This chapter is in no way intended to be an exhaustive review of all the challenges a prisoner faces upon release. That task is at the core of integration studies—it is a critical subset of

academic criminology with an extensive library of its own.⁵³ The purpose of this chapter is much narrower. It is necessary to establish the breadth and power of carceral trauma before analysing halfway houses as an institutional response to this brokenness. This chapter will present evidence for three phases of carceral trauma—first the cultural, then the physical and finally the psychological. It is intrinsic to their nature as total institutions for prisons to create trauma. No comprehensive literature review can capture every painful facet of an ex-prisoner’s journey, but it is necessary to acknowledge it. The purpose of this review is to demonstrate the existence and intensity of carceral trauma, to discern if halfway houses are taking these challenges into account.

4.3.1 *Socio-Economic Trauma*

It is difficult to conceptualise the web of social control that envelops a person after a single brush with incarceration. Perhaps most simply, there is significant economic loss. The Prison Policy Initiative documented the average wealth accumulation for young men in America. When they reached their 30’s the strongest predictor in their wealth was an experience of incarceration. The gap between these two groups was more than \$70,000 (Booker, 2016). There are additional statistics about unemployment and job discrimination for ex-prisoners, but it is unclear that these rise to the level of trauma. Throughout these case studies, it is not enough to document hardship because the public will always demand that incarceration be hard. Our critique of carceral trauma focuses on debilitation. It is a mockery to discuss rehabilitation if the system releases its “clients” only after they are crippled. A more personal account is required to fully understand the socio-economic weight that a prisoner is forced to carry.

⁵³ Integration studies—or the study of prisoner re-entry—can be understood in two parallel streams. First come scholars like John Pfaff (2017), Schenwar and Law (2020), and Law (2021) who are building a deep contextual analysis using a nuanced application of current crime statistics. This provides the big picture. It is a challenge both to the carceral state and some of the simplistic reform narratives that have tried unsuccessfully to change it. The second stream is comprised of scholars like Bruce Western (2018) and Reuben Miller (2021). This work is often ethnographic. It focuses on lived experience of individual prisoners and their struggle to re-enter the world outside of prison on a deeply personal level.

A rough distinction can be made dividing current scholarship between quantitative and qualitative methods, but it must still be understood that these streams point in a unified direction. Academic sociology is not known for its consensus, but there is broad agreement that incarceration is a self-defeating proposition and that carceral institutions are working against their stated objectives on a structural level. This is perhaps an indictment of the field—how can there be so much expert consensus on the need for reform, and so little policy innovation?

Scholars like Oshinsky (1997), Blackmon (2009), Parenti (1999), Leverentz (2011) and Alexander (2011) bring issues of carceral trauma into the public eye, their insights feature throughout this thesis. Alexander (2011, p. 97) has spent significant time in communities affected by incarceration and writes the following from the perspective of an ethnographer,

Imagine you are Erma Faye Stewart, a 30-year-old, single African American mother of two who was arrested as part of a drug sweep in Hearne, Texas. All but one of the people arrested were African American. You are innocent. After a week in jail, you have no one to care for your two small children and are eager to get home. Your court-appointed attorney urges you to plead guilty to a drug distribution charge, saying the prosecutor has offered probation. You refuse, steadfastly proclaiming your innocence. Finally, after almost a month in jail, you decide to plead guilty so you can return home to your children. Unwilling to risk a trial and years of imprisonment, you are sentenced to ten years probation and ordered to pay \$1,000 in fines, as well as court and probation costs. You are also now branded a drug felon. You are no longer eligible for food stamps; you may be discriminated against in employment; you cannot vote for at least twelve years; and you are about to be evicted from public housing. Once homeless, your children will be taken from you and put in foster care.

The American legal system has a peculiar emphasis on plea bargains which makes this case less relevant to the South African experience, but it is instructive because of its emotional power. Alexander captures the interconnected nature of this socio-economic trauma. It makes her writing personal when she includes the following damning statistics “in 7 States, African Americans constitute 80-90% of all drug offenders sent to prison” (Alexander, 2011, p. 98). These numbers become all the more tragic when you learn the end of Erma’s story. A judge dismissed the case against her co-defendants, but it was too late for her because the guilty plea had already cost her the custody of her children and home. This is the socio-economic reality of carceral trauma.

Elma’s story is not exceptional nor is it a statistical outlier. The prison system has been structurally oriented to financially exploit and dominate the poor since the first debtor’s prison was built. Alexander (2011) is particularly focused on the racial injustice of America’s carceral institutions. According to Blackmon’s (2009, p. 375) history,

The state of Alabama was no longer selling slaves to coal mines, but thousands of men continued to work on a chain gang or under lease to a local owner. The total number of men arrested on

misdemeanor charges and subject to sale by county sheriffs in 1927 grew to 37,701. One out of every nineteen black men over the age of twelve in Alabama was captured in some form of involuntary servitude.

The carceral trauma that Elma and so many others experience is a deliberate feature of a system that has always exploited minor crimes for profit. In the American South this was a form of neo-slavery to address the economic disruption of the Civil War. It is an international phenomenon, and a similar story could be told from the South African experience. Chapter 2 describes the black and coloured prisoners sold to the mines and vineyards. Cheap labour was a driving objective of the carceral system, and most of those same mine and vineyards remain operational today. For example, in 2009 when I first began working in the farm prisons that had held this prison workforce, it was fascinating to hear the older inmates describe their abuse as apartheid labour. A coloured man named Henry Brown, an ex-prison gangster described his fear of the Afrikaans farmers. “The wardens we could handle, but everybody was scared to get hired out by a farmer—they would *beat* you.”

Today, the beatings and rented slave labour has ended but the prison system still runs on institutionalised economic exploitation. In 1979 the United States government passed the Federal Prison Industries Enhancement (PIE) Act (Parenti, 1999, p. 231).

According to PIE rules, a joint venture must consult local unions before starting up, pay “prevailing wages” (which in practice usually means minimum wage), and must not displace existing employment. Most work in prison pays only pennies per hour. Still, even in PIE joint ventures 80% of the convict’s remuneration is taken by the state in the form of taxes, room and board, victim restitution, court fines, and mandatory savings or family support payments. So while PIE inmate workers are “paid” minimum wage they usually receive between \$0.65 and \$1.50 an hour.

Even though the beatings may have ceased, it is still fair to describe this economic exploitation in terms of trauma. If the principal earner of a family is being paid in pocket change, this will have significant implications for the education, health and general survival of any children and dependents. We need Erma Fay Stewart as a reminder that this structural exploitation carries an intense weight.

Goffman (1961) argues that this weight is part of the initiation ritual of the total institution. People do not voluntarily consent to their new status as disposable labour for the prison workshops. Rather, a piece of their identity is stripped away. Consider Goffman's (1961, p. 13) description of the process,

It appears that total institutions do not substitute their own unique culture for something already formed; we deal with something more restricted than acculturation or assimilation. If cultural change does occur, it has to do, perhaps, with removing certain behavior opportunities and failing to keep pace with recent social changes on the outside. Thus, if an inmate's stay *is* long, what has been called "disculturation" may occur—an "untraining" which renders him temporarily incapable of managing certain features of daily life on the outside, if and when he gets back to it.

Goffman has an understated manner in describing carceral trauma, but "disculturation" is a cutting description. Prisons are a direct assault on who an individual is. Indoctrination is too weak a word for a process better understood as a form of coerced nihilism. The number of people caught in this "disculturation" is staggering. While researchers place the global prison population at 10.35 million (The United States Department of Justice, 2015), there is no way to count how many millions of ex-prisoners are still struggling with the stigma of their incarceration.

Researchers have counted the millions of people restricted in some form of community supervision (including probation and parole). The United States of America is the worst example of this trend. With 2.3 million people incarcerated annually, the USA is widely condemned for having the largest number of prisoners and the largest number per capita (Statista, 2020). However, there is less awareness that this number jumps to more than 6.7 million when other forms of community supervision are added. Over 6.7 million adults or 1 in 37 are under correctional control. For perspective, if the population under correctional control were its own state, it would be the 16th largest in the nation, comparable to the size of Massachusetts or Tennessee (Jones, 2018).

Community supervision would in theory seem less significant than full incarceration, but it is a direct "feeder" into a prison sentence. Because of the strict scrutiny and stigma accompanying community supervision, these probationers and parolees frequently go to prison for minor infractions that would not normally involve incarceration. "Annually, nearly 350,000 people are shifted from community supervision to prison or jail." (Jones, 2018, p. 5). Even a short sentence

for a few weeks is still long enough for these new prisoners to lose their jobs and custody of their children. Once the prison-industrial complex has touched someone, their family and finances will not be the same. Economic loss, social loss and systemic racism all following in the wake of incarceration. Socio-economic trauma is the only way to describe this aggregate loss.

4.3.2 *Physiological Trauma*

Socio-economic carceral trauma overwhelms prisoners across the full spectrum of their cultural identity, but physiological trauma is a focused assault upon their bodies. Incarceration is the point of impact between violence, fear, and control. This collision makes a mockery of safe and humane detention. Prison systems house a broad range of conflicting agendas and impulses, but this is just noise if a prisoner's body is not safe. Muntingh (2009) makes this case for the South African context,

In the past 15 years the Department of Correctional Services (DCS) has faced numerous challenges whilst trying to re-invent itself. This has not been an easy road and in many regards the route to penetrative transformation has been beleaguered with distractions; many of them the Department's own making. Amongst all the strategic objectives towards transformation and the distractions, the most important objective of any correctional system may have lost focus, namely, to detain prisoners under safe and humane conditions.

Muntingh's (2009) work for the Civil Society Prison Reform Initiative presents a holistic picture of the violence that is brought against prisoners.

There are two important qualifiers in this portion of the chapter. First, it is important to recognise that physical trauma is linked to psychological damage. Even as this chapter focuses on the physical abuse manifesting in the total institution, it cannot be separated from the psychological trauma. Goffman (1961, p. 148) observes this overlap in the moment an inmate is taken into custody,

Like the neophyte in many of these total institutions, the new inpatient finds himself cleanly stripped of many of his accustomed affirmations, satisfactions, and defenses, and is subjected to a rather full set of mortifying experiences: restriction of free movement, communal living, diffuse authority of a whole echelon of people, and so on. Here one begins to learn about the limited extent

to which a conception of oneself can be sustained when the usual setting of supports for it are suddenly removed.

It is difficult to conceive of prisoners struggling with intense physical trauma without it affecting their mindset and psychology.

The second qualifier relates to the nature of trauma itself. Growing social awareness of this term has created an unhelpful familiarity. Intense difficulty or discomfort does not come close to the formal, medical definition of trauma. According to the American Psychological Association (2013), Trauma is,

...an emotional response to a terrible event like an accident, rape or natural disaster. Immediately after the event, shock and denial are typical. Long-term reactions include unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches or nausea. While these feelings are normal, some people have difficulty moving on with their lives.

In summary, trauma is characterised by intensity, longevity and debilitation. Many aspects of a prisoner's experience are grievously unjust yet fail to reach the threshold necessary to be considered trauma. As a result, this review is concerned with only the most intense oppression that leaves an inmate with lasting physical and psychological scars.

Even within this narrow definition, how much physiological trauma is evident throughout incarceration is striking. Even something as bland as the institutional refusal to provide air-conditioning can rise to the level of carceral trauma in some places. The Prison Policy Initiative tracked this issue across an extensive range of prisons in thirteen of the hottest American states. For saving money and appearing "tough on crime", air-conditioning was rejected as a luxury. The results were deadly. In Texas, where only 30 of 109 prisons provide any air-conditioning, 10 inmates died of preventable, heat-related illness during a heat wave in 2011 (Jones, 2018). The exposé found that 19% of Texas' inmates were taking hypertension medication and an equal percentage had asthma. Even if they survived the heat wave, the exposure put these inmates at grave risk of renal failure and lung damage, both conditions that condemn an inmate to suffering long after release. This shows that even a lack of air-conditioning can lead to carceral trauma on the inmates.

Extreme weather is a constant feature in South Africa's carceral infrastructure, but there are no reliable statistics on how this has affected the health of the inmates. On an anecdotal level, there is a strange coincidence where the gross overcrowding in remand detainee prisons allows inmates to stay warm in frigid conditions that could otherwise prove deadly. Broken windows are rarely replaced, so I expect the worst when inspecting a cell. However, one ironic benefit of 60 to 80 inmates crammed into a cell that is supposed to accommodate 20, is that everyone stays warm even in the middle of winter. Helderstroom Correctional Centre experiences snow, but the 55% overcrowding protects an aging building with no central heating (Judicial Inspectorate for Correctional Services, 2020, p. 26).

The summer is a different story; prisoners are often forced to strip because there is no escape from the heat. This overcrowding is a consistent feature in any review of carceral trauma. It is for this reason that the Judicial Inspectorate for Correctional Services (2020, p. 8) critiques the South African system as follows,

South Africa has the highest incarcerated population in Africa and the 12th highest in the world. Since 1995, the number of incarcerated persons has increased by two-fifths (39%). The plight of remand prisoners is particularly acute. The remand population constitutes about one-third of the total inmate population. Of those awarded bail, 74% can't afford bail of R1000 or less. The number of inmates serving sentences of life imprisonment has radically increased. In 1994, only 400 prisoners were serving life sentences; today that number has ballooned to more than 16,000.

It is of particular note that these remand detainees face the highest levels of overcrowding and the lowest levels of support yet they have not been formally convicted or in some cases even charged. More so, even cases thrown out can expose their victims to months of incarceration and trauma (Steinberg, 2005).

The smaller indignities and injustices that might not rise to our formal, three-part definition of trauma are intensified when enough bodies are crammed into a small space (Judicial Inspectorate for Correctional Services, 2020, p. 25). Poor nutrition and medical-care, lack of exercise or even bedding, limited support services and draconian punishments are normal aspects of the carceral experience. They become exponentially worse because of overcrowding. Pressure is an amplifier, and the results can be traumatic.

Feeding is considered the simplest responsibility that the DCS has for its inmates. There is already a structural institutional disadvantage because many prison kitchens are run without minimal compliance from the Department of Health (Judicial Inspectorate for Correctional Services, 2020, p. 29). This would hardly rise to the level of carceral trauma, but overcrowding pushes things to the breaking point as noted in the Judicial Inspectorate for Correctional Services Report (2020, p. 30).

A challenge with mealtimes remains, especially in the Western Cape, where 41% of all centres inspected were unable to serve 3 meals per day to inmates. Reasons for non-compliance forwarded by the HCCs included understaffing, the current shift system prescribed by DCS and previous industrial action by DCS officials.

The DCS does not track the effects of this poor nutrition on the success of its parolees. Still, it is a truism to observe that malnutrition will have an adverse and prolonged effect on integration. South Africa is contending with a multi-generational struggle against malnutrition (The Global Nutrition Report, 2020). Yet its “correctional” infrastructure is working against this agenda on a structural level.

In many ways, I prefer to focus on the physiological trauma of overcrowding rather than some of the more sensational carceral abuses. There is a tragic history of inmates being abused as unknowing test subjects for scientific research. Even worse are the medical interventions such as forced sterilisation that seem reminiscent of a fascist eugenics’ movement. These abuses are not ancient history. For example, some experiments were terminated in 1973 after 130 prisoners in Washington and Oregon had potentially fatal radiation fired into their testicles (Lee, 1994). Unfortunately, the evidence for carceral eugenics was even more recent. From 1997 to 2010 the California Department of Corrections ignored legal medical restrictions and sterilised almost 150 women in mostly coercive situations and none with proper medical authorisation (Johnson, 2013). The damage from these unwanted medical procedures is unambiguous trauma, but fortunately it is rare. These abuses must be publicised and condemned, but they cannot distract from the danger of less sensational abuses that flow from rampant overcrowding.

Perhaps the most extreme consequence of this overcrowding is the devastating trauma of sexual assault. South African criminologists, Muntingh (2011) and Satardien (2011) have written

on this topic at length. Their writing is a harsh reminder that the entire institution has done little to police itself in this area. Indeed, rather than stopping sexual violence, the prison system has sometimes chosen to commodify it. The following excerpt is taken from the Jali Commission (2005, p. 394), a formal Commission of Inquiry initiated by the former President of South Africa, Thabo Mbeki.

The evidence of the victims who testified before the Commission underlined the fact that sex is nothing more than a tradeable commodity in Prison and that vulnerable, young Prisoners become mere possessions or sex slaves whilst incarcerated. Prison warders sell them to the highest bidder despite their dependence on these very same Prison warders to secure their safety whilst in Prison.

Gear and Ngubeni (2002) conducted a similar analysis from outside of government, and they argue that prison rape will have much broader consequences for South Africa writ large. Lastly, the Sonke Gender Justice Project also take a similar perspective. They approach the challenge of prison rape not as prison reformers, but as people worried about how carceral trauma will not stay behind bars (Sonke Gender Justice , 2021).⁵⁴

This chapter demonstrates carceral trauma from air-conditioning and feeding schedules without mentioning the most extreme example, premature death. Often, incarceration is a direct assault on a prisoner's life. The American Bureau of Justice Statistics keeps close track of all deaths inside of their prisons (Noonan, 2016).

⁵⁴ I have introduced the discussion of sexual violence in this section on physiological trauma, but its effects are so intense that could just as easily be discussed as socio-economic or psychological trauma. Alice Levins studies the interconnected nature of this trauma in her work for the Prisons Research Centre at University of Cambridge.

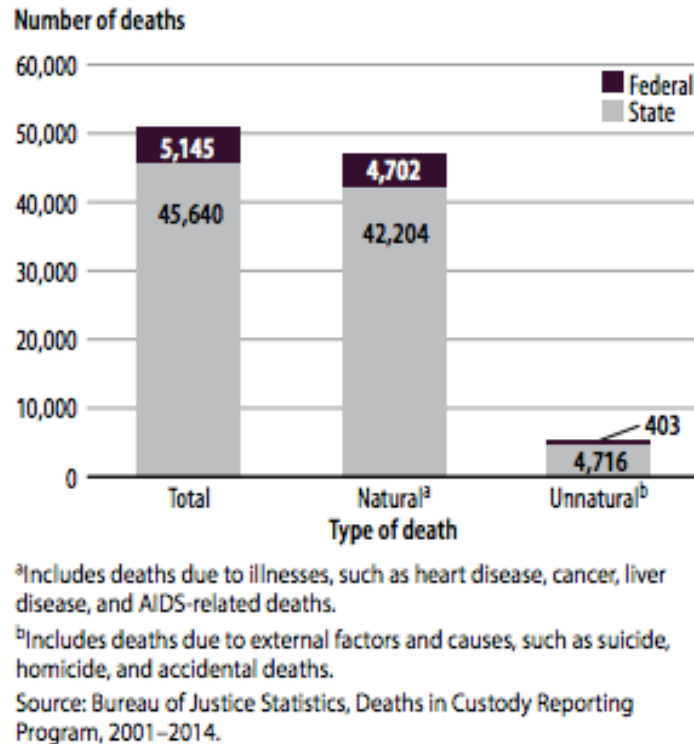


Figure 4.2 Number of state and federal prisoner deaths, 2001-2014 (Noonan, 2016).

The 4,716 unnatural deaths in table 4.2 are a tragedy, but the greater indictment comes from the so-called “natural” deaths. Even the most dysfunctional and abusive prison administrators attempt to reduce unnatural deaths, but the problem is inherent to incarceration. The Prison Policy Initiative gives a stark warning, as Widra (2020) puts it,

Prison accelerates aging and increases the risk of early death from illness. As we’ve written about previously, each year of time served in prison takes two years off an individual’s life expectancy. Evidence suggests that this is because incarcerated people experience “accelerated physiological aging.” Prison ages incarcerated people by 10 to 15 years on average, which in turn makes them more vulnerable to chronic health conditions earlier in life than would be expected. As we see in new prison mortality data, these chronic conditions—cancer, heart disease, liver disease, and respiratory diseases are among the most frequent causes of death in state prisons.

Even inmates who experience no sensational oppression outlined earlier in this section may still be the victims of significant physiological trauma. The death penalty receives so much attention while these understated mortality statistics are the greater injustice. In 1976 the death penalty was

legalised in the United States of America. From that time through 2020, there were 1,529 executions, each representing a tragic story.⁵⁵ Still, even if this practice were abolished tomorrow, it would do nothing for the millions of prisoners facing mortal peril in a “normal” prison sentence. Incarceration is a direct assault on everybody that is trapped in the total institution.

4.3.3 *Psychological Trauma*

A total institution is designed to overwhelm its new initiates' defences and ultimately their identities. The first two sections of this chapter document the cumulative trauma that a prisoner experiences, first in the loss of their social standing and cultural attachments, then the direct assault on their physical health. The cumulative effect of this trauma becomes a series of mental stressors and degradations that can only be described as psychological trauma. This strain begins at the moment of intake. Goffman (1961, p. 48) observed this tension in mental asylums, but it accurately describes all forms of incarceration,

Once lodged on a given ward, the patient is firmly instructed that the restrictions and deprivations he encounters are not due to such blind forces as tradition or economy—and hence dissociable from self—but are intentional parts of his treatment, part of his need at the time, and therefore an expression of the state that his self has fallen to.

This is just the beginning of a downward spiral in which all of the physical strain described in the previous section becomes an assault on an inmate's psychology. It is Goffman's (1961) “Mortification” in its purest form. After the prisoners have been ripped out of their culture, and physically assaulted, the next target is their minds. Mortification is not just cultural, economic or physical because the final victim is the conception of the self. The remainder of this review will describe solitary confinement, mental illness, suicide, and the institutional forces that promote this damage.

Solitary confinement could easily have been discussed under the previous section, but there is a distinction between hardship and trauma. Solitary confinement begins with physical hardship including poor nutrition, limited sunlight, shackles and physical coercion from the guards, but it

⁵⁵ The Marshall Project has an exceptional and ongoing analysis of America's relationship with the death penalty. www.themarshallproject.org/next-to-die

ends with a crippling battle for the psyche (Van Zyl Smit & Appleton, 2019). Chapter 2 introduces the psychological dangers of solitary confinement starting in the 1800's, but this chapter will draw from contemporary research such as Gawande (Hellhole, 2009). The latter draws from the leading psychologists who have studied this issue while at the same time interviewing prisoners themselves.

One series of interviews was with Robert Felton, a survivor of more than 14 years of solitary confinement. Ironically, some of this time was spent in the Stateville Correctional Center in Illinois, the same prison system that James Jacobs conducted research for his prison ethnography, *Stateville, the Penitentiary in Mass Society*. Gawande (Hellhole, 2009) describes the radical mental deterioration of Mr. Felton,

He had little ability to force a response—negative or positive—from a human being. And, with that gone, he began to deteriorate further. He ceased showering, changing his clothes, brushing his teeth. His teeth rotted and then had to be pulled. He began throwing his faeces around his cell. He became psychotic.

While 14 years in solitary might be unusual, the psychotic break is common. The best science estimates that a third of all prisoners in solitary confinement experience “acute psychosis with hallucinations.” (Gawande, 2009, p. 14). Thus, when confronted with such mental degradation, suicide becomes a rational act. Physical deprivation leads to mental trauma, but things come full circle to the physical as inmates feel compelled to take their own lives. Gawande (Hellhole, 2009, p. 4) describes the plight of journalist Terry Anderson who was held in solitary confinement by Hezbollah militia,

One day, three years into his ordeal, he snapped. He walked over to a wall and began beating his forehead against it, dozens of times. His head was smashed and bleeding before the guards could stop him.

Terry was the sole survivor of the ordeal and wrote a memoir titled, *Den of Lions* (Anderson, 1995). Another American prisoner, Frank Reed, was returned to America only to be admitted to a psychiatric hospital. He never really made it out of his Lebanese prison.

It is unnecessary to rely on dramatic hostage biographies to reveal the extent of this psychological trauma. The U.S. Bureau of Justice Statistics reports that in 2014, 7 % of all deaths in American state prisons were due to suicide (Noonan, 2016). In my prison ethnography, over the 22 years I have been listening to prisoners I cannot remember one inmate who has not admitted to suicidal thoughts. This includes my 13 years in South African prisons where overcrowding makes solitary confinement exceptionally rare. Gawande (Hellhole, 2009, p. 4) explains the physiology behind this psychological trauma:

what happened to them *was* physical. EEG studies going back to the 1960s have shown diffuse slowing of brain waves in prisoners after a week or more of solitary confinement. In 1992, fifty-seven prisoners of war, released after an average of six months in detention camps in the former Yugoslavia, were examined using EEG-like tests. The recordings revealed brain abnormalities months afterwards; the most severe were found in prisoners who had endured either head trauma sufficient to render them unconscious or, yes, solitary confinement. Without sustained social interaction, the human brain may become as impaired as one that has incurred a traumatic injury.

Neither Robert Felton nor Terry Anderson would be surprised by these findings. Special consideration needs to be given to the role of mental illness in a carceral environment. This would not necessarily be evidence of institutionalised trauma, because the illness could pre-date incarceration. However, the prison system is particularly ill-equipped to protect inmates with mental illness, and their condition can deteriorate rapidly. The DCS (2020, p. 28) has admitted to this failing in 2019:

State patients are often unpredictable and must be treated and supervised by trained professionals. DCS security officials who are responsible for the day-to-day management of state patients are simply not trained to deal with the mentally disabled. Their interim accommodation in prison, even pending their transfer, is considered cruel and inhumane.

South Africa's prison system cannot be blamed for the fact that there is no meaningful mental health system for poor communities. Still, they are fully responsible for making the situation worse. This is the natural conclusion to any review of carceral trauma which is an *institutional* problem. The psychological abuse that inmates experience is not the exception but the rule. According to Gawande (Hellhole, 2009, p. 11),

America now holds at least 25 000 inmates in isolation in supermax prisons. An additional fifty to eighty thousand are kept in restrictive segregation units, many of them in isolation, too, although the government does not release these figures.

This carceral trauma runs through the core of the prison-industrial complex. It is often indistinguishable from the torture that hostages like Terry Anderson experienced, and yet liberal democracies like the United States choose willingly to inflict it upon its citizens. Programs like solitary confinement are an institutional imperative that make a mockery of rehabilitation.

4.4 CULTURE SHOCK

The purpose of this three-part review is to demonstrate a simple truth—incarceration is a source of trauma. One of the challenges in building this chapter was being unable to include many of the daily recurring struggles and injustices that inmates face. There were so many potential case-studies, it became an indictment against the system in its own right. The decision to include a given example of injustice or loss was based on three questions: First—was this an intense and overwhelming event? Second, were the effects sustained over a significant length of time? Finally, were the effects of this event debilitating on some level?

These questions are particularly useful when to assessing the prison-industrial complex holistically. Unfortunately, academic analysis is structurally biased against this sort of overarching summary. Peer-review journals emphasise narrow analysis of component parts rather than exploring how they interact as a system. The study and definition of trauma creates a similar contrast. Most definitions are explicitly technical. As Carranza and Dill (2004, p. 166) describe it:

There are two types of trauma. Type I Trauma is a level of injury, pain, or shock derived from a rare unanticipated single event. In contrast, Type II Trauma is the injury, pain, or shock that results from anticipated, ongoing, or multiple incidents over time.

However, when studying any psychological response, there is no substitute for the *Diagnostic and Statistical Manual of Mental Disorders (DSM)* by the American Psychiatric Association (2000). It plays a vital role in standardising the assessment process for mental health professionals. The DSM (2000, p. 463) defines trauma as,

direct personal experience of an event that involves actual or threatened death or serious injury, or other threat to the physical integrity of another person; or learning about unexpected or violent death, serious harm, or threat of death or injury experienced by a family member or other close associate (Criterion A1). The person's response to the event must involve intense fear, helplessness or horror.

Taken to its natural extension, the clinical study of trauma will include a focus on Post-Traumatic Stress Disorder (PTSD). This is too restrictive. There is a 26-stage process necessary to pre-screen a PTSD diagnosis (American Psychiatric Association, 2000, p. 463). This became a point of departure for my research. I had been assuming that Post-Traumatic Stress Disorder would represent the natural summary of my carceral trauma. However, my test has always been whether I could easily get a room full of prisoners to engage with the concept. Post-Traumatic Stress Disorder proved too rigid, so I needed something else to bring my review of carceral trauma together and centre it on the lived experiences of prisoners and parolees.

There needs to be better terminology than PTSD which is a formal medical term and should be used as such. It is an apt descriptor of the most damaged parolees that emerge from the total institution, but it would cheapen the term to apply it universally. PTSD includes a range of psychological health issues, but it can be deceptive to present it as a spectrum-disorder. It is impossible to have a "light" case of PTSD. If a subject is not experiencing some form of debilitation, they do not have the disorder. Intensity is part of the definition.

All prisoners experience hardship during their incarceration, but the intensity of these challenges has a thousand gradations, qualifications and contradictions. There must be a way to acknowledge the carceral trauma represented in these three reviews without giving every parolee a medical label.

The other weakness in using PTSD to summarise carceral trauma is its normative connotation for parolees. Most academics who study post-traumatic stress approach it with medical precision. Consider the results of a meta-analysis published by the peer-reviewed journal, *Epidemiological Reviews*,

Point prevalence of PTSD were reported in 50 samples from 20 countries including 19,011 participants...Aggregating small samples ($n < 100$), the point prevalence estimates of PTSD ranged

from 0.1% to 27% for male prisoners and 12% to 38% for female prisoners. (Baranyi, et al., 2018, p. 134)

This is a precise and meaningful accounting of an important finding. It is also incomprehensible for the majority of the 19 000 participants it studies. Outside of peer-reviewed journals, PTSD is not a value-neutral term, it implies severe mental brokenness. In popular culture, PTSD is the fallout of Hollywood war movies. The broken soldiers who portray it are contrasted against the stronger, heroic soldiers who overcame. In film, the victim of PTSD is never the hero of their own story but are evidence of past trials to be overcome and discarded. There needs to be a term that acknowledges the challenges a parolee is forced to overcome without implying they have failed.

A better term to summarise and describe carceral trauma in the lived experience of prisoners is “Culture Shock”. All inmates experience challenges and the intensity of many of those challenges can be characterised as trauma but it is unfair and inaccurate to label all parolees with some degree of PTSD. Prisoners and parolees are resilient—it is a requirement to survive a total institution. There needs to be a way to recognise the scale of the challenges they face upon release without demeaning them as broken.

“Culture Shock” allows for a more neutral terminology. It has academic origins in the 1950’s through the scholarship Oberg (1960), but its popular usage is more relevant to this thesis. There is no fixed definition of culture shock in a carceral environment, which provides a unique opportunity for this project. Six characteristics make it an ideal candidate for summarising this review of carceral trauma.

4.4.1 *Culture Shock: Not a physical or moral weakness*

This has been discussed extensively in the earlier critique of Post-Traumatic Stress Disorder. It should be emphasised that Culture Shock can still be used to discuss the worst carceral trauma, but at least when used in an interview, it is a safer and more respectful term. There is no normative vocabulary or virtue signalling. Parolees are constantly bombarded with lectures about “making good choices” when there is little institutional awareness that they may not have a choice. Inserting the term “culture shock” into the policy debate over successfully transitioning prisoners out of the total institution would be a structural shift in the institution itself. Rhetoric matters and thus, getting lawmakers to acknowledge that it is hard to come out of prison. In addition, that it requires

something more than moral fortitude, would significantly improve the prison systems in South Africa and the United States.

4.4.2 *Culture Shock: Not a medical term*

The most effective prison-reform movements understand that successful activism is about telling a better story. The precise statistical modelling of a meta-analysis of PTSD research is worthless as political rhetoric. Goffman (1961, p. 131) describes a prisoner's struggle with incarceration as the "disintegrative re-evaluation of himself". This language was never meant to be used inside a correctional centre. It is elitist to define the effects of prison using vocabulary that the inmates struggle to understand and could even be dangerous. Without a commitment to the vernacular, academic researchers are left speaking to themselves, and their assumptions may be untested by inmates they claim to study. On an anecdotal level, the prisoners I work with are interested in my journey from a foreign culture into their own. I have been able to have sophisticated conversations about culture shock with inmates that only speak English as a second or third language. Political advocacy and academic scholarship are improved using simple, non-technical language whenever possible.

The criticism of using Culture Shock in an academic context usually focuses on the vagaries of its definition. Ironically, when studying newly released prisoners, Culture Shock is a narrower and more targeted term than trauma and has a more effective focus than PTSD. The next 4 characteristics represent a distinct advantage of using the term Culture Shock for ethnographic use in carceral environments.

4.4.3 *Culture Shock: Focused on transition*

It is always about the point of intersection between two opposing forces. Trauma can occur at any point in an inmate's life, and often it is unclear whether their trauma originates within the total institution or traces far back into their childhood. Culture Shock maintains a narrow focus on moments of significant transition. It can be easy to blame a prisoner's struggle with integration on their pre-incarceration lifestyle. Using the term Culture Shock implies that something has changed.

4.4.4 *Culture Shock: Immersion*

Trauma and PTSD can describe a single intense event, but they can equally describe a small event that is debilitating over time. Culture shock implies a sudden and complete immersion. This is a strong vernacular parallel to Goffman's "Mortification of the Self".

4.4.5 *Culture Shock: Social over the physical*

Trauma and PTSD can equally describe physical or psychological effects (this is the premise of my three-part review). This is useful, but most interaction in a carceral environment is already biased towards the physical prison is the ultimate "concrete setting." It is useful to have a term that can emphasise the more amorphous, social phenomena.

4.4.6 *Culture Shock: Institutional over the personal*

Perhaps the most important advantage that Culture Shock provides for assessing the prison-industrial complex, is that it shifts the emphasis away from the individuals and towards the surroundings that confront them. PTSD is a precise medical diagnosis because it is inherently focused on an individual. Indeed, different prisoners may experience the same injustice, but it will sometimes be their clinical history that determines whether they are traumatised. A case file displaces the carceral system as a whole. If a change in terminology can slightly push the focus towards an institutional imperative, that is an objective worth pursuing.

Acknowledging the debilitating weight of total institutions is a good way to summarise this entire chapter. Goffman (1961, p. 129) demonstrates this power by observing a striking uniformity in the inmates of his asylum.

Since these similarities do not come from mental illness, they seem to occur despite it. It is thus a tribute to the power of social forces that the uniform status of mental patient cannot only assure an aggregate of persons a common fate and eventually, because of this, a common character, but that this social reworking can be done upon what is perhaps the most obstinate diversity of human materials that can be brought together by society Goffman (1961, p. 129).

In medical terms, an inmate struggling with schizophrenia has nothing in common with another patient who is bipolar. Goffman was surprised to see incarceration overwhelm their diagnosis to create a uniformity. The structural realities of being an inmate have overwhelmed their case files.

In fairness, there is one area where PTSD is superior as term of reference than Culture Shock—damage that is sustained over a long time. This chapter has focused on the trauma that many inmates experience during their incarceration, but the sustained nature of this struggle must not be overlooked. In the popular usage Culture Shock usually involves a short focus on the moments of transition, while PTSD can document a process that unfolds over decades. What separates trauma from momentary intense distress is lasting damage, and this is self-evident in any survey of the carceral experience. Each category in this review of carceral trauma will continue after long a prisoner is released. As one ex-prisoner remembers,

Unlike the process of institutionalisation when I came to prison, there was no corresponding process to prepare me for the time I would be released. Having been released, I still know of no process designed to repair the damage done. I know of no debriefing. I know of no stand down procedure. All that was provided, and all that is still currently provided, was a “good-bye” and “get out” De Veaux (2018, p. 276).

De Veaux’s blunt appraisal of the power of total institutions is a fitting segue into my definition of Culture Shock, as applied to inmates and parolees. I define Culture Shock as follows: *In prison ethnography, it is the cumulative effect of carceral strain experienced in moments of transition that manifests as extreme disorientation. It can potentially create lasting damage if the correct support mechanisms are not in place.*

This may lack the precision of the definition for PTSD, but its broad construction is a deliberate choice. The barriers to integration are more than the sum of their parts. Technical rhetoric that focuses on mental health or physiology misses the greater point. When these problems are layered, they become something new and exponentially more damaging. The best demonstration of this power comes in the following statistic. In the United States of America, “[e]ach year in prison takes 2 years off an individual’s life expectancy. With over 2.3 million people locked up, mass incarceration has shortened the overall U.S. life expectancy by 5 years.” (Widra, 2017, para 1). No one variable in the carceral experience has led to this result. It cannot

be isolated in a particular abuse or injustice; it is broader than that. It is Culture Shock. Goffman (1961) agrees with this broader conception. He notes that “none of the elements I will describe seems peculiar to total institutions, and none seems to be shared by everyone; what is distinctive about total institutions is that each exhibits many items in this family of attributes to an intense degree.” (Goffman E. , 1961, p. 5). He believes prison is an amplifier—everything gets more intense when mixed in a total institution.

Later chapters will explicitly focus on a parolee’s struggle after incarceration, but the reason anyone is studying Culture Shock in prisoners at all is because the issue has been thrust forward by returning prisoners. A final statistic makes this case in stark terms. Of the 4.9 million arrested over twelve months in America, more than twenty-five percent will be jailed multiples times (Jones & Sawyer, 2020). The weight of incarceration has become so great that prison has become a self-fulfilling prophecy rather than a deterrent. Culture Shock is not a problem for the total institution, but it is a feature.

4.5 CULTURE SHOCK – SOUTH AFRICAN PARALLELS

Throughout this chapter, numerous examples have been drawn from the DCS. There are two reasons for this: First, it is desirable to break away from an American frame of reference on a theoretical level. The statistics provided by the U.S. Department of Justice are rich content for analysis, but there is a growing consensus that the American experiment with incarceration is fundamentally flawed. There is an urgent need for alternative, non-western voices in this debate⁵⁶, and South Africa has an influential role as the country with the largest prison system on the continent. Second, this is the third and final chapter of contextual review before this thesis presents original research. Chapters 5 & 6 will provide an in-depth analysis of five different halfway houses. It is necessary to present a broad perspective of the South African context before narrowing it.

While this chapter has drawn on several specific statistics from within the DCS and the Judicial Inspectorate, it is necessary to end on the broadest level of analysis. Culture Shock is about capturing the full range of challenges facing a prisoner. It is the recognition that the carceral

⁵⁶ Sanda Matter (2011) of the John F. Kennedy University has a strong presentation of the urgency of this need for non-western, culturally diverse voices in her article, “Educating and Training the Next Generation of Traumatologists: Development of Cultural Competencies.”

experience is a holistic weight on every aspect of culture, physiology, and psychology. This holistic understanding is natural in South Africa because of its Apartheid legacy. Apartheid was no single law or policy but it was an ambitious attempt to restructure entire communities along racial lines as a total institution. It was a toxic zeitgeist that embedded itself into every other social inequality. A comprehensive term like Culture Shock is appropriate in this setting. It is particularly relevant for the assessment of its carceral infrastructure.

Consider Pollsmoor Correctional Centre in the Western Cape to delve into this phenomenon. This prison complex looms as one of the region's defining cultural institutions—both a relic of Apartheid's injustice and an open wound. Its shadow is particularly felt across the Cape Flats, where it has played the defining role in the gangs that vie for control of this region (Pinnock & Douglas-Hamilton, 1997; Pinnock, 2016). The shadow of this total institution is so long that it has become part of the defining standard of masculinity. It imposes its weight onto every young man of colour, irrespective of their criminal record. Jensen (2008, p. 170) describes the collective weight of this phenomenon,

As I have suggested, gangs were an endogenously generated response to outside pressures on young men and a nodal point around which they were seen as the embodiment of evil. As such, the presence of the gang constituted a problem for every young man on the Cape Flats, because, on the one hand gangs had developed into a viable option and, on the other, government agencies, parents and the community evaluated each young man according to the potential danger of his turning into a gangster. Hence, the significance of gangs was far greater than their numerical strength; it amounted to a continuum on which men were rated as dangerous or peaceful.

How do you quantify the toxic stress that flows through the carceral system to poison an entire community? Culture Shock seems an appropriate descriptor with all its breadth and nuance. Ironically, some use the prevalence of these gangs, both within and without of prison as evidence that integration is simple and culture shock is overrated. If prison gangsters easily take up their role in similar organisations on the street, does the total institution hold that much power? This kind of counter-narrative is only possible far away from the razor-wires of Pollsmoor and Lavender Hill. If there is a smooth transition between Pollsmoor and any of the Cape Flat communities, it is because these men never really escape from the prison at all. The weight of Pollsmoor as a total institution overwhelms the churches, schools and clinics that are trying to build new institutional

nodes. The dynamics that once governed the prison courtyards transition to the parks and stoeps of the local tenement housing.

When a total institution like the apartheid community or the surrounding prisons is so pervasive, it becomes difficult to quantify. Ultimately, Culture Shock in South Africa may be best understood through the narrative lens that ethnography can provide. This is one of South Africa's lessons to offer the global debate over carceral institutions, which began in the Truth and Reconciliation Commission (TRC) (Ndebele, 2010, p. 70).

It was with the TRC hearings that the pain of the oppressed individual, as opposed to groups, was formally and publicly acknowledged for the first time in our history. Previously, the reality of individual pain disappeared in the sea of collective pain, and thus could not be fully contemplated. Although we knew of many in the townships who had been arrested, tortured or killed by the oppressive state, it all remained in the realm of private knowledge. With the TRC hearings, the private not only became public and official, it also acquired legitimacy. We knew publicly who had been tortured or murdered. We knew whose father or mother, son or daughter they were. Even the perpetrators ceased to be anonymous, pervasive evil that dominated the consciousness of the oppressed and peopled their nightmares. They turned out to be fathers and sons of specific people, with a social circle of churchgoers, schoolmates and friends.

When the TRC began its work, ethnography was still considered by many to be light-weight scholarship with little relevance to the quantitative models of rigorous social science. It was still relegated to the fringes of academia and virtually non-existent in South Africa's prisons. For example, scholars such as Farrel and Hamm (1998) were not considered in the TRC documents. The TRC did not use the word ethnography, but it publicised a new approach to justice reform and research on an international level.

South Africa essentially publicised a new set of tools. What the democratic reformers at the turn of the century realised, was that some problems are too large and interconnected to be analysed as a comprehensive whole. Individual stories needed to be told. The lived experiences of everyday people needed to anchor a policy debate that had become too unwieldy. If this is true for individual prisons with their inter-connected layers of meaning and contradictory narratives, it should be a truism when reflecting on the entire Apartheid legacy. This size can only be analysed by narrowing the scope of reference. Ethnography with its commitment to the lived experience of

individuals was a natural extension of this project and will be the focus of Chapters 5 & 6. The culture shock that South African parolees experience encompasses a broad range of carceral trauma, but it is best understood by approaching them as individuals.

4.6 CONCLUSION

The emphasis of this chapter has been on the weight of prison as a total institution. It should be clear that individual prisoners struggle with an immense burden as they finish their sentence, but culture shock is neither a private nor individualised phenomenon. The criminal legal system and local government writ large are forced to reconcile this weight. Culture shock is the natural byproduct of the total institution—they cannot be separated. We all live in the shadow of the “big house”.

If this chapter has presented a compelling review of carceral trauma, the question remains—what is an appropriate response? While there is significant evidence for the challenges of transitioning from incarceration to community, there is no consensus on reform. The trauma of a total institution has been quantified and demonstrated for generations, but these difficulties have not engendered a clear solution. The following chapters will present a series of tools and policy proposals drawn from original research. It represents my contribution to a new generation of parolees and their struggle to break free of the carceral trauma of the past.

CHAPTER 5: PRISON ETHNOGRAPHY AND RESEARCH DESIGN

The lived experience of prisoners is the point of impact in any carceral research. If a study is removed from this grass-roots perspective, it can easily fall prey to determinism or other forms of over-simplification (as critiqued at the end of chapter two). As an academic and an outsider, it will be easy to see what I want if I am not speaking directly with the prisoners. This thesis presents the intricate complexity of prisoner rehabilitation, a messy work full of contradictory impulses. Only the lives of individual prisoners can keep a research project grounded. As such, ethnography is the ideal methodology.

As this thesis progresses into an in-depth analysis of South Africa's halfway houses, the lived experience of prisoners is the fulcrum of this entire project as shown in figure 5.1 below.

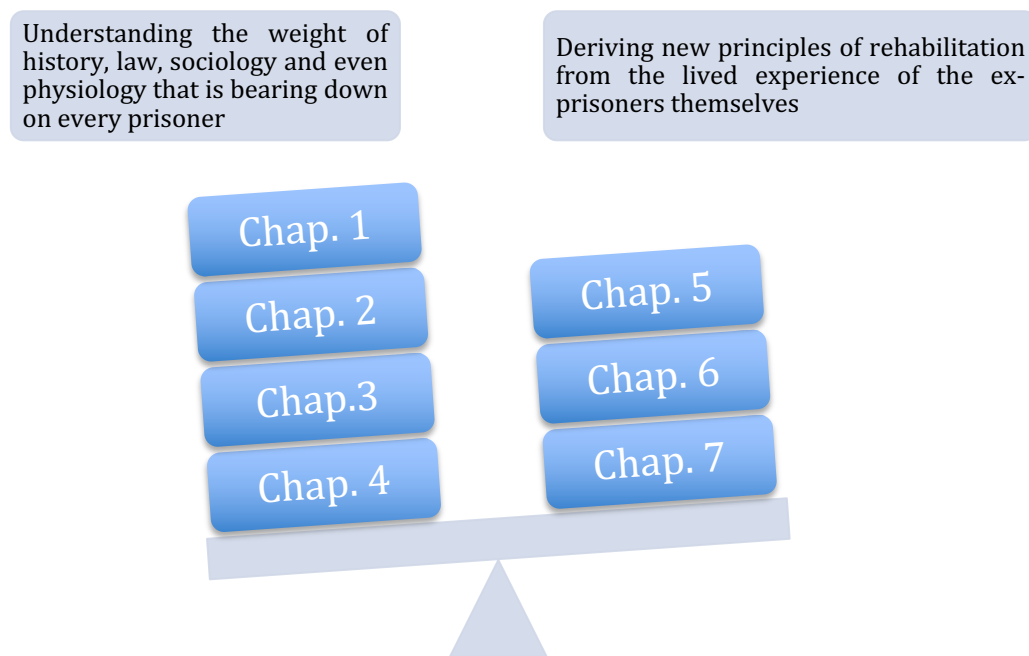


Figure 5.1: The lived experience of incarceration is the fulcrum of this research

The weight of Chapters 1-4 describes inmates' challenges upon release in historical, theoretical, and sociological terms. Each chapter has narrowed the focus, and now the research arrives at the grassroots experience of incarceration. Chapter 5 is dedicated to ethnography, as the best research methodology to engage with these prisoners on their own terms. Chapters 6 and 7 will draw from their experiences to propose a new model for halfway houses, but these policies will derive

organically from the lived experience of incarceration at the lowest institutional level of analysis. Ethnography is both the ideal methodology and method for carceral research. This chapter is roughly split into two parts along those lines. First there is a theoretical review of prison ethnography as my research methodology, and second is an outline of my own ethnographic research methods.

5.1 ETHNOGRAPHY

Before engaging with prison ethnography, it is necessary to acknowledge some broad trends in the larger discipline. Very simply, ethnography is a desire to understand a community on its own terms. What sets it apart from sociology is a dedicated commitment to participant research. Gobo (2008, p. 5) notes the following attributes about ethnography “(1) The researcher establishes a direct relationship with the social actors (2) by staying in their natural environment (3) to observe and describe their behaviour. (4) This is done by interacting with them and participating in their everyday ceremonials and rituals, (5) and learning their code (or at least parts of it) to understand the meaning of their actions.” The ethnographer must be fluent in the same document research protocols and interview techniques as any social scientist, but it is this participant observation that makes it distinct. Emerson et al., (2011, p. 29) describe this approach to fieldwork,

In summary, ethnographic attention involves balancing two different orientations. Especially on first entering the field, the researcher identifies significant characteristics gleaned from her first impressions and personal reactions. With greater participation in that local social world, however, the ethnographer becomes more sensitive to the concerns and perspectives of those in the setting. She increasingly appreciates how people have already predescribed their world in their terms for their purposes and projects. A sensitive ethnographer draws upon her reactions to identify issues of possible importance to people in the setting but privileges their “insider” descriptions and categories over her own “outsider” views.

Participant observation may be a method, but its centrality makes ethnography a separate methodology with meaningful distinctions from the larger disciplines of anthropology and sociology. Ethnography requires a researcher to release some control over a project to create space for the unexpected. They do not approach their topic with set questions or hypothesis. Ethnography

is about beginning a relationship with no fixed research parameters. To prioritise the unknown requires new research strategies.

Here are some of the ethnographers that have shaped my use of participant observation: Atkinson (2007), Emerson, et al. (Writing Ethnographic Fieldnotes, 2011), Ferrell and Hamm (2016), Gobo (2008), Hammersley and Atkinson (1995), Mannik and McGarry (2017), Spradley (2016), and Walcott (2008). These scholars will feature significantly in the next two chapters, but all of them are engaging with questions of meaning, rather than the quantitative modelling that is now so prevalent in the social sciences. In many ways, ethnography is a corrective return to larger questions of meaning that used to guide research at the broadest levels. Dr. Jerome Bruner, a founder of cognitive psychology, summarises this trend when he writes, “this field was not established to simply provide better technologies for control—where it seems to be presently headed. Rather, it was an ‘all-out effort’ to establish *meaning* as the central concept of psychology—not stimuli and responses, not overtly observable behaviour, not biological drives and their transformation, but *meaning*” (Garland D. , 2001, p. 139).

Scientific research prioritises the creation of better microscopes and more precise tools. However, this cannot distract the researcher from the humanity and agency of the people being studied. Consider the metaphor of a doctor examining a patient as appropriate here. It is necessary to examine the whole patient in broad strokes, including their environment, before running specific diagnostic tests under intense magnification. This metaphor works for ethnography on two levels. Participant observation is about getting as close as possible to the point at which meaning is created through subconscious actions (the microscope). Still, it is also about pulling back to see the bigger picture. Patients are more than the sum of their organs. This dual perspective fits well with Narayan (2020, p. 33) who captures the value of ethnography:

For the discipline of paying attention; for learning from others; for becoming more responsibly aware of inequalities; for better understanding the social forces causing suffering and how people might somehow find hope; and most generally, for being perpetually pulled beyond the limits of one’s taken-for-granted world.

Her writing is poetic but communicates ethnography’s ramifications for the participant-observer. Ethnography demands an immersion for the researcher and the participant into a specific culture

to discern its meaning from the inside. It is a direct challenge to the barriers that define a total institution, which is why ethnography is vital to studying incarceration. The previous three chapters have been about establishing context. Prison ethnography will inform the next two chapters to articulate something new.

5.2 PRISON ETHNOGRAPHY

All of ethnography is a critical response to a certain brand of sociology that is not interested in anything which cannot be counted. Criminology can become vulnerable to this issue if there is an unrealistic reliance on crime statistics. Prisons may appear monolithic because of their status as total institutions. However, there is an intense diversity in the lived experience of prisoners themselves that is extremely difficult to quantify. The study of prisons will always be a contested space. Prison ethnography is an ideal mode of carceral analysis because the individual and the institution are linked together in the very definition.

The Palgrave Handbook of Prison Ethnography has a strong description of this methodology,

Within this collection, we view prison ethnography as an approach to conducting research in prisons. We define ethnography as an in-depth study that includes the systematic and impressionistic recording of human cultural and social life in situ. It includes observing and/or interacting with people as they go about their everyday lives, routines and practices. We contrast an ethnographic approach with purely interview-based research methodologies that tend to be episodic, short-lived and often take place outside of spaces the informant routinely occupies. In addition, we also recognise an ethnographic approach in commitments to the generation of ‘thick’ descriptive accounts of the research, though these may vary considerably in ‘thickness’, depth and texture (Drake, et al., 2015, p. 3).

While a single thesis cannot give a full account of the evolution of contemporary ethnography, prison ethnography is a much narrower field of study. It is narrower, both because it is a relatively new addition to the social sciences, and because it is physically bounded by carceral institutions. This is obvious, but it also represents a strategic duality often lacking in general ethnography and sociology. Do not study people without studying the institutions that shape them; and do not study institutions without understanding the lived personal experience of the people they connect with.

These are the two ‘poles’ of sociological research. It is impossible to do prison ethnography without acknowledging individual and institutional realities, and so the researcher is forced to engage with this duality.

In the same way this thesis narrows the focus from the entire prison-industrial complex to small residential aftercare facilities for ex-prisoners, I want to narrow the use and study of ethnography to precisely what is relevant to prison research. Below are several elements of ethnography that are particularly significant to carceral research.

5.2.1 *Elevation of non-linear, narrative analysis*

Carceral institutions attempt to leverage all their institutional weight to conform their inmates to a rigid linear bureaucratisation. An inmate’s name is overwritten with a prison number, and they are pushed into a timeline that begins in sentencing and ends in parole. Because public scrutiny is focused on the beginning and end of this timeline, there is little oversight for the lost years between sentencing and release. As long as inmates are healthy enough to walk after their sentence, there is little attention on what has happened in the intervening time.

This is opposed to how inmates experience their incarceration. The only way to survive a long sentence is to engage with the present, and not become obsessed with counting the days. The linear structure of a prison sentence is inadequate to describe an inmate’s experience. They need to be studied in a more narrative form that allows them to communicate meaning on a daily basis, and not just upon their eventual parole. Prison ethnography is ideally suited for this type of non-linear, narrative analysis. In his poem, Ferrell (1997, p. 38) captures both the complexity and the energy of this work,

Adrenalin and excitement, terror and pleasure seem to flow not just through the experience of criminality, then, but through the many capillaries connecting crime, crime victimisation, and criminal justice. And as these terrors and pleasures circulate, they form an experiential and emotional current that illuminates the everyday meanings of crime and crime control.

Prison ethnography enables the researcher to engage with each prisoner not as a statistic, but as a story. This is particularly important when dealing with minority demographics that may be lost as outliers in larger statistical models. Prison ethnography seeks to elevate voices that might

otherwise be lost because of their race or gender. Statistical analysis will always have a role to play in analysing carceral institutions, but it is vital for the researcher to contend with the narratives that the prisoners craft for themselves.

5.2.2 *Accessibility*

Prison ethnography did not originate in academia. Appendix A will trace its historical origins more fully, but it is important to note that prison ethnography never required an academic pedigree. It operates far away from the traditional gatekeepers to academic research. This is not only an issue of proximity, but of agency—prison ethnography elevates the voice of individual prisoners. They are not only the subjects of the research, but they are also its authors. This is sometimes literally the case—as prisoner ethnographers analyse their own sentences—but it is inherent with participant observation. There is a sordid history of inmates being studied against their will, but prison ethnography cannot be successful without their voluntary collaboration. Appendix A traces the origins of prison ethnography, but a contemporary generation of criminologists such as Ben Lewe, Shad Maruna and Andrea Leverentz are keeping the lived experience of prisoners at the centre of the discussion.

This radical inclusion creates new research opportunities, and this work often originates from within the prisons themselves. One contemporary example is the internationally acclaimed podcast, *Ear Hustle* (2019) that originates from within California’s San Quentin prison. The co-host—then a prisoner himself—describes the project as follows (Williams & Woods, 2019),

We had a public radio programme in the media lab with a certain format. Still, we wanted to do something a little different... we weren’t journalists, you know—we were people living lives and seeing life differently so we couldn’t necessarily continue to tell stories in that fashion...nah man, you coined a term back then! We weren’t journalists, we’re journeyist, because it’s about a trip, right? Our thing is to tell stories about people lives over time. And we are escorting the outside through the lives of people inside.

A transformation occurs when prisoners are given a significant role in prison research. Research in the social sciences is not restricted to large data sets or structured interviews. All that is necessary for prison ethnography is the courage to be intentional with people that have been sentenced, stigmatised, and ignored.

5.2.3 *Accountability to Quantitative Analysis*

Social scientists write about ‘physics envy’ in their desire to see direct and measurable causal relationships. However, this is not possible amidst the complexity of studying incarceration. On a philosophical level, this can be understood through the lens of chaos theory. “Briefly stated, chaos theory holds that all systems (including communities) tend to natural states of order and disorder. In this case, a mix of predictability and unpredictability accounts for the analysis of individual behavior within a social environment” (Arrigo, 1998, p. 70). Total institutions seek to contain a diverse array of contradictory impulses and it is impossible to completely isolate a single variable. Beyond these theoretical limitations, there are logistical challenges to quantitative analysis in a carceral setting. Sykes (2007, p. 139) describes this complexity,

As far as the prison study was concerned, quantitative research with large numbers of respondents and the precise measurement of variables remained relatively rare. The suspicion bordering on paranoia in the prison posed a major problem, since it was extremely difficult and time-consuming to establish the trust necessary for collecting reliable data by means of questionnaires and interviews, with guards and inmates.

In South Africa, it is even more difficult to gather meaningful administrative data from the Department of Correctional Services.⁵⁷

Fortunately ethnography is not overly dependent on statistics, and it should be used to test official government reports. A data set is inherently constricted by the parameters of its creation. It is not a neutral artefact but the by-product of specific power dynamics. Someone decides what variables to include, and who can access the findings. Prison ethnography does not require access to expensive computer software or academic training to handle regression analysis. This makes for an ideal tool to analyse new questions on an unfamiliar terrain. It is accessible to anyone willing to walk into a prison.

This accessibility makes prison ethnography a strategic method for testing the veracity of quantitative claims. Consider the 2020/21 annual report from the DCS (2021). The department has

⁵⁷ Note the Research Design at conclusion of this chapter. The Department of Correctional Services could not even supply a list of all the halfway houses they had worked with.

been criticised for reporting their success rate in meaningless statistical targets with little to do with actual service delivery.⁵⁸ They claim that the Community Corrections offices in every region have exceeded their targets and that more than 97% of their parolees are successfully on track. Based on my ethnographic work with parolees reaching back to 2008, I know this to be an intensely misleading statistic. Here is an excerpt from my ethnographic field notes that provides a counterpoint to the department's quantitative reporting.

I worked as a counsellor for years assisting the parolee John Smit (pseudonym used for anonymity). He struggled, violated the terms of his parole, and was considered a danger for himself and others. The local community corrections office had issued a warrant for his arrest. One afternoon, John stumbled into our offices, exhausted and hungry – he was ready to turn himself in. For his sake, I called the DCS emergency hotline to report the situation. There was no answer. After trying multiple times throughout an afternoon, I finally reached an officer on duty. I explained the situation, and they were grateful—they had been hunting this parolee. Rather than coming to collect him immediately, they informed me that it would be impossible for them—they had lost contact with their only functional patrol car. They had been relying on private cell phones to supervise this vehicle and lost contact. They had no idea where the vehicle was, or when they would have contact again. I expressed dismay about losing “John Smit” again, and the answer I received was nonchalant and dismissive, “Let him go. Don't worry... we will catch him again later.” John Smit's story is that of many parolees.

The incongruity of the situation was striking. How could this community corrections officer hope to find a parolee on the run, when they could not locate their own patrol-car? When the official reports claim to be succeeding more than 97% of the time, this either represents negligence or complicity. I have high regard for many of the correctional officers tasked with the thankless work of supervising parolees. However, this slipshod quantitative reporting disrespects their hard work. Prison ethnography serves as a vital method towards holding the official narratives accountable.

⁵⁸ The most concise form of this critique comes from criminologist Lukas Muntingh (2021) in his formal response to the 2019-2020 Annual Report from the Department of Correctional Services.

Narrative flexibility, accessibility and academic accountability are why I have chosen prison ethnography as the primary methodology for this thesis. These characteristics are foundational for prison ethnography and each have a rich history. Appendix A explores how these elements have come together since the 1950s to form a cohesive body that is a full specialisation within the social sciences.

5.3 PRISON ETHNOGRAPHY: THREE CONTROVERSIES

Prison ethnography demands growing attention in the social sciences, but this is not without controversy. A recurring criticism of ethnography is that it is too small—prurient voyeurism of deviant subcultures with little relevance to larger social trends. At best it is a novelty, and at worst it is neo-colonial exploitation. These controversies generally fall into one of three categories:

5.3.1 *A weak scholarship?*

If the sciences are ordered from most quantitative to most qualitative, ethnography represents one extreme of this spectrum. It is messy, relational and subjective. Even anthropology has more of a statistical backbone. However, the relevance of ethnography—and indeed, the driving urgency behind all qualitative research—is that some things cannot be counted.

Qualitative research has a long tradition, yet ethnography still comes under scepticism (Wolcott, 2008). Appendix A on the history of prison ethnography should illustrate how contemporary prison ethnography is based upon generations of professional scholarship. It is impossible to consider their biographies and discount them as casual observers.

The prison ethnographer's utilisation and treatment of interviews is one compelling example. Like all social sciences, prison ethnography uses interviews extensively, but this is only a secondary consideration. Whereas psychology and sociology frequently rely on “cold” interviews or anonymous surveys, prison ethnography views this approach as artificial and shallow. Prison ethnographers pursue interviews after establishing trust relationships with their subjects through extensive participant observation. Before scheduling an interview, the ethnographer chooses to engage with the context deeply. Participant research's vulnerability and unstructured nature are a strategic way to pursue the unexpected. There is nothing ‘light or amateur’ about this process.

Dedicated ethnography and participant observation require an intense commitment. Prison ethnographers showcase this intensity. Consider Conover (2001) who deliberately got a job as a correctional officer in New York's Sing Sing prison. From this experience, he authored *Newjack: Guarding Sing Sing* (Conover, 2001). This level of commitment is not an isolated incident. Other examples are Bauer (2018) and Hopkin (2020). They both pursued months of employment in the private prison system to ensure they had a rich and nuanced understanding of their context before sitting down for a formal interview. It is disingenuous to criticise this work as weak scholarship.

5.3.2 *A shallow voyeurism?*

One recurring criticism against ethnography is that it is sensational dalliance in marginalised 'deviant' subcultures and ignores the larger, more important trends in contemporary sociology. Ethnographers are accused of indulging their interest in niche subcultures like urban skateboarders, or homeless people in a particular subway system, in a manner that bolsters the ethnographers' ego at the expense of their subject.

Sometimes this fear comes even from the ethnographers themselves. Consider the warning, "Don't study the poor and powerless because everything you say about them will be used against them" (Jensen, 2008, p. 14). Ethnographers face a consistent dilemma that their reporting could be used by law enforcement. Even if they protect the anonymity of their sources, there is still the danger that ethnography can reinforce harmful stereotypes. This is especially relevant for prisoners who are continually vulnerable to exploitation.

There are two answers to these critiques. On the most basic level, this is an area where prison ethnography has a distinct advantage over ethnography practiced in other contexts. There is no need to debate whether prison ethnography is pre-occupied with irrelevant, niche subcultures because it is impossible to argue that prisons are not worthy of academic scrutiny. Incarceration cannot be ignored.

Upon further analysis, the charge of voyeurism can also be discarded. There is a continual need for prison ethnographers to self-evaluate all of the power dynamics and vulnerabilities inherent in participant observation. However, this is an area of great strength for prison ethnography—not weakness. All social sciences face some form of this problem, but prison

ethnography is structurally oriented towards its solution. Voyeurism relies on keeping an artificial distance or faux anonymity between the researcher and the subject. This is not possible in the personal relationships that develop through participant observation.

Prison ethnography is one of the few qualitative methodologies where the researcher consciously breaks down the power dynamic by choosing vulnerability. The previous section of this chapter references convict criminologists – ex-prisoner academics who choose to return to a place that was once painful for them. Their commitment to self-reflection cannot be overstated. It is not an exaggeration to say that prison ethnography requires a degree of courage.

Academic research in a prison environment will always be complicated and even controversial but this is true of anyone seeking to study prisons from a scientific background. Prison ethnographers should be given credit for confronting these complexities head-on by establishing genuine relationships with their subjects through participant observation. It is telling that of all the authoritarian abuses perpetrated on helpless prisoners by sociologists and psychologists in the name of research,⁵⁹ there is no reference to prison ethnography. The proximity between researcher and subject required for participant observation protects against many hierarchical abuses that can occur in research.

5.3.3 *Prison ethnography is neo-colonial?*

In very practical terms, prison is a recurring symbol of colonial oppression. Particularly in Africa, incarceration is driven by an imported western bureaucracy. At the core of colonialism are exploitation, control, displacement, and subjugation—this is the daily routine of prison life. These forces are so powerful, that they can even insert themselves into academic research. Prisoners represent a captive population, and this is a very attractive setting for some researchers. Indeed, part of the fatalism and rejection that some people have directed against rehabilitation, in general, is because academic researchers pursued authoritarian, abusive projects. Incarceration always breeds corruption, and this is not reserved only for prison officials.⁶⁰

⁵⁹ Consider the forced sterilisations that were described in Chapter 4.

⁶⁰ The eugenics movement—referenced in Chapter 2 is a prime example of the authoritarian abuse masquerading as science.

Prison ethnography is a well-needed corrective to this danger. In history and practice, prison ethnography has been a strategic corrective to the authoritarian impulses that coalesce around incarceration. The previous section of this chapter traces the historical origin of prison ethnography. While anthropology fits neatly into the colonial order that birthed it, prison ethnography has a different origin. From its inception, prison ethnography was oriented toward the two pillars of the anti-colonial project. First to oppose the authoritarian excess and second, to elevate oppressed peoples' marginalised voices on their terms.⁶¹

History aside, the contemporary practice of prison ethnography continues to oppose the neo-colonialism of incarceration. This is important because progressive historical origins do not matter unless they align with contemporary action. Just because the foundational voices in prison ethnography were opposed to government oppression of marginalised peoples, does not mean that the discipline is somehow “pure” and cannot quickly fall into the excess and exploitation that often corrupts prison research. The past can provide a false sense of comfort and become a smoke screen for neo-colonial thinking.

The reason prison ethnography has maintained its commitment to decolonising both the academy and the prison is the primacy of participant observation. Pursuing this research method amidst the bureaucracy and power-dynamics of incarceration is never easy. An ethnographer must fight to gain access to the prisoners and even permission to carry their voices outside the walls. This is not a bad thing but serves as a continual reminder of the power of total institutions and the obligation of prison ethnography to allow marginalised inmates to speak on their terms. Participant observation involves an inherent reversal in the traditional power-dynamics of research. Seeking out the voices of marginalised inmates that have been silenced and allowing them to speak on their terms is a powerful rejection of colonialism.

⁶¹ I do not naïvely assert that the structural racism and authoritarian excess of colonialism have never effected prison ethnography. Prison ethnography may have a distinct origin from anthropology, but it is still ethnography. Ethnography can never be considered independent from sociology, and sociology has the same colonial backstory as anthropology. Everything is mixed. There is perhaps a meaningful distinction between prison ethnography and ethnography writ large over this issue, but it is small. Prison ethnography—like ethnography as a whole—needs to continually grapple with issues of race and privilege. My argument is that because of the centrality of participant observation, prison ethnography is structurally oriented towards decolonizing academia and the criminal justice system. Rod Earle and Corretta Phillips (2015) have a more extensive treatment of some of these themes in their chapter “Prison Ethnography at the Threshold of Race, Reflexivity and Difference”.

5.4 PRISON ETHNOGRAPHY: THE SOUTH AFRICAN CONTEXT

Apartheid's legacy is that South Africa's prisons significantly shape the nation's contemporary culture. Chapter 3 of this thesis explored this reality at length. However, for the current chapter, it is enough to describe three ways prison ethnography is uniquely relevant to the country.

5.4.1 *Historical Context*

South Africa is ideal for prison ethnography because it is one of the only judicial systems to incorporate it formally. The Truth and Reconciliation Commission (TRC) was a government-sponsored ethnography of Apartheid trauma. The goal was to research what had happened outside of a western legal context. The commissioners were not neutral arbiters or judges they were practicing a form of participant observation. It was controversial and messy, but it had never been done before. Consider Ndebele's (2010, p. 70) reflections on the TRC below.

It was with the TRC hearings that the pain of the oppressed individual, as opposed to groups, was formally and publicly acknowledged for the first time in our history. Previously, the reality of individual pain disappeared in the sea of collective pain, and thus could not be fully contemplated. Although we knew of many in the townships who had been arrested, tortured or killed by the oppressive state, it all remained in the realm of private knowledge. With the TRC hearings, the private not only became public and official, it also acquired legitimacy. We knew publicly who had been tortured or murdered. We knew whose father or mother, son or daughter they were. Even the perpetrators ceased to be anonymous, pervasive evil that dominated the consciousness of the oppressed and peopled their nightmares. They turned out to be fathers and sons of specific people, with a social circle of churchgoers, schoolmates and friends.

Apartheid was such an overwhelming reality that the weight of the statistics can overpower the individual actors. The TRC will remain a highly debated topic in South African politics and academia. Still, it cannot be denied that its novel approach brought a new data set into a dialogue that needed fresh voices. Prison ethnography builds upon this tradition.

5.4.2 *Prison ethnography is not reliant on crime statistics*

As Chapter 3 of this thesis illustrates, there are limited crime statistics for the South African context. This is particularly endemic in the Department of Correctional Services (DCS). Many of

the recorded statistics are programme “in-puts” like attendance statistics. They provide little indication of lasting change or even the baseline efficacy of service delivery.

The Department of Correctional Services has a structural disincentive to address this problem. A department cannot be entrusted with reporting its failure. The DCS is under-resourced and over-committed. When every staffing and policy decision requires sacrifice in another area, it is logical that they will not allocate sufficient resources to effective reporting. One example of this trend is a lack of recidivism statistics. There is debate over what this would look like, but there is no debate that the findings would be extremely critical. It is thus not surprising that the government is still “developing” its capacity to report these statistics (Rosenfeld & Grigg, 2022).

Since South Africa’s correctional system cannot be relied upon to supply meaningful data, there needs to be another way to study it. Prison ethnography is a strategic response to this challenge because it is not reliant on government statistics. Rather, it is a useful ‘smell test’ to determine if official reporting aligns with the situation on the ground. Even as the DCS develops a more robust statistical reporting system, prison ethnography will continue to play a vital role.

5.4.3 *Prison ethnography is ideal for studying new initiatives*

The strategic utility of prison ethnography goes beyond covering for inadequate statistics and missing reporting. Records-keeping from within the DCS will always be backwards-looking. They are by design an attempt to justify budgetary expenditures and hopefully assess service delivery. This is a reactive posture that is not suited to new initiatives.

Prison ethnography provides the opportunity to study and assess new initiatives in real-time. The formal rules of data-gathering can come later, and perhaps there will be enough to determine statistical significance. However, some problems need immediate attention. Prison ethnography can enable researchers to study the departments newest initiatives before the formal reporting protocols are even in place.

In addition to the speed possible through prison ethnography, the data supplied by participant observation is raw and unfiltered by the DCS reporting protocols. When something is published in a formal DCS report or circular, it has been edited and modified to focus on success instead of failure. Thus, prison ethnography allows researchers to listen to the front-line workers'

voices in the programmes studied. This is a vital research tool because DCS bureaucracy does not communicate well internally.

5.5 RESEARCH DESIGN

The first half of this thesis establishes the foundation for my study of halfway houses. Chapter 2 situates the research within the larger historical debate between punishment and rehabilitation. Chapter 3 makes the case that South Africa is a relevant and compelling setting for this research. Chapter 4 reviews the carceral trauma that parolees carry with them as they arrive in their new institutional setting of the halfway house. This is the challenge of carceral research—even a very narrow topic such as the study of halfway houses requires engagement with the entire criminal legal system, and its considerable history. Each chapter is a small literature review in itself, but Chapter 5 applies this contextual background to a narrow research project. The rest of the chapter will demonstrate how prison ethnography guides my visits to each halfway house and structure the report of my findings.

5.5.1 *Building a National Database of Halfway Houses*

The popular conception of ethnography focuses on participant observation, which is primarily what differentiates the methodology from traditional sociology. However, participant observation requires at least as much preparation and background research as traditional survey work. In my research, the goal was to embed myself in four different halfway houses that were representative of South Africa’s diversity. First this required an extensive review of all possible programmes.

Unfortunately, there is no database of residential aftercare programmes in South Africa—even within the Department of Correctional Services. Moreover, the senior correctional officials I interviewed could not even give a record of the halfway houses that have once received government funding. According to the DCS’s 2019/2020 Annual Report (2020 c), seven programmes have received government contracts, but officials at the provincial level are not given this information.⁶²

⁶² Of course there must be a record somewhere in DCS head office about which programmes have received government support, but this information is not even given to the Area Commissioners I have met, and is definitely not available to the public.

The Department of Social Development (DSD) is no better. They keep a record of every registered non-profit organisation, but no description of whether these organisations have specific involvement with parolees. Though I could not get a correctional officer to state this for the record, it is widely acknowledged throughout all levels of the DCS community corrections offices that DSD is not interested in participating. Parolees are viewed as the exclusive responsibility of the Department of Correctional Services, and DCS is naturally preoccupied with the inmates who are still housed in their facilities. Parolees are essentially cut off from government services. Even if DSD was willing to collaborate, some programmes that house parolees (especially small religious programmes) do not need to register with the DSD, so they will not appear on any of their records.

Unfortunately, civil society organisations do not keep a database of halfway houses either. Over my fifteen years in South Africa, I have built partnerships with national religious denominations and large non-profits with offices in every province. However, none of these organisations could supply me with a comprehensive database of halfway houses. Even the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), South Africa's oldest and largest NGO supporting parolees did not have a list of current programmes, even though they had operated a halfway house in the past.

This was the first challenge for my research. Before I could pursue participant-observation and interviews across a range of South Africa's halfway houses, I needed to build a comprehensive list of which programmes were actually in operation. Fortunately, I was aided in the creation of this database by my co-workers at Hope Prison Ministry. There was hours of driving and phone calls—often in languages I did not speak. I could not have built this database without the guidance, recommendations and encouragement from my friends and colleagues in the rehabilitation sector. We approached this challenge from four directions:

[The Department of Correctional Services \(DCS\)](#)

Each management area has at least one designated Community Corrections Office responsible for supervising parolees. Unfortunately, these offices have weak collaboration—even within the provinces. Fortunately, Hope Prison Ministry has been built relationships with them since 1991. We called 192 Community Corrections offices across South Africa to determine their knowledge of any halfway houses in their management areas.

It should be noted that some of the phone lines were disconnected when we called. More seriously, some of these offices refused to give us information about their programmes for parolees. We often tried multiple times, sometimes introducing ourselves as representatives of an NGO that wanted to support parolees, and sometimes as interested citizens looking for assistance for a family member. We can only assume that their hesitancy to discuss any programmes for parolees is because there was very little to discuss.

The Department of Social Development (DSD)

The DSD maintains a list of all registered non-profit organisations but does not record which programs might serve parolees. There is negligible cooperation between DSD and DCS, and some local officials I spoke to expressed actual hostility. We went through their full list of registered non-profit organisations and called any program that might have any relevance to supporting parolees.

Civil society contacts

None of our contacts in the NGO sector had a list of halfway houses, but there were some promising leads and recommendations. A limited number of organisations deal with prisoner integration, but a larger array focus on addiction counselling and support. We surveyed these drug-rehabilitation programs because of the possibility of cross-pollination with parolees.

However, we only included drug-rehabilitation programs in the halfway house database if they are currently housing parolees. We found some programs, like Stepping Stones Treatment Centre that were theoretically willing to host parolees in their treatment programs, but they actively discouraged it with extra fees and concerns about staff safety. It did not make sense to include them in the database.

The prisoners themselves

Prisoners are often the best and fastest source of information about developments in any criminal legal system. The ‘prison grapevine’ is an informal network of gossip and illegal cell phones, and news travels quickly. We have strong relationships with many current and former prisoners and have often benefitted from their advice. I am assisted in this research by co-workers who are

themselves formerly incarcerated people. Their background gives me access both to their own first-hand experience, but also an ability to seek out contacts deep within the prison that might be unavailable to me as an outsider.

My research across these four areas identified thirteen programmes. Table 3.1 provides a database of the current halfway houses operational across South Africa. We have significant information about these programs, some of which will be detailed in Chapter 6. At this stage of the thesis, it is enough to report the province and the program's name.

PROVINCE	PROGRAM NAME
Eastern Cape	Clean Slate
Free State	Divine Dawn
Free State	The Lighthouse
Gauteng	Victory Halfway House <i>(not currently housing parolees)</i>
Gauteng	Mthembu House <i>(not currently housing parolees)</i>
Western Cape	Beauty For Ashes
Western Cape	Camp Joy
Western Cape	City Mission
Western Cape	Lord's Acre
Western Cape	New Creations Outreach <i>(not currently housing parolees)</i>
Western Cape	Oaks House (The Message Trust)
Western Cape	Realistic
Western Cape	The Ark

Table 3.1: A list of halfway houses in South Africa by Province

This database represents a significant contribution to the rehabilitation sector in South Africa, but this should not be the case. Throughout this research, I kept expecting to receive a list of programs from either DCS or an NGO that would allow me to skip this part of my research. Instead, almost all of the people we spoke to asked to be given a copy of our database the moment it was finished. This is an indictment against DCS and their limited commitment to supporting parolees.

When the DCS began their experiment with Halfway Houses in 2012, there should have been a national, widely publicised list circulated to every community corrections office. I have been studying the DCS bureaucracy since returning to South Africa in 2008 and found that a database had never been created. The fact that my research design needed to begin with this database says something about the commitment and organisation of the Department.

It is likely that this list will get shorter within the next six months. DCS allowed the tender they once used to sponsor halfway houses to lapse in March of 2021, despite the availability of funds in the budget. Consequently, at least three of the few halfway houses on my list are in imminent danger of closure. New applications were scheduled for January of 2022, but this may be too late for several organisations in this database. I cannot blame the Department for being distracted with larger issues, but halfway houses are no longer a priority.

While it might be appropriate to include Table 3.1 and my other findings in Chapter 6, it provides necessary context for the rest of my research design. Before I could immerse myself in participant observations and interviews, it was necessary to understand the full context of what halfway houses were available on a national scale. This project was the first stage in my research design and was an essential part of my ethnography.

5.5.2 Choosing Case Studies

Once I had determined the available locations, it was time to select the four halfway houses where I would be embedded in to pursue my participant observation and my interviews. Part of what makes halfway houses such a compelling research setting is that they can be structured in many ways. My goal was to select programs that represented the diversity of South Africa. Even though there are only thirteen operational halfway houses to choose from, there is still significant

divergence in their approach to integration. I hope to visit each of these programs, but I will select four as case studies based on the following six criteria:

Size

There are small, home-based programs with under ten beds and large dormitory-based models with over thirty beds. Size has significant implications for the staffing models as well. Some organisations have a single ‘house mother’ while others have a rotating staff team that lives off-site. Under this criterion, I chose to study the Oaks because it has only six beds with one live-in supervisor and Beth Uriel because of its large size and rotating staff team.

DCS Affiliation

Some programs work very closely with the DCS—two of the halfway houses I found were started by DCS officers in their free time. Other programs largely ignore the department and only engage with DCS to the extent that they are forced to get approval for a parolee to move in. Sometimes this relationship can even become adversarial, with program administrators forcefully advocating for a parolee that has come under sanction by a parole officer. Under this criterion, I chose to study Beauty for Ashes because they have had a long relationship with the DCS since 2003—they were the second halfway house in the country to be given a government tender for their work. I chose Beth Uriel and Clean Slate because both have almost no relationship with the DCS whatsoever, and the parolees are responsible for negotiating directly with DCS with little support from the halfway house.

Demographics

The culture and administration of a programme shifts dramatically based on the demographics of the parolees it serves. The clients’ age, gender and race significantly impact how the program should be run. Some programmes serve a narrow demographic clientele, while others try to make their program relevant to parolees of all backgrounds. Demographic considerations are relevant not only in the parolees but also in the administration. Some programs hire staff from the same cultural background as their clients and will even prioritise hiring ex-prisoners. Other programs deliberately use cultural outsiders sometimes even from another country. I chose to study Beauty

for Ashes and Clean Slate because they were the only two programs to serve female parolees. In contrast The Oaks with Beth Uriel, because the senior leadership from the former is British while the latter is run by Coloured South Africans.

Ideology

Some halfway houses present their parolees with a guiding set of principles to motivate and direct their engagement with the programme. Others attempt to avoid any ideology and tend to function closer to a neutral 'sober house' environment. Still others have a heavy religious ideology and are explicitly focused on the spiritual development of their parolees. Unfortunately, all four of my case studies have some kind of religious orientation. While all these programs are deliberate about serving parolees of diverse backgrounds regardless of their belief system, I would have preferred to have one explicitly secular case study. My efforts were thwarted because most secular programs closed when the DCS stopped paying for their services.

Funding Model

Some programmes rely on government funding while others raise funding from the private sector. I decided to study Beauty for Ashes because it has received tenders from the DCS in the past. I also chose The Oaks because they chose not to apply for government funding to preserve their independence.

Age of the Program

Halfway houses are a new phenomenon in South Africa, but within this sector there is still considerable diversity in how long the programmes have been running. As a corollary to the programme's age, there is my own experience with them. I have known some programmes for years, and my organisation (Hope Prison Ministry) has even sent parolees to them. Others I was visiting for the first time. I wanted to work in both settings to observe the differences. I chose Beauty for Ashes because they have been running since 2003 and my organisation has a long-established partnership with them. I also chose Clean Slate because they opened for the first time in 2021.

5.6 ETHNOGRAPHIC PROCESS

5.6.1 *Ethics Clearance*

The ethnographic process has been strengthened by its affiliation with the University of Cape Town. Each stage of my ethnography follows the Research Ethics Committee of the Faculty of Law. There is accountability in this, because it ensures that my questions and approach conform to ethical norms. However, this process has a secondary benefit that cannot be overstated. Ethnography is so strongly associated with participant observation that other important components of the research process can be overlooked.

It is understandable that ethnography would have a bias towards participant observation, because this is the primary factor that differentiates it from sociology. However, participant observation requires extensive groundwork before a researcher steps into someone else's space. This background research is not exciting, but it is crucial. The ethics review process is another way to ensure ethnographers do their homework behind the scenes. Anything that forces a researcher to prepare before beginning participant observation has substantial value. I have had significant exposure to the criminal legal system, so has been helpful that the ethics review process has forced me to pause and be deliberate about a context that I might have taken for granted. Appendix B contains the research questions that changed because of the scrutiny I received from the ethics committee, and I am grateful for this process.

5.6.2 *Participant Observation*

This process is vital for my research because sustained, physical presence is the only way to build trust with the parolees I hope to interview. Without this trust, the interview will be merely a performative act. Most people caught in the criminal legal system have only negative experience with interviews. Most have not done them in the formal job sector (and this is hardly a good experience for most people), so their only exposure to interviews happens in a police holding cell or a courtroom. It is negligent how much the social sciences rely upon a form of interaction that is entirely negative for many marginalised communities.

Tragically, there is another factor is working in my favour, which is strong enough to neutralise these negative connotations. There is almost literally nobody listening to parolees. If a parolee

lives in a halfway house, they likely have limited contact with their biological family. They can barely get attention from the correctional officers who are monitoring them. A recurring theme throughout this thesis is that halfway houses have narrative power, but this is only true if a parolee feels like the story of their life has value, and that someone is listening.

This hunger for attention creates a strategic opportunity for participant observation—the parolees wanted me there. I prioritised spending time in informal settings, embedded in each halfway house. Certain therapeutic aspects of the program were inappropriate for me, but I joined every group program or recreational activity I could. Part of this was to show respect to the men and women I was studying. Parolees get very few visitors, which has been a persistent complaint over my two decades of visiting halfway houses. This participant observation yielded the bulk of my findings in Chapter 6 and created a strong context for my series of targeted interviews.

5.6.3 *Targeted Interviews*

My goal was to pursue up to ten interviews in each of the four halfway houses I chose to study. These interviews were spread over four classifications of participants. First, there were the parolees that were enrolled in the program. Second were the graduates who had completed the program. Third were the frontline staff who administered the program daily. Fourth were the founders or senior leadership of the program which set the policy and vision for the organisation. Because I had built a rapport with the parolees during my participant observation, it was not difficult to schedule interviews.

5.7 CONCLUSION

This ethnographic process has been surprising. Even though I have worked in prisons since 2001, this thesis has given me a new conception of halfway houses and the criminal legal system. The following chapter will unpack these findings in detail. Still, for the moment, it is enough to recognise that through my participant observation, I discovered answers to questions I had not thought to ask. Prison ethnography is an ideal method of stepping into the unknown as a researcher, and I was not disappointed.

CHAPTER 6: CARCERAL CHOICE ANALYSIS – MAKING HALFWAY HOUSES WORK

6.1 NEW CLARITY – THE NEED FOR HALFWAY HOUSES

The first five chapters of this thesis should make it very clear that incarceration is a significant barrier to any positive community development. Garbarino (1999, p. 21) supports this conclusion:

We build more prisons to punish these boys, and in those prisons, their rages and despair harden so that they emerge even more dangerous than when they entered. Such a course of action only validates the ancient proverb, “If you start out on a journey of revenge, begin by digging two graves, one for your enemy and one for yourself.”

The statistics support his critique, Garbarino (1999, p. 21) cites Zagar, et al.,’s (1991) findings that “teenage boys are three times more likely to commit murder if they have been incarcerated.” In many ways, the only surprising thing in the history of prisoner rehabilitation is that it has survived amidst the total institution at all.

Halfway houses represent a strategic alternative because prisons can never be expected fix themselves. Total institutions are inherently inward-focused because they exist to control their inmates’ behaviour. There is limited interest in the long-term effects on society after release. This bias means that while prisons may generate the trauma outlined in the Chapter 4, they are structurally disinclined to address it.

It is not cynical to acknowledge this reality. Expecting these institutions to change for the better is nearly impossible, especially if there is no government accountability. As the famous Chief Justice Warren Burger stated in 1985, “What business enterprise could conceivably succeed with the rate of recall of its products that we see in the ‘products’ of our prisons?” (Parenti, 1999, p. 211). Prisons have been historically incapable of reforming themselves, and they prove immutable against outside reformers.

Prisons are good at one thing—the incapacitation of their inmates—and they do this very well. The review of carceral trauma in Chapter 4 illustrates that this incapacitation is so intense and extended that its effects will endure long after the prisoner is released. Any new policy agenda must contend with this weight. Institutional trauma demands an institutional response, but this

cannot be expected from within the total institution. The adage “if you break it, you buy it” is inappropriate for the prison reform movement. This thesis has demonstrated that prisons crush the inmates they are supposed to protect—the only thing reformers can hope for is that the total institution will somehow get out of the way. Rehabilitation can never be just a personal exercise in responsibility—it needs a conducive institutional setting that enables this choice. The previous chapters should clearly state that prison can never be this setting.

It may seem strange for this thesis to be so critical of prisons while at the same time pursuing rehabilitation. I see no contradiction. It is different from saying that prisons are not the appropriate vehicles for rehabilitation than to say that rehabilitation is somehow dead. Rehabilitation is very much alive, but *despite* the total institution—not because of it. Miller (2010) draws on Greenwood and Turner (1987) and Vito, et al., (1981) to show how a robust and diverse range of rehabilitation initiatives also have some of the most damning criticism of the prisons themselves. Miller (2010) notes that the ‘velocity of recidivism’ among young offenders increased with each institutionalisation. The implication is that the prisons are criminogenic, producing what they claim to treat.

Successful rehabilitation is not about reforming the power of total institutions. It is about escaping them. The study of effective rehabilitation is the exception that proves this rule. Successful programmes have essentially found a crack in the total institution. Whether it is a heroic social worker reconnecting an inmate with her family or a teacher finding a job interview for her newly released inmate, these are “escape hatches” in a system stacked against them.

Chapters 6 and 7 of this thesis are dedicated to challenging the power of prisons as a total institution. I am very sympathetic to the abolitionist rejection of incarceration, but the historical inertia outlined in Chapters 2 and 3 will not be easily overcome. I believe the best way to resist one institution is to create an alternative. There will always be a role for rehabilitation within prisons, but these programmes are only viable and effective to the extent they link their inmate clientele with different institutions on the outside. Activists should spend less energy pushing against a total institution that is inherently designed to resist them and rather change the frame of reference altogether. Prisons run on a series of narratives, and the creation of a new institution is a chance to tell a different story. This chapter will present Carceral Choice Analysis as a new way

to understand how this story is told. This thesis has built the contextual foundations for studying halfway houses as an alternative to incarceration. The rest of this chapter is dedicated to understanding what makes these programmes work.

If crime can be broken down into a network of decisions, the same is true for rehabilitation. A parolee's volition—the collection of their daily choices—is the defining aspect of any residential aftercare program. Choice is the intersection between opportunity, ownership, and resources. As such, how a programme accommodates volition becomes an ideal lens through which to compare different approaches to rehabilitation. This thesis uses the principles of prison ethnography to analyse halfway houses, and this requires careful tracking of the web of choices that confront every parolee.

It is this complicated network of choices that spill out from the total institution into every aspect of society. David Garland (1993, p. 10) describes this complexity,

Whereas penology situates itself within penal institutions and seeks to attain knowledge of their internal “penological” functioning (throughout the nineteenth century “penology” was a synonym for “penitentiary science”), the sociology of punishment views the institutions from the outside, as it were, and seeks to understand their role as one distinctive set of social processes situated within a wider social network.

Incarceration and parole represent a tangled web of interconnected social interactions. Ethnography seeks narrative by tracking these choices. Whenever the researcher can understand the narrative of a space, there is possibility for engagement. A theme throughout this thesis is that prisons have so much inertia that they become self-referential. It is time to cut through the noise. Residential aftercare programmes or halfway houses represent an opportunity to break free of the feedback loop that is incarceration. Each chapter of this thesis has been about narrowing the focus to this one, ethnographic study of four halfway houses and the policy analysis that will derive from it.

Chapter 5 outlines my research design and its foundation in prison ethnography. There are twenty-three interviews from four different halfway houses recorded over the course of 2021, but more importantly, I have been listening to parolees tell their stories since 2001. I was an eighteen-year-old high-school student when I began working in my first halfway house. I lived in my first

halfway house in 2003 and supervised a halfway house on behalf of a non-profit organisation in 2010. More than two decades of ethnographic observations presented a challenge. *How should this data be organised for comparative analysis?* Ethnography, by its very design, is grounded in a specific network of relationships. It is deliberately narrow, immersive and contextually limited. This is important if the ethnographer wants to avoid the baggage of pre-conceptions, but this specificity creates a significant barrier for multi-site comparative analysis. A recurring criticism of halfway houses is that they are too small to be relevant to the wider criminal justice system. If this thesis could not identify some broad trends and patterns, it could be dismissed as an irrelevant, fringe case study.

The beginning stages of this analysis were organic. In keeping with Mannik and McGarry's (2017, p. 109) recommendation in their chapter on writing ethnographic field notes, I began making coded lists. The goal was to capture best practices, confusing interactions, even humorous anecdotes. Themes and structure would come later. For the moment, it was enough to embrace the extreme diversity of the data collected over so many years.

The second stage of my research analysis was pattern identification. Drawing from my participant observation and my formal interviews I tried to identify compelling groupings where there was a consistent pattern across multiple case studies. Sometimes these observations were linked chronologically, and other times it was a grouping relating to geography or theme. Essentially this process is deconstructing my ethnographic case studies in order to identify the component parts of a successful halfway house.

The final set of questions that needed to be answered in the analysis and presentation of this research was about comparison. Once I could break my involvement with a given halfway house into large categories, was there a way to make comparisons between different programs? Was it possible to present my ethnographic description through a quantitative valence that would reveal additional contrasts? The goal was a statistically infused ethnography that would allow comparison and contrast between diverse programs that might otherwise be kept artificially separate.

The culmination of this three-stage process is a new tool for ethnographic study in the criminal legal system. In this chapter, the principles and practice of Carceral Choice Analysis are introduced.

6.2 CARCERAL CHOICE ANALYSIS

The challenge of qualitative ethnographies is that it can be difficult to make comparisons between contexts. Anecdotal narrative is powerful, but it is often contradictory. There needs to be a tool that can bridge ethnographic research into a quantitative model that has greater relevance for policy development and institutional accountability.

This thesis proposes a new approach to this challenge. Carceral Choice Analysis is a statistically infused ethnography that seeks clarity and focus for comparing institutionalised rehabilitation programmes. Most of the tension in a carceral environment is a struggle over choice—inmates fighting to retain their individual volition amidst a total institution. As the criminologists Rhodes and Sykes describe it, “custody is where the constraints of prison meet the inmate’s will, but sheer force is not the primary method. Administrators sometimes say that the inmates are really in control of the institution. ‘We just steer them,’ said one.” (Rhodes, 2004 cited by Sykes, 2007, p. xxi). Even in a total institution that is explicitly structured to restrict and eliminate choice, there is still negotiation available to the prisoners.⁶³ As ethnographic researchers, we need to draw these choices from the sub-text to the foreground.

Carceral Choice Analysis is explicitly focused on the intersection between individual volition and institutional control. As such, it can be applied to any institution that has inmates. This thesis has used halfway houses to introduce Carceral Choice Analysis, because residential aftercare programs have a natural focus on these themes. Nurturing and analysing prisoners’ volition has spurred the institutional development of halfway houses. They are now one of the few places in the criminal legal system where inmates and authorities can be working in the same direction.

The central claim of rehabilitation is that an inmate can be guided into making new and positive choices, and yet prisons are restrictive by their very definition. This same tension exists

⁶³ Sykes (2007) explores this point of tension, in chapter 3, *The Defects of Total Power*, and describes the fear that correctional officials experience, even from a place of authority and control.

in halfway houses, only with the balance beginning to shift towards personal freedom. Put simply, Carceral Choice Analysis is about counting and analysing the web of choices that define an inmate or parolee's lived experience, and then using this number to compare and contrast diverse programmes. Every one of the residential aftercare programs I surveyed speaks about the rehabilitation journey in a different way. The common denominator is choice. By diagramming and counting the web of choices that comprise a parolee's day, that number becomes a point of comparison between programs that might otherwise seem incomparable.

6.2.1 *Theory and Context*

Carceral Choice Analysis represents a new tool for pursuing comparative ethnographic analysis in the context of incarceration, but it builds on an existing theoretical foundation. The focus of this thesis is on the case studies, but there are four areas of scholarship that need to be acknowledged:

Crime Script Analysis

In appearance, Carceral Choice Analysis looks very similar to crime script analysis, but the emphasis is reversed. In crime script analysis, the researcher dissects the criminal act into chronological stages. The goal is to understand the antecedents of crime with an eye towards disrupting the actors. Derek Cornish of the London School of Economics is the leading scholar in this field. He states, "Crimes are events with a specific location in place and time. But the crime event itself is only one among many events which occur within the crime-commission process. It is both the outcome of a sequence of decisions and itself a part of an ongoing process" (Cornish, 1994, p. 155).

Crime Script Analysis is a niche subset of criminology that is often absorbed in the larger theoretical work of Situational Crime Prevention (SCP). Cornish traces the history of SCP back to the 1970's, and he gives an excellent summary of the theory:

Instead of trying to change criminal motivation or offender self-control—both of which are regarded by traditional criminologists as deep-seated behavioural tendencies, and neither of which has responded conspicuously well to intervention by the criminal justice system—situational crime prevention attempts only to regulate their active expression by way of criminal behaviour (Cornish, 1994, p. 153).

These theories came to prominence in the 1980s and 1990s in the United States with the advocacy of “broken windows policing.” First published by Wilson and Kelling (1982), it found enthusiastic backing from the New York Police Department. Rehabilitation was passé, and it was enough to displace crime away from urban centres by cracking down on small-scale deviancy.

Carceral Choice Analysis rejects the fatalism of Situational Crime Prevention,⁶⁴ but the narrative focus of Crime Script Analysis is central to my research. Basically, I wanted to use the analytic technique, but without the baggage of “broken windows policing.” However, the most significant change in my research is the point of focus. Carceral Choice Analysis is essentially an inversion of Crime Script Analysis, because the focus of the “script” or “scene” is the carceral institution, rather than the individual. Rather than trying to anticipate all the decisions that lead to crime, Carceral Choice Analysis studies the intersection between carceral institutions and prisoner’s volition. This is a much simpler, and concrete task. Whereas the practitioners of crime scripting need to create a literal library of scripts⁶⁵ to represent the vast diversity of criminal behaviour, Carceral Choice Analysis can analyse the entire criminal justice system with relatively few scripts. Carceral Choice Analysis in this thesis focuses on halfway houses, but further research could develop a script for pre-trial detention or sentenced incarceration.⁶⁶

The Diversity of Criminal Psychology

“The self of the perpetrator is sustained as sacred rather than profane” (Braithwaite & Mugford, 1994, p. 146).

Criminology in the popular imagination is primarily concerned with criminal psychology. The study of entrenched power dynamics in carceral institutions is less exciting than the newest Hollywood sensationalism about serial killers. However, this thesis has deliberately avoided

⁶⁴ There are at least twenty years of journal articles dissecting “broken windows policing” and its dissention into police harassment of minorities, but this goes well beyond the scope of this thesis.

⁶⁵ Hashem Dehghanniri and Hervé Borrión (2021) have studied the library of crime scripts that have grown out of Cornish’s theory.

⁶⁶ There is a growing use and acknowledgement of crime script analysis in South Africa, and fortunately this scholarship has more in common with ethnography than with Situational Crime Prevention. Artz, Hoffman-Wanderer, & Moul, (2012), present a strong example of these themes in their use and examination of “pathways” into crime and incarceration.

creating a literature review of criminal psychology. First, because this would be a project of vast scope, and second because it is not necessary for this research programme.

Chapter 4 of this thesis acknowledged some of the literature surrounding criminal psychology, but the research is limited to a narrow, institutional setting. It is enough to document that total institutions force themselves deep into the psyche of their inmates without getting lost in diagnostic specificity. The point of this thesis is that institutions must be accommodated in any theory of criminal psychology. It is not necessary to address each variation of labelling theory or cognitive schema—Carceral Choice Analysis focuses on the open institutional spaces where any of these theories can manifest. Indeed, one of the factors that makes carceral research so complicated is that the physical institutions can contain simultaneous—and even conflicting—psychological forces at the same time.⁶⁷ There needs to be a tool that can assess the effectiveness of carceral institutions while maintaining a degree of neutrality between the different competing theories of criminal psychology.

Chaos theory

Any research tool that is trying to map human behaviour needs to contend with chaos theory. In some ways, this is simply a more extreme version of the previous point. In acknowledging the diversity of criminal psychology, Carceral Choice Analysis creates space for multiple interpretations and competing theories. Chaos theory holds that the very act of dissecting human behaviour into chronological iterations creates parallel realities that need to be acknowledged. Arrigo gives a good summary of this theory,

Chronologists envision the mapping of dynamic systems (e.g., the ethnography...) in a nonlinear fashion. Attractors are cumulative patterns of behavior or trajectories that plot out and point to movement tendencies in a system. There are maps which depict linear trajectories. These are called *limit or point* attractors. Other maps portray nonlinear movements. These are called *torus* or *strange* attractors. These latter trajectories behave in ways contrary to Newtonian physics and conventional science. They represent both order and disorder, predictability and unpredictability (Arrigo, 1998, p. 77).

⁶⁷ Ariana Smit and Venessa Padayachee (2012) outline the broad diversity of 18 competing theories of criminal psychology in their paper “Criminal cognition as a risk factor for recidivism”.

This is why Carceral Choice Analysis can never be considered a purely quantitative tool. Ethnographic narrative cannot be expected to achieve precise ends, but in its very subjectivity it may identify results that would be too intangible for other models to detect. The sociologist J. Lofland makes this point with poetry: “Human identities and human meanings are arbitrary constructs imposed on a reality that is essentially without meaning. As such, all systems of meaning, of human reality, are continuously subject to breakdown and rupture” (Lofland, 1969, p. 290). To fully engage with Chaos Theory would require a complete literature review and would include theoretical physics that have little relevance for criminology.⁶⁸ It is enough to recognise that Carceral Choice Analysis allows for comparative analysis—even in a context of disorder and subjectivity.

Prison Ethnography

It is unnecessary to repeat the extensive examination of prison ethnography from chapter 5, but it is important to recognise that Carceral Choice Analysis is first and foremost an ethnographic tool. The previous acknowledgements of criminal psychology and chaos theory are essentially scepticism of the quantitative empiricism that has dominated criminology at the turn of the century. Goffman has featured heavily in this thesis, and his book on frame analysis is a strong segue into Carceral Choice Analysis. Peoples’ decisions can only be interpreted in the context of their frame of reference (Goffman E. , 1974).

This might seem a simplistic truism, but it stands in contrast with some social science research which relies on detached interviews in which the subject is deliberately separated from their context and asked a string of questions. Ethnography—and the Carceral Choice Analysis that derives from it—is not only a rejection of empiricism, but also a critique of the over-reliance on staged interviews. The sociologist Edward Lindeman (cited by Gobo, 2008, pp. 6-7) makes this judgement in the strongest terms:

If, say the behaviorists, you wish to know what a person is doing, by all means refrain from asking *him*. His answer is sure to be wrong, not merely because he does not know what he is doing but

⁶⁸ It is possible to apply chaos theory more narrowly to contemporary criminology. Edwin Sutherland is an important criminologist in the 20th century because of he spent decades studying the link between social chaos, deviancy, and crime (Sutherland, 1960). His work is particularly relevant because his criminology was infused with ethnography (Sutherland, 1988).

precisely because he is answering a question and he will make the reply in terms of you and not in terms of the objective thing he is doing.

The usual interview protocols are particularly controversial in carceral research because many of the subjects have had literally no positive experiences with interviews in their past. For most prisoners, interviews happen in police holding cells, courtrooms, and social science research projects. Prison ethnography provides another way, and this alternative approach informs every aspect of Carceral Choice Analysis.

6.2.2 *Principles & Practice*

Carceral Choice Analysis is one method of bringing quantitative comparative analysis to the rich complexity of ethnographic fieldwork with prisoners and parolees.⁶⁹ Here are several of its guiding characteristics:

- **Narrative Focus**

Carceral Choice Analysis should not be viewed as distinct from ethnography. It is a quantitative tool to extend ethnographic participant observation into comparative analysis. Ethnography provides insight into the intersection between a prisoner's choices and the bureaucracy and infrastructure that confines them. Carceral Choice Analysis counts these points of intersection and uses this data to make comparisons between different institutions. The goal is to calculate a score that is indicative of how a given institution accommodates the volition of its inmates. Basically, does a programme actually include prisoners in the rehabilitative journey, or is the rhetoric just there for show.

However, assigning these scores can never be a strictly quantitative exercise. Carceral Choice Analysis cannot be something clinical and detached, because the weight and significance of the choices being studied will always be a subjective scale. Visualise this distinction through the metaphor of a piano concert. What would it mean to count and diagram the choices that align with the performance? It would be quantitatively possible to count every keystroke, but it would also be ridiculous. Carceral Choice Analysis is about identifying significant points of intersection

⁶⁹ The reason for the *Carceral* emphasis of this choice analysis is that questions of volition play an intensely significant role in a prison environment. Any ethnographer will study the web of choices that defines a given sub-culture, but this takes on an urgency in the shadow of a total institution.

where individual choice is accommodated on an institutional level. To continue the metaphor, it would track the decision of the pianist to practice every day, and also track whether the conservatory was willing to provide studio time to accommodate this decision. It would track the student's decision to engage a teacher, but also the quality of the teachers that the conservatory had in its faculty. The choices need to be significant—both for the individual and the institution—before Carceral Choice Analysis should pay attention, and ethnography is required to make the distinction. Carceral Choice Analysis relies on a narrative, and this can only be determined through participant observation of the inmates and parolees themselves.

- **Ethnographic Comparison**

Carceral Choice Analysis is a useful strategy to focus ethnographic participant observation on moments of decision in the experience of its subjects, but there is a further purpose for this tool. One of the weaknesses of ethnography as academic research, is that it is difficult to make comparisons between case studies. The deeper participant observation goes, the more each case study seems uniquely complex. In the words of one prison ethnographer,

Teenage offenders are the most complex creatures evolution has presented us with. Quantum physics, with subatomic particles constantly in flux, comes closest to capturing their ever-unfolding state. Ronnie may think that witnessing a stabbing led him to fantasise about stabbing his aunt, and that in turn led to his criminal behavior. But a whole constellation of factors had come together to turn Ronnie into a violent young offender (Hubner, 2005, p. 45).

The complexity of ethnographic research does not easily transition into generalised policy development. The programmes themselves accentuate this difficulty. The nature of fundraising for a non-profit organisation dedicated to rehabilitation requires each program to differentiate itself from a field of competing NGO's. It is not enough to be another local response to a national crisis—the curriculum and the culture need to be unique. This self-proclaimed exceptionalism may be useful in boosting staff morale or motivating fundraising, but it makes it difficult to compare and contrast between programmes.

Carceral Choice Analysis creates a numerical scale that represents a programme's dedication to including prisoners and parolees as equal participants in their own rehabilitation journey. There are two elements that make this comparative analysis possible. First, the factors that are being

counted relate as much to institutional policy as they do to individual psychology. As per the previous quote, it is impossible to quantify the complex psycho-social factors at play in each participant's decision-making, but it is relatively straightforward to assess the places where institutions make space for this psychology on a structural level. It may be impossible to track the subconscious forces that lead to a prisoner's choices, but institutions can be quantified.

This leads to the second aspect of Carceral Choice Analysis as a tool for comparative analysis. It is not enough to track volition—this is standard practice in participant observation. To make meaningful comparisons, these points of decision-making need to be tracked on a binary level. Either a given policy or procedure is present in an organisation, or it is not. It is simplistic to reduce each factor to a “yes” or “no” answer, but the alternative is impossibly subjective. At the beginning of this research, I was hoping to rate each factor on a sliding scale. Unfortunately there was no meaningful connection between what a parolee felt about my questions, and the number they chose to quantify their opinion. Ranking the intensity of opinion on a numerical scale is a western, academic paradigm that was completely foreign to the men and women I was studying. Section 5.2.4 will discuss some of the ways to accommodate subjectivity and nuance, but quantitative comparative analysis requires binary data.

- [Institutional Accountability](#)

Carceral Choice Analysis relies on participant observation, but it goes beyond prison ethnography. Ethnography is a descriptive tool to draw narrative and meaning from complicated social environments, but it is essentially reactive—it is analysing what has already occurred. Carceral Choice Analysis begins in this narrative frame, but it goes beyond it. The comparative analysis in the previous section makes Carceral Choice Analysis relevant for policy design and institutional accountability. Every prison pays lip-service to rehabilitation and volition, but Carceral Choice Analysis indicates whether these principles are evident on a structural level.

Prison ethnography is the best way to understand what is actually happening in carceral institutions, but policy reform needs a forward-looking perspective that can describe what is possible. Carceral Choice Analysis holds institutions accountable for a series of factors that represent best-practice for rehabilitation in their institutional setting. Chapter 3 of this thesis

introduced the Department of Correctional Services' experiment with halfway houses, and the next chapter will explore how these programmes can be held better accountable.

6.2.3 *Fifty-One Factors*

Carceral Choice Analysis is an analytical scale that breaks an inmates' or parolees' carceral experience into component parts. The purpose is to measure an institutional not an individual, and in this case the focus is halfway houses. The parolee's involvement with the halfway house is divided into five chronological stages.⁷⁰ Spread across these stages are fifty-one different points of decision where both the institution and the parolee have an opportunity to engage with each other in a meaningful way. These factors represent a program's commitment to volition—are their parolees given the power of choice, or are they treated like minimum-security inmates? For the purposes of this thesis, I have named these points of inflection “factors”, and each one is associated with a question. Added together, the presence of these factors in a halfway house provides an institutional ranking or grading for the programme. This score will in turn allow for comparison between programmes.

It is important to note that each question can be answered with a simple “yes” or “no.” This binary rating is the key to making comparisons between case studies. Ethnographic participant observation will allow a researcher to answer each question, but then these “yes” answers can be counted, and their sum will be a numeric score for the halfway house in question. A higher number means more factors are present in the halfway house, and thus represent a stronger commitment to honouring the volition of each parolee. Some of these factors are simple to measure, while others will require extensive ethnography to assess. As a general principle it requires at least a week of participant observation to assign accurate scores, but for most of the case studies in this research I have been watching them for years.

⁷⁰ It is interesting that DCS Draft Policy Procedures on Halfway House (2013) also includes five stages in its approach: Unit 1: Pre-Admission/Pre-Sentence, Unit 2: Admission, Unit 3: Supervision and Control, Unit 4: Monitoring and Evaluation, Unit 5: Termination. There are twenty-five factors included across these stages, but only three of the fifty-one factors identified through my ethnography overlap. The recurring theme throughout the whole document is that the Department of Correctional Services has broad authority to hold their halfway houses accountable, but there are no standards included for what this accountability should look like. Chapter 7 will include a full examination of this policy and a reform proposal.

As mentioned in the introductory section 6.2 of this chapter, Carceral Choice Analysis is not limited to halfway houses. These principles could be applied to identify new sets of factors in any total institution and then group them into appropriate stages of chronology. However—this style of choice analysis cannot be effective outside of a carceral setting. Each factor says as much about the institution as it does about the inmate. It is never just about individual choices, but how these choices evolve within an institutional context. However, for the purposes of this thesis I have used halfway houses to demonstrate Carceral Choice Analysis. Appendix C lists fifty-one factors that I have identified through my research. They are organised around five broad chronological stages that represent a parolee's journey through a residential aftercare program or halfway house, and numbered accordingly. Please see Appendix C for a full description of the five stages and the fifty-one factors.

6.2.4 *Limitations*

Carceral Choice Analysis is a powerful ethnographic tool to assess halfway houses on a comparative basis, but it has some limitations. Some are deliberate choices in my attempt to focus the research design, but some are larger challenges that are inherent in ethnography as a methodology. Some of these limitations could potentially be overcome with an extensive longitudinal study, but the fact remains that researching parolees in their attempt to transition out of prison will always occur in the confluence of qualitative and quantitative research. The following limitations need to be acknowledged:

- **Institutional Bias**

Carceral Choice Analysis prioritises the point of interaction between parolees and the institutions that house them. Every one of the fifty-one factors included in the assessment tool says as much about the institution as it does about the parolee. This is the most significant point of departure from forensic crime-scene analysis (which focuses predominantly on the decisions of the perpetrator), and it is a deliberate choice.

The reason for this bias is to push the study of parolees away from a narrow language of personal responsibility. Since the beginning of recorded history, crime has been described in moral terms of personal virtue. This normative vocabulary is not going away, but it cannot be used as an excuse to ignore the institutionalised forces that constrict human volition. Even in secular, post-

modern academic circles, the language and emphasis of psychology is still predominantly on the individual.

This focus on the individual psychology and morality will always be present in any debate over criminal justice reform, but all too often it provides a smoke screen for politicians to blame parolees for their own failure with little regard for the institutional forces that may be at play. It is also extremely difficult to make any kind of quantitative comparison between programs when the valence is individual morality. Institutions can be counted, but virtue is ambiguous. For both reasons, Carceral Choice Analysis includes only those factors that relate specifically to a parolee's interaction with their halfway house as an institution.

- **Geography**

Carceral Choice Analysis is split into five stages that are arranged in linear chronology to describe the parolee's trajectory through the entire programme. This method seemed the most intuitive way to organise the fifty-one factors, but there were other options. Another possibility for Carceral Choice Analysis would be to group the factors nodally around different significant physical locations in a parolee's life: the prison, the local neighbourhood, the workplace, etc. This could have demonstrated some interesting patterns but was lacking in two significant areas: Time and Institutional Emphasis.

One of the most complicated and influential phenomena in the criminal justice system is the relationship between a prisoner and time. The length of a sentence has intense social, psychological and physical ramifications (as documented in chapter four). If Carceral Choice Analysis were organised around geography instead of chronology, the model would have been lacking.

In the same way, clustering the factors around different geographic locations would have shifted the emphasis away from the halfway house as an institution and placed it upon the individual—as the only link between all the locations or nodes. As stated in the previous section, Carceral Choice Analysis is intended to diagram an institutions engagement with its clientele. I wanted the halfway house to be the point of connection for every factor, not the parolee's daily schedule. Even though Carceral Choice Analysis is not explicitly organised around geography, the assessment tool includes locations in a number of factors (1.1, 1.4 and 1.6 deal with the prison; 1.5, 2.7, 3.9, 4.5-4.7, 4.10, 5.1, deal with the community; 3.2, 5.7, 5.8 deal with employment and

every single factor relates to the halfway house). This geographic data is not as cleanly organised as it could be under a nodal concept map, but it is still available.

- **Timeframe**

Once I decided that linear chronology was the best way to structure the factors, there was still a question of parameters. The five stages of Carceral Choice Analysis span a series of months, but an argument could be made that there are at least four stages within a single day: Breakfast & Chores, Morning program, Lunch & Afternoon Program, Dinner & Evening Program. Because of a parolee's struggle with delayed gratification, it is arguable that the rhythm of daily routine is equally significant as their macro, eighteen-month trajectory.

This would be a perfectly valid way to structure Carceral Choice Analysis, but it does not put enough emphasis on what comes before a halfway house, or on what comes afterwards. It is futile to engage with the residential treatment of parolees without discussing the prison that created them. Factors 1.1-1.8 are all looking back into a parolee's incarceration. It falls well outside the daily routine, but it colours everything a parolee does.

In the same way, Factors 5.1-5.10 deal with life beyond the halfway house. If one of the objectives of Carceral Choice Analysis is to facilitate comparisons between programs, this final stage is crucial in determining a program's success. These factors are deliberately not linked to the daily routine, and yet they are the best indication if the daily routine has any value. Carceral Choice Analysis chooses to emphasise the evolution of a parolee's experience, rather than their daily routine.

- **Binary Assessment**

One of the most important limitations I chose for Carceral Choice Analysis is to make the presence of each factor a binary consideration. Each factor is defined by a question that is answerable with a simple yes or no. Originally I expected each of these factors to be ranked on a Likert scale. It seemed simplistic to only have two options.

However, this is one of the most significant weaknesses in my formal interviews. As my questions illustrate, in my initial interviews I asked parolees and staff members to rank the intensity of certain factors on a Likert scale from one to ten. Very quickly in my interviews, I realised that

this was not effective. The number ranking of a factor was completely subjective. Three interviewees would give almost identical answers to a question, and yet choose three completely different numbers to describe those answers. If part of my goal in creating Carceral Choice Analysis was to create a statistically infused ethnography that could compare different programs, it was clear that sliding scales were of negligible value.

I still found it interesting to see how my interviewees used the sliding scale in their responses, but any comparisons needed to be restricted to the interview itself. For example, it is useful to know how strongly a parolee feels about a programme's smoking policy in relation to its visitation policy, but the numbers she chooses cannot be compared to the numbers another parolee chooses. This is true for interviews that happen even in the same programme, and it is doubly true for comparisons between programs.

It might be simplistic, but if there is any chance to compare different halfway houses to each other the factors needed to be binary. Yes or no—that is something that can be counted. Ethnographic participant observation has allowed me to break complicated social dynamics into small, quantifiable component parts, but meaningful comparisons demand binary data.

▪ Weighted Emphasis

As is the nature of qualitative research, limitations beget limitations. Because Carceral Choice Analysis relies on measuring each factor on a binary level, this creates a challenge of emphasis. In this model, comparisons between two different halfway houses require counting and comparing how many of the fifty-one factors are present in each programme. However, there are obviously some of the factors on this list that are vastly more significant than others. It is ridiculous to equate Factor 5.8 “Job Placement – Does the organisation maintain relationships with a network of potential employers” with Factor 3.11 “Animal Care – Are the parolees allowed to have a pet?”.

Based on the recent interviews and my participant observation over the past twenty-one years, it is clear which factors deserve weighted importance. The simplest way to create emphasis in the scale is to break a complicated task into smaller component parts. This makes it possible to keep Carceral Choice Analysis in a binary scale, but also allows for sophisticated qualitative weighting.

Fortunately, the linear chronology of Carceral Choice Analysis makes these distinctions natural. The factors that should have more weight will organically feature in multiple stages of the scale. They may even occur multiple times in some stages. This allows some factors to be given more weight and emphasis than others, while still maintaining the binary nature of the assessment tool. One example of this trend is a parolee's relationship with staff. This is obviously one of the most significant elements in any successful programme, and so it needs to be emphasised in Carceral Choice Analysis. Factors 1.1, 1.2, 1.4, 2.1, 2.5 3.4-3.6, 5.1, 5.5, 5.6 all directly related to this strategic theme.

I did not set out to emphasise some factors over others. Building the scale for Carceral Choice Analysis was an organic act. The interviews and participant observation describe each moment in the halfway house where a parolee had the opportunity to make a strategic choice. Over the course of this research there has been a continual growth in the number of factors. Fortunately the distribution has not been even, and some stages have less than ten factors while others have more. It would have seemed too neat if there were ten factors evenly split into my five stages.

The weighting of some factors over others will always be a contested space, and this is why Carceral Choice Analysis is oriented not around a daily routine but a monthly evolution. If something is truly important, it will occur in multiple forms.

Trying to create a statistically infused ethnography that allows for quantitative comparisons between qualitative case studies is not a simple task. These five limitations each deserve further research, but none of these qualifications represent a structural weakness in Carceral Choice Analysis. They are limitations, but they are limitations in the service of sharper focus and greater clarity.

6.3 CASE STUDIES – FOUR SOUTH AFRICAN HALFWAY HOUSES

On a personal basis, my first experience in South Africa as an intern in 2003 was living in a halfway house. I had not yet studied ethnography as a methodology, but it was clear that living alongside parolees would challenge all of my conceptions of criminal justice reform. I had been researching prisoner rehabilitation programs since 2001, but it is a very different experience to share a bedroom with a newly released parolee. Criminological theory has become increasingly sophisticated, but the physicality of incarceration keeps the discipline grounded. The debate over rehabilitation

condenses into the tension between two rooms. What happens when a prisoner moves from a prison cell to a bedroom?

This thesis focuses on four halfway houses, but it is necessary to acknowledge the hundreds of parolees who have informed my perspective. It is not ethical to list them by name, because many have successfully integrated into new communities where they have escaped the stigma of their prison number. However, it is fitting to recognise Henry Brown and Morne Van Der Vindt. These men were among the first parolees I lived with, but they have sadly died. I acknowledge them as proxies for all the men who cannot be credited in these pages. They would not feel uncomfortable being named in this research, and in fact would insist upon it. Both men were honest about their criminal record with everyone they met, and it only made their accomplishments more significant. They had overcome considerable prison sentences, and gone on to build families and careers on the outside. Each was taken too early from their work by violence and disease which falls disproportionately on parolees with limited resources. Both men intended to open a halfway house with me someday, and in many ways this thesis is a continuation of their vision and their work. I regret that I could not take Henry and Morne with me to visit these four halfway houses with me, but I am still benefiting from their perspective. Before I began my ethnographic research into these four case studies, I had the benefit of listening to parolees for nineteen years.⁷¹

These case studies draw on twenty-two formal interviews, but this is far less than the fifty originally intended at the outset of this project. When I compared the result of my interviews with my unscripted participant observation, it was clear where the bulk of my research needed to focus. In my interviews, the subjects were often guarded and awkward—even when it was with parolees that I had known for years. As soon as we were interacting in an unstructured environment, however, they were willing to share deep insight—both about their programme and their personal journey. The conversations that happened over a pool table or a cup of coffee were worth far more than anything captured on mic.

⁷¹ I visited my first halfway house in 2001. It was the Essex County Correctional Alternative Centre—a day-parole facility in Lawrence, Massachusetts. David Boeri has a good profile of the programme: “Life on ‘The Farm:’ Lawrence Jail Prepares Inmates for Re-Entry” WBUR Local Coverage – 12 April 2011. (<https://www.wbur.org/news/2011/04/12/prison-re-entry>)

I value the formal interviews—especially because the digital recordings allowed me to quote their words directly—but there is a conceptual flaw in relying on interviews for carceral research. Most parolees have never had a positive experience with interviews. Indeed, their only previous exposure was police interrogation. The informal time spent with these parolees (participant observation) went a long way towards putting them at ease, but the whole interview process still felt contrived. After researching these case studies, it is clear that ethnographic participant observation is the gold standard for carceral research. Formal interviews will always have a role to play, but they do not deserve the priority status they have been given in qualitative research.

Here is a brief description of the four halfway houses that became the case studies for this thesis. These summaries are structured using the five stages of the Carceral Choice Analysis scale and include direct quotes from my interviews. There are digital records of all these interviews, but I have made slight changes in grammar or syntax, so as to not disadvantage those for whom English was not a native language. The full names of these interviewees have only been used when they specifically requested it. These summaries are deliberately brief, because the purpose was not to create an ethnography of any particular halfway house. Rather the goal is to test how Carceral Choice Analysis functions in the comparative analysis of four different programmes. There is just enough ethnographic texture to justify the score at the end of the chapter.

6.3.1 *Beauty for Ashes*

This programme is significant because it is both one of the oldest halfway houses in South Africa, and one of the few that caters for women.⁷² It was founded in 2011, and it was the second non-profit organisation to receive a tender from the Department of Correctional Services (the first NGO is not currently in operation). At one point they operated two homes and could accommodate between twelve and fifteen women at a time. However, because of delays in DCS funding they have lost one of their homes and may soon lose the other. Here is a summary of my ethnography at this site, spread across the five stages of the Carceral Choice Analysis scale:

⁷² Before Clean Slate founded their halfway house in East London in 2022, they were the only halfway house for women. There are other sober-living opportunities and rehab centres, but these programmes do not cater for parolees, and in many cases deliberately exclude them.

Intake

Because of Beauty for Ashes maturity as a programme, they have several structural advantages. The first is reputation—every female prison in the Western Cape is well acquainted with its halfway house. The Department of Correctional Services does almost nothing to publicise any of the halfway houses⁷³ but in this case, the inmates effectively spread the word. As one parolee observed,

Some girls who was (sic) here [in Pollsmoor prison] already talk about this Beauty for Ashes...but I hear some of them talk good things and some of them talk bad things because we, like our people, it's like when you get something good you take it as bad and when you find something bad you take it as good. So, I decided to myself, I'm going!⁷⁴

Beauty for Ashes does not run programmes inside any of the female correctional centres, but it appears that informal networks of communication within the prison are sufficient at spreading awareness.

The age of the programme creates additional benefits for the intake process. Since Beauty for Ashes is one of the oldest halfway houses in the country, they have strong clarity about the kind of clients that will be successful in their programme. It is hard to quantify the benefits of institutional memory, but it seems to correlate with a higher factor score on the Carceral Choice Analysis scale. This is intuitive because it takes time and experimentation to develop a holistic program.

As a halfway house catering to women, Beauty for Ashes faces an additional challenge. Their clientele comes from a place of deep psychological trauma. In the twenty-one years I have been working with prisoners, I have never met a single woman who was not the victim of significant trauma. Many of the male prisoners and parolees have also experienced trauma in their past, but it was at a lower rate. Gender disparities in the traumatic experiences of prisoners are a topic worthy of its own thesis. For the purpose of this ethnography, however, it is enough to recognise that every woman I met in Beauty for Ashes had been the victim of extreme trauma. One of the parolees was willing to share this experience with me:

⁷³ This is demonstrated in the previous chapter, in my difficulty in building a database of South Africa's halfway houses.

⁷⁴ "Maria" (2021) Interview by Andrew May.

I grow up with my stepfather and he was also very cruel with me, because when my mum sent me to give him food, he will always slap me in the face or choke me or turn my ears or push me away, something like that. Until the day he raped me. My mum wasn't home, he carried me on his back to the river. He raped me, throw me in the water, in the river.⁷⁵

Unfortunately, this trauma is not confined to a parolee's past. Most of these women have been targeted by members of their own families, which makes the Intake Stage of this process increasingly difficult. Beauty for Ashes was very successful in giving their clientele a clean break from damaging home situations, but it is much more difficult to reengage with a parolee's extended family later on. "Nandi" described her struggle with her sister, and how this prejudice led her to seek a fresh start through Beauty for Ashes, "Sometimes if I buy food and cook myself, then she will tell her kids 'don't eat because that one will poison you,' so how... then I began to think okay, because I killed this boyfriend so I'm a killer. Everywhere I go there will be this name of being a killer".⁷⁶

The only structural weakness with this intake procedure, is that it is too centralised in the hands of a few top leaders. There is little involvement from the other parolees, which is a lost opportunity to build ownership and community. When all the decisions are centralised, it can lead to isolation. Beauty For Ashes does not have a meaningful presence inside prison, and they are also limited in their outreach to prisoners' families. There is engagement, but it is piecemeal. Beauty For Ashes has the strength of a formal intake process—including a written application and an interview—but this process is heavily dependent on the founder, Mrs. Stephanie Van Wyk. They have been very successful with this stage of the programme (they demonstrated 5 of the 7 factors in this stage), but there will need to be a wider staff engagement if Beauty for Ashes will be successful once Mrs. Van Wyk retires.

Orientation & Probation

Beauty for Ashes does not use a heavily structured orientation process, but this is supplemented by a high staff to client ratio. They keep less than eight parolees in each house, and these women are supported by two full-time staff workers and a team of volunteers. The goal is to make each new parolee feel like they being welcomed into a family, so most of orientation is relational. In

⁷⁵ "Mary" (2021) Interview by Andrew May.

⁷⁶ "Nandi" (2021) Interview by Andrew May.

terms of the programme, new parolees are fully integrated into the daily routine without delay or probation.

The immediate focus is on the physical needs of the parolee, which is an intuitive place for a halfway house to begin. The parolees have long-term plans and dreams, but it is their immediate, physical wellbeing that keeps them trapped in a “fight or flight” response. In the words of one parolee, “When I first came here I didn’t have toiletries and stuff, I didn’t even have clothes. I didn’t even have shoes... when I came here I got toiletries and I got clothes and I got shoes, so I was welcome.”⁷⁷ It is meaningless to discuss rehabilitation with someone who has no shoes. It is possible to overlook these physical requirements when dealing with prisoners before their release, because the prison authorities are supposed to provide for these needs. A halfway house cannot make this mistake. Their orientation procedure must immediately provide for the physical necessities of its clientele, or the parolees will simply leave. Beauty for Ashes may not have a formal orientation programme, but they are very successful in making new parolees feel welcome.

The focus on physical provision takes on a symbolic role in the programme. It is a structural way of affirming the parolees that they belong. Newly released parolees are always looking over their shoulder. As “Melanie” describes the challenge, “It’s big. It’s still a challenge. It’s big because you’re scared. What if you do something? You might think it’s right, but in Correctional Services’ eyes it could be wrong, so you might be going back. So you live with that fear all the time.”⁷⁸ The most important thing a new parolee needs is affirmation, and by supplying clothes and toiletries, the programme is actually speaking to the mental health of its clients. Beauty for Ashes may not have a very formalised orientation process, but they understand how to make women feel safe.

Training & Mentorship

The relationships that Beauty for Ashes establishes during its orientation stage create a strong foundation for the training and mentorship of Stage Three. They have created a space where parolees can move beyond their “fight or flight” impulses, and ask larger questions about what their life could become after incarceration. This stage is about much more than simple skills

⁷⁷ “Mary” (2021) Interview by Andrew May.

⁷⁸ “Melanie” (2021) Interview by Andrew May.

development—it is about narrative. Most parolees begin with a deep sense of insecurity. As one interviewee stated, “Well, I’m a convict. I don’t know what else to say.”⁷⁹ This stage of the programme is an opportunity for parolees to develop a new concept of themselves. The staff of Beauty For Ashes is experienced in facilitating this narrative.

As the founder, Stephanie Van Wyk, observes, “You need to assess them, I think where their exact needs are. Not tell them what their needs are. They must tell you.”⁸⁰ Beauty for Ashes does not have a formalised programme to build Individual Development Plans for its clients, but it has deep relationships with a high staff-to-client ratio, which is vital to crafting these narratives. Because of its maturity as a programme, Beauty for Ashes has developed a wide range of accredited training opportunities for their clients. Parolees have even been sponsored to receive licensed certification as health care workers. The fact that South African communities are quicker to accept female parolees than males is a structural advantage for Beauty for Ashes and its training programme. They have been successful in getting their clientele out of the house for external training. However, there will always be smaller, informal opportunities for parolees to learn within the halfway house. In my interview with “Melanie” she recounts the opportunities that come just from living together in a purposeful way. “There’s a lady that comes and teaches us to crochet and knit, Euna [the house mother] will say, “Okay, today I’ll teach to cook a special dish or just get you involved in something to make...she was making baby blankets for new-born babies.” Again, these internal programs are not particularly structured or coordinated into an Individual Development Plan, but they are happening.

Another key element of Stage Three is the implementation of a discipline policy. Parolees are often on their best behaviour at the beginning of the programme, and this “honeymoon phase” can obscure some structural problems when the discipline procedure was first explained during orientation (factor 2.9). As expectations rise during training opportunities, there will naturally be chances to “stress test” the discipline policy. Beauty for Ashes has the advantage of strong relationships between staff and parolees, and this has led to a very organic approach to discipline. In the words of Euna Goliath, the house mother,

⁷⁹ “Melanie” (2021) Interview by Andrew May.

⁸⁰ Van Wyk, S. (2021) Interview by Andrew May.

Only time, only time. We don't have a punishment. We can't tie them up or whatever. We don't want to do that. They're free. We want them to feel free, but you made a mistake so you must be disciplined...Only punishment we have is taking time away, taking the thing away. If the phone was the problem, you won't have your phone for two weeks or a week you know.⁸¹

One challenge of this flexible, relational approach is that discipline can lose some of its consistency. One of the parolees I interviewed who had been a previous client of Beauty for Ashes complained that there was sometimes favouritism in the discipline policy, and that consequences were enforced in an arbitrary manner. All told, however, Beauty for Ashes is oriented around a family model, and the strength of these relationships drives both the training and the discipline. In “Nandi’s” words, “I like the way they do things because we were never raised by both parents *mos*, most of us. So there’s a little bit of fatherhood that was not there, or motherhood.”⁸²

Privilege & Leadership

The previous stage of training and mentorship establishes a base-level routine, but it does nothing towards the ultimate goal of transitioning a parolee into the community. I saw a contrast at Beauty for Ashes between those parolees who were essentially comfortable with the status quo, and those who were actively pursuing a new life for themselves. “Melanie” was not working towards any long-term goals. She was very grateful for the safety and comfort that the programme provided, and that was enough. “You’re part of the family. That’s the reward.”⁸³ She was participating in house activities to stay busy, but she was not involved in any outward facing activities. Beauty for Ashes does not have a formalised coaching structure or Individual Development Plan to push her towards new accomplishments, so she had essentially plateaued at Stage Three of the Carceral Choice Analysis halfway house scale.

Parolees like “Melanie” are actually a danger for halfway houses on a structural basis. They are easy and accommodating, so they avoid the attention of administrators. Because they are not actively causing problems, they escape notice. This is bad—not only because every client deserves staff attention—but because it can create a structural complacency throughout the organisation. A critique of halfway houses is that they are just ‘warehousing’ minimum-security inmates. The

⁸¹ Goliath, E. (2021) Interview by Andrew May.

⁸² “Nandi” (2021) Interview by Andrew May,

⁸³ “Melanie” (2021) Interview by Andrew May.

moment a programme allows its parolees to coast through without growth or challenge, they face the risk of irrelevancy.

“Mary” was a direct contrast to “Melanie”, and she represented another group of parolees at Beauty for Ashes. The fact that there was not an Individual Development Plan did not matter for her, because she was ambitious. In her words, “If you want to change your life, it depends on you. If you really want to change then you will allow this place to change you.”⁸⁴ Parolees like “Mary” are the proof of how important Stages One and Two are to a successful halfway house. If the screening and on-boarding of a new parolee is done correctly, it makes the future stages much simpler. If programmes can identify self-motivated parolees, even the most basic programming can be effective.

Exit

Beauty for Ashes has been moderately successful placing its clientele into jobs, and this has given them a strong reputation in the community. They are building confidence and self-sufficiency into their parolees, and this is central to their identity. “Nandi” captures this attitude, as she describes what she finds most valuable at Beauty for Ashes. “The education, which no one can take. Even if I decide to go tomorrow, or maybe I’ve got a conflict with them tomorrow, they won’t take away that education. You see wherever I’m going I will still think ‘Oh, Beauty for Ashes gave me something that no one can take away’”⁸⁵. If a parolee is motivated, they will finish the program with a new skill set and the guarantee of a basic job.

However, the successful transition out of a halfway house is about much more than just employment. Beauty for Ashes is proof of the crucial significance of safe housing. All of the progress that these women have made is directly linked to the safety they experience in the group home. I was reminded of this as “Nandi” reflected on her dysfunctional living situation before she joined the programme:

There’s no support here [in her home] so I was forced in a relationship whereby I didn’t want to be in that relationship but I wanted to be... I wanted a space... a shelter. I needed a plate of food, so I learned to love this man because of that, but what I didn’t want to do was move in with this man because of my past relationship which led me to prison you see. So I told myself I’m not even going

⁸⁴ “Mary” (2021) Interview by Andrew May.

⁸⁵ “Nandi” (2021) Interview by Andrew May.

to tell him because he also had this love now, but I don't want to go there, staying with him, I couldn't share with him everything because if you share mos with a boyfriend, 'your family doesn't want you, doesn't like you anymore,' then you become weak, then he knows he's the only one then you know he'll abuse you.⁸⁶

It seems that most of the women who graduate from Beauty for Ashes do not make enough wages in their new job to cover rent in a safe environment. This puts them back at the mercy of their family or their romantic partners. If a halfway house cannot connect their graduates with safe accommodation, they represent at best a momentary reprieve. Beauty for Ashes has engaged with this challenge by trying to improve the relationship between the parolees and their families. They have partnered with the Restorative Justice program of Hope Prison Ministry in an attempt at healing the relationship between the parolees and their families.

A recurring theme throughout my participant observation and interviews at Beauty for Ashes is a desire to build a home and a family for newly released women, in the hope that they would build something for themselves someday. The house mother, Euna Goliath says it well:

The purpose of the programme is rehabilitating women, like me. Like I've been once upon a time [she had once been a prisoner herself]. For me it's good because why, it's an outcome for people you know. It's not just a prison place because you come from prison. It's a home. It's a real home. It's a house that you will say, "I live here." You feel free, you feel good...I didn't come in here as a prisoner... I'm wanted, I'm seen... I have dignity.⁸⁷

This was the guiding objective from the moment of the intake in Stage One, and it continued straight through graduation in Stage Five. There is not much structure at Beauty for Ashes, but the commitment of staff and volunteers to make every participant feel welcome is consistent throughout the programme.

6.3.2 *Beth Üriel*

Founded in 1987, Beth Üriel is the oldest halfway house in country. One of the benefits of its age is a large property in the centre of Cape Town. In the 1980's it was still possible for a non-profit organisation to acquire real-estate in the city. Halfway houses normally keep a low profile to avoid public scrutiny, and yet Beth Üriel has a brightly painted mural that demands attention. They offer a popular coffee shop to local students and commuters, and they are a well-accepted feature of the

⁸⁶ "Nandi" (2021) Interview by Andrew May.

⁸⁷ Goliath, E. (2021) Interview by Andrew May.

neighbourhood. They have created a positive brand for themselves in a community that is normally hostile to parolees.

This is possible because Beth Üriel is not exclusively a halfway house. They made a strategic decision to integrate their parolees into a larger programme for young men with disadvantaged backgrounds. The clients range in age from late teens to late twenties, but their backgrounds are diverse. Some of the young men are refugees. Some were formerly homeless, while others arrive from the government's foster-care system. The program has twenty-six beds, but they keep the number of parolees low (during my participant observation I met five). They understand the stigma and prejudice that parolees' experience, and they have made the decision to minimise their contact with the Department of Correctional Services. Relatively few ex-prisoners receive support, but it seems to create a higher standard of service delivery. The size and the mixed clientele are immediately what sets Beth Üriel apart, but their programme easily fits the definition of halfway house presented in the introduction to this thesis and can be dissected by my Carceral Choice Analysis scale.

Intake

Larger programmes like Beth Üriel cannot afford to be flexible with their intake process. A large clientele from diverse backgrounds creates a number of challenges when it comes to building community in a residential program. Because most of Beth Üriel's participants are not parolees, the program does not have the benefit of parole officers to help them control behaviour. The difference in age, lifestyle and parole status means that participants will be playing by several different sets of rules or expectations. For example, an eighteen-year-old finishing his high school degree will have a very different schedule than a twenty-five-year-old parolee who is working in a local factory. The only way to accommodate this diversity is a rigorous intake process to make sure that all of the clients really want to be there. These questions of volition are what make halfway houses such a compelling sub-culture within the criminal justice system. They represent structural accommodation of individuality in a way that is unique in the broader prison-industrial complex.

More than any programme I have seen, Beth Üriel has built a narrative of personal responsibility. Whether I was talking to the staff or the participants, there was unanimous

agreement that there were significant opportunities available, but they would require commitment and discipline. As one of the staff said, “So, in the end, it needs to be the own person’s choice to be here. Because sometimes if someone doesn’t really want to be here or if they have other places to stay then there’s going to be problems with that person’s behaviour in the house”.⁸⁸ From the moment a potential client is interviewed, there is a constant emphasis on the power of their choices. Carceral Choice Analysis is all about the power of embedding individual volition into carceral institutions; and Beth Üriel is a strong exhibit of this potential.

A recurring criticism of rehabilitation efforts is that in many cases the rhetoric of personal responsibility is an excuse for institutions absolving themselves of any responsibility. It is a farce to talk about personal choice in an environment that is designed to break down personal volition at every turn. Beth Üriel has a strong answer to this critique. They combine their talk of individual volition with a staff that is deeply compassionate. Parolees are very sensitive to any kind of judgement, but every ex-prisoner I spoke with at Beth Üriel was emphatic about the kindness he had received. In one parolee’s words,

How we call it, this house... organisation. Ja. Make door open for me to accept me as I am. And they didn’t keep my background against me. They didn’t think about me as an ex-prisoner. They accept me as I am, never less. They didn’t ask me for what was I in prison. The past is in the past and they didn’t hold past against me.⁸⁹

This balanced emphasis on personal responsibility and grace is at the core of Beth Üriel’s intake policy, and it represents the best potential for halfway houses. This ideology or narrative comes naturally to Beth Üriel for two reasons. First, as a religious organisation there is a recurring narrative of forgiveness, interwoven with responsibility. It might seem difficult to weave these two themes together, but the culture they have built as a faith community makes this possible. Beth Üriel is explicitly open to young men from all different backgrounds and beliefs, but the program is unapologetically Christian. Their intake procedures take on a form of mutual consideration—as much as the staff are testing the commitment of a new applicant, the potential client is also deciding whether Beth Üriel is a community where they will feel comfortable.

⁸⁸ Akkerman, M. (2021) Interview by Andrew May.

⁸⁹ Stoffels, E. (2021) Interview by Andrew May.

The second reason Beth Üriel has achieved such a successful balance in their community, is because they have two ex-prisoners on staff. They have the advantage of four full-time staff positions—supported by a team of volunteers—but they explicitly wanted some ex-prisoners to be represented. It is surprising how many halfway houses are not staffed by people who have first-hand experience with incarceration. There are complexities in hiring ex-prisoners (the experience of incarceration has extreme variation depending on sentence length and security classification) but it remains an essential ingredient. Wilfred Pergoe is the program coordinator and a parolee himself. In his own words,

So we don't believe in whatever mistakes you made. As I said, we have a leadership team that is Christians, which means the moment you step into that door, the opportunity is already waiting for you. So even for me coming here I was never judged and they never questioned my criminal record. I got a fair chance... It's up to that individual himself if he does want those opportunities, because we can help as much as we want to but we can't hold your hand along the way, all the way to the end. You have to decide if this is really what you want.⁹⁰

This is a sophisticated balance—the clients are held responsible for high level of personal accountability at the same time as they receive considerable empathy and support. I do not know if this would be possible if Beth Üriel did not have multiple ex-prisoners on staff.

Orientation & Probation

Having these two ex-prisoners on staff brings strength to the program in one of its areas of structural weakness. Because Beth Üriel serves primarily non-parolees as its clientele, it has weak connections to the prisons and any rehabilitation efforts happening there. There is little continuity or engagement with a parolee's life before their release. If Beth Üriel did not have staff with first-hand experience of incarceration, this could destabilise the entire orientation.

Because of the programme's size and its emphasis on a younger clientele, Beth Üriel has a fairly rigid orientation process. Some of the rules seem more like cultural markers—like a ban on wearing hats at meals—but these seem have a role to play in building a uniform community. However, the majority of the rules have an organic feel to them. Beth Üriel has the same prohibition on drugs and alcohol as all of the programs I visited, but they have a very simple consequence when someone makes a mistake. “If you show up high or drunk, come back

⁹⁰ Pergoe, W. (2021) Interview by Andrew May.

tomorrow. That's the first consequence."⁹¹ A night on the street might feel like an extreme punishment, but it is a very clear consequence. A recurring complaint in residential facilities is that the discipline is arbitrary favouritism, so when the punishment flows naturally from the offense, that is success.

Beth Üriel is able to integrate difficult candidates into a rigid program because they are actively seeking the emotional healing and growth of their clientele. In the words of one parolee,

That past will always be there. It will always be a part of my life that I went through this phase. So there is still a lot of healing to take place for me as well. And I think that, that is why I am here. To actually see for myself that I am not the only one that is going through such a pain. I am not the only one that needs to be healed.⁹²

If the clients of a halfway house are experiencing genuine compassion, it is easy to bring them through the orientation stage of a program. Sometimes halfway houses come under criticism as extensions of the carceral infrastructure. For a program like Beth Üriel, the sense of empathy and ownership that they have built into the community makes this criticism seem irrelevant. I asked one parolee about his position in the program, and he was almost confused. His answer, "My position here in the program? I'm a family member of the house".⁹³

Training & Mentorship

The close relationship between staff and clientele continues to be the driving theme into the next phase. Beth Üriel has a very well developed Individual Development Plan (IDP) but it is the energetic participation of staff that makes these plans relevant. The programme director Melvin Koopman prioritises the IDP, and the clients are motivated by his care and respect. "On paper, he's the programme director, but he likes to be the father of the house, and I think that is really awesome."⁹⁴ The clients of Beth Üriel genuinely believe that the staff wants their success, and this spirit of collaboration is the driving force behind their training program.

It cannot be overstated how rare it is to find genuine collaboration between staff and parolees anywhere in the criminal justice system. This is why the institutional nature of Carceral

⁹¹ Akkerman, M. (2021) Interview by Andrew May.

⁹² Pergoe, W. (2021) Interview by Andrew May.

⁹³ April, R. (2021) Interview by Andrew May.

⁹⁴ Akkerman, M. (2021) Interview by Andrew May.

Choice Analysis is so important. Many prisons have some kind of training program, but it represents a nuisance to the staff. Most correctional officers believe rehabilitation pulls valuable staff resources away from their security objectives. Training in most carceral environments is characterised by apathy or coercion. Either inmates must be compelled to change, or they should be ignored. This could not be further from the attitude of staff at Beth Üriel. As the house manager states,

So we have guys that are under eighteen and we try our best to help them finish matric. At the end of the day if that is not what you want, then we will try to give you skills. We have barista skills, we have woodwork skills, there is gardening as well. So if you are interested in doing something like that we will help you, but one thing for sure is you have to do something with your life. You have to uplift yourself. And we create these kind of opportunities for them to finish their schooling, to become independent or give them something that they can stand on. That is why this space is here.⁹⁵

Decades of experience have given Beth Üriel a wide network of training programmes and work opportunities. Their clientele genuinely believe they have a chance at building a new life for themselves. In the words of one parolee,

“You have to have a sober mind, a clear conscience. The requirements of you being in this place is also to take, do you know, just to take responsibility on like you know, find yourself... We are not going to spoon feed you. You have to, like figure out what you want to do... Make goals and then chase those goals.”⁹⁶

There is a strong feeling amongst the clientele that they have a legitimate opportunity to set substantive goals for their lives, and that the staff will assist them. If the goal of a halfway house is to create an institutional space to foster individual volition, Beth Üriel has succeeded.

Privilege & Leadership

A halfway house will orient itself around one of two narratives—either pity or leadership. The staff either views parolees as the object of charity that need rescuing from the community, or as the foot-soldiers for social change that will transform their community. Charity does not require anything of its recipients other than an open hand, but leadership comes with sacrifice. Beth Üriel

⁹⁵ Pergoe, W. (2021) Interview by Andrew May

⁹⁶ April, R. (2021) Interview by Andrew May

has strongly embraced the narrative that each one of its men has leadership potential, and they have built this into their programme on a structural level.

On a practical basis, this involves significant opportunities for leadership during the daily routine of the program. There are two different positions of responsibility available to parolees at Beth Üriel. They can be either a Family Leader or a Youth Care Worker. Both positions come with additional mentoring and even a small stipend. The goal is to take the normal household maintenance and utilise it for rehabilitation. So much of residential aftercare depends on the dedication of the staff, and Beth Üriel seems to have built a team that shares this vision for leadership development. The fact that there are two ex-prisoners on the staff team is a structural advantage in this area. In their words, “Well the time I was in prison, I said to myself, one day I like to work with young kids. Ja, to inform them how to stay out of prison, because prison is not a nice place for actual human beings. That is my heart’s desire, over a long time before I become a free man.”⁹⁷ The staff are committed to giving every young man at Beth Üriel the opportunity to experience leadership. This may begin with something small, like supervising a meal, but it can grow to full employment.

Exit

It is unfortunate that Beth Üriel does not have the resources to better track their graduates after they leave the program. Anecdotal evidence would seem to demonstrate a high level of success, but a longitudinal study would be needed to fully understand the program’s effect on recidivism. What is clear is that Beth Üriel has created an institution where young men are presented with the freedom and support to make new choices—and the confidence that those choices align with legitimate opportunities to improve their lives. In the words of one staff member,

In the end we can give them all the tools and opportunities that we want to give someone to try and make something of their lives, but still the choice has to be their own. We obviously very strongly believe that God plays a massive part in that. We can’t make that change.⁹⁸

⁹⁷ Stoffels, E. (2021) Interview by Andrew May.

⁹⁸ Akkerman, M. (2021) Interview by Andrew May.

This sentiment is commendable, but not uncommon for social workers or even correctional officers involved in youth development. The real evidence of success is that it is mirrored in the words of the participants themselves. As one parolee says,

Well, the main objective, and the purpose of this program is to get young people off the street, that want to make a change in their life, and to become strong, well-groomed young men and to make a difference out in the world. Because usually, the guys come here broken. But we leave here, stronger and better than when we came here.⁹⁹

Beth Üriel has a special dinner for everyone who completes the program, but this spirit of collaboration between staff and clients is what makes graduation possible.

6.3.3 *The Oaks*

The Oaks was only founded in 2019, but it is the strongest halfway house in the country. They have a sophisticated programme across all five stages, but there are several recurring themes worth emphasising. The first is an experienced staff team of five full-time employees (in addition to a network of volunteers). I have had the privilege of working with four of their staff members in earlier programmes going back to 2013. One of them I personally trained while he was still incarcerated. A strong team is the best indicator of a strong program (which is why so many of the factors from the Carceral Choice Analysis scale relate to it). This was emphasised by a quote from the house manager,

What's difficult about the program is I'm here most days and also the guys are new out of prison, and sometimes they go through difficulties that not even I understand, and so we connect with different people, of course, to help us, and what's difficult is we learn that no one man could do everything with one person in the program, and so it's a team co-ordination for everybody.¹⁰⁰

Many halfway houses try to function with only two staff—one house parent and a director—the fact that The Oaks can call upon two social workers and an entrepreneurship coach in addition to the house manager and program director gives it an advantage that is represented in the highest programme score on the Carceral Choice Analysis scale.

The Oaks can afford this payroll because they are one program of the Message Trust—a large Christian non-profit organisation from the United Kingdom. Financing is lean for anyone involved in residential aftercare, so their budget is an unusual exception. In a similar advantage,

⁹⁹ April, R. (2021) Interview by Andrew May.

¹⁰⁰ Jordann, F. (2021) Interview by Andrew May.

they own their own building and the coffee shop next door which they use for training. Many of the fifty-one factors in the Carceral Choice Analysis scale relate to financing, but Beth Üriel actually has a larger budget, and yet they scored worse than The Oaks.

Their strength is not entirely due to resources, however, and the Department of Correctional Services is proof that just because a programme has an extensive budget does not mean it will be successful. The following stages will show a depth in their approach that says more about their strategy than their budget.

Intake

Of the four case studies in this thesis, The Oaks is the only halfway house that extends its programme into prison. The fact that some of their staff are formerly incarcerated gives them an appreciation for reaching their clients while they are still inside. In the words of one of their team, “A guy who’s coming out of prison, he’s vulnerable. He’s not different from a refugee. He’s displaced.”¹⁰¹

It is not just for compassion that The Oaks maintains deep connections with the Department of Correctional Services. They believe in carefully screening each applicant before admitting someone to the halfway house. By working with the prisoners before they are released, The Oaks can be more selective with their admissions. The house manager Franz Jordaan describes this process,

the applications come through to myself and the social worker, Vanessa. We read through it. We interview the person. The rest of the Oaks home committee also interview the person. We get references from pastors and chaplains and people to see if the person really wants a chance for change. I think we really would not want somebody in the home that’s saying, “I’m not ready for change yet”.¹⁰²

Since I have observed The Oaks from the very beginning, I know that there were earlier times when they were willing to take a chance hosting parolees who did not go through this rigorous process. They learned the hard way that there is no shortcut on the intake stage.

¹⁰¹Ngxeke, M. (2021) Interview by Andrew May.

¹⁰²Jordaan, F. (2021) Interview by Andrew May.

Orientation & Probation

A strict intake procedure does not guarantee a programme will not face challenges with their clients—that would be a naïve expectation for any halfway house. Rather, it is a proactive readiness for when these challenges occur. As their lead trainer says, “When the problem comes with the clients, you need to understand that you already lost the plot.”¹⁰³ It is a sad reality that most halfway houses spend their effort in a reactionary crouch. There is always an emergency that prevents the programme from establishing a rhythm or setting long-term goals. Maybe it is a new client who shows up unexpectedly, or an existing client who brings drugs into the dormitory. Any effort that is spared on the orientation stage of the programme will be doubly wasted addressing the fallout from parolees that were mishandled.

The orientation process will always be a challenge for new parolees, but the staff of The Oaks seems to realise just how important it is. As the house manager says, “prison was the only place they knew, and one of the challenges is now they got to fit in somewhere else, and we do have basic rules we want people to adhere to, and that becomes a challenge.”¹⁰⁴ It would be easy for the orientation process to be overshadowed by rules, but The Oaks rather chooses to emphasise culture. Again, their approach is a proactive invitation into a new community rather than a list of rules.

It needs to be said that The Oaks is an explicitly Christian programme. Each of the four case studies in this thesis are based around Christian values, but The Oaks connects religion to almost everything. The Bible features just as heavily during orientation as the programme handbook. Scripture is used to justify everything from behavioural standards in the dorm to work ethic in the coffee shop. The Oaks makes no requirements that its parolees hold specific beliefs before coming to the programme, but my suspicion was that a new parolee who was not a Christian would definitely feel uncomfortable. However, I was surprised to get a different perspective from one of the staff. I interviewed one of the social workers who is a secular woman from the Netherlands with no religious background. She described the religious community at The Oaks in glowing terms. “I think it is something really beautiful because it really connects people with each

¹⁰³ Ngxeke, M. (2021) Interview by Andrew May.

¹⁰⁴ Jordann, F. (2021) Interview by Andrew May.

other.”¹⁰⁵ For better or for worse, it is impossible to engage with The Oaks without understanding the central role of their religious identity.

Training & Mentorship

The Oaks has the most developed training programme of any halfway house I have seen. They have an entire staff position dedicated to training. This is unusual because the staff in most halfway houses need to prioritise logistics: cooking meals, cleaning, etc. They are continually developing their own material, but they often bring in outside, accredited programmes to supplement their curriculum. There is a high degree of customisation, where a motivated parolee can pursue multiple options. Here is one of the parolees bragging about his experience,

I like the fellowship. I like the teachings. I like the skills they give us. You see, in like everything that is here man, it fills you. You are loved because you were once rejected by society. But there are people out there that are willing to reach out, and it's amazing. It's amazing grace you see where God is working those people's life, so I like everything about it.¹⁰⁶

The results of this training speak for themselves, but they are the impact of a very simple guiding philosophy that carries through the entire programme. As one social worker describes it, “Just being there for them, listen to them. Find out what their goals are.”¹⁰⁷ This sentiment would not be unusual, except that it mirrored what I was hearing from the parolees themselves. I have known Bongani since he was incarcerated. When I asked him what he liked about the program, this was his answer,

First I would say, love. Love for me is one of the most important things. Like I am coming from prison and they are willing to accept you. So it shows me that they care about other people, especially those that are from prison because for us, it is not easy to gain the trust of those people. But they trust us in so many things.¹⁰⁸

It has required a considerable amount of effort and finances, but The Oaks has built a training program that the parolees are actually proud of.

¹⁰⁵ De Krosse, M. (2021) Interview by Andrew May.

¹⁰⁶ Links, G. (2021) Interview by Andrew May.

¹⁰⁷ De Krosse, M. (2021) Interview by Andrew May.

¹⁰⁸ Bongani (2021) Interview by Andrew May.

Privilege & Leadership

The Oaks has structured their training in such a way that it progresses naturally to their leadership development programme. From the moment of intake, parolees are being given the opportunity to earn something of value. Most programs give parolees some kind of opportunity, but The Oaks has broken it down into small, achievable goals that create their own momentum. As the founder, Mark Slessenger observes,

I'm not going to put a guy on the till first day. He needs to first clean the floors. He needs to clean the kitchen. He needs to show that he's able to do those things, but over six months, seven months, then he can grow and move to the till, once trust is established.¹⁰⁹

These opportunities seem to affect the psychology of the parolees. It was significant when one of the clients told me, "This is not just a house that takes anyone, you see." It is a difficult thing to rebuild the self-esteem of young men after years under the judgement of a total institution, and yet this halfway house seems to be succeeding. The Oaks has paid a price for their success. In the years I have been studying the programme, I watched them struggle to build the right leadership team. One former participant had this criticism,

You know what? Position sometimes speaks and what I've realised is that sometimes with position there is also some certain pride that comes with it. Because you're more focused in your ideals and ideas... but you forgot the real people that we're supposed to be integrating in terms of those making decisions."¹¹⁰

As with most of the halfway houses I have observed, the conflict arises between the parolees and the house parent. This former participant explains the challenge well,

For me, I never agreed on the thing of the house parent. The reason why it's not going to work. You are dealing with guys who don't like authority. Now, as you are dealing with guys who don't like authority, what are the chances that they're going to listen to new authority? That's the first thing. And the second thing was that having somebody at your old age playing your mother and your father, it doesn't sit well. Because you see, I'm a grownup and now this guy he feels like he's belittling me.¹¹¹

The Oaks addressed this challenge by moving away from a House Father to a House Manager. I think the personality of new hires matters more than the name of the position, but it is another

¹⁰⁹ Slessenger, M. (2021) Interview by Andrew May.

¹¹⁰ "Michael" (2021) Interview by Andrew May.

¹¹¹ "Michael" (2021) Interview by Andrew May.

chance to show professionalism to the parolees. In making the change, The Oaks was saying to each parolee, “you are not our children. You are leaders—and we will treat you as such.”

Exit

Leadership development at The Oaks is always focused on the moment when parolees will leave the programme and stand on their own. I have seen some halfway houses get complacent with this transition process. At The Oaks, even community service is targeted on this goal. One parolee describes a mentorship programme that he is involved with,

At The Oaks, we’ve got an opportunity to meet with other halfway houses here in Observatory and in Salt River and we reach also young boys who have been going through difficulties and where they take the guys of The Oaks who’s older than them and more mature in life and they could just walk a path with them.¹¹²

Graduating from The Oaks is not just about holding a job and paying rent for an apartment—it is about understanding your leadership potential in the community. By using parolees as mentors for street kids, it was both a reminder to the parolees of their position as leaders, and a warning for what life could look like if they did not keep their focus.

As part of the Message Trust, the programme has access to a number of employers who have been willing to overlook a criminal record in their hiring process. The Oaks has many success stories in terms of job placement, but they have not been organised in their record keeping. It is the same when it comes to housing. The two social workers on staff try to engage with a parolee’s family to determine if they can safely return home, but this is not always appropriate. It is structural weakness that The Oaks does not keep better records. This would be an ideal candidate for a longitudinal study of recidivism, but they have not committed the resources.

If the goal of an ethnographic study is to capture the intangible, it is worth noting that the parolees at The Oaks spoke about their programme with greater energy. There was a sense of purpose about them. They were looking towards their graduation from the programme as the next stage in a mission. When I asked one parolee about the purpose of The Oaks, he did not speak about his own needs, but about his community.

¹¹² Links, G. (2021) Interview by Andrew May.

It's to equip you to be an effective leader in your community when you go back. Because it's a period of eighteen months that you are allowed to stay here. The Oaks people, the manager in his best ability tries to give you as much as he can through the help of the Holy Spirit, tools and weapons together. So that when you go back to your community you will know how to use them, and you will know how to stand your ground and win the battlefield.¹¹³

This parolee felt that he was called into battle on behalf of his community, and this seems like a fitting image for both the challenge and the opportunity of halfway houses.

6.3.4 *Clean Slate*

Clean Slate is a new organisation dedicated to helping ex-prisoners. Founded by Brian Francis in late 2019, it has created considerable awareness for parolees in the East London area. In 2021 they opened their first halfway house. However, the non-profit sector has struggled during the pandemic, so the programme has developed slowly. They are still in the process of renovating their building, but this is being done by the parolees themselves. This has the potential to build ownership, but it also keeps the programme preoccupied with short-term maintenance projects, at the expense of long-term goals. I arrived to do my ethnographic study shortly after their first parolees had moved in. It may be controversial to judge a programme so early in its development, but the binary nature of Carceral Choice Analysis makes it possible to assess a programme even in times of transition.

Intake

Clean Slate has very limited engagement with the Department of Correctional Services. Part of this is the legacy of the pandemic, where Community Corrections officers pulled back from the community out of fear of infection. The greater challenge is that DCS has never really decided how they will engage with halfway houses. Even when they are funding the programme, they give it little attention, and so it is not surprising that they are absent. Hopefully over time Mr. Francis will develop personal relationships with the local Community Corrections staff, but for the moment it has been a frustration. He says, "We've invited them to come and have a look at the project... none of them has shown any interest to come forward you know. There's always excuses

¹¹³ Links, G. (2021) Interview by Andrew May.

coming up. They're too busy."¹¹⁴ Since Clean Slate does not operate inside the local prisons, they have relied upon recommendations to find parolees for them.

On paper, Clean Slate has a series of application forms and intake procedures that are typical of most halfway houses. Mr. Francis has built a personal friendship with Mrs. Van Wyk of Beauty for Ashes, as a fellow programme serving women parolees. She has shared all of her policies and procedures with him. However, the demands of renovating the halfway house overshadow all of the normal procedures. One parolee that I interviewed was already staying in the house, but she had not yet turned in her written application. There is very much a sense that everything is in flux.

Orientation & Probation

If the Intake Stage is disorganised, the Orientation Stage is largely absent. Institutions need a rhythm or pattern to build community, but this is impossible in the midst of a construction site. It is commendable that Clean Slate saw an urgent need and opened its doors to parolees before it was fully ready, but this has come at a cost. Any parolee who was not actively involved in the construction spent a large amount of time just waiting.

To be fair, there were only five people connected to the house while I was observing. This was a deliberate decision by Mr. Francis to keep things small while everything was in transition. Because of the high staff-to-client ratio, Mr. Francis was able to spend significant time with each participant. Policies and procedures are important, but strong personal engagement from staff can compensate for structural inadequacies. On a foundational level, this seemed to be the guiding approach throughout Clean Slate. In the founder's words,

For us, the most important thing is relationships... Our ideal of a halfway house is not about putting them in another institution. Halfway house for us is basically getting them into a family environment. So there's not going to be any levels you know, just because you've been there for four months and you've got a new person coming in does not mean you're going to be higher than that person now. The idea is to have a family environment where we're going to have a house mother.¹¹⁵

¹¹⁴ Francis, B. (2021) Interview by Andrew May.

¹¹⁵ Francis, B. (2021) Interview by Andrew May.

This is a convenient mantra for a disorganised programme, but there was something compelling about his description. Probably the most excitement I got out of my interview with Mr. Francis was his description of the dinner table. At Clean Slate, ‘orientation’ was about sitting down together and sharing a meal. For Mr. Francis, he genuinely believed that building a halfway house was about building a family.

Training & Mentorship

Clean Slate has been successful in building a large network of partners—both in local businesses and other non-profit organisations. One of the benefits of being a new programme is that they do not need to create their own material. More than any halfway house that I have observed, Clean Slate has no programme. This is at least partially by design. They have very effectively utilised curriculum and training opportunities from a number of organisations in the East London area.

However, a curriculum is only as good as its integration into an Individual Development Plan. The most important part of a halfway house is not the training, but the coaching or system of goal-setting that turn this information into a lifestyle or pattern of behaviour. Clean Slate has not yet developed this aspect of their programme. Their goal is to orient everything around a relational model, but this still needs to be formalised around concrete goals. Mr. Francis admits that his thinking is not yet formed in this area,

I’m not sure whether my previous work experience is really helpful, but once again with rewards as well, it’s... look, we all have issues that stem from childhood and you get children that came come from a family where one was favoured above the other and so with the reward system as well. Once again, it will be a matter of caution. Being cautious, how you do it, you know. But then again, at the same time, we are not an institution where you are being rewarded for washing the dishes or whatever. Affirmation will definitely be there. We want to affirm people and in terms of... I’m not sure how we do the rewards system thingy...¹¹⁶

A programme’s rules are always reactionary. Once they are needed, the damage has already been done. A system of planned goal-setting and short-term rewards is how a programme determines its agenda. It is not clear how this third stage will build momentum for its parolees.

¹¹⁶ Francis, B. (2021) Interview by Andrew May.

Privilege & Leadership

This thesis has consistently referenced two guiding principles that will define every halfway houses—either leadership or charity. Either parolees are approached as a project, or as potential. Many of the same rules and programmes can support either narrative. Does a programme help parolees out of pity for the trauma of their past, or because they want to regain their potential for the future? As far as this ethnography can discern, Clean Slate is motivated by charity. While the programme is young, I could not discern any leadership opportunities or positions of significant responsibility for the parolees.

Clean Slate is trying to build a family (as referenced by the quote from the Orientation Stage), but without leadership development there is a problem of focus. Parolees are sensitive to anything that feels like condescension or reminds them of prison. If the programme's rules are not connected to a larger narrative, there will be resistance. One of the parolees shared her fear about the programme's rules,

It's too early to say, but according to the rules they have in the house, because they gave me a paper where they've got all the rules down, the rules is for me like... I think I am very much rehabilitated and I know the rules can also work for me, but I think some of the rules are too hectic for me. It's like I'm still in prison and that is not what I want to feel every day that I'm in prison.¹¹⁷

Vivian did not feel like a team-member in a leadership development programme. She felt like a prisoner. This is not just an issue of sensitivity towards the parolees. If they do not feel like they are working towards a positive vision of leadership and development, they will fall back into old patterns of oppositional defiance. If a parolee feels like a prisoner, they will act as a prisoner. On a subconscious level, every halfway house has to break their parolees away from a prison mindset. It is not clear that Clean Slate is effective on this level.

Exit

It is difficult for my ethnography to cover this aspect of the programme. Clean Slate is so new, that they have not yet had a graduate. From my interview with the founder, at least their objectives are clear. Mr. Francis says, "Our main purpose is the smooth transitioning and reintegration of ex-offenders back into society, but then at the same time we've got a secondary which is crime

¹¹⁷ Malgas, V. (2021) Interview by Andrew May.

prevention as well. Because what we don't want is for people to go to prison before we can help them."¹¹⁸ This is a generic sentiment that is shared by most professionals in the social development sphere, and I see reason for both caution and optimism.

In terms of caution, it is not clear whether the team at Clean Slate understands just how difficult this programme will be. Mr. Francis uses the word “reintegration” which is indicative of a young programme. The parolees they serve are not on a journey of “reintegration” because that would imply that they were returning to something positive that they had left behind. Not only are these parolees not returning to something positive, they are not even building on a proverbial “clean slate”. As chapter four of this thesis indicates, every parolee is carrying their prison sentence as deadweight. A record of incarceration is scar tissue—on both the body and the psyche.

Halfway houses can only be effective if they create a narrative powerful enough to overcome society's prejudice—and the prejudice of the parolees themselves. At the moment, there is scepticism amongst the parolees about the structure of Clean Slate. Vivian said it best,

Ex-prisoners don't like being treated like a prisoner when I'm outside. I know the parole conditions, times and the conditions of the parole, and they can make their own rules of the house, but they mustn't make it too hectic, because that is not what the ex-prisoners want because they feel like they're still in prison. So for me, I felt like that the rules that they put on paper is too hectic. The people aren't going to make it. I don't think they're going to make it. I can make it, because I come from it, but I don't want it.¹¹⁹

Mr. Francis and his team have significant work ahead of them, but there is reason to be hopeful. While they are a new programme, they have done an extensive amount of networking throughout East London. One of the dangers in building a halfway house is isolation, and this is compounded for new programmes. Clean Slate will not face this problem. They have built a diverse group of partners, and they have already been successful in arranging employment for ex-prisoners. In many ways, this is the most difficult aspect of rehabilitation, and they are outperforming some other programmes that have years of experience.

Maybe the success of this networking relates to the secondary objective that Mr. Francis is pursuing with Clean Slate. Crime prevention is much more popular in the community than

¹¹⁸ Francis, B. (2021) Interview by Andrew May.

¹¹⁹ Malgas, V. (2021) Interview by Andrew May.

supporting parolees. It stands to reason that this is a stronger narrative to drive collaboration than mere rehabilitation. It is a reminder that halfway houses must contend with their narrative role—both within the lives of their parolees, and in their neighboring communities. It is unfair to hold these small residential programmes responsible for changing the stigma that faces prisoners on the moment of their release—the Department of Correctional Services has essentially abandoned this project—but halfway houses cannot survive if they are unable to build local partnerships. If Clean Slate can continue to integrate into the field of regional businesses and non-profit organisations, they will have a strong advantage for their parolees.

6.3.5 *Comparative Factor Score*

So much more could be written about each one of these case studies. However, the purpose of this thesis is not to write an ethnography of any single halfway house, but to create a new tool to facilitate comparative analysis between programs. Each one of these case studies is described in just enough ethnographic detail to justify the scores they have received in the attached table:

		BEAUTY FOR ASHES	BETH ÜRIEL	THE OAKS	CLEAN SLATE
Stage 1: Intake					
1.1	Prison Outreach	1	-	1	-
1.2	Bridge Relationship	-	-	1	-
1.3	Written Application	1	1	1	1
1.5	Family Engagement	1	-	1	1
1.6	Detox	1	1	1	1
1.7	Smoking	1	1	1	1
1.8	Peer Involvement	-	-	1	-
Stage 2: Orientation & Probation					
2.1	Orientation Procedure	-	-	1	-
2.2	Handbook	1	1	1	-
2.3	Probation Procedure	-	1	1	-
2.4	Personal Property	1	1	1	1
2.5	Program Customisation	-	1	1	-
2.6	Exercise	-	1	-	-
2.7	Movement Privileges During Orientation	1	1	1	1
2.8	Clear Expectations	1	1	1	1
2.9	Disciplinary Procedure	-	-	1	-
2.10	Anticipation	-	1	1	-
Stage 3: Training & Mentorship					
3.1	Multiple Options for Daily Program	-	1	1	-
3.2	Accredited Training	1	1	1	-
3.3	Program Funds	1	1	1	-
3.4	Monthly 1:1 Coaching	1	1	1	1
3.5	Weekly 1:1 Coaching	-	-	-	1
3.6	Multi-Staff Teams	1	1	1	-
3.7	Shared Meals	1	1	1	1
3.8	Visits	1	1	1	1
3.9	Movement Privileges	1	1	1	1
3.10	Public Speaking	-	-	1	-
3.11	Animal Care	-	1	-	-
3.12	Potential Earning	-	1	1	-
3.13	Delayed Gratification - 1 week	-	-	-	-

Stage 4: Privilege & Leadership					
4.1	Voluntary Community Service	1	1	-	1
4.2	Targeted Community Service	-	1	1	-
4.3	Outside Community	1	1	1	1
4.4	Leadership Positions	-	1	-	-
4.5	Teaching Opportunities	-	-	1	-
4.6	Supervision Opportunities	-	1	-	-
4.7	Formal Recognition	-	-	-	-
4.8	Delayed Gratification - 1 month	-	-	1	-
4.9	Delayed Gratification - 6 month	-	1	1	-
4.10	Family Reconciliation	-	-	1	1
Stage 5: Exit					
5.1	Transition Plan	-	1	1	-
5.2	Voluntary Exit	1	1	1	1
5.3	Expulsion and Return	1	1	1	1
5.4	Graduation	-	1	1	-
5.5	Ongoing Mentorship	-	-	1	-
5.6	Monthly Contact	-	-	-	-
5.7	Interview Support	1	1	1	-
5.8	Job Placement	1	1	1	1
5.9	Alumni Network	-	-	-	-
5.10	Recidivism	-	-	-	-
TOTAL FACTOR SCORE:		22	33	39	18

6.4 CONCLUSION

This chapter has introduced a new tool to the field of prison ethnography. Carceral Choice Analysis provides a quantitative scale or matrix for comparative analysis between diverse carceral institutions. The four case studies demonstrate that the stages and factors of this tool do indeed provide a comprehensive framework for structuring ethnographic data. The result is an answer to the critics who dismiss ethnography as being too narrowly contextualised. Carceral Choice Analysis proves that ethnography is just as useful in making comparative analysis and critique as statistics. It demonstrates that prison ethnography must be acknowledged in any study of the prison-industrial complex.

There is value in introducing a new tool, and there is value in making a comparative assessment of South Africa's halfway houses, but the goal of this thesis is to go further. Carceral Choice Analysis can do more than academic description or analysis—it is a tool for holding institutions accountable and informing policy reform. This chapter has introduced the mechanics of Carceral Choice Analysis, but the next chapter demonstrates why this is so important. Chapter seven will review two sets of policies in the Department of Correctional Services that have received almost no scholarly attention—and yet impact the lives of every prisoner in South Africa. The last two chapters have been devoted to prison ethnography. It is clearly an effective tool for studying carceral institutions, but the next chapter will test its utility for policy reform.

CHAPTER 7: POLICY IMPLICATIONS

7.1 CARCERAL CHOICE ANALYSIS – FROM METHOD TO METHODOLOGY

This thesis began with a series of open-ended questions. The strength of ethnography as a research method is that it forgoes a narrow hypothesis in favour of participant observation. It is deliberately oriented towards the unexpected. Carceral Choice Analysis grew out of a need to organise ethnographic field notes and make comparisons between case studies. I had first-hand observations of halfway houses dating back to 2001 that needed to be structured. What began as a means to code and classify my interviews has become a comparative tool to leverage ethnography for policy reform. The five stages and fifty-one factors began as an act of simple description—how do halfway houses function? The only way to acknowledge the diverse case studies was to create a matrix or rubric to compare them with each other. Carceral Choice Analysis dissects complicated ethnographic research into component parts that can be compared across multiple locations.

Carceral Choice Analysis tracks the intersection between personal volition and institutional control, because this point of impact matters deeply to understanding the criminal justice system. Carceral Choice Analysis grew beyond my research method into my methodology for understanding the larger criminal justice system. It was a research tool—not only for analysis, but to envisage something better in its place. Prison ethnography is proof that the line between method and methodology is always blurry. The distinction is between *how* and *why*. The shift in my research occurred when I realised that Carceral Choice Analysis was not only studying *how* these institutions functioned, but *why* they mattered. It harnesses prison ethnography not only for understanding, but for institutional accountability and reform.

My study of halfway houses brought me to the concept of Carceral Choice Analysis, but this tool has relevance for any carceral setting. CCA is essentially the institutionalised study of inmates' choices. The two themes that flow throughout CCA are the narrative power and institutional accountability that can be unleashed by restoring parolees' volition. The factors and stages of the Carceral Choice Analysis scale will shift based on the context, but these two principles remain consistent. This chapter will explore the potential for innovation and reform when these themes are applied against two policies in the Department of Correctional Services.

7.2 VOLITION AS NARRATIVE POWER

The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasising, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasising, and evoking the very traits that are complained of (Tannenbaum, 1938, pp. 19-20 as cited by Yeager, 2011, p. 178).

It is significant that the author of this challenge, the criminologist Frank Tannenbaum was himself an ex-prisoner. As one of the first ‘convict criminologists’ he was also a pioneer in the use of labelling theory.¹²⁰ Every prisoner understands the power of stories. They can be deadly serious—like the origin mythology of a prison gang—or a frivolous way to pass the time during a lockdown. Prison ethnography is an outside attempt to understand these stories.

Unfortunately, the modern bureaucrats that supervise the prison-industrial complex have forgotten that incarceration has always been a narrative act. This is why the thesis began with the first Puritan experiments with punishment and rehabilitation in the 1700’s. Chapter Two records some of these early narratives, as the punishments were directly linked to protestant theology. The first American prisons were an attempt to enforce a moral valence onto their new colonies. They were telling a story about punishment, repentance and community—and it was compelling. The Department of Correctional Services is so preoccupied with their administrative burden that they have forgotten the power of building a cohesive narrative into carceral policy.

South Africa’s halfway houses would be an ideal context for the Department of Correctional Services to build a narrative of rehabilitation, but this opportunity has not been realised. Halfway houses are proof that there can be a way out of prison, but these programs receive negligible publicity throughout the department. They should be used to mobilise interest in rehabilitation programs throughout the correctional system, but instead they are completely isolated. Gaining acceptance to a halfway house is one of the few tangible rewards that the department can offer their inmates, so it is strange to waste this opportunity.

¹²⁰ Tannenbaum’s two works that most relate to prison ethnography are *Wall Shadows: A Study in American Prisons* (1922) and *Osborne of Sing Sing* (1933).

The primary reason that the Department of Correctional Services has been unable to create a narrative of rehabilitation, is because they have not found a way to accommodate prisoner's volition on an institutional basis. This theme will be explored throughout the chapter but suffice it to say that DCS has a wary relationship with the choices of its inmates. Rehabilitation is either something that can be forced on every prisoner, or it needs to be discarded because prisoners cannot change—either way, it is the department that gets to decide what is possible. The prisoner just needs to accept it.

Without the structural accommodation of volition, the department cannot build a narrative of rehabilitation. This is why rehabilitation within a total institution is such a problematic concept. Rehabilitation requires empowering prisoners to build a new narrative for themselves, and this cuts against the institutional weight of incarceration. Narrative is often presented as a descriptive act, but it is better understood in terms of power. In Goffman's assessment, "Characteristically, the inmate is excluded from knowledge of the decisions taken regarding his fate...such exclusion gives staff a special basis of distance from and control over inmates." (Goffman E. , 1961, p. 9) Rehabilitation—the creation of a new narrative—requires giving back a measure of autonomy and power to prisoners who are literally behind bars. The narrative power of prisoner's volition is in direct conflict with the institutions that are supposedly entrusted with it. Carceral Choice Analysis is about tracking these choices amidst the institutions that are trying to control them.

7.3 VOLITION AS INSTITUTIONAL ACCOUNTABILITY

Simply focusing on volition as the key to rehabilitation is a crock used to absolve institutions of responsibility. As mentioned previously, Michelle Alexander and many other policy reformers accuse the criminal justice system of wasting valuable time and resources lecturing incarcerated minorities about their responsibilities without giving them a meaningful opportunity to do anything about it. (Alexander, 2011, p. 180) Volition—and the narrative that it builds—is a compelling force, but it requires institutional space.

My prison ethnography confirmed this lesson—sometimes in the simplest ways. Consider something as insignificant as forgetting to turn off the lights. When I had the opportunity of living with parolees over several years, it was humorous evidence that someone had just been released from prison. In South African prisons, the correctional officers usually control the light-switch.

On a very simple level, this is not a decision that prisoners are empowered to make. It may seem insignificant, but our counsellors continuously field complaints from the family members of new parolees. They are frustrated and angry that their returned relative cannot seem to complete this simple task. The parolee is accused of being negligent, forgetful, and even disrespectful because on a subconscious level they do not seem to see the light switch. We have experienced similar challenges trying to get parolees to close the door after they leave. Prison literally controls all the doors, and so inmates lose the habit of making that decision for themselves. If prisons do not create institutional space for their inmates to make decisions, it is meaningless to speak about volition at all. If this is true for such a low-stakes decision like turning off a light or closing a door, how can there be any pretence of rehabilitation without an institutional setting? Volition—and the narrative momentum it builds—can only be accomplished if institutions are held accountable on a structural level. The most strategic question that a reformer can ask is how can an institution facilitate the volition of its inmates?

Studying volition on an individual basis can be extremely complicated. People make decisions from a convoluted network of subconscious assumptions, and the entire field of psychology is an attempt to better understand these factors. On an institutional basis, things are much simpler. As *Carceral Choice Analysis* demonstrates, institutions can literally count the opportunities they give their inmates to make decisions, and reformers should insist that they do so.

Another reason that studying choice on an institutional basis is more significant than an individual frame of reference is that it can be accomplished without normative rhetoric. As much as criminologists will resist it, crime will always be discussed in moral terms, but this does not necessarily create good policy. Increasingly reformers reject the hypocrisy of prisons having any voice on issues of right and wrong. Fortunately, it is possible to hold carceral institutions accountable without needing to reach back into the Puritanism of the seventeen hundreds. Prisons and halfway houses should be held accountable to offer meaningful opportunities for prisoners and parolees to make their own choices. The morality of these decisions is irrelevant, because this is about power. Accountability requires shifting some measure of authority or influence from the prison to the prisoner. The previous section outlines how prisoner's choices create narrative momentum, but this can only be accomplished if an institution is counting the decisions that are

actually permitted to its inmates. On a very simplistic basis, accountability will always involve counting, and this is the policy relevance of Carceral Choice Analysis.

Chapter 5 of this thesis outlined the strategic significance of halfway houses across five areas:

1. Halfway Houses are outside of the total institution
2. Halfway Houses are small
3. Halfway Houses are the only place in the justice system where all the role-players can potentially work in the same direction
4. Halfway Houses allow for the structured re-introduction of volition on an institutional level
5. Halfway Houses carry narrative power

Without returning to this material, it is enough to say these are the facts. Whether a particular halfway house will be able to create shared ownership with its parolees is beside the point—these five characteristics represent untapped potential in the Department of Correctional Services and on a global scale. The presentation of Carceral Choice Analysis in chapter 6 of this thesis adds a sixth element to this list—the potential for institutional accountability.

Consider how each one of these strategic characteristics can be leveraged for institutional accountability—not only within the halfway house but across the criminal justice system:

- 1. Halfway Houses are outside of the total institution** – They are both physically outside of the razor wire, but more importantly they are often managed by private non-profit organisations that have received government tenders. Accountability is not possible within the Department of Correctional Services—they have neither the organisation nor resources to effectively police themselves. However, even in their state of distraction they are capable of policing an MOU with an outside organisation.
- 2. Halfway Houses are small** – As discussed throughout chapters 2 and 3, the prison-industrial complex has grown too large to be held accountable. Even though prisons fail to deliver rehabilitation, lawmakers look away because they cannot envision an alternative. Because halfway houses are small programmes on the periphery of the criminal justice system, they can be scrapped if they are not performing. There are few places within the Department of

Correctional Services that a programme can be closed if it fails to deliver results. There cannot be accountability without the threat of institutional repercussions.

3. **Halfway Houses are the only place in the justice system where all the role-players can potentially work in the same direction** – Accountability is only possible to the extent it aligns with the structural incentives of a given institution. No amount of external accountability can transform an institution that does not want to change. Internal incentives must be working in parallel with external scrutiny.
4. **Halfway Houses allow for the structured re-introduction of volition on an institutional level** – There is a robust debate about whether it is even possible to hold prisons accountable for rehabilitation. Their size and bureaucratic inertia overwhelm the fragile individual choices that comprise rehabilitation. Halfway houses are a responsive institutional framework where rehabilitation—and thus accountability—is actually possible.
5. **Halfway Houses carry narrative power** – All accountability is a narrative act—it is the demand that an institution conform to a new vision. There is little idealism left in the prison reform movement—that is why abolitionism is now the driving narrative. “Just close the prison” is a powerful narrative but replacing carceral infrastructure is complicated. Halfway houses are an opportunity to anchor accountability within a unifying narrative.

Until carceral institutions are held responsible for honouring the volition of their inmates, there can be no rehabilitation. Narrative power and institutional accountability reinforce each other as a cycle. Sustained volition builds a cohesive narrative, and this will in turn foster accountability. Institutions can only build this narrative if they give participants the space to choose for themselves. Incarceration is continuous evidence that people cannot be forced to change, but institutions can be forced to give them a chance. This cycle of decision-making and opportunity will take hold of the participants on a subconscious level. The result of these two factors is something rare in the study of prisons—ownership. It is difficult to conceptualise a place in the criminal justice system where staff and inmates can share ownership of an institution. It seems naïve, and yet this is the unique potential of halfway houses.

7.4 POLICY IMPLICATIONS – DCS HALFWAY HOUSE POLICY

Carceral Choice Analysis is an effective tool to dissect and analyse the complicated bureaucracy of the Department of Correctional Services. Chapter 6 began with the theory and practice of the tool before applying it to four South African halfway houses. Carceral Choice Analysis uses prison ethnography for policy analysis that goes beyond participant observation. It is appropriate that the chapter ends by examining policy questions that could otherwise be overlooked in a traditional ethnography.

This chapter will draw on the following documents to assess the halfway house policy in the Department of Correctional Services:

- DCS Draft Policy on Halfway House (2013)
- DCS Draft Policy Procedures on Halfway House (2013)
- Service Level Agreement between DCS and one of its private NGO partners (2018)
- *Case Studies of Half-Way Houses in the Western Cape: Operations and Challenges* – Parliament Research Unit (2016)

The Department of Correctional Services began its experiment with halfway houses in 2011. The formal term for these programmes is “Community Based Residential Facilities (CBRF)” but the department uses “halfway house” as official shorthand. However, the “Draft Policy on Halfway House” was only signed by the Minister of Correctional Services JS Ndebele on 25 June 2013. In contrast to much of the DCS documentation, the definition was surprisingly clear, “Halfway House refers to a community based residential facility or centre which accommodates parolees and probationers who are eligible for release and do not have monitorable addresses.” (Department of Correctional Services, 2013, s2).

7.4.1 Innovation

The pilot project was very limited at the beginning—a single halfway house in Naturena Johannesburg for juvenile parolees—but it contained five significant innovations for the Department of Correctional Services:

Limited goals:

In a break with the naïve rhetoric that sometimes characterises DCS press releases, the policy begins with a note of narrow realism:

The DCS has a limited capacity to provide secure and humane conditions for incarcerated offenders as well as effective management of remand detainees in correctional centres. This problem is also compounded by those offenders who do not have monitorable addresses and support systems. The continued incarceration of those offenders impacts negatively on the ability of the DCS to provide effective rehabilitation programmes to incarcerated offenders as well as to assist offenders in reconnecting with their communities, and families as productive and law-abiding citizens (Department of Correctional Services, 2013, s1.2).

Rather than an attempt to reach every inmate, there is recognition from the very beginning that overcrowding is crippling the department's attempt at rehabilitation—both within its correctional centres and in the community.

This limited objective is an important safeguard against the overreach that so often characterises criminal justice reform. A recurring challenge to rehabilitation (that will be discussed further in the conclusion to this thesis) is that rehabilitation can be subverted as rhetorical veneer authoritarian control. A seemingly progressive rehabilitation programme can sometimes extend the reach of the criminal justice system against people who would otherwise not be incarcerated. It would be counter-productive if halfway houses were being filled with minimum-security inmates who would otherwise be free. DCS policy limits the use of halfway houses by the restriction, “Residents shall only be considered after completing a prescribed period in the correctional centre” (Department of Correctional Services, 2013, s7.1). As opposed to an intervention like ankle-monitoring (which can be easily applied against offenders who do not actually need to be incarcerated) halfway houses are always about getting people out of prison. Halfway houses should not be seen as an extension of the carceral state.

Public-Private Partnership:

The stark reality is that the Department of Correctional Services does not have excess capacity to start anything new. For this reason, it is significant that “DCS does not intend to build or own Halfway Houses but to partner with Non-Profit Organisations” (Department of Correctional

Services, 2013, s3.3). It is an open question whether the department can manage these partnerships effectively, but if a halfway house serves parolees more effectively, this should release capacity within the DCS community corrections staff to oversee it. If nothing else, these programmes will centralise the caseload geographically, so supervision will be streamlined.

To facilitate these partnerships, the Department of Correctional Services will appoint a Liaison Officer “appointed by the National Commissioner, to communicate and coordinate the activities of a halfway house within a specific Management Area” (Department of Correctional Services, 2013, s2). Unfortunately, this position represents a structural weakness in the policy, but this will be discussed in the next section because it is a flaw in execution, not design. The challenge is that rather than creating a new position dedicated to this programme, the Liaison Officer becomes an additional responsibility for existing DCS personnel. There is no single person—at any level of the department—that has halfway houses as their sole responsibility. Since existing staff are already overworked and under-resourced, this brings a structural weakness into something that would otherwise be a considerable policy strength. Considering how much money is being invested in halfway houses, it would be simple to have at least one Liaison Officer per region—not even per management area—to make these public-private partnerships a success. A public-private partnership is only as strong as its oversight. The fact that this position has not been created will lead to many of the weaknesses discussed in later sections.

House Parents:

As opposed to the Liaison Officer, the role of “House Parent” represents a genuinely new position within South African corrections. The policy defines them as “persons who live permanently in the Community Based Residential Facilities (CBRF) and are responsible for the day-to-day management of the CBRF. They take a parenting role with the residents in their care” (Department of Correctional Services, 2013, s2). This represents a significant break with the military-style hierarchy that still characterises the culture and structure of the department.

There is a long tradition of external service-providers and caregivers playing a therapeutic role in the department, but this represents the first time that real resources are invested into this position. The specific salary level will be set by the individual Service-Level Agreements in each management area, but the creation of house parents as a full-time, paid position represents

something genuinely new for South African corrections. Unfortunately, the department has not created any kind of standardised training for this position—it is left entirely to the discretion of the partner organisations.

Quantitative Results:

Halfway houses do not represent the only public-private partnership in South African corrections. The private-prison industry is a much larger programme and represents a cautionary tale that goes beyond the scope of this thesis. Private prisons are assessed on the most basic level of service delivery—do they provide basic hygiene, nutrition and accommodation at an efficient price point. Despite their long contracts, they represent a fundamentally short-term attempt to solve the department’s overcrowding problem.¹²¹ It is worth the reference, however, because halfway houses can only be effective to the degree that they represent a different set of objectives, and a different monitoring regime.

Halfway houses cannot exist on a scale that will meaningfully confront South Africa’s overcrowding in terms of volume—they apply to only small numbers of parolees—so they must distinguish themselves by sustaining their results over time. The Department of Correctional Services has a very conflicted relationship with recidivism statistics, and these numbers are not currently tracked in South Africa. However, Halfway Houses represent an ideal opportunity to compile some meaningful data that would inform the on-going debate over rehabilitation. Nobody expects DCS to track their own recidivism—especially because this resource intensive task would ultimately make them look badly—but it would be very easy for them to require recidivism data with their external contracts. The only thing DCS would need to do is establish a consistent definition of recidivism (no new sentencing within three years of completing the program, for example). Without this data, halfway houses might as well be considered tiny private prisons with a well-developed day parole system—and this would be quickly ridiculed and dismissed.

¹²¹ Private prisons represent a short-term response to overcrowding because they attempt to supply additional bed capacity without addressing the underlying factors that have created the overcrowding in the first place. Chapter 5 of this thesis references two exceptional prison ethnographies, Bauer, 2018 and Hopkins, 2020, that study private prisons in depth.

Unfortunately, this represents one of the most significant opportunities in the department's experiment in halfway houses—as well as its greatest failure. Consider this portion of the Table of Contents from the Draft Policy on Halfway House:

Section 8 – Policy Implementation

Section 9 – Policy Monitoring

Section 10 – Policy Evaluation

Section 11 – Policy Review

In all four of these sections, there is no mention of recidivism data whatsoever. It is not mentioned one time throughout the policy. This omission continues in the twenty-seven page Draft Policy Procedures on Halfway House (2013) and in every Service-Level Agreement I have been able to find. This data should represent a quantitative justification for halfway houses, and yet the Department is not interested in tracking it.

Narrative Power:

Section 7.2 of this chapter outlines the strategic potential if a halfway house is leveraged to create a narrative of rehabilitation throughout the criminal justice system. The only thing that needs to be added, is that for a moment it appeared the Department of Correctional Services understood this potential. Successful integration into the community is a narrative act. Society demands that each parolee justifies why they deserve a second chance. A halfway house has the ability to project this image for the department as a whole. Fortunately, it is written into the objectives for the DCS policy: “It will further enhance social acceptance and successful reintegration of offenders into the community in collaboration with relevant stakeholders” (Department of Correctional Services, 2013, s5.1). Unfortunately, the Department of Correctional Services has completely ignored this directive, but its presence in the text deserves recognition.

7.4.2 *Structural Weakness*

The Department of Correctional Services is not traditionally associated with innovation, so it is significant that one policy brings together these five elements. It doubly significant that each of the previous five points of innovation also represent a point of weakness. The potential for innovation and reform that this policy represents has never been realised. The structural

weaknesses in this policy can be divided in two parts. First there are weaknesses in conception—vagaries within the policy document that lead to inefficiency and waste. Second there are weaknesses in execution—these are areas where the policy is appropriately specific, but the Department of Correctional Services has been unable or unwilling to follow their own policy.

Weakness in Conception

There are four conceptual weaknesses in the Department of Correctional Services' approach to halfway houses. These are not issues of personnel or resource—they are inherent in the policy documents themselves.

Lack of Clarity

As described back in chapter three, the official policies surrounding halfway houses were only approved in 2013, while the first partnership was initiated in 2011. There has always been a disconnect between the formal policy and its implementation. Some of this relates to vagaries within the text itself. Consider the ambiguity of the following quotation, “[t]he main purpose of this policy is to provide a uniform directive on the adoption of the existing Halfway House for use DCS officials” (Department of Correctional Services, 2013, s1.7). This is an exact quote, and it is almost unintelligible. This is presented as central purpose of the entire policy, and it is not clear what it means. For someone who is involved in the programmes, they will be able to cut through the syntax and the grammar issues and understand the policies. However, someone approaching the halfway house as an outsider will struggle to understand the document’s purpose.

Too Many Objectives

This weakness is compounded, because the Department of Correctional Services is trying to address far too many goals with one programme. Consider the twelve objectives in Section 6 of the official Halfway House Policy:

1. Ensure effective management of successful reintegration process of residents within Halfway House.
2. Coordinate and facilitate the involvement of stakeholders in the activities of the Halfway House.
3. Mobilise communities to participate in the reintegration activities of DCS.

4. Promote corrections as a societal responsibility.
5. Formalise collaborative partnerships on Halfway Houses conclusion of necessary collaborative agreements.
6. Provide minimum criteria for the funding of Halfway Houses.
7. Make provision for referral systems for residents in the Halfway House.
8. Ensure that the programmes and service rendered in the Halfway House by the service provider are quality assured.
9. Ensure that the Halfway House project is in line with the needs of the Department
10. Manage an accurate database of service providers who run existing Halfway Houses
11. Provide funding to all Halfway Houses and foster continued learning aid [sic] exchange of knowledge between them.
12. Encourage Halfway Houses to source other funding from other Government Departments

Halfway houses will always be a small piece of the department—and indeed this is part of their strategic potential. How can a halfway house with six beds address all of these objectives? It is naïve to hold halfway houses responsible for accomplishing objectives like “promote corrections as a societal responsibility” when the entire department has not been successful in achieving this goal. DCS has demonstrated progress towards objectives 4 and 5, but every other objective on this list is either categorically absent, or it cannot be verified.

The lack of specificity in these goals makes this problem worse. Most of them cannot be counted on a binary scale. It is possible to measure whether a halfway house is receiving funds from another department (in every case I have observed, the answer is no) but it is nearly impossible to measure whether they are being “encouraged” or empowered in this area. A tool like Carceral Choice Analysis could be used to break these objectives down into quantifiable factors, but the current list of objectives will be difficult to assess.

No Prioritisation of Objectives

The large and conflicting number of objectives would not necessarily be a problem, except that DCS does not provide any ranking or prioritisation to this list. In absence of any weighted hierarchy, the volume of objectives becomes its own priority. If all the objectives are equally significant, rather complete three small, easy objectives than one difficult one. To be fair, this is a

problem throughout the Department of Correctional Services. There is a structural incentive to do the bare minimum for everyone—as necessitated by compliance—rather than provide a full and substantive service for a smaller group.

It is interesting to compare and contrast the contractual requirements that DCS applies to halfway houses in their Service Level Agreement to the strategic factors that I have identified through Carceral Choice Analysis. There are thirty-seven requirements enumerated in the DCS contract, and yet it includes only ten of the fifty-one factors that my ethnography has identified.

DCS material consistently places its emphasis on the physical environment of the halfway house. There are requirements like Section 5.1.14 of the SLA, which state, “Ensure that each resident has access to an enclosed closet for clothing and other personal belongings.” The contract goes on to specify bathroom facilities and laundry but makes no mention of less-tangible goals like preparing for an interview. A recurring theme is that the department is very focused on physical compliance with little energy left for assessing the programmes actual results. Carceral Choice Analysis could guide the Department of Correctional Services to hold its service providers accountable to concrete deliverables.

No Accountability

All three of the previous weaknesses compound each other on a structural level to create an acute lack of accountability. The manageable size and contractual privatisation of halfway houses are supposed to be an ideal place for DCS to model accountable service delivery, but this is not happening. A lack of accountability is a theme throughout this thesis, but for the review of this policy it is necessary to emphasise three failings.

First, the objectives of the DCS Halfway House Policy are not structured for accountability. This might be understandable in a general policy document that sets out the vision for the programme, but even the Service Level Agreements between DCS and the NGO community are not structured for accountability. As the previous three sections document, most of the objectives are too vague to be accurately measured—even if someone was motivated to try.

Second, the timeframe of this policy is too short for meaningful accountability. The department grants a tender for a one-year contract. Since many residential programmes are structured around

an eighteen-month schedule, this timeframe does not even cover one full cycle of the programme. It is meaningless to talk about recidivism or even rehabilitation on such a short timeframe.

Finally, there is nobody within DCS who will be held accountable for this programme's failure or rewarded for its success. The department's experiment with halfway houses has been added to the existing responsibilities of an over-worked and under-funded staff. The policy places halfway houses under the responsibility of the Area Commissioners. This is understandable because the programmes supposedly work in conjunction with the community corrections infrastructure, which the Area Commissioner also oversees. However, this is ineffective for any level of accountability. The Area Commissioner is one of the most powerful and strategic positions within the department. They oversee a network of up to five prisons, spread across a large geographic area. There is no way that their job performance will be affected by a small residential programme. In reality, no Area Commissioner is involved with halfway houses at all. They delegate this responsibility to other officers in the community corrections office, but this personnel also has larger and more urgent obligations. In summary, there is nobody within the department with an incentive to prioritise halfway houses. It is always a small distraction from a larger brief of responsibilities.

This ambiguity and weakness continue with the reports that are supposed to be filed throughout the process. The policy includes extensive requirements for reporting back to DCS, but there are no standards or set expectations for the content of these reports. Without a designated person to coordinate them, the paperwork is irrelevant.

7.4.3 Weakness in Execution

This lack of structural accountability is an appropriate segue into the next section. Because there is no meaningful system for DCS to hold halfway houses accountable, it is not surprising that the execution of this policy has failed to live up to its potential. Consider a brief evaluation of each of the twelve objectives, as presented in Section 6 of the 2013 draft policy. After writing briefly about the department's success in each area, I will give a verdict as to whether the objective has been accomplished.

1. Ensure effective management of successful reintegration process of residents within Halfway House

The Department of Correctional Services does not maintain statistics or records about the efficacy of the programmes it has funded. The ethnography in chapter six of this thesis presents a mixed picture of their success. There is reason to be positive that halfway houses work—but the department has no way of justifying this claim. *Verdict – unknown*

2. Coordinate and facilitate the involvement of stakeholders in the activities of the Halfway House

In the thirteen halfway houses surveyed in this research, the Department of Correctional Services never played a coordinating role between external stakeholders. They barely engage with the halfway house at all, so there was definitely no effort to leverage other stakeholders to participate. Once the tender is signed, the halfway house is on its own. *Verdict – no*

3. Mobilise communities to participate in the reintegration activities of DCS

The Department of Correctional Services occasionally holds “Imbizo” gatherings to promote the public awareness of rehabilitation, but this has never been done in collaboration with local halfway houses. The department will usually hold one public event at the opening of a new halfway house, and then it will not feature again in any publicity. *Verdict – no*

4. Promote corrections as a societal responsibility

Ironically, this is the most vague and ambitious objective, and yet it is one area where DCS halfway houses are effective. Each one of the halfway houses that I chose for a case study has been successful in presenting a positive vision for rehabilitation. The GangStar Café is training parolees from The Oaks in barista skills, and it is well loved in the community. The fact that all four of these programmes have won the respect and appreciation of their neighbours shows that these halfway houses are building a successful narrative of rehabilitation. Considering how much hostility is usually levelled against returning parolees, this success deserves recognition and further study. *Verdict – yes*

5. Formalise collaborative partnerships on Halfway Houses conclusion of necessary collaborative agreements

The department has been successful in posting the tender and awarding contracts, but this has not been a smooth process. There was a gap of twelve months before the existing halfway houses could reapply for funding. At least one house had to close because of this delay. *Verdict – yes*

6. Provide minimum criteria for the funding of Halfway Houses

The department has not defined the minimum criteria in such a way that the halfway houses are held accountable to success. Indeed, there no discussion about what a successful graduate of a DCS-sponsored halfway house should look like. The fact that the minimum criteria for funding is divorced from any quantifiable standard of service delivery is a pervasive structural weakness. *Verdict – no*

7. Make provision for referral systems for residents in the Halfway House

The official policy calls for the creation of this system, but it is currently lacking in all of the Service Level Agreements that I have seen. In researching this thesis, my team reached out to every Community Corrections Office in the country. Most had no engagement with a halfway house and there was definitely no standard criteria or referral system for parolees. *Verdict – no*

8. Ensure that the programmes and service rendered in the Halfway House by the service provider are quality assured

Every Management Area and Regional Office has its own quality assurance committee. None of these committees have any engagement with halfway houses. In fact, they do not even engage with parolee concerns at all. They are explicitly focused on rehabilitation efforts within the prison. There is no link between halfway houses and the department's quality assurance system. *Verdict – no*

9. Ensure that the Halfway House project is in line with the needs of the Department

Considering that the department's current engagement with halfway houses only meets three of these twelve objectives, this cannot be considered a success. More significantly, halfway houses are not even popular within the department. As early as 2016, senior DCS officials were

dismissing halfway houses as “unsustainable due to budgetary constraints” (PMG, 2016, para 20). Granted, correctional officers are sceptical of rehabilitation on a cultural basis, but it is still significant that halfway houses have not even won acceptance within the department itself.

Verdict – no

10. Manage an accurate database of service providers who run existing Halfway Houses

This is completely absent. The policy calls for an audit to create a “national process of identifying, recording and assessing existing programmes / services as well as service providers within the Department of Correctional Services.” (Department of Correctional Services, 2013, s2). This has not happened, and I had to build this database as part of my research. *Verdict – no*

11. Provide funding to all Halfway Houses and foster continued learning aid [sic] exchange of knowledge between them

The department has not even been able to build a comprehensive database of halfway houses, so there is definitely no collaboration happening. However, I have been asked by the National Director of Aftercare, Mr. Nesengani to facilitate a conference for all the halfway houses that I have located, and he will sponsor it. Hopefully within the next eighteen months there will be success to report towards this objective. *Verdict – no*

12. Encourage Halfway Houses to source other funding from other Government Departments

I saw no evidence of this in any of my case studies. Considering the Department of Correctional Services struggles to even visit the existing halfway houses (even though there are only thirteen of them) there is no chance that they are actively fundraising for them in other departments.

Verdict – no

The Department of Correctional Services has an extensive policy on halfway houses, and yet by its own metric of success, the programme has a significant weakness in its execution. Only three of its twelve objectives show any success.

Nowhere are these inadequacies more evident than the area of finance. Four of the previous twelve objectives relate directly to funding. Economic efficiency should be a motivating factor behind halfway house. Every Service Level Agreements I saw from the halfway houses with government tenders charged the government approximately R6,000 per parolee per month. Considering the average monthly cost of incarceration is approximately R11,000, this represents a significant savings (Department of Correctional Services, 2020 c). However, the advocates for halfway houses have been unable to make this case, even within the department. The problem is not with the theory, but with its execution.

Halfway houses should be an opportunity for the department to showcase financial stewardship, but in fact they are an embarrassment. Millions of Rand have been allocated to this project, but very few parolees are impacted. Dr. Lukas Muntingh summarises this problem. From 2019 to 2020, “82 offenders reintegrated through halfway houses at a cost of R48.5 million or R592 643 per person” (Muntingh, 2021). This represents a glaring inadequacy in the Department of Correctional Services’ approach to halfway houses. If halfway houses cease to operate, it is because of this statistic.

Multiple high-ranking correctional officers expressed their embarrassment to me about these budget figures, but the situation is even worse than it appears. Because of the decentralised natures of the Community Corrections offices, many officials have never seen the confidential Service Level Agreements between DCS and the private NGO’s that actually run the halfway houses. My research has shown that most halfway houses charge only around R6,000 per parolee per month, or R72,000 per year. That leaves more than R500,000.00 unaccounted for on an annual basis for every parolee. As the previous section demonstrates, there is literally not a single DCS official employed with the sole mandate of overseeing the halfway house programme. If the department is not using this money to pay its service providers or supervising staff, this represents a very expensive unanswered question. It appears that the confidentiality of the tender process is being used to cover the fact that most of the money allocated for halfway houses is being used for other purposes. Probably it has simply been re-allocated towards other departmental priorities, but this means halfway houses are being unfairly targeted for wasting resources that actually went towards other projects.

These budget features represent a scandal with criminal implications, but they also represent a surprising opportunity. If even a fraction of this wasted money is repurposed towards hiring dedicated staff or sponsoring actual parolees, the entire halfway house programme will undergo an immediate transformation. Change moves very slowly in the prison-industrial complex, and yet a forensic audit of the halfway house programme could yield rapid results.

7.4.4 Reform Potential

Ultimately, the challenges that face South Africa's experimentation with halfway houses are not statutory. The legislative framework is sufficient, but underutilised. The weakness is a lack of vision, and a failure to respect the independent volition of the parolees under their care. The Department of Correctional Services is neither pursuing the narrative power nor institutional accountability that is available through its halfway houses, and this creates a significant possibility for reform. The proposal of this thesis is to reintroduce individual volition on an institutional basis. Safeguard the personal choice of inmates, even in the shadow of the total institution. Then track and analyse these choices to hold carceral institutions accountable. Carceral Choice Analysis is both a research method and methodology that is based around this model.

In this model, it is important to recognise that the number of parolees served by halfway houses is actually insignificant. The primary focus of this model of halfway houses is the larger criminal justice system. The parolees that cycle through halfway houses should be conceptualised as the means towards a much greater end. They should be used to foster an encouraging narrative throughout the prison system, and then it should be used to hold that system accountable. They are proof of concept. They are evidence that there is a genuine pathway out of prison, and that that institutions should be held accountable for this. Every inmate is watching. Since this dual purpose of narrative power and institutional accountability does not require a large number of parolees, it is inexcusable that these programmes are not utilised more fully.

The proof of this model comes from the prisoners and parolees themselves. Consider the pride and the motivation of this parolee:

For me, the programme is for me to look after myself and help move forward. Because if you're going to be looking and sitting and waiting for people to give you something to do, it might never happen, so stand up and go and look for things and ask people for help. If you don't understand

something go to people that you trust and think that they can help you and somewhere, someone will help you.¹²²

This thesis uses Carceral Choicer Analysis to propose a new model for halfway houses that is oriented around this narrative. The Department of Correctional Services should be amplifying voices like Vivian throughout the criminal justice system, but instead her hope reads more like naiveté. Halfway houses in South Africa should be a leading example that prisoners can change, but the Department of Correctional Services has not realised this potential.

7.5 POLICY IMPLICATIONS – DCS CORRECTIONAL SENTENCE PLANS

As referenced in the previous two sections, one of the most significant challenges facing the Department of Correctional Services in their experiment with halfway houses, is that these programs are almost completely isolated. There is negligible dialogue or coordination between the halfway houses that receive government tenders and the correctional officers who are theoretically responsible for rehabilitation. It is telling, that of the fifty-one factors that are indicative of the success of a halfway house, the Department of Correctional Services are not currently involved in any of them. At the core of this problem are the Correctional Sentence Plans. The following section outlines several structural weaknesses in this policy, and how the principles of Carceral Choice Analysis could be applied to reform it.

7.5.1 *History and Statutory Context*

Correctional Sentence Plans are an artefact or holdover from a previous era in the Department of Correctional Services. They were written into the Correctional Services Act, No 111 of 1998 (1998) at a time of idealism and transition. The act requires that every inmate facing more than twenty-four months of incarceration needs to be given a customised plan that will guide their incarceration and facilitate their release (1998, chap 4: s38). This policy is naïve idealism on two levels. First, it assumes that every inmate has the desire and capacity to “rehabilitate” and second, it assumes that the Department of Correctional Services somehow has the resources and vision to make this happen. This overreach is understandable because the generation of reformers who were

¹²² Malgas, V. (2021) Interview by Andrew May.

writing the law had experienced the fall of Apartheid—there was a brief moment when anything seemed possible, even for South Africa’s prisons.

Unfortunately, this vision was quickly overtaken by the wide-ranging social challenges that still confront South Africa today. Chapter 3 of this thesis outlines the state of corrections in contemporary South Africa, but it has been well over two decades since there was any real idealism. Despite low morale throughout the department, correctional officials invest significant resources and effort into this unrealistic vision of rehabilitation. This imbalance between an idealistic mandate and the current state of the department has become a recurring structural weakness in every Correctional Sentence Plan.

The responsibility for managing the Correctional Sentence Plans lies with the Case Management Committee (CMC). It goes beyond the scope of this thesis to analyse all of this committee’s functions, because it is literally connected to every aspect of rehabilitation throughout the Department of Correctional Services. By design, it is the nerve centre or spine of the department, but in practice I had one senior correctional officer dismiss it as the “post office”—a criticism of all the paper that gets shuffled around. Through understaffing, lack of resources and a vague mandate, the CMC is stretched to the point of irrelevance.

For the purposes of this thesis, it is enough to focus on one structural weakness in the Case Management Committees that has direct relevance to the implementation of halfway houses. All of their energy and resources is absorbed with administrative compliance and there is nothing left to track actual results. Because the department is responsible for rehabilitating every inmate—regardless of their ability or commitment—there is little left to support parolees once they have been placed in the community. This imbalance extends to every Correctional Sentence Plan and halfway house. By the time anyone has discovered which parolees really want to change, there is nothing left to give them.

Halfway houses are supposed to represent the culmination of a Correctional Sentence Plan. They are proof that good behaviour and commitment can lead to actual benefits after release. The policy states that “A linkage shall be established between the Case Management Committees (CMC), CSPB’s [Correctional Supervision and Parole Boards] and the Halfway House” (Department of Correctional Services, 2013, p. 8) but since there is no accountability—or even

specifics—as to what this “linkage” should be, it is completely overlooked. The Department of Correctional Services is continually being sued for policy infringement and human rights violations—there is no time for a vague requirement with no teeth. The department requires reports from these halfway houses every six months,¹²³ but it is unclear whether this information is being collected by the Case Management Committee because they rarely update the Correctional Sentence Plan after a parolee is approved for their address.

The only place where there is any specificity is with the referral system that should be in place—both for the halfway house and the Correctional Sentence Plan. The policy document instructs,

Develop a referral system (Database) for residents at the halfway house. This referral system must contain the following information (Department of Correctional Services, 2013):

1. Date;
2. Initials and surname;
3. Registration number;
4. Date of referral to halfway house;
5. Intervention required, (with staff signature);
6. Date feedback received on outcome of the referral;
7. Outcome of the application - approved / not approved -, with staff signature (2013, point 1.7).

Note that this says nothing about the expected results of these interventions. The Case Management Committee is marginally involved in tracking who has been referred to a halfway house, but there is no accountability for what comes next. This brief summary of the history and statutory context of the Correctional Sentence Plans is only meant to provide a baseline context for an in-depth analysis of its structural weaknesses.

¹²³ I found this requirement in the individual Service Level Agreement (2018) with the anonymous halfway house in section 5.1.32, but it does not even appear in the policy document.

7.5.2 Structural Weaknesses

“Why don’t Correctional Sentence Plans work?” – Regional Commissioner S. Moodley¹²⁴

The Correctional Sentence Plan (CSP) is the greatest problem in South Africa’s correctional system that no one is discussing. There is consistent public criticism of overcrowding and prison gangs, but there is no public outcry about the deficiencies of the Correctional Sentence Plan—even as the structural weaknesses in the CSP’s directly contribute to both of these problems. Prison gangs receive attention in books and television documentaries, but Correctional Sentence Plans do not even receive treatment in academic journals. Rehabilitation is supposedly the outward face of the Department—and Correctional Sentence Plans represent their attempts to guide this process—and yet the public has no awareness of the policy. One high-ranking official¹²⁵ that I spoke with—who is responsible for overseeing the entire parole system in his province—described the system very simply: “It is worthless.”

Unfortunately, a worthless policy on its own does not represent a crisis. The Department of Correctional Services has any number of internal policy documents and guidelines that have been forgotten, and this is unremarkable. The problem with Correctional Sentence Plans is that they demand an incredible amount of time and resources from the Department of Correctional Services, and they provide negligible return for this effort. As discussed in the previous section, The Case Management Committee operates as the spinal column of the entire department—everything that relates to sentencing and rehabilitation flows through it and is written into Correctional Sentence Plans. When this program fails to provide even basic results, it means the Department of Correctional Services effectively has nothing to offer prisoners who want to change their lives.¹²⁶ The Department of Correctional Services is overwhelmingly pre-occupied with security concerns (and to a lesser extent, civil rights issues relating to basic standards of hygiene and nutrition). What little attention is left for rehabilitation disappears into the Correctional

¹²⁴ Regional Commissioner S. Moodley. Personal Communication 2022, March 3. Community Corrections Work Session organised by the Department of Correctional Services in George, 1-3 March, 2022

¹²⁵ Name is omitted for confidentiality.

¹²⁶ This is not to say that rehabilitation does not function—only that it achieves negligible support and coordination from official channels. There is a dedicated community of non-profit organisations committed to rehabilitation, but this work exists in parallel—and sometimes in opposition—to the formal Correctional Sentence Plans. Many correctional officials support these rehabilitation efforts on their own initiative, but the department does not formally resource this work.

Sentence Plans, leaving non-profit organisations responsible for programming mostly by themselves. There are five structural weaknesses in the Correctional Sentence Plans that have created this deficiency:

Tracking Compliance, Not Success

The Correctional Sentence Plans currently focus on administrative inputs at the beginning of an inmate's sentence. There is no accountability—or even records kept—regarding the completion or efficacy of these plans. In the case of inmates serving life sentences, even the Minister of Correctional Services is involved in reviewing the Correctional Sentence Plans for these inmates, but there is no accountability for their successful integration into the community.

This has severe institutional implications. Correctional Sentence Plans are supposedly the place for collaboration and coordination between the department and the community. What is the point of this collaboration if only the inputs are measured? All the department's resources are focused on administrative compliance—there is no energy to support or resource partners in pursuit of a shared objective.

The criminologist Lukas Muntingh has been critical of this weakness in reporting. If the metric of success is an administrative procedure or report, it is possible to achieve high levels of “success” without actually accomplishing anything. This is why community corrections officers can boast of a 97% success rate, while simultaneously being unwilling to track recidivism data (Muntingh, 2021). In their current form, Correctional Sentence Plans represent a vague collection of administrative inputs, not a quantifiable picture of successful integration.

Ineffective Timing

The previous weakness is compounded by the required schedule for implementing the Correctional Sentence Plans. Because DCS is not held accountable for successful integration into the community, they focus their efforts on making sure all of the required paperwork is in place as quickly as possible. The Correctional Services Act states,

As soon as possible after the assessment contemplated in subsection (1) the Case Management Committee must compile a correctional sentence plan in relation to the future of persons sentenced to incarceration of more than 24 months in the correctional centre.¹²⁷

This is an understandable requirement, because there is a fear that inmates will be lost in the system. However, the speed in which the Correctional Sentence Plan is assigned has nothing to do with how effective it will ultimately be. In fact, the speed of this requirement renders the Correctional Sentence Plan largely ineffective. Since 2008, I have had the privilege of working with numerous DCS social workers and case officers responsible for compiling these plans. None were willing to go on record, but everyone admitted that they filled in the paperwork¹²⁸ with vague, generic text that had little relevance to actual rehabilitation. Because of an overwhelming caseload, they did not have the time to actually get to know their inmates before they were pressured to supply them with a Correctional Sentence Plan.¹²⁹

The Correctional Services Act requires that these plans be evaluated at regular intervals, but as long as the initial proposals in the CSP are vague enough, it will require minimal change. Both inmates and administrators know that these plans have little value, so nobody pushes for significant review or oversight. Since there is no accountability for the end result, the goal is to “check the box” as quickly as possible and move on. The purpose of the plan is to create a customised, responsive approach to rehabilitation, but this cannot happen on a rushed timeframe.

No Prioritisation

Every inmate with more than a two-year sentence is required to be given a Correctional Sentence Plan and every inmate with a shorter sentence gets nothing. There is no consideration given to how long an inmate may have spent as a remand detainee and no consideration given to the behaviour or motivation of individual inmates. Basically, the Correctional Sentence Plan does not allow case

¹²⁷ Correctional Services Act No. 111 of 1998, Chap4, s38(1A) as amended, 1 March 2012.

¹²⁸ The fact that Correctional Sentence Plans are compiled and transferred exclusively as paper records deserves recognition. How can the CSP serve to coordinate rehabilitation for an inmate when the only copy is locked in an office somewhere?

¹²⁹ The problem of overworked case officers sacrificing the quality of their paperwork in order to save time is not unique to the Department of Correctional Services. Erving Goffman sees this as an inherent weakness in pursuing rehabilitation in total institutions. “This dossier [case record] is apparently not regularly used, however, to record occasions when the patient showed capacity to cope honourably and effectively with difficult life situations. Nor is the case record typically used to provide a rough average or sampling of his past conduct.” (Goffman, 1961, pp. 155-156)

officers to prioritise promising cases that have better potential to succeed. This means that crucial time and resources are wasted on Correctional Sentence Plans for inmates who have demonstrated no interest in changing, while other inmates who urgently want to participate are excluded.

It might seem difficult to prioritise some inmates over others, and yet this is happening on a daily basis throughout the Department of Correctional Services. As an organisation primarily tasked with security concerns, DCS is constantly adjusting the security classification of every inmate. Most newly sentenced inmates begin their sentence with a high-risk classification, and then gradually earn additional freedom and privileges. There are relatively clear and consistent standards that guide this process, and it has created some rare moments of cooperation between inmates and correctional officers. However, for some reason this classification system has literally zero integration with the Correctional Sentence Plans.

Unrealistic Resource Allocation

The inability to prioritise caseloads creates a structural deficiency in the department's resource allocation. Every inmate with more than a two-year sentence must be given a Correctional Sentence Plan, regardless of their interest or commitment. This requires that the budget and personnel allocated for rehabilitation (already a minor priority in the department) be spread so thinly as to be irrelevant.

The Department of Correctional Services comes under frequent and justified criticism in the media, but nobody knows the flaws and potential of the system better than the Correctional Officers themselves. It is not that they somehow do not understand what rehabilitation is, but rather they are prevented from pursuing it as an objective because their time and resources are spread across such a wide caseload. If rehabilitation programmes were able to use discretion—to focus their resources and attention on a smaller group of inmates who had demonstrated a commitment to participate—it would actually be possible to achieve meaningful integration.

The Correctional Sentence Plans are supposedly a guide for inmates that want to successfully transition out of prison. There is even a name for this journey within the department—the Offender Rehabilitation Path. However, because the resources must supposedly cover such a large number of inmates and parolees, the path goes nowhere. It cannot be stated more bluntly—there is no meaningful institutional support for inmates beginning their parole. Even the address

where a parolee will stay needs to be arranged through their personal connections—the parole officers merely verify the address given them. The Department of Correctional Services offers no viable pathway out of prison.

It is not that money is not being spent on this process. In the current treasury allocation, there are over 3.4 billion Rand allocated to rehabilitation and social reintegration. This is a small amount in comparison to the more than twenty-five billion Rand that DCS will spend in 2021-2022, but it is a vast amount in comparison to what is actually being accomplished with this money (South African Treasury, 2022). There is no other place in the JCPS Cluster (Justice, Crime Prevention and Security Cluster) where so much money is spent for such a negligible result. The current Correctional Sentence Plans represents significant resources spread thin to the point of irrelevance.

Lack of Ownership

The cumulative result of these four factors is that no one has ownership over Correctional Sentence Plans. Neither inmates, parolees nor correctional officers find the system useful, and yet significant resources are being wasted on compliance. The paperwork continues because of the statutory requirements, but it is a box to be checked as quickly as possible, rather than an opportunity for reform.

This is not just a problem because of lack of resources. The department understandably uses this as an excuse for any number of challenges, but this obscures a deeper structural flaw. Correctional Sentence Plans are a bureaucratic record-keeping system imposed by the department, rather than an opportunity for self-improvement that inmates can choose for themselves. Basically Correctional Sentence Plans ignore inmates' volition. Without choice, there can be no ownership.

This lack of ownership is embedded in the very structure of Correctional Sentence Plans. The emphasis is on administrative compliance rather than results. Social workers and case officers are assessed on the organisation of their paperwork, rather than on their effectiveness in facilitating parolee integration. Because correctional officials have not taken ownership in the success of these plans, they are of little value. The result is that inmates and parolees see nothing to attract their attention, which results in a further lack of ownership from their side. The lack of meaningful

results-based accountability has prevented Correctional Sentence Plans from developing into a program that anyone wants to use.

7.5.3 *Reform Potential*

These five challenges represent considerable structural weakness in the Correctional Sentence Plans, but reformers have one advantage—clarity. One of the guiding principles throughout this reform proposal is that there is wide consensus regarding what success looks like. Speak to parolees who are trying to build a new life for themselves after incarceration, and you will hear an urgent request for four different kinds of support:

1. Education and Skill Development
2. Reconciliation with Family and Community
3. Safe Housing
4. Employment

Rehabilitation is not possible unless it speaks to these areas. These are not novel or controversial ideas, and they are acknowledged throughout the Department of Correctional Services. In fact, rehabilitation programs already exist within DCS and their partner organisations that speak to each of these areas.¹³⁰ The challenge is that the few resources dedicated to these objectives are spread over such a large caseload as to be irrelevant. The status quo is actually worse than irrelevance, because it creates a veneer of hope for something that is actually not obtainable. Parolees are lectured to pursue rehabilitation with the full knowledge that they are very much alone. Correctional Service Plans offer a vague picture of how inmates can fill their time, but do not offer a substantive pathway to release.

¹³⁰ This thesis presents a database of every halfway house in South Africa, but a similar database should be created for all the vocational training programs offered by the Department of Correctional Services. There is an interesting legacy of self-sufficiency within the department pre-dates the privatization of the 1990's and 2000's. Whether by choice or necessity, many correctional centres were responsible for their own maintenance and even grew some of their own food. As a result, there is a diverse range of work opportunities available to inmates ranging from hair salons to electrical engineering. None of these programs are large, but they produce high quality vocational training. Unfortunately, they are not reflected in the Correctional Sentence Plans and they do not coordinate in any way with the Community Corrections offices that serve parolees. As a result, there is no connection between even high skill work (such as plumbing and upholstery) that happens inside the prisons and sustainable employment on the outside.

My proposal involves reversing how Correctional Sentence Plans are assigned and corresponding resources are allocated. Rather than rushing to give every sentenced inmate an irrelevant file, the Department of Correctional Services would realistically assess their resources and capacity and decide how many prisoners they can actually support across these four areas. Each management area would decide on a different number, but the Correctional Sentence Plan would represent a legitimate pathway from incarceration to integration. It might serve only a handful of parolees, but it would be a genuine “Offender Rehabilitation Path.” Rather than allocating the limited rehabilitation budget for maximum coverage, it would be focused on supporting a small group of inmates all the way through their release. Basically the current application of Correctional Sentence Plans is “broad and shallow” and this thesis proposes realigning it to “narrow and deep.”

Once the management area has realistically assessed its capacity, inmates need to be given the chance to earn their place in the program. The Correctional Sentence Plan would go from something that is imposed on everyone by the department to something that is chosen—or even pursued—by the inmates themselves. It is not accidental that the four components of successful integration are ordered as follows:

1. Education and Skill Development
2. Reconciliation with Family and Community
3. Safe Housing
4. Employment

This is a chronological ranking that describes when a client will be exposed to a given rehabilitation programme. Education and counselling programmes must begin during incarceration and they can serve a larger number of participants than Safe Housing and Employment. In reality, the Department of Correctional Services will be able to assist very few parolees with objectives three and four (Safe Housing and Employment), but this challenge can actually be deliberately incorporated into the design. The Correctional Sentence Plan should be communicated as a pyramid—large numbers of inmates are able to begin their journey with education and counselling, but only a small number will earn the ultimate prize of safe accommodation and employment. It may sound cruel to restrict meaningful integration to a small number of parolees but contrast it to the current program where the department offers no meaningful pathway back to the community

for anyone. Something must always be better than nothing, even if it means stepping away from some of the aspirational language that is written into the Correctional Services Act in 1998.

This proposal to serve a select number of clients with a substantive program is attractive to every correctional officer I have discussed it with. They are proud professionals, and they would like the opportunity for their labour to affect meaningful change. However, there is almost a wistful disappointment as they quote the Correctional Services Act to me. These officers know the task is impossible given their resources, but they cannot see past the aforementioned chapter IV, section 38 (1A). They have a fatalistic commitment to reaching every prisoner, even if it means reaching none of them. It is not politically viable to amend the law—especially in a manner that would seem to lessen the responsibility towards rehabilitation.

However, I believe this discouragement—and much of the wasted resources and effort that has been lost on Correctional Sentence Plans in the past—is based on a flawed interpretation of the statute. The words “Correctional Sentence Plan” only occur five times within the eighty-two pages of the Correctional Services Act, and this provides ample room for strategic interpretation. It is required that every inmate sentenced to more than twenty-four months needs to be quickly assigned a Correctional Sentence Plan, but the law gives only the vaguest prescription for what this plan should entail. Chapter IV, section 38 1(A) enumerates that each Correctional Sentence Plan must include the following four elements:

- (i) contain the proposed intervention aimed at addressing the risks and needs of the sentenced offender, as identified during an in-depth risk assessment, to correct the offending behaviour;
- (ii) spell out what services and programmes are required to target offending behaviour and to help the sentenced offender develop skills to handle the socio-economic conditions that led to criminality;
- (iii) spell out services and programmes needed to enhance the sentenced offender’s social functioning; and
- (iv) set time frames and specify responsibilities to ensure that the intended services and programmes are offered to the sentenced offender.

There is significant flexibility within these requirements. There is nothing here that would preclude the implementation of my reduced, pyramid-style Correctional Sentence Plan that allows inmates to choose their own participation in the program. Every inmate could be given a “stock” CSP that outlines the programs and opportunities for rehabilitation at the conclusion of their security assessment at the beginning of their sentence. Because the caseload of this program would be dramatically reduced, these plans could even be offered to inmates serving short sentences. The basic narrative would be simple—there is a real pathway from incarceration to integration, but you will need to earn it. If the Department of Correctional Services cannot make this narrative credible, rehabilitation is a lie.

No more time wasted on meetings with prisoners that do not actually want to change. Case officers could host one or two large assemblies every year to explain the Correctional Sentence Plans and invite inmates to apply for the entry-level programmes at the base of the pyramid (usually entry-level education or skill development programs are the best way to sift the interest of a large number of inmates before graduating the best candidates to the more labour-intensive programs like Restorative Justice or advanced vocational training). Why not trust inmates to decide for themselves whether to participate? Many of them will choose not to join, but the minority that does can be assigned case officers and counsellors, and the work of rehabilitation can actually begin.

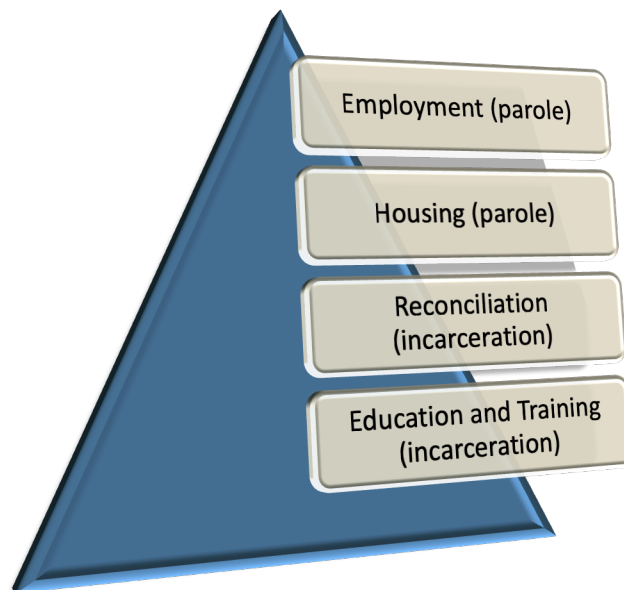
In summary, my proposed reform of the Correctional Sentence Plans would have three simple stages. Not surprisingly, they correspond to the previous discussion of volition as narrative power and institutional accountability (Section 7.2 and Section 7.3 of this chapter):

- I. **Self-Assessment – Department of Correctional Services:** The department must realistically assess its actual capacity for rehabilitation across these four objectives:
 - Education and Skill Development
 - Reconciliation with Family and Community
 - Safe Housing
 - Employment

The department does not necessarily need to provide all of these services—indeed, it is strategic if they do not. The Correctional Sentence Plan should represent a place of coordination and

collaboration with external role-players. One significant advantage in partnering with the NGO and business community is that it provides an opportunity for the Correctional Sentence Plan to escape the physical infrastructure of incarceration. Day parole is already a legal avenue for the department to pursue these opportunities, but it rarely appears in Correctional Sentence Plans.

Basically, this self-assessment needs to divide all rehabilitation programming into two tiers. At the base of the pyramid are basic education and training programs based around a classroom model that can accommodate large numbers of students with minimal staffing. These entry-level programs give inmates a chance to prove themselves before they are admitted to the more resource-intensive interventions later in the process.



Rather than pretending to give a Correctional Sentence Plan to everyone, each management area would have to have to make a clear-headed assessment of how many inmates and parolees can be accommodated at each level.

- II. **Self-Assessment – Inmate Volition:** The premise behind Carceral Choice Analysis is that prisoners’ choices matter. This should also be the guiding principle behind all of rehabilitation, but it is difficult to accommodate this volition from within a total institution that is inherently designed to restrict choices. Too much of the DCS rhetoric still claims that every prisoner can

be rehabilitated, and as a result, too much of DCS resources is diluted to the point of irrelevance. Prisoners are given few actual choices, because the Department of Correctional Services is not willing to formally acknowledge its limitations.¹³¹

The challenge of Carceral Choice Analysis is to make inmates' volition the central priority. The department currently expends significant effort tracking administrative inputs—why not report on the actual choices that are presented to each inmate? This thesis identifies the moments of decision that are available to parolees in a halfway house, but tracking volition could begin from the moment of sentencing. It would be accountability for the system—are inmates genuinely considered partners in their own rehabilitation? It would also create a powerful narrative to counteract the institutional deadweight of incarceration. Prisoners would know that there is a way out.

- III. **External Assessment – Tracking the results:** This represents outcomes-based accountability for the Department of Correctional Services. They cannot claim to be offering Correctional Sentence Plans at all, unless they can provide meaningful programming across these four levels. Oftentimes recidivism is the only metric that gets discussed for holding the department accountable, but this is problematic and unnecessary. If each Management Area is required to have substantive programming in place before they can offer a Correctional Sentence Plan, it would create significant accountability. Under the old system case officers were assessed by how many Correctional Sentence Plans they assigned but the content was largely ignored. In this revised system, each Management Area would have to justify the capacity to take on each new Correctional Sentence Plan.

The greatest challenge in reforming the Department of Correctional Services is that many of the issues require structural reforms or increased resources at a level that even Regional Commissioners are unable to mobilise. Ask veteran correctional officers and they can easily describe numerous reforms that are both strategic and urgent—but they feel trapped as observers within their own department. The reason I have proposed a reform to the Correctional Sentence

¹³¹ It should be noted that the correctional officers themselves are keenly aware of the departments limited resources and that not every inmate wants to change. If anything, the frontline officers are highly critical about the possibility of rehabilitation for anyone. This disjunction between rhetoric and policy of the department and the experience of its staff represents a deep structural weakness. If the department cannot convince its own staff that rehabilitation is possible, there is little chance in convincing the prisoners.

Plan is that meaningful change is possible even within isolated management areas. It would only take one Area Commissioner to experiment with these revised Correctional Sentence Plans to establish a compelling proof-of-concept.

The reallocation of resources is never simple, but the significance of this opportunity cannot be overstated. My proposed revisions to the Correctional Sentence Plans take a program that represents waste and discouragement and transforms it into something that could motivate both inmates and officers alike. There are so many things that cannot be changed within the department, but this is a rare opportunity to be more effective by doing less. The existing rehabilitation budget will be sufficient to establish a strong proof-of-concept as long as the trial is restricted to those inmates and parolees who have demonstrated a commitment to participate. There are three significant benefits to reform proposal. Not surprisingly, they are very similar to the benefits that would come from my proposed reform to the DCS Halfway House Policy in the previous section:

- I. **Clear Narrative:** From my ethnographic research, it is clear that neither the prisoners nor the correctional officers have any ownership or vision for the Correctional Sentence Plans, and yet it requires significant amount of the department's resources. The problem is not just a lack of resources, but a lack of purpose. Correctional Sentence Plans do not lead anywhere. My proposed revision should not actually represent a reform at all. Rehabilitation should lead to something. There should be a viable pathway out of prison for the inmates that are dedicated enough to commit. Clarity will allow this reform to be driving by the prisoners themselves.

John Hubner captures the simple power of this narrative in his prison ethnography of the Capital Offenders Group (COG) "Do well in COG and you will probably walk through the gate on parole. Fail COG and you will likely go through the gate in a steel cage in the back of a van, on your way to prison."¹³² The interventions and support outlined in Correctional Sentence Plans have to lead to meaningful opportunities. Otherwise rehabilitation is at best a waste, and at worst, a deception. My reform would require Correctional Sentence Plans to

¹³² The Capital Offenders Group is the core intervention program offered by Giddings State School for juvenile offenders. It is the premier rehabilitation program in Texas, as outlined by Hubner (2005, p. xxiii).

address training, reconciliation, housing and employment, but this is only possible with a dramatic reduction in the caseload.

- II. **Realistic Goals:** The narrative power of this proposed revision to the Correctional Sentence Plan comes from its narrow, realistic vision. The only way to provide adequate resources to the Correctional Sentence Plan is to dramatically reduce the existing caseload. Since the new focus is on each prisoner choosing rehabilitation—rather than being pushed into it—there is a realistic acknowledgment that not every prisoner wants to change. This will deliberately limit the numbers of prisoners who participate. This is a realism that every correctional officer understands, but it is not well reflected in policy. There is too much wasted effort trying to force every inmate into a Correctional Sentence Plan when the focus should be limited to those inmates who have demonstrated their commitment. This realism both protects the limited time and finances of the department while simultaneously affirming the prisoners’ volition.¹³³ There is a perpetual disconnect between the official rhetoric of the department and the conditions on the ground; and this has contributed to the low morale and absenteeism amongst the officers.¹³⁴ A limited, realistic vision represents something honest and something new.
- III. **Accountability:** In the past, Correctional Sentence Plans have been kept deliberately vague to minimise oversight and accountability. Administrative effort is wasted tracking “inputs” that do not matter while there is no clear picture about what successful “outputs” would be. This proposed revision to the Correctional Sentence Plan would hold each management area accountable to measuring their capacity for rehabilitation across four areas.¹³⁵ They would

¹³³ While limiting the Correctional Sentence Plan to a smaller pool of committed inmates will lessen the caseload, it may not be enough. The higher-level rehabilitation programmes that make integration possible are both time and resource intensive, and a given management area may only be able to accommodate a small number of participants. This is acceptable, as long as the department is transparent about its capacity. Inmates would rather wait for a program that actually works that be accepted into a superficial program that accomplishes nothing.

There is precedent for rationing rehabilitation services in Norwegian Prison Service. They have a more extreme system where prisons are prohibited by statute from the overcrowding that has crippled South African prisons. As a result, they have an “imprisonment queue” whereby people need to wait for an available bed to begin their sentence. Julie Laursen, Kristian Mjåland and Ben Crewe (2020) discuss this phenomenon in their article “It’s like a sentence before the sentence”—Exploring the pains and possibilities of waiting for imprisonment.” South Africa would benefit from any system that reduces overcrowding, but I include it here as an example of rationing quality rehabilitation programming rather than watering it down with unrealistic caseloads.

¹³⁴ The Department of Correctional Services is reluctant to track its absenteeism data, but this is not only a problem in South Africa. Lambert (2001) has a detailed study of absenteeism amongst correctional officers in the United States.

¹³⁵ The fact that this initiative is focused on the Management Areas—rather than the department as a whole is an important aspect of the proposal. Management Areas are the smallest unit within DCS that have an obligation both

need to report how many participants can be equipped at each level of the pyramid. A critical assessment of the department's actual capacity for rehabilitation is the best way to safeguard the narrative clarity of point one. Do not offer an inmate a path to earn their integration into the community, unless there is actually the means to accomplish this successful transition. Respecting inmates' individual volition requires institutional support. Tracking skill development and family reconciliation is relatively subjective, but tracking employment and housing status is very concrete. My proposed revisions to the Correctional Sentence Plan would make it an effective unit of accountability.

7.6 CONCLUSION – A MATTER OF RESPECT

The final contribution of this thesis is studying two important policies within the Department of Correctional Services that have received minimal attention. The Department's approach to Correctional Sentence Plans is not publicly available, and yet it supposedly guides the incarceration of everyone sentenced for more than twenty-four months. The halfway house policy is even less well known. This chapter ends with a reform vision for these policies that is derived from the prisoners and parolees I have encountered in my research.

On a theoretical level, this was not necessary. The thesis could have ended with Carceral Choice Analysis. Until this chapter, all the contributions have been theoretical. My research introduces concepts like the Cycle of Prison Reform, Prison Culture Shock and Carceral Choice Analysis. It could seem anticlimactic to shift focus towards two minor policies in the Department of Correctional Services.

These two policies have strategic relevance across South Africa's criminal justice system, because they represent an opportunity for significant reform at minimal cost. However, this is ultimately not the reason they are included in the final chapter of this thesis. There are many opportunities to reform the Department of Correctional Services, but I chose these two policies for a different reason—the ethics review process.

for prisoners and for parolees. The Regional Offices and Head Office are too far removed from frontline programming to effectively to effectively manage this program, and they are too large to be effectively held accountable.

My ethnography has brought me in close proximity to dozens of parolees. They have been open with me about their choices, and the difficulties they have faced. For me to immerse myself in the injustice of their lives with no care for its alleviation would be inexcusable. Academic research requires a dispassionate critique, but participant observation cannot be fully removed from its subjects. These two policies directly relate to the parolees I have interviewed. I make no pretension that the Department of Correctional Services will implement my reform proposals, but I have been asked to present them to several groups of high-ranking officers.

There is at least one parolee connected to each one of the fifty-one factors in my Carceral Choice Analysis Scale. Because of issues of confidentiality and space, I have not been able to tell their stories in full ethnographic detail as they deserve. Finishing this thesis with two policy recommendations that would impact their lives is one way to acknowledge their vital role in this research.

CHAPTER 8: CONCLUSION

“When the cell door slams shut, it feels like death.”¹³⁶

Researching incarceration is compelling because of its finality. Goffman’s (1961) total institution combines a fascinating range of competing social forces, but the walls give everything weight. A prison door may provide an academic researcher a fleeting glimpse into a foreign world or occasionally release an inmate into the scar-tissue of parole, but the concrete does not change. Every cinderblock is a reminder that the deck is stacked. Rehabilitation, with all its baggage and contradictions, is essentially a dead lift. It attempts to pull something free and flexible out of an institution inherently based on authoritarian control.

At the beginning of this project, it was unclear whether there was a progressive role for rehabilitation amidst a total institution. This search has been criticised as misguided and dangerous. Gail Super (2011) has a compelling article in the British Journal of Criminology where she analyses the stumbling transition of Apartheid’s prison system into the democratic era. Her findings are not hopeful.

Although 1993 does represent a momentous change, in the sense that a black majority government replaced a white minority government, based on the historic first of the franchise being extended to everyone, on another level, there is substantial continuity, which is very apparent in the context of imprisonment. (2011, p. 201)

Nothing I have seen in my twenty years engaging with South Africa’s prisons contradicts her finding. There is a perpetual danger that advocating for increased rehabilitation within a broken system can create a veneer of hope on top of a core of injustice. Sadly, some reform initiatives begun with noble intentions have become entirely co-opted by the total institutions they were meant to redeem.

This thesis has focused on South African case studies of halfway houses, but the challenge is global. In one case study of New Jersey’s network of halfway houses in the United States, the

¹³⁶ One of the prisoners in my Restorative Justice program, describing his first moment of incarceration at Drakenstein Medium B.

reform movement became more toxic than the prisons it was supposed to replace (Dolnick, 2012). When the state sought to dramatically cut costs on its prison system, it subcontracted minimum-security inmates to a network of private halfway houses. The rhetoric was all rehabilitation, but the reality was a poorly run extension of New Jersey's minimum-security prisons. In the end, these so-called halfway houses faced a raft of corruption charges and human-rights abuses, and they did little to empower their parolees to succeed (Dolnick, 2012). As a result, the term 'Halfway house' is now a dirty word in local policy circles, and the public has little appetite for further reforms. It is a cautionary tale for those seeking to promote rehabilitation under the shadow of the 'Big House.'

It was uncertain if this thesis could identify a progressive role for residential halfway houses that was distinct from the prison-industrial complex. There is a growing abolitionist movement that rejects this premise. They see a moral obligation to resist incarceration on every level. I did not want to write in opposition to this positive development.¹³⁷ However, through this research, my fears were allayed.

Chapters 6 and 7 demonstrate a constructive vision of rehabilitation and reform that is not discredited by the larger corruption and abuse of prison as a total institution. Halfway houses are essential to the balance between rejecting incarceration and pursuing a hopeful reform agenda. The context of debate has shifted and rehabilitation is no longer strictly situated within the prison walls. Therefore, we can reject the total institution as a useful context for rehabilitation without losing the concept of rehabilitation altogether. The case studies of Chapter 6 demonstrate conclusively that rehabilitation is possible but cannot happen within the confines of a total institution. This

¹³⁷ This thesis has not addressed the current abolitionist movement that is mobilizing against the prison industrial-complex. The Cycle of Prison Reform would be a useful tool to contextualise and examine this movement, but that is not included in the scope of this research. Part of the reason the abolitionists have not been included in this thesis is that there is no consensus within the movement whether "abolishing prisons" is a meaningful policy agenda or political rhetoric to vastly reduce the scope of the prison-industrial complex. Politically, I am completely in alignment with opposing and dismantling the total institution at every turn, but I cannot escape the pragmatic recognition that we will always have prisons. Reformers make themselves seem naïve if they cannot acknowledge this. Incarceration is the by product—not only of authoritarian control—but of volition itself. If I believe the core of rehabilitation is creating institutional spaces that facilitate healthy choices, I must also concede that some inmates will not make the choice I hope to see. Jack Katz's seminal work "Seductions of Crime" makes the strongest case that there will always be wilful destruction and violence that cannot be explained away by social forces, and this will ultimately require incarceration (Katz, 1988).

should not be a surprising conclusion. The damage and brokenness of crime occurred within the community, so any form of restoration or amends must also occur there.

It has always been a flawed concept that inmates can be ‘fixed’ in a carceral environment of isolation, violence and stigma and then expected to thrive upon release. It is worth noting that prisons may always be necessary for incapacitating dangerous people, but they cannot be expected to promote rehabilitation. All that is required of the total institution is an exit. As such, programs and therapeutic intervention will always be necessary, but they only have value if they can create a pathway out of prison. Any program that does not create meaningful connections with the world outside the ‘big house’ is at best population control being manipulated by an authoritarian institution, and at worst a dangerous failure that will discredit rehabilitation.

8.1 SIX LASTING CONTRIBUTIONS

This may seem like a frail institutional framework for rehabilitation, but this thesis presents a contrary perspective by illustrating that there are indeed cracks in the total institution. The first four chapters represented the weight of incarceration on our socio-political landscape and on prisoners' lives. The last four chapters show that it is possible to for inmates to make healthy choices when they are given the necessary space and accommodation. Incarceration may be immutable in its opposition to reform, but it is possible to pry inmates away from its grip if there is an alternate institutional context. Halfway houses are small-scale initiatives on the periphery of the criminal justice system, which is exactly why they are an ideal context for reform. After the close study, this thesis makes six contributions to this context:

8.1.1 The Cycle of Prison Reform (CPR)

The evolution of the modern prison-industrial complex has been messy and convoluted. By nature of being confined within a total institution, incarceration represents a disorienting array of conflicting forces. There is significant value in any tool that brings clarity to the discussion. Chapters two and three of this thesis explore a heuristic tool relevant to the historical origins of

prison reform and its contemporary application. Appendix A also uses the CPR to trace the historical evolution of prison ethnography as an academic discipline.¹³⁸

The five stages of CPR show that the carceral forces in puritan New England share similarities with those in post-apartheid South Africa. The utility of CPR across such diverse contexts is an argument for its relevance to the larger discipline of criminology. The strength of criminology derives from its interdisciplinary roots, but trends in academia reward increasingly narrow specialisation. Thus, CPR attempts to pull back to a broader frame of analysis. Each cycle stage allows for specialisation and detail, but there is a recognition that nothing exists in a vacuum. CPR makes the case that carceral politics is a bellwether for larger social forces. Prison administration has often been treated as a side-show, when it represents an accurate barometer for the broad cultural pressures of the modern state.

8.1.2 Prison Culture Shock

Chapter four makes the second significant contribution of this thesis. After presenting a three-part review of carceral trauma, it presents a familiar term with a new definition. Prison Culture Shock is the cumulative effect of carceral strain experienced in moments of transition that manifests as extreme disorientation. It can potentially create lasting damage if the correct support mechanisms are not in place. There is a library of research on desistance, integration and rehabilitation, but every scholar must reckon with the with Prison Culture Shock.¹³⁹

My discussion of Prison Culture Shock provides a comprehensive summary of the trauma that inmates experience and adds new and useful terminology to the discussion. Ironically, I can claim to have accomplished something significant by creating an academic literature review and technical definition for a phenomenon that every prisoner knows well. Studying the effects of total institutions on the psychology of inmates is a complicated task. More so, much of the academic

¹³⁸ A good summary of the history of prison ethnography is significant in its own right, but I have not given this project the full space that it would deserve. This thesis does just enough to anchor its own ethnography in the timeline. A full history of prison ethnography would be a separate thesis.

¹³⁹ Academic research is weighted towards narrow topics that can be quantified. The only way to escape the word count of academic journals is to narrow the focus. This provides invaluable details, but there is always the danger of 'losing the forest for the trees.' My work on Prison Culture Shock creates a broad category to contextualize many of these narrower, more detailed studies. For example, Alice Levins has a strong analysis of the struggles that incarcerated sex offenders experience, but Prison Culture Shock creates a typology.

writing is not accessible to the prisoners due to the technical nature of these texts. Thus, I sought to describe the carceral trauma with the academic detail that the concept deserves but do it with simple terminology. As a result, the prisoners who shared their lives with me would still understand what I was talking about without minimising their experiences.

8.1.3 National Survey of Halfway Houses

To my knowledge, no comprehensive survey of South Africa's engagement with halfway houses exists. The DCS splits the country into 46 management areas (Department of Correctional Services, 2023). Each area has a network of parole officers who operate in isolation as they have almost no contact outside of their management area. There is a diverse network of residential programs serving South Africa's parolees, but it has never been recorded in one place. Halfway houses are already marginalised by lack of resources, but a crippling lack of coordination makes them almost irrelevant through limited access.

The survey data compiled in Chapters 5 and 6 has three concrete benefits. Firstly, the limited number of programs is quantitative proof of prisoners' challenges upon release. It is painfully clear that minimal residential support is available to parolees. Secondly, it is an opportunity for collaboration and development for organisations and parole officers that have too long been isolated. As a researcher and director of a non-profit that is opening a halfway house, I will benefit from the collective experience of this network of programs. The ethnographic potential for future research across this network is significant.

Most importantly, it is a resource for the prisoners themselves. There are tens of thousands of inmates across South Africa's prisons that are eligible for parole but have no safe address to receive them. No centralised database has allowed them access to potential beds in other management areas let alone in other provinces. Moreover, the fact that DCS has not created this survey itself is an indictment of its lack of resources and coordination. However, it is also a hopeful reminder that significant benefits are possible without significant cost. The bar for improvement is so low, that even small, marginal reforms will carry significant effect.

8.1.4 Carceral Choice Analysis

Prisons are complex total institutions, so it is difficult to discern where rehabilitation is happening. Additionally, this task is more challenging because the prison-industrial complex uses a veneer of rehabilitation to cover many of its authoritarian tendencies. The official vocabulary of rehabilitation is as ubiquitous as it is shallow. There must be a way to identify substance while maintaining a critical scepticism of carceral infrastructure.

Chapter Six of this thesis presented a new ethnographic tool for comparison and analysis. Carceral Choice Analysis focuses on the intersections between individual volition and institutional control, then analyses this web of decision points. In many ways, it is an inversion of traditional ethnography. Ethnographers sometimes come under criticism for focusing too narrowly on the individual. In contrast, Carceral Choice Analysis is an ethnographic study of an institution which looks at how individuals—with their culture, physicality and volition—shape an institution from the inside out.

The best way to hold carceral institutions accountable is to determine whether the inmates and parolees are presented with a rehabilitation path. It is not enough to challenge them to make better choices but there needs to be an institutional space to promote their autonomy constructively. The evidence of legitimate choices amid a total institution strongly indicates that something substantial is happening. Carceral Choice Analysis focuses ethnographic research onto the two objectives of any successful halfway house—narrative power and institutional accountability. Chapter 7 presents these findings as the untapped potential of halfway houses in the debate over criminal justice reform, and then segues to the last two contributions of this thesis, policy review and reform.

8.1.5 Policy Review – Halfway Houses in DCS

While the DCS began its experiment with halfway houses with considerable fanfare, there is a limited scholarship on its success or the policy framework that guides the process.¹⁴⁰ Several internal policy documents govern the DCS in their engagement with residential aftercare, but

¹⁴⁰ As demonstrated in Chapter 7, only Dr. Lukas Muntigh has brought any critical, outside analysis to the Department of Correctional Services and its experiment with halfway houses.

independent scholars from outside the department have not assessed them. Chapter 7 included a detailed study of their material—both through document study and ethnographic observations. These findings will be presented to Mr. Azwihangwisi Nesengani, the National Aftercare Director for the DCS.

8.1.6 Reform Proposal – DCS Correctional Sentence Plans

This thesis is rooted in the South African context. Its final contribution is an argument for reforming the Correctional Sentence Plans at the heart of the DCS’ struggle with rehabilitation. Chapter 7 applied new principles identified through ethnography and Carceral Choice Analysis to the foundational systems of the modern South African prison. There is currently no link between the Correctional Sentence Plans an inmate develops while incarcerated and the residential aftercare programmes they will utilise as parolees. The document supposed to lead motivated inmates out of prison says nothing about their most pressing concern, “where to sleep”. Correctional Sentence Plans have been overlooked by the DCS and outside scholarship, yet they have incredible potential for reform. This thesis presents a novel approach to this issue, and approval has been granted to submit it to the National Council of Correctional Services upon completion.

8.2 HALFWAY HOUSES – INTERDISCIPLINARY POTENTIAL

Halfway houses are too interdisciplinary to fit neatly into any discipline or arch-narrative. Their lack of exclusivity explains why they attract little attention from “pure” theorists. They are not useful in the theoretical conflicts and debates. The prisoners I interviewed would disagree. In the twenty-two years I have been working with prisoners and parolees, there is no single topic that receives more universal attention. The first and most urgent question that every inmate carries through their sentence is where they will sleep after release. Unfortunately, prisoners are not able to set the priorities of academic criminology.

Fortunately, prison ethnography has elevated the voices of individual prisoners, and this inevitably returns attention to halfway houses. Their interdisciplinary nature should be seen as an opportunity, rather than a weakness. Halfway houses seem connected to almost every issue in the contemporary debate over carceral reform. Chapters 2 to 5 each contain extensive literature review on halfway houses and prison ethnography while the sixth contains a discussion of Carceral Choice

Analysis. Halfway houses are connected to every aspect of the criminal justice system, yet invisible even within the DCS. This thesis brings halfway houses into the debate over rehabilitation. Further proof of the interdisciplinary relevance of halfway houses, is that even after eight chapters there is still much that is worthy of examination. Consult Appendix D for a full list of the remaining research questions that deserve further consideration.

8.3 HALFWAY HOUSES – UNTAPPED POTENTIAL

In conclusion, each of the six contributions of this thesis represents the untapped potential of halfway houses. Recognising this unrealised significance is a fitting end. There is important innovation happening in South Africa's halfway houses, but it exists largely in the shadows. Despite funding several of these programmes, the DCS has not utilised halfway houses effectively.

The marginalisation of halfway houses in South Africa's criminal legal system cannot be overemphasised. This is why the current research must go forward. There are numerous challenges facing South Africa's prison system that seem almost impossible in their scope and complexity. Halfway houses are a rare exception because these programmes are small enough to be studied and adjusted, even within the department's narrow budget parameters. Reform and innovation are possible in halfway houses, even in the midst of a system that is largely overwhelmed with fatalism.

Chapters 6 and 7 emphasise a strategic use for halfway houses to foster narrative power and institutional accountability throughout South Africa's criminal legal system. These themes are starkly lacking in the Department of Correctional Services. Prisoners do not believe that their good behaviour will lead to anything, and South Africa's prisons are not held accountable for this failure. If halfway houses can be structured to pursue these two objectives, it would have a significant ripple effect and the thesis will represent a small but lasting contribution to the scholarship surrounding residential aftercare. In humility, the bar for this accomplishment is not high. With

the urgent challenges facing correctional infrastructure in South Africa, halfway houses remain on the periphery even when their inclusion could provide essential support¹⁴¹.

This thesis has consistently drawn on ethnography as both my methods and my methodology, so it is fitting to end with some of my field notes. The *Rooi Tronk* or ‘Red Prison’ was the first prison built at Pollsmoor and the first to be torn down. A building that once represented fear and hopelessness to its apartheid-era prisoners has now been torn down by homeless people looking to sell the bricks to the nearby informal settlements. It is a striking image to see a prison stripped to its shell. It is appropriate that a thesis that has included some unorthodox, qualitative ethnographies should end with a note of speculation. Imagine the shock a former inmate would experience as he watched the outer walls of the *Rooi Tronk* broken down by homeless scavengers. This would have been impossible for him to conceive at the beginning of his sentence, but now it is a reality. I believe this thesis has accurately portrayed the difficulty in pursuing any reform agenda in South Africa’s prisons, but hope has accomplished “impossible” things in this country before.

¹⁴¹ A prime example are the proposed reforms for the Correctional Sentence Plans outlined in Chapter 7. It would cost nothing to radically change how these plans are administered, and the results would be significant. Halfway houses will always represent a small corner of the prison system, but it would not be difficult to achieve significant reforms.

APPENDIX A – The Origins of Prison Ethnography

Prison ethnography will always be an interdisciplinary space, but it is still possible to identify a distinct evolution. I have identified five stages in the growth and development of prison ethnography. Consistent with the previous chapters in this thesis, the Cycle of Prison Reform is a useful descriptive matrix to present this timeline.

19th Century Foundations

While prison ethnography cannot be seen as a separate discipline from the wider field of criminology and sociology, some essential distinctions have been present from the beginning. Sociology and criminology can trace their origins to theorists like Cesare Beccaria (1738-1794), Jeremy Bentham (1748-1832) and Cesare Lombroso (1835-1909). On the other hand, prison ethnography has a more practical beginning in the reform work of the activists' John Howard (1726-1790) and Elizabeth Fry (1780-1845). Beccaria, Bentham and Lombroso discuss the theory of criminal justice on a philosophical level (Richards, et al., 2012). Chapter 2 discusses the struggle between Beccaria's classical criminology with its emphasis on rational decision-making and Lombroso's positivist school with its emphasis on biological determinism. These theorists' objective is to influence the state's entire legal framework. They are not ethnographers. "These scholars of criminology's 'classical' period saw crime as pathological and failed to consider the social, political, and institutional contexts within which 'criminal' behaviour is defined." (Richards, et al., 2012, p. 160)

Howard and Fry have much simpler objectives. They aim to improve the lived experience of England's prisoners. Their work is not derivative of an overarching, governing theory (except perhaps their Christian faith). Still, the commitment to speaking with actual prisoners has led to a sustained legacy in academia and carceral infrastructure as noted by Drake, et al., (2015, p. 5).

The history of prison ethnography in England can trace its origins to the form of reflections committed to paper by prison visitors and reformists such as Howard (*The State of the Prisons in England and Wales; with preliminary Observations, and an Account of some Foreign Prisons*, 1777) and Fry (*Observations on the visiting, superintendence, and government of female prisoners* (No. 54873), 1827). Howard toured the prisons and gaols of eighteenth-century England in search of models of good practice in the emerging penal estate. What he found appalled him so much that

his lengthy report *The State of the Prisons in England and Wales* was published to expose the neglect, brutality and corruption that characterised the prison system. Fry's (1827) work consolidated the philanthropic and religious connection between establishing penitentiary prisons and campaigning for their improvement by reform. Fry's (1827) Quaker faith fed her activism, and her short book, *Observations of the Siting, Superintendence and Government of Female Prisoners*, detailed the regimes of various early 19th-century prisons, graphically listing their many failings.

Prison Ethnography began with the zealous indignation of a reformer—not the theoretical reflections of a sociologist. They brought moral outrage against the vestiges of barbaric punishments and listened to prisoners' stories on their own terms. Thus, the 19th-century foundations of the discipline overlap with Outrage and Compassion, Stage one of the Cycle of Prison Reform.

Post-War Origins

The 1950s marked a point of divergence in the social sciences, particularly for prison ethnography. Western sociology was turning inward. There was a conscious move to abandon the colonial orientalism that kept anthropology pre-occupied with exotic, foreign cultures and study communities that had been overlooked closer to home. A part of this was pragmatic as there was little appetite for international work in the 1940s. However, there was a growing realisation that important voices were being overlooked.

Donald Clemmer is the father of modern prison ethnography (Jacobs & Janowitz, 1977). He published *The Prison Community*, a text many consider the first modern prison ethnography (Clemmer, 1958). It is based on thousands of conversations over his three years at the Menard Correctional Centre in Illinois. He coined the term “prisonization” to refer to the point of impact between the prisoners and the institution, and highlighted all of the psychosocial damage associated with incarceration. His scholarship brought a heightened academic rigour to an area previously reserved for political activists, but it was continually grounded in the lived experiences of the prisoners themselves.

It is not an accident that Clemmer (1958) and his peers at the University of Chicago came to prominence during the post-war period. Prison ethnography has always had an anti-establishment orientation because of its proximity to carceral injustice. This critical scrutiny of

institutionalised power felt particularly relevant in the 1950s. Sociologists and anthropologists in the twentieth Century had a long flirtation with positivism. This culminated in the forced sterilisation of prisoners in the eugenics movement (Lombardo, 1985; Cohen, 2017), and even the genocide perpetrated by National Socialism. Prison ethnography was a natural point of resistance against this trend because it has always relied upon the prisoners' voices.

After World War II, there was a growing scepticism of totalitarianism, which extended from foreign battlefields to institutions close to home. Prison ethnography was well positioned for this transition. *The Society of Captives* by Sykes (2007) provides valuable insight and is foundational to modern prison ethnography. Drake, et al., (2015, p. 6) make his work foundation to *The Palgrave Handbook of Prison Ethnography*:

With its vivid descriptions of armed guards and gun towers overseeing prison compounds, it is driven by a sensitivity to totalitarian power that was inevitably sharper in the study's context. In the mid-1950s, barely a decade after the defeat of fascism in Europe, the US remained in thrall to its power, the manner of its victory and the lurking threat of the Soviet Union and the Cold War. 'The prison official is a bureaucrat' declares Sykes boldly in the introduction, 'but he is a bureaucrat with a gun.' Sykes indicates the shadows looming over him: 'the calculated atrocities of the concentration camps' and the 'ruthless exploitation' of the Soviet gulag.

This formative period—where prison ethnography established itself in modern academia and established formal relationships with carceral institutions—aligns well with Stage Two of the Cycle of Prison Reform—Control.

Transatlantic Growth

Tracing the origins of criminology exceeds the limits of this thesis, but prison ethnography has a narrower pedigree. Since prison ethnography has its origins in the reform movement coming out of America and England, it is natural that the discipline would expand most quickly in these regions.

In the United States of America, Goffman (1961) was one of the dominant voices in this period of trans-Atlantic growth. Clemmer (*The Prison Community*, 1958) and Sykes may have been the founding voices in modern prison ethnography, but Goffman (1961) has been influential

throughout sociology and criminology. While some of his research does not explicitly focus on prisons, Goffman's (1961) study of total institutions and their effect upon the inmates caught within them remains at the core of prison ethnography. This thesis draws heavily on his scholarship.

One of Goffman's (1961) students, John Irwin (*The Felon*, 1987) provides valuable insight through both his scholarship and his biography. Many ethnographers relied on negotiating access with prison authorities. However, Irwin (*The Felon*, 1987) drew from his personal experience as an inmate. He served a five-year sentence as a young man. Irwin is an influential voice in contemporary prison ethnography for his writing and because he made it possible for prisoners to receive recognition as ethnographers. He authored eight detailed studies of incarceration in America, such as *The Felon* (Irwin J. , 1987) and *Lifers: Seeking Redemption in Prison* (Irwin J. , 2010). He is considered one of the first "convict criminologists."

Richard McCleary (1978) was an academic contemporary of Irwin, but more significantly he was also a formerly incarcerated person. Both scholars drew on their incarcerations in their work as ethnographers. There are relatively few ethnographers who can claim personal experience as prisoners, but their work serves as accountability and guidance for the entire field. As long as there are convict criminologists practicing ethnography, the lived experience of incarceration will always be central. Other prison ethnographers such as Jacobs and Janowitz (1977) held themselves to a high standard of research, because they knew that scholars like Irwin (*The Felon*, 1987) and McCleary (1978) had a personal insight into their findings.

A small group of ethnographers was exploring similar content on the European side of the Atlantic. As Goffman and his contemporaries discussed prisons in America. In the United Kingdom (UK), Morris and Morris (1963) conducted their ethnography in London's Pentonville prison. They were responding to Clemmer and Sykes in the same way that John Irwin was. Morris and Morris set the standard for what prison ethnography would look like in the UK until the 1980's.

Van Swaaningen (1993) discusses a broad history of this period. While he did not conduct prison ethnography, he draws on Mathiesen (1972) who embeds prison ethnography into the academic landscape of Scandinavia and Northern Europe. According to, Drake, et al., (2015, p. 9), Mathiesen is in direct dialogue with the growing American community of prison ethnographers:

[Mathiesen] was concerned with the extent to which the culture of prisoners in Norway mirrored or contradicted the culture of prisoners in American prisons (as described in the work of Clemmer, Sykes and others). Mathiesen spent two years conducting fieldwork to capture the essence of Norwegian prisoner culture. His study offered a landmark contribution to the sociology of prison life because it demonstrated, in explicit terms, the importance of wider social and cultural norms in the shaping of prisoner societies (Mathiesen, 1972).

Considering Norway and Sweden's smaller prison populations, they have played an outsized role in developing prison ethnography as an international discourse. Especially as ethnography has been forced to grapple with its colonial baggage in the United Kingdom, much more could be said about the growth of prison ethnography in the northern coast of Europe.

It would have been interesting if this third era in the history of prison ethnography lined up neatly with the third stage of the Cycle of Prison Reform: Excess. However, sometimes a phenomenon is even more telling in its absence. Sociology has seen its share of excess and abuse in the name of research, but from all of my research I have not seen this this excess from within the specialised community of prison ethnography.

Consider the case of Zimbardo, et al.,'s (1971) Stanford Prison Experiment, discussed in the previous chapter. Zimbardo' exploitation of the subjects created so much trauma that it became one of the motivating cases behind the contemporary ethics review process. However, the work in the basement of Stanford's psychology building is in stark contrast with the methods and methodology of prison ethnography. It was a study of incarceration, but nothing was ethnographic about it.

Ethnography involves an inversion of the traditional power dynamics where the researcher enters the subject's territory or domain to meet them on their terms. It involves elevating marginalised voices and requires a firm commitment to consent. Zimbardo, et al.,'s (1971) research is rightly called an experiment. It created artificial power imbalances to treat human subjects like the variables in an equation. This is the picture of what excess can look like in the social sciences. It should be a cautionary challenge to contemporary academia that he is still a successful, credentialed psychologist. It is a tribute to the strategic significance of prison ethnography that there are no documented cases of excess and exploitation in this era of trans-Atlantic growth.

Resistance

Prison ethnography may have avoided some of the mistakes and excesses of psychological research in the 1970's, but it did not avoid the criticism. The same “nothing works” fatalism that cast scepticism over the rehabilitative project in the 1980's and 1990's also targeted ethnography. The next section of this chapter will describe three challenges that are levelled against prison ethnography.

In addition to the general criticisms of rehabilitation there was specific resistance to ethnography. Drake et al., (2015, p. 11) summarise an account of this criticism from sociology,

In some quarters, reflexivity has also developed a reputation for making academics even more self-absorbed than usual. Reflexivity, so it is argued, is a diverting hall of mirrors, best passed through quickly (Lynch, 2000). As Dick Hobbs (1993: 62) rather wearily asks: who wants to know about the valiant ethnographer ‘who was nearly arrested, almost beaten up and didn't quite go crazy’ as they bravely descended into the criminal underworld? Reflexivity, poorly practised, or uncritically indulged, simply turns the intrinsic voyeurism of the researcher back on themselves, a narcissistic self-absorption that confuses the object of study with the method.

With decades of participant observation experience, Drake et al.,'s (2015) warning is valuable for accountability in prison ethnography. When this scepticism was added to criminology's growing obsession with ‘big data’, prison ethnography seemed to fall out of fashion. According to Wacquant (2002), prison ethnography seemed to have lost touch with its origins in the political reform movements of the 19th century. It was a niche subset of sociology with little relevance to the contemporary study of the carceral state. Prison ethnography at the turn of the century represented Stage Four of the Cycle of Prison Reform, disillusionment.

Decolonising Prison Ethnography

Prison ethnography has remained remarkably consistent, yet sociology has undergone a definitional shift. Especially in the wake of the Black Lives Matter (BLM) movement, there is a strong push to “decolonise the academy and demand a meaningful voice for previously marginalised peoples. It is time for ethnographers to deal with their colonial baggage”. Gobo (2008, p. 2) notes that

Ethnography as a methodology with more than 100 years of history. It arose in the Western world as a form of knowledge about distant cultures (typically non-Western ones) which were impenetrable to analysis consisting only of fleeting contact or brief conversations. Despite its good intentions (to gain deeper understanding), ethnography is still a colonial method that must be... de-colonialised.

This is one of the few points of divergence between ethnography and prison ethnography. As this timeline has emphasised, prison ethnography has been engaged with this liberation project from its inception. The first prison ethnographers tried to reach the incarcerated inmates in their communities, so they did not fall into the orientalism that took early anthropologists to faraway lands. There was nothing exotic about prison ethnography. In its earliest form, it was about justice for your neighbour.

This is not to say that prison ethnography represents a special virtue, but it is protected through its structural orientation. It is impossible to elevate the voices of prisoners and engage with them through meaningful participant observation without struggling against the total institutions that control them. Prison is a natural context to push back against the colonial baggage of the western carceral state.

One significant benefit has been the inclusion of prisoners on a professional basis. A traditional strength of prison ethnography was its egalitarianism. It was an accessible research methodology, even to those who lacked traditional degree qualifications. Unfortunately, the more prison ethnography grew as an academic discipline, the more ordinary prisoners were no longer able to play a leadership role. As prison ethnography has grown as an academic specialty, the traditional gatekeepers of higher education and all their colonial baggage have attempted to exert increasing control.

This should be considered prison ethnography's decolonising moment. A new generation of 'convict criminologists' are playing a leading role in contemporary ethnography. The Journal of Prisoners on Prisons (JPP) has published the voice of ex-prisoner-scholarship since 1988. There was a time when John Irwin was one of the only academics who was open about his criminal record, and yet now the number has increased significantly. As long as prison ethnography keeps

elevating the scholarship of prisoners and ex-prisoners, it will remain in opposition to carceral authority, and this will drive the larger project of decolonisation for sociology and anthropology.

Prison ethnography was once centred upon the United States, the United Kingdom and Scandinavia. It was mainly led by white males such as Clemmer, Sykes and Goffman, but this is no longer the case. Ugelvik (2015) has a detailed survey of the growing international field, but it would require a second thesis to trace the diaspora of contemporary scholarship. Contemporary prison ethnography has reached Stage Five of the Cycle of Prison Reform, Contextualisation.

APPENDIX B – Interview Questions

NOTES:

These interviews will be conducted with participants drawn from four cohorts:

1. Chief Administrators who have leadership authority over the entire program
2. Line Staff who are responsible for daily operations and the primary involvement with the parolees
3. Clientele—parolees who are the focus of the program
4. Graduates who have successfully completed the program

As much as possible, I am deliberately using the same questions across all four Cohorts, because I want to be able to make comparison. However, there are obviously some strategic questions that are relevant only to specific cohorts, and these will be marked accordingly in my interview program. I have kept the language as simple as possible so that it will be accessible across multiple educational backgrounds. These interviews will not proceed until informed consent has been given in writing.

QUESTIONS - BIOGRAPHY

Thanks for agreeing to speak with me. Let's begin with some questions about your background. Remember, all this identifying information can be removed if you want to participate confidentially

- 1.) What is your name?
- 2.) What is your home language?
- 3.) What is your age?
- 4.) What is your gender?
- 5.) What is your educational history?
- 6.) What is your history with the Department of Correctional Services?
- 7.) What is the name of this program?
- 8.) How long have you been here?
- 9.) What is your position in this program?

[Graduates only]

- 10.) When did you graduate from the program?
- 11.) Why did you decide to join this program?

12.) Please describe your time in any other Halfway Houses?

QUESTIONS – PROGRAM STRUCTURE

Let's go deeper into the program you are in now. I want to understand what it is like here:

13.) What is the main objective or purpose of this program?

14.) What are the most important parts of this program?

15.) Does the program have any phases or levels where things change based on good behaviour or time in the program? Please describe.

16.) What do you like about this program?

17.) What is difficult about this program?

18.) How does someone join this program?

(Please describe this process and any selection criteria or requirements)

19.) **[Parolees & Graduates only]**

a. You joined this program from a prison background—what was that transition like for you?

b. What support or training did you receive to help in this transition?

20.) **[Staff only]**

a. People come to this program directly from prison—what are the challenges and opportunities of this transition?

b. What support or training do you provide for new clients who are coming out of prison?

21.) What does a normal day look like?

(Please describe any routines or chores or ceremonies that get repeated on a daily basis)

22.) What does free time look like in the program?

Let's dig deeper into this... I want to understand the rules that govern this program and also the opportunities you have. I want us to make two lists together. Just say the first thing that comes into your mind—no pressure to list everything.

23.) What is required in this program?

(Please describe any rules or activities or behaviours that are mandatory in this program)

24.) What is voluntary in this program?

(Please describe all the places where you are free to make your own decisions)

I really appreciate the list that you have given me, and I would love to hear more. I am very interested in the areas of the program where clients have strict rules, and the areas of the program where clients are free to make their own decisions. I am going to list some different areas of the program, and you can say what the expectations are:

25.) **Smoking** – What are the rules around smoking?

Thank you for this. Sometimes I like to use numbers to make comparisons. After you answer each question, I would like you to rate a clients experience of choice in this area. Choose a number from 1 to 10 where 1 represents being totally controlled in this area and 10 represents having complete freedom and independence in this area. There is no right answer—my goal is to compare different programs.

Totally Controlled [1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10] Completely Independent

(note: this can be printed on a sheet of paper so I can put it down in front of the participant as a visual aid)

26.) **Phones** – What are the rules around phone calls?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

27.) **Money** – What are the rules around having money and shopping?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

28.) **Food** – What input do you have for *what* and *when* you eat?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

29.) **Clothing** – What clothing are you allowed to wear?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

30.) **Visits** – How does visitation work?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

31.) **Movement** – When are you allowed to leave the premises?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

32.) How would you summarise a clients experience in this program overall, using the same scale?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

[Parolees & Graduates only]

33.) Back when you were a prisoner, how would you rate your experience of making choices, using the same scale?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

[Parolees & Graduates only]

34.) Now think about your home and rate your experience of making choices, using the same scale?

[1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10]

Thank you for this. We are done with numbers now, but I have a few more questions:

35.) **Punishments** – What are the punishments for breaking the rules?

36.) **Rewards** – What are the rewards for good behaviour?

37.) **Current Employment** – What does employment look like during the program?

38.) **Future Employment** – What does employment look like after the program?

39.) **Training** – What voluntary training opportunities are available to you?

40.) **Graduation** – How does someone successfully complete the program?

41.) **Choice**

a. How does your freedom to make choices change as you go through this program?

b. What area of your life in this program do you wish you had more control over?

I always want to give the people I interview the last word in our conversation:

42.) Is there anything that you wished I had asked you about that you think it would be important for me to understand?

APPENDIX C – Carceral Choice Analysis – Stages & Factors

1. INTAKE

This is distinct from the probation and orientation of the next stage because it relates to everything that comes before a parolee arrives at the programme. Ideally this reaches back into a client's incarceration. It relates both to their physical status (are they detoxing or managing an addiction) and their network of social relationships. Prison has affected every aspect of the new parolee's life (as referenced in chapter 4 of this thesis), and this weight needs to be accommodated in any new programme. When it comes to rehabilitation, there is no such thing as a blank slate. A parolee's past will colour their arrival into the programme, and first impressions have power. The most important part of a programme is the free decision to participate—this is the core of what separates residential halfway houses from the rest of the criminal justice system. This is an individual choice, but the right intake procedures will protect and strengthen this volition on a structural level. The following questions are just different ways of assessing the strength of this volition on an institutional basis.

1.1. Prison Outreach – Does the programme establish a connection with the clients before their release?

This shows that joining a halfway house is something the prisoner is working towards—it is not a desperate last-minute decision. The prisoner has an opportunity to demonstrate commitment and the programme has an opportunity to determine whether the application is a good fit. It is cheap to talk about giving prisoners choices if they are not supplied with information and time by the institution to make those choices.

1.2. Bridge Relationship – Is there a person or sponsor who had a positive relationship with the parolee prior to release who is willing to continue their engagement in collaboration with the halfway house?

Sometimes this will involve a formal sponsorship, but this is not necessary. There should be someone who referred the parolee to the programme based on their mutual relationship, who will continue to be involved in the life and programme of the parolee. Ideally this is a family relationship, but it could also be a professional one like a teacher, coach or even a correctional

officer. There will be inevitable conflict between participants and staff in any programme, so the presence of a positive relationship that pre-dates the parolee's entrance into the programme will serve as a reminder of their original decision to commit. This outside, bridge relationship can serve as a mediator of any conflict between the parolee and the staff of the halfway house. Whether or not a halfway house seeks out these relationships is indicative of their orientation towards the community. Halfway houses—like any institution—have a tendency to look inwards. The formal inclusion of bridge relationships or outside sponsors for each of their parolees is strong accountability for an institution.

1.3. Written Application – Is there a written application for parolees who want to participate in the programme?

This is a dual test of the parolee and the programme. For new parolees, it is a further test of their motivation for joining the programme, but for the programme it is evidence of administrative procedures and the beginning of a file system.

1.4. Interview – Is there an interview for parolees?

Many of the choices and opportunities that a prisoner supposedly has available are never explained in a personal conversation. The presence of an interview increases the likelihood that a new parolee actually understands what they are choosing.

1.5. Family Engagement – Is there effort to contact and build support from the parolee's family?

For better or for worse, prisoners' relationship with their family remains a defining force—both during and after their incarceration. Since halfway houses are always transitory in nature, a parolee's family network can play an important role in any long-term planning. On a very practical level, there needs to be support from the family to enforce their decision to attend the programme. If there is tension between the parolees and the staff, the parolees need to know that their families are not waiting to swoop in and take them home. Some parolees have literally no family connections from their past and this also needs to be actively addressed. Sometimes volition is discussed in very individualistic terms, but a parolee's choices are always contextualised by their family environment, and this needs to be acknowledged on an institutional level.

1.6. Detox – Is the parolee clean of any illegal substances, or are they currently detoxing?

It is problematic to discuss a parolee's choices when they are in the grip of a physiological chemical dependency. Halfway houses are not rehab centres. The point is to support parolees that have a strong commitment to transitioning successfully out of prison. If prisoners cannot beat their addiction in prison, both the strength of their commitment and the long-term efficacy of the aftercare programme are in doubt.

1.7. Smoking – Can parolees smoke in the programme?

This might seem to be a small point of interest, but it is the first question many parolees ask when they arrive. Smoking is technically illegal in many prisons, and yet the tobacco trade is the driving economy. This is both a symbolic and a logistical issue for newly released prisoners. Smoking is a symbol for their independence, as much as it feeds their nicotine addiction. Ideally, parolees are given resources to quit (and this health goal is incorporated into their Individual Development Plans – see 2.5), but the fact that smoking is not banned outright says something about the culture and administration of the halfway house. Is it an environment that protects individual freedom and trusts in persuasion to change behaviour and create ownership, or is it an authoritarian programme that believes change can be accomplished through enforcing the rules.

1.8. Peer Involvement – Are other parolees involved in the assessment and acceptance of a new client?

The interpersonal dynamics of a programme are difficult to quantify, but the influence of peer support cannot be overstated. If older, experienced students are involved from the very beginning, this can create an ownership stake in the success of new parolees and this is an important structural benefit. As with point 1.5, it is impossible to discuss a parolee's choices outside of their social context. This factor is also evidence that the programme is correctly emphasising the experiences and perspectives that can only come from other formerly incarcerated people.

2. ORIENTATION & PROBATION

Regardless of the strength of the decision that led the parolee to join a residential aftercare programme, this volition needs to be protected and nurtured on a structural level. The first weeks of a new parolee's participation are vital. For better or for worse, this is a formative time. If a

programme's intake policies are focused on a parolee's past, the probation and orientation are focused on their present. How does their initial decision to join a halfway house transition into a daily routine?

2.1. Orientation Procedure – Is there a formal orientation?

Does the programme have seminars, procedures or ceremonies that formally guide a new parolee's entrance into the programme? Is there a structured mechanism where everything is explained, or are the parolees expected to ask questions of other participants and learn things as they go. A formal orientation procedure is more than just making sure a parolee has the information they need. It can be the first opportunity for a parolee to construct meaning for their new lives outside of prison. This is the point of transition from everything in the previous Motivation/Intake section. For an institution—and its staff team—it is the last opportunity to make a first impression.

2.2. Handbook – Is there written material or a handbook given to new parolees?

Both Questions 2.1 and 2.2 are evidence of the support and attention that a programme gives to new parolees. Any new environment presents an intense array of choices to someone coming out of prison. For a halfway house to protect this volition on an institutional level requires a structural commitment to the first days of a new programme. A written handbook is only a small part of the orientation process, but it is important evidence that a program has done its research, and is willing to be transparent with its clientele.

2.3. Probation Procedure – Is there a probation period?

This implies that review and short-term accountability are structurally imbedded in the programme. It also indicates something of the administrative sophistication of the programme. In terms of nurturing a parolee's volition on an institutional level, it represents their first point of structural feedback—a key component in promoting choices on a structural level. Because halfway houses are inherently focused on transition, it requires deliberate attention or “scaffolding” for each stage of a parolees' time in the program. A probation period is evidence that the administration is paying attention to the full life-cycle of the programme.

2.4. Personal Property – Does the parolee maintain control of any money or phone that they might have had before intake, or are these items locked away until after probation?

Parolees have a natural resistance to anything that reminds them of prison. Trusting parolees with their personal affects shows a structural orientation towards persuasion instead of control.

2.5. Programme Customisation – Is there an Individual Development Plan (IDP) or other written, personalised programme that is reviewed on a consistent basis?

One of the defining aspects of incarceration is that it cripples an inmate's ability to make long-term plans. When a hostile power structure can "toss"¹⁴² your cell at any time, there is little incentive to practice the discipline of delayed gratification. Rather live for the moment, and hope to experience stolen moments of freedom in the daily grind of incarceration. For a halfway house to accomplish the successful transition of its clients, they need to be trained and supported in setting goals and breaking these objectives into achievable component parts. This cannot be a one-time exercise at the beginning of the programme. A successful IDP needs to be a space of consistent self-reflection and this requires the institutional support of the staff. This is obviously a significant factor in the success of any program, and it will relate to many of the other factors in this scale.

2.6. Exercise – Are parolees kept physically active?

In many ways, the opposite of choice is not control, it is boredom. Many new parolees have significant academic weaknesses, and they will become frustrated if the entire programme is oriented around education and counselling. This question is a recognition that a parolee's volition requires a physiological context, as much as a psychological one.

2.7. Movement Privileges During Orientation – Can parolees leave the premises, even during their orientation?

¹⁴² This is prison vernacular for the aggressive search, seizure and destruction of what little personal space an inmate may be able to experience in their own cells. Sometimes the guards will target a cell for routine inspection and the removal of contraband, sometimes it is personal retribution, and the goal is more domination than inspection.

This is perhaps the strongest indicator that a programme is oriented towards building ownership and not submission. A locked door is the ultimate symbol of incarceration. For a halfway house to give its clients flexibility in this area creates significant logistical challenges, but it shows a commitment to protecting a parolee's freedom of choice. It is also an important question, because this "unlocked door" is another key distinctive between a halfway house for parolees in transition versus a drug rehabilitation programme.

2.8. Clear Expectations – Are the programme's expectations clear?

Parolees struggle with surprises, so the clear communication of any rules and guidelines is essential from the very beginning of the programme. This is particularly important, because it is easy to overlook potential conflicts in the rush to get someone out of prison. A parolee is often under immense pressure to find an address, and so is not necessarily concerned with the "fine print" of an institution's rules. As such, it is imperative that the institution prioritise its behavioural expectations from the start. The hard parts of the program need to be deliberately emphasised.

2.9. Disciplinary Procedure – Is there an intuitive and consistent process that governs infraction?

Many programmes have an extensive list of rules, but the processes that govern their infraction are more important. Parolees are extremely sensitive to favouritism and prejudice, so any punishments or consequences need to feel consistent and fair. Any discipline needs to feel intuitive. Prison is full of arbitrary punishments, so halfway houses must structure their disciplinary procedures along different lines. The punishments need to be experienced as the natural consequences for rules that were broken. In parolee's slang, "the punishment must fit the crime." Ultimately any disciplinary procedure will only be as strong as the relationships that are supporting it. These procedures must include the original bridging relationship that introduced the parolee to the programme (2.1) and be linked to the development plans (2.5) in a way that keeps discipline constructive and not reactionary.

2.10. Anticipation – are there short-term rewards that a new parolee can look forward to earning within the first two weeks of a programme?

A constructive, consistent approach to discipline evolves into the most powerful tool for rehabilitation—anticipation. Another way of asking this question would be, "Does the programme

equip parolees to practice delayed gratification with a very short time horizon (one day at a time). Parolees who are in the first weeks of their new programme still have a very short time-horizon in their decision-making. They may have no questions about the long-term objectives of the programme, but the anxiety/excitement of changing settings keeps them very close to a simple fight-or-flight response. They need to be given meaningful choices and rewards that require no more than one day of delayed gratification. This will build confidence and momentum for larger choices with a longer timeframe later in the programme. Ideally all of these decision points (with their corresponding rewards) will be anchored in the IDP of question 2.5.

3. TRAINING & MENTORSHIP

This stage is about creating positive momentum. While many items in Stages 2 and 3 are oriented towards the future (such as the development of an IDP) this is largely incidental. The early stages of a programme must be strictly focused on a short-term time horizon. In terms of fostering volition in parolees, this requires admitting that most parolees are still primarily making short-term decisions. It is incredibly difficult to defuse the “fight or flight” response that parolees bring into new environments. The factors in this stage involve nurturing the original choice to participate and using it as the foundation to build something new.

3.1. Alternative Daily Programmes – Are parolees presented with multiple options for their daily programmes?

This is important because it shows the breadth of opportunities that a programme offers, but it also says something about the philosophical orientation of the programme. If parolees have access to multiple options, it shows a commitment to personalising their experience. Total institutions pressure inmates to conform, so part of what makes a halfway house different is the ability for parolees to exercise increased freedom in their choices. If there is only one option or programme every day, there is less opportunity to develop the participants’ volition.

3.2. Outside, Accredited Training – Do parolees have access to formal, accredited education or training programmes that are outside of the halfway house?

Most halfway houses provide some form of instruction or training to their clients, but it is difficult to compare the value of these programmes between different institutions. One strong indication of

a programme's value, is whether it is being offered by an accredited service-provider that is coming in from the outside to offer their curriculum.

3.3. Programme Funds – Are funds available to assist with documents or formal studies?

No halfway house can provide a completely holistic programme. Parolees will need access to identity documents or external training programs, and all of this requires funds. It should be noted whether a halfway house has a budget dedicated to this sort of development.

3.4. Monthly One-on-One Coaching – Do parolees have a monthly, personalised session with staff?

A programme is only as strong as the relationship between staff and parolees. This is a theme that connects to all five of the stages. It is difficult to quantify this connection in a binary scale, but the oversight schedule for each parolee is an important factor to count. It does not make sense to speak about developing parolees unless they are receiving personalised, consistent coaching.

3.5. Weekly One-on-One Coaching – Do parolees have a weekly, personalised session with staff?

All of the benefits of Factor 3.4 are amplified by increased frequency. Especially for parolees that are newly released, a month is a long time horizon. Even a week can be a challenge. The presence of weekly, one-one-one coaching sessions is a significant structural benefit. Based on my ethnographic research, this is such a significant benefit that it makes sense to count it twice (programs that have Factor 3.5 automatically have 3.4 as well)

3.6. Multi-Staff Team – Do parolees have daily access to more than one staff member?

Choices are always embedded in relationships. Parolees will naturally gravitate towards some staff members more than others. This could be based on cultural affiliation, gender, personality, or countless other factors. As a result, it is important that parolees have multiple options.

3.7. Shared Meals – Do staff and parolees share at least one meal together every day?

The informal interactions between staff and parolees will always overshadow the formal program. This creates a problem for Carceral Choice Analysis, because how can these interactions be measured on a quantitative, binary scale? Eating together as a unified community is a strong

indicator that these informal interactions are present. It says something about the staff's availability and their care for parolees.

3.8. Visits – Can a parolee receive visitors?

An important distinction between halfway houses and the prisons they are replacing is the visitation policy. Many prisons treat visiting family and friends like prisoners—it is a difficult and traumatising experience, and it creates significant strain on an inmate's relationships. Visits are complicated for halfway houses—especially in the early stages of the programme. A visit can provide a well-timed encouragement to a parolee who is discouraged, but it can also be a painful reminder that a parolee is not yet living at home. If the staff have developed a plan to facilitate these connections successfully, it is a significant factor in a programme development.

3.9. Movement Privileges – Do parolees have freedom to leave the programme during their free time?

This factor is very simple, and yet it is a strong indicator of success—both for the individual parolee and the program as a whole. Movement privileges have added weight in Carceral Choice Analysis because they relate to Factors 2.7 and 4.7. The ability to leave the program is one of the strongest differences between a halfway house and a minimum-security prison. Total institutions view outside movement as a challenge to their authority. It is an unstructured time where the inmates are not controlled, and so they have access to relationships or contraband that might have a destabilising influence on the program. Some halfway houses are very rigid in controlling the movement of their parolees while others are very flexible. However, if a program is confident enough to allow parolees flexibility of movement, it is a strong indicator that they are orienting the parolee's experience around community engagement and not control.

3.10. Public Speaking – Are parolees equipped and encouraged to do public speaking?

Equipping parolees in public speaking would seem to be a small detail, but it is indicative of a very significant trend. On a very basic level, anything that assists parolees with finding their voice after being silenced throughout their prison sentence has value. However, this factor says at least as much about the halfway house as an institution as it does about the individual parolee. The most successful programs that I have seen are outward-focused. This is intrinsically difficult for an

institution that has inmates—all the structural biases pull the focus inwards. If a program is deliberately equipping its parolees as public speakers, this is evidence that the program is serious about engaging with the community. The criticism often levelled against halfway houses is that they are simply warehousing minimum-security prisoners with no emphasis on transition. An emphasis on public speaking shows that program is doing something that they are proud of, and they are confident enough about it that they believe the parolees will be a positive ambassador. This factor is in many ways a precursor to many of the factors in Stage Four.

3.11. Animal Care – Are the parolees allowed to have a pet?

At the root of many crimes is a deep lack of empathy. This diagnostic scale is not the appropriate place to explore all the underlying psychology and sociology, but it is not controversial to say that many of the parolees in halfway houses have committed serious crimes with little hesitation. It is also not controversial to say that rebuilding an internal sense of empathy and restraint is not a simple task. Restoring a parolee's volition after they have been stripped of choices by a total institution is never a straightforward task. Successful programs engage with the psychological trauma that affects their clients on a subconscious basis. Within this context, the chance to care for an animal and enjoy its company has deep strategic value. Some of the most effective rehabilitation programs inside of prison involve caring or training animals, so it is natural that this would be an important factor in a halfway house.

3.12. Potential Earning – Do parolees have the opportunity to earn pocket money?

Few parolees have access to financial resources. This creates a continual tension, as every shop is a reminder of a world where they cannot participate. Even programmes that provide all of the necessities for hygiene and nutrition need to equip parolees to handle money on a small scale. Small-scale opportunities to earn pocket money are both an important training opportunity and crucial for behavioural management (see the next factor, relating to Delayed Gratification).

3.13. Delayed Gratification (one week at a time) – Are parolees supported with meaningful goals that can be achieved on a weekly timeframe?

One of the challenges of bringing prisoners out of a total institution is that they have often lost the ability to wait. This might seem counter-intuitive, since a prison sentence often stretches over

years, but this ignores a prisoner's volition. Waiting implies a choice. Institutions that are serious about rehabilitation need to facilitate this decision by providing short-term benefits that re-establish the benefits of delayed gratification. At this stage in the programme, the time horizon should be no longer than one week.

4. PRIVILEGE & LEADERSHIP

The first three stages of this scale are essentially inward focused. The emphasis is on facilitating the volition of individual parolees and protecting these choices on an institutional level. The primary relationships are between staff and client. Beginning with Stage Four, the focus is external. As parolees are equipped in their leadership, they need somewhere to go. It is challenging for an institution to prioritise life outside of its walls, but this is the only way for a halfway house to actually transition its clientele into a new life and community. This outward focus includes new relationships. Parolees in this stage of the program can hold a number of leadership positions with their peers, but they are also increasingly connected to outside communities.

It is important to remember that the progression of these stages is not only a matter of chronology. The factors in Stage Four build upon the earlier stages. While it is possible for successful programs to overlook some of these factors, it is crippling for a program to try and skip or eliminate an entire stage. Parolees that move too quickly into the Stage Four factors are at increased risk of recidivism.

4.1. Voluntary Community Service – Are parolees given the opportunity to pursue community service?

Special emphasis needs to be placed on the voluntary nature of this factor. Many parolees are compelled to do community service as a condition of their parole, and the rehabilitative value of this work seems negligible. At most it serves to keep parolees busy, and remind them that they are still under the supervision of the state. Unfortunately, these parolees are often kept together in large groups, so this forced work can create a weekly subculture of bitter parolees networking to pursue crime.

Voluntary community service is important, because it is an institutional opportunity to build empathy (similar to Factor 3.11 – Animal Care). Perhaps more importantly, it is evidence of two

important institutional characteristics. First, the halfway house is engaging with the local community in a positive way. Community service is a strategic tool to overcome the stigma and prejudice that is often placed on parolees. Second, it shows that the staff of the halfway house is encouraging parolees to participate in positive experiences, rather than requiring them. Institutions based on moral persuasion rather than orders are more effective in building ownership in the clientele.

4.2. Targeted Community Service – Are the community service opportunities customised to benefit the parolees?

Not all community service opportunities are equally useful. The previous factor identifies the baseline importance of voluntary community service, but there needs to be recognition that the quality of the experience matters. Are parolees being used as unpaid labour for a good cause, or has the program been designed to help them with a specific skill or objective? The best community service is not just about the project, but about its effect on the parolee. They create a narrative that compliments the program as a whole.

4.3. Outside Community – Are parolees connected to an outside community?

Halfway houses represent a period of transition in a parolee's life. They cannot be successful unless the parolees are able to transition into a positive community. This could involve religious institutions or sports teams, or NGO volunteer teams—the point is the parolee is able to develop a network of constructive relationships outside of the halfway house. Some of the earlier factors relate to this community, but it is only in Stage Four that parolees have proven themselves to the point where they can participate in outside communities without supervision. This factor is about giving parolees independent social networks based around positive institutions.

4.4. Leadership Positions – Are there leadership positions available for parolees, even while they are clients of the halfway house?

Incarceration always involves hierarchy enforced by stigma. A successful halfway house enables a parolee to break this prejudice through leadership development. These opportunities are vital—not only because of the benefit to the parolee's psycho-social development—but for their institutional benefit. We have previously discussed the dividing line between residential aftercare programmes that “warehouse” parolees and programmes that actively prepare them to transition.

The presence of leadership opportunities is evidence of a positive external focus. These leadership positions will often be oriented around house maintenance or cooking, but they can also relate to the orientation and support of new arrivals. Even a small programme can provide multiple opportunities for the parolees to demonstrate leadership—if the staff is committed to this factor.

4.5. Teaching Opportunities – Are parolees given the chance and responsibility to teach?

If the leadership opportunities in the previous factor represent an opportunity to develop an individual parolee, teaching opportunities broaden this benefit to the entire community. This teaching can be focused on other parolees, or it can be based in the community—either way, it is a chance for significant development. On a structural level, teaching and instruction must be constant in any successful halfway house. Most inmates already have significant gaps in their resume before incarceration, and this only gets worse for every year of their sentence. A programme cannot hope to successfully transition parolees out of prison without a sustained dedication to teaching. If parolees are given a role in this process, it demonstrates that an institution is committed to empowering its clients. This factor is distinct from Factor 3.10 Public Speaking, because of the sophistication of the content and the control that the parolee is given over the material. The earlier factor is about equipping parolees in their ability to tell their story in public, but the teaching in this factor may happen internally within the halfway house

4.6. Supervision Opportunities – Are parolees given the opportunity and training to supervise a team?

The culmination of Factors 4.5 and 4.6 is when a parolee leader can leverage their communication and leadership abilities to manage a team effectively. To summarise, Factor 4.5 is about personal example and responsibility. Factor 4.6 is about instruction and communication. This factor combines both these elements to give a parolee the opportunity and challenge of running a team. Team mobilisation is important for the maintenance of any programme (food preparation, house cleaning & maintenance, etc.) but can have a deeper impact once the teams are engaging with community service or work opportunities.

4.7. Formal Recognition – is success publicly and formally acknowledged?

Prison is a sustained recognition of failure. It is publicly and formally acknowledged in every possible way imaginable. It is difficult for parolees to escape the weight of this judgement, so halfway houses need to create a formal process of recognition. There can be a ceremonial aspect to this recognition (like an awards' dinner) but it also says something about the daily supervision of parolees. If the programme staff is committed to recognising success, it becomes the driving narrative for a program. When staff is looking for successes rather than rule infractions, it creates significant positive momentum.

4.8. Delayed Gratification (one month at a time) – Are parolees supported with meaningful goals that can be achieved on a monthly timeframe?

An Individual Development Plan is only relevant to the extent that it is linked to goal-completion. Monthly goals serve as a form of resistance training that supports parolees in achieving the self-discipline of delayed gratification. The time-horizon is short enough, that the parolee can achieve a boost in momentum every month. Designating and completing these objectives serve a structural purpose within a successful halfway house—it bonds the parolees with their support staff and creates a positive context for building collaborative relationships.

4.9. Delayed Gratification (six months at a time) – Are parolees supported with meaningful goals that can be achieved over a six-month timeframe?

One of the final tests for a parolee in their successful transition out of prison, is whether they can effectively sustain a workflow over a long period of time. If they can build towards a goal over a six-month horizon, it demonstrates that they are truly able to overcome the “fight or flight” reflex and also the temptations of immediate gratification. This is also accountability for the organisations that host them. Is the halfway house helping its clients to build towards long-term goals, or is it just warehousing parolees. Whereas monthly goals prioritise small successes to reinforce the mentoring relationships, six-month goals provide an opportunity for a parolee to earn something of greater value like a credential or an employment opportunity.

4.10. Family Reconciliation – Are the parolees playing a meaningful role in their families?

Most parolees have some network of family relationships that were affected by their crime and incarceration. Many of the programmes in stages three and four address this context (Restorative Justice, parenting courses, counselling, etc.). However, it is difficult to quantify their results or to

make comparisons between programmes. Factor 1.5 counted the presence of family engagement in the parolee's life, but this factor is an inverse reflection—are the parolees playing a constructive role in their families? Are they giving something back? Obviously this says something about the parolees' mind-set, but it is also a strong predictor about whether the family will be willing to provide housing or support after the halfway house. The presence of this factor is also strong evidence that the organisation is oriented towards an outward transition for all its clientele.

5. EXIT

A programme is only as good as its exit strategy. The urgent need of halfway houses is because the prison system offers little support to new parolees. The vast majority of the resources in the criminal justice system are oriented towards the beginning of the process, leaving only scraps for aftercare support. These same forces push halfway houses towards an emphasis on Stages One and Two of this script and can endanger the long-term success of the participants. Stage Five encompasses all the factors related to a parolee leaving the halfway house. This includes a range of logistical concerns, but also higher-order factors about a parolee's vision for their lives. The entire strategy of Carceral Choice Analysis is based upon the premise that parolees are capable of making significant choices with wide-ranging impact—if they receive institutional support. The following ten factors are a strong indication if the halfway house is allowing its clientele to achieve their goals, or merely offering temporary housing.

5.1. Transition Plans – Are parolees assisted to develop a transition or exit plan?

The Individual Development Plan (IDP) that is initiated in question 2.5 should be updated on a continual basis, with at least monthly assessment and modification. If revising this plan has become a consistent ritual throughout the programme, it can evolve into a transition plan that will reach beyond the halfway house. This transition plan cannot merely be aspirational. It must include a list of short-term concrete objectives and a list of the people who will assist with them. Every goal must be anchored in the context of a relationship—both for accountability and support.

5.2. Voluntary Exit – Can parolees leave the programme whenever they want?

Planning—and all of Carceral Choice Analysis—implies that the parolees have some degree of control over their lives. A parolee's voluntary decision to participate in the programme is essential

to Stages One and Two of this script, but this is a sustaining theme throughout the process. If a parolee can leave the programme at any time, this builds ownership. As with most of the items on this list, it is also institutional accountability. If an organisation is committed to allowing its participants to leave (an “unlocked door policy”), they need to expend more effort in supporting them to stay. Prisoners and confined, but parolees need to be convinced.

5.3. Expulsion and Return – Is there a formal process to re-join the programme if a parolee is expelled?

Every programme has an assortment of rules and expectations that can lead to a parolee’s expulsion if they are not met. Most programmes have long lists of these restrictions, but little description of how the rules align with actual consequences. The discipline procedure is often very subjective, and can leave parolees feeling like the programme is unfair and unequal. There needs to be a clear and consistent process that governs exactly how someone will be asked to leave the programme, and under what conditions they will be allowed to re-join.

5.4. Graduation – Is there a formal graduation ceremony when someone finishes the programme?

Ritual and ceremony play an important part in prisoners’ lives, but they are often lacking after their release. The development plans that form a backbone of any successful programme (section 2.5 and onward) are only useful if they are celebrated. A graduation ceremony is an important marketing opportunity for the programme, but more importantly it is about vision-casting with a group of people who have struggled to accomplish long-term plans. On an institutional level, it is also an indicator of how outward-focused a programme is.

5.5. Ongoing Mentorship – Bridging relationship – Does the parolee receive continued mentorship or coaching?

The challenge of assessing residential aftercare on an institutional level, is that a programme is only as strong as the relationships between the staff and the parolees—and yet this is inherently intangible. Factors 1.2, 1.5, 3.4, and 3.5 all provide evidence for the kind of positive relationships that make residential aftercare a success. However, the programme can only be effective if these relationships continue after graduation. In the same way that a “bridging relationship” is essential to transition a parolee into the programme, it is equally essential to transition them out.

5.6. Monthly Contact – Do these bridging relationships maintain monthly contact for at least the first year after the parolee has finished the programme?

Many programmes have someone on staff that keeps some kind of informal contact with graduates. However, this contact needs to be structured and regular—at least during the first year that parolees are living on their own. As with so many of these factors, this is as much to hold the institution accountable, as it is to support a new graduate. Most of the problems with prison infrastructure derive from the institutions not caring about what happens to their clients. Institutions naturally turn inwards, unless there is deliberate redirection.

5.7. Interview Support – Does the halfway house assist with interview training and provide appropriate clothing and transport?

Most parolees are required to seek employment as a condition of their release, and yet they are not given the bare necessities to accomplish this requirement. Parolees need quality clothing for interviews and financial assistance with transportation. More importantly, they need extensive support in preparing their CV's and learning the appropriate conversational skills. For most prisoners, their only experience of an interview is the confrontational model they experienced during their arrest and trial. Any residential aftercare programme must assist with this process. Parolees are encouraged to choose meaningful employment over their previous criminal entrepreneurship—but rehabilitative institutions must ensure this is actually a choice.

5.8. Job Placement – Does the organisation maintain relationships with a network of potential employers

It is good to assist parolees to prepare for their interviews, but many parolees will need much more extensive support. Even a strong interview cannot necessarily cover a lack of experience. A halfway house that is fully committed to their parolees' success will have a network of employment possibilities already prepared for their clients. These may only be temporary positions, but there needs to be somewhere for the parolee to make vocational decisions and build experience.

5.9. Alumni Network – How does the halfway house utilise its graduates to support current parolees?

There is one model of rehabilitation that is oriented towards charity—parolees are pitiable, and deserve kindness. The focus is on what is being given. There is another model that emphasises the

leadership potential of the parolees. The focus of this second model is on what the parolees can accomplish. If the focus of a programme is simple charity, it has little investment in the long-term success of their clients after their graduation. This distinction has significant implications for every aspect of the programme, but it is difficult to measure. One strong indication of a programme's agenda is evident in the presence and utilisation of their graduates. If a programme has found ways to keep in touch with its graduates and involve them as coaches and mentors for new parolees, this is a strong indication of their commitment. This institutional distinction will be clearly evident in any fundraising campaign—is the focus on what is being given to the parolees (see how many blankets were donated, etc.), or on what the parolees are able to accomplish (three parolees earned admission to a local university)

5.10. Recidivism – Does this programme keep records to track the success or failure of their graduates?

Most prison systems have a structural disincentive to record their efficacy, because there preference is never to use limited resources to document their failure. Unfortunately, this gives non-profit organisations an excuse not to track these statistics for themselves. Stronger programmes are so invested in their clientele that they keep track of their success even after graduation.

APPENDIX D – Further Research

Each contribution that this thesis makes to the scholarly debate over halfway houses comes with the challenge and opportunity of future study. This thesis draws on ethnographic work from as far back as 2001, but there is so much more that is possible. I have identified five areas for future research:

[Return Visits to the Four Case Studies](#)

The next stage of this research would be to return to the four case studies and discuss the findings with the program's leadership and the parolees themselves. Carceral Choice Analysis identifies several strategic objectives, and it would be interesting to hear whether the stages and factors accurately portray their parole journey in their own words. Specifically, do they agree with the score assigned their program. I built Carceral Choice Analysis as analytical tool after conducting ethnographic participant observations across these four case studies. Now that I have strong relationships in each location, it is possible to get some strong feedback on my findings. Additionally, returning to the research sites presents an opportunity to give back to the community that has contributed to this thesis.

[International Comparison](#)

All four of these case studies are drawn from South Africa. Chapter five explains how these locations were selected, representing a strong cross-section of the nation's halfway houses. However, in future, the aim is to conduct ethnographic research in halfway houses in other countries. I have several contacts in sub-Saharan Africa and North America. It would be compelling to test Carceral Choice Analysis (CCA) in these contexts and test whether the same stages and factors accurately capture their experiences. CCA was developed explicitly as comparative ethnographic tool. This needs to be tested across international borders.

[Recidivism Studies](#)

Carceral Choice Analysis (CCA) allocates a score to each case study. Higher scores represent a more robust programme that provides holistic support for parolees. The ultimate test of CCA would be to track the recidivism statistics for each case study, and determine whether a high score

on the CCA scale correlates with low recidivism numbers. Tracking recidivism is a difficult task. It would first be necessary to create some standard definitions so that each halfway house was tracking recidivism in the same way, but this would be the ideal proof of concept for CCA.

Carceral Choice Analysis in New Contexts

CCA requires an institutional context. This thesis has used halfway houses to demonstrate the methodology, but it could be applied to other carceral institutions. In the same way that Crime Script Analysis (see Chapter 6) can generate different ‘scenes’ for different crimes, CCA will have different stages and factors for different institutions. The same five stages of a halfway house might also describe a prison, but institutions like jails or psychiatric wards would need different stages. It would be extremely interesting to determine how many 51 factors are consistent across institutions.

Founding a Halfway House

The research in this thesis represents a meaningful contribution to the field, but the final test is whether it can be replicated. I am building a halfway house. In partnership with the Department of Correctional Services and Hope Prison Ministry, we are developing a residential aftercare program to implement and assess this thesis' work. This project has potential on two fronts. Firstly and more modestly, there is a need for residential aftercare programmes in the Cape Flats of the Western Cape. Hope Prison Ministry runs the premier restorative justice initiative in the country. Dozens of our student inmates are eligible for parole or bail release but do not have a safe address. As Chapters five and six's principles and case studies demonstrate, halfway houses are most effective when structured as a continuation of other rehabilitation efforts. We already have longstanding relationships with these inmates which in some cases are over a decade. Building our own halfway house is the logical extension of this work.

This new halfway house's symbolic role is more strategically significant than the inmates we will serve. We are building a small program with only 10 to 15 beds, but as Chapter 7 demonstrates, the symbolic potential of this programme will far outweigh the number of beds we can accommodate. The Pollsmoor Management Area is one of the country's largest intake points for remand detainees. Tens of thousands of inmates cycle through its gates, and the quote at the

beginning of this chapter illustrates what a traumatic experience this can be. At the moment, the prison gangs manipulate the helplessness and fear of these remand detainees to recruit new generations of foot-soldiers. If these inmates are presented with a counter-narrative from the moment they begin their time in Pollsmoor, many will have the courage to resist the gangs. It is an urgent security objective and a humanitarian necessity to prove to each new inmate that there is a way to get out of prison successfully. A strategically placed halfway house in the heart of Pollsmoor proves that change is possible. By following the rules, the inmates can earn their way out of prison. Thus, if our halfway house can build a narrative that celebrates prisoners' volition, its impact will go far beyond the number of beds in the facility. I have already received seed funding to begin this initiative, so this project will be the final test of everything presented in this thesis.

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